

**LEGISLATIVE COUNCIL REGULAR MEETING
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT
WEDNESDAY, AUGUST 17, 2022**

MINUTES

PRESENT: Jeffrey Capeci, Phil Carroll, Angela Curi (via teleconference; present only until 9:10 pm), William DeRosa (via teleconference; present only until 9:05 pm), Charles Gardner, Chris Gardner, Dan Honan, Lisa Kessler, Ryan Knapp, Michelle Embree Ku, Tom Long (via teleconference), Matthew Mihalcik

ALSO PRESENT: Land Use Director of Planning George Benson, Deputy Director of Economic & Community Development Christal Preszler, Economic & Community Development & Fairfield Hills Coordinator Kimberly Chiappetta; *Via Teleconference:* First Selectman Dan Rosenthal, Senior Project Director of Winn Properties Matthew Robayna, Preservation Services Manager of Preservation Connecticut Renee Tribert, Circuit Rider of Preservation Connecticut Stacey Vairo, Attorney David Grogins; 10 public, 0 press

CALL TO ORDER: Mr. Capeci called the meeting to order with the Pledge of Allegiance at 7:33 pm.

VOTER COMMENT: *Ned Simpson, 42 Watkins Drive, Sandy Hook* – Mr. Watkins is in favor of moving the historical credits forward for the Fairfield Hills campus.

Gary Macrae, 89 Boggs Hill Road, Newtown – Mr. Macrae feels that we need the financial support from the historical tax credits and would like to see the historical designation of Fairfield Hills passed.

Wes Thompson, 190 Walnut Tree Hill Road, Sandy Hook – Mr. Thompson feels the historical designation will allow us more time to explore options for the campus and is in favor of the historic credits in order to move forward.

MINUTES: Mr. Charles Gardner moved to accept the minutes of the July 20, 2022 Legislative Council Regular Meeting with the below edit made. Seconded by Mr. Mihalcik. All in favor. Motion passes (12-0).

Ms. Ku noted that on page 3, the paragraph should read:

*Ms. Ku explained that the change made by the CRC was not requested to the charge, nor was it a complaint of the board. Currently the BOE replaces members using the same method as all other boards. The proposed change would give members of the same political party as the person leaving the authority to find a replacement. She feels that this would increase ~~bipartisanship~~ *partisanship* on the BOE and she is not in favor of this.*

COMMUNICATIONS: Mr. Capeci shared that the Council received a concerning email last week, hopefully it was a hoax, but the Newtown Police is taking it very seriously therefore have increased their presence tonight. Several other emails were received regarding ballot questions and the BOE (*att*).

COMMITTEE REPORTS: Mr. Knapp reported that at the last Recycling Committee, they discussed potential improvements to the transfer station in order to improve traffic flow, as well as, single stream recycling.

Mr. Knapp made the Council aware that the Ordinance Committee received questions about two ordinances. These questions will be set to appear on a future Legislative Council agenda.

Mr. Mihalcik met with the ARP Committee on July 28th. They moved \$100,000 towards tutoring for lower to middle class families due to Covid learning loss. They also discussed Parks and Recs vehicles but no motion was made on that yet.

Mr. Capeci mentioned that his first meeting with the BOE regarding the contract negotiations was last night, however, details of the meeting cannot be discussed as of yet.

FIRST SELECTMAN'S REPORT: First Selectman Dan Rosenthal reported that the town received a reimbursement from the State in the amount of \$2.5 million towards the memorial. We're in contract negotiations with DPW. Paving continues according to plan. They are watching the road project on Route 302 closely - it is a state project using a new method of rubber sealing. There is a potential buyer looking very seriously at the property at 3 Main Street. Mr. Knapp expressed concern over the presence of the large military truck that was parked at the recent National Night Out event at the Community Center. The agreement was that it would not be on display or paraded around. The First Selectman responded by saying the arrangement with the previous Police Chief was that it would be parked at the station out of sight. He was also surprised to see it at the event and after speaking to our current Police Chief, it was due to a miscommunication. He made it clear that it would not be displayed in public ever again.

NEW BUSINESS

Discussion and Possible Action

- Consideration of Historical Designation / Historic Tax Credits for the Fairfield Hills Campus

Mr. Charles Gardner moved that we consider the historical designation of the Fairfield Hills Campus. Seconded by Mr. Carroll.

The First Selectman stated that we will need help with this application and Winn Development has agreed to do that. We are only allowed to include the entire campus in that. The First Selectman suggested that we amend the motion to give him the authority to execute an application to the National Parks Service for historical designation for the entire Fairfield Hills campus.

Mr. Mihalcik moved to amend the motion as stated by First Selectman Dan Rosenthal. Seconded by Mr. Carroll. Motion passes (11-1, Nays: Long).

Mr. DeRosa expressed concern that he does not have enough information to move forward with the historical designation. He would like to know how much control would the state have on the property. He is in favor of using it for mixed use, but he feels we've had very little information on details in order to move forward. Mr. Benson explained that we are only here tonight to discuss the historic designation. The developer would have to deal with the details of the interior. Mr. Benson stressed that it is not financially feasible to move forward on developing these buildings without these historic credits. Without the designation, the only option would be to demolish the buildings. Mr. Robayna explained that the town currently has to go through the State Historic Preservation Office (SHPO) for any remediation to the property. Under the historic designation, the process would not change – SHPO would still be involved with the reviewing process. The only changes is that it would go through the use of the tax credits. There is a 5 year designation period. If everything goes according to plan, we would be able to complete the project on the two buildings by the end of 2025. Ms. Tribert said the historic listing will enable Winn Development and would allow other developers to take advantage of the credits. It would make Fairfield Hills more attractive towards other developers. It is an honorary listing which brings benefits. Mr. Benson added that SHPO cannot stop us from demolishing buildings once the 5-year designation period is up. Mr. Charles Gardner said the motion should be amended again to specify that the area involved is not the entire campus. SHPO would be the one to approve the area and send it to National Parks. The information Mr. Benson received regarding the area excludes the NYA,

the Community Center and the ambulance building. Mr. Mihalcik is in favor of credits. Mr. Benson said they would not be able to change what has already been renovated. Mr. Robayna stated that in order to lose the designation, the parks service would have to delist the property. Winn Properties would ask that the town not do anything to the property that would jeopardize the process. Mr. Mihalcik asked if any of these buildings are in imminent danger of collapsing in the next 10 years. The First Selectman stated that none of the buildings are bad to that extent. Mr. Long asked about the the buildings that are not being rehabbed, what is our ability to make the standing buildings safe enough. Mr. Robayna said there could be multiple things that can be done like boarding up windows, closing up entrances, etc. Ms. Vairo added that the state would be willing to work with you. Mr. Knapp asked about the process. Mr. Benson said once the credits were established by the National Parks, it would then go to Planning and Zoning. The regulation is to stay as close as possible to the architectural structure. Mr. Charles Gardner asked about whether new buildings could be built. Ms. Vairo stated that unless it is public money used to fund a new construction, then there would be no review by SHPO. If the town wanted to use their own municipal funds, they can do so. SHPO has the final say as to what the boundary area of the campus will include.

Mr. Mihalcik amends the motion to say the plan is based upon the SHPO designated area versus the entire campus. Motion passes (11-1, Nays: Long).

Mr. Capeci called the motion as amended passes (8-4, Nays: Curi, Kessler, DeRosa, Long).

- Charter Revision questions to be placed on the November election ballot and possible explanatory text

Mr. Charles Gardner moved that the Council consider and approve the Charter Revision questions to be placed on the November election ballot and any possible explanatory text. Seconded by Mr. Mihalcik.

Attorney Grogins presented the possible ballot questions and addendum questions (*att*). Mr. Knapp would like to see the explanatory text. Mr. Capeci stated the the Council would be the body to create the explanatory text. Mr. Chris Gardner feels it should be kept as simple as possible to avoid confusion. The explanatory text is set by the Town Clerk and then subject for review by legal counsel. Mr. Capeci feels that voters should see explanatory text ahead of the ballot. Attorney Grogins suggested adding a clause to the first ballot question stating “all powers thereof to be vested by the Legislative Council.”

Mr. Knapp moved to amend the motion to approve the ballot question as amended: Shall the Charter be amended to provide the Sections 2-125, Sections (a) and (b) “Board of Finance” be deleted from the Charter and all powers thereof to be vested by the Legislative Council. Seconded by Mr. Mihalcik. All in favor. Motion passes (10-0).

Ms. Ku moved to add a ballot question regarding Section 2-31(c)(1-5) “Board of Education – vacancies” that would read as follows: “Shall the Charter be amended to provide that 2-31(c)(1-5) be added to create a new process for determining the successor when a BOE vacancy occurs?” Seconded by Mr. Honan.

Ms. Ku stated that the proposed changes to the Charter are very important. The change to Section 2-31 was not included in the initial list of charges. This change came in within the CRC at the end of the process, therefore not gaining as much level of attention as the other revision items. Mr. Honan commented that the public should have some say in this. Mr. Knapp feels that the BOE should be a bipartisan entity. Ms. Ku said the BOE previously followed the other town bodies. She explained that her point is not so much objecting it, but the process as to how it got here. Mr. Capeci said these edits came through and were approved by this body. The change on the BOF is the biggest change. Everything else was itemized. Ms. Kessler feels that the voters want to put someone of a certain political party on the seat, then a member of the same party should replace the vacancy. While Mr. Long appreciates Ms. Ku's comments, he feels there has been plenty of time for people to bring this to our attention.

Attorney Grogins noted that the addendum is a summary that he came up with of the changes which would lead as a guideline as to how we would deal with the explanatory text. Ms. Ku stated that section 2-231 Fairfield Hills Authority should be removed based on the Council's vote at the last meeting. The error was noted and it will be changed.

Mr. Capeci called the amendment to add a ballot question. Motion fails (4-6, Nays: Kessler, Mihalcik, Charles Gardner, Capeci, Long, Carroll)

Mr. Capeci called the amendment to the initial motion: edit the first ballot question by adding “all powers thereof to be vested by the Legislative Council” and leave the second ballot question as is. Motion passes (8-2, Nays: Ku, Honan).

- Supplemental Veterans Property Tax Exemption

Mr. Charles Gardner moved that we approve the Supplemental Veterans Property Tax Exemption by way of the language adopted by the Ordinance Committee. Seconded by Ms. Kessler. Motions passes (10-0).

Mr. Knapp spoke on the public hearing held earlier tonight regarding the supplemental Veterans property tax exemption. This was brought on by the Assessor asking for the income limit for town benefits for Veterans to be increased based on the State's income limit which increases over time. Our town income limit has not been increased in some time. The Ordinance Committee borrowed language from the Senior Tax Abatement which allows the Council to amend the amounts by way of resolution. This will bypass the lengthy Ordinance process. Mr. Long noted that there are about 80 people in town that benefit from this.

VOTER COMMENT: None

ANNOUNCEMENTS: None

ADJOURNMENT: There being no further business, Mr. Honan moved to adjourn the meeting at 9:56 pm. Seconded by Mr. Carroll. All in favor.

*Respectfully submitted,
Rina Quijano, Clerk*

Attachments: Emailed Communications, CRC Ballot Questions, CRC Addendum Questions

THESE MINUTES ARE SUBJECT TO APPROVAL BY THE LEGISLATIVE COUNCIL AT THE NEXT MEETING. ANY EDITS WILL BE REFLECTED IN THE MINUTES OF THE NEXT MEETING.

Submitted on Tuesday, August 16, 2022 - 7:36pm

Your name: Laura Main

Your e-mail address: laurafmain@gmail.com

Subject: Concerns about Charter Revisions for BOE Vacancies

Message:

I am writing to share concerns about the proposed change regarding the replacement process for BOE vacancies from one that gives the authority to the remaining BOE members to one that puts that authority in the hands of the members of the political party of the individual resigning. This change was not part of the original charge of the Charter Revision Committee, nor was it requested by non-commission members. The BOE themselves were also not consulted in this matter. My concern is that this change will result in further politicization of the BOE, which is highly problematic and not in the best interest of students.

Sincerely, Laura F. Main, Ed.D.

42 The Old Road

Newtown

Submitted on Tuesday, August 16, 2022 - 12:03am

Your name: Keith Alexander

Your e-mail address: newtown@keitha.net

Subject: Charter Revision questions to be addressed at the LC meeting 8/17/22

Message:

Hello Legislative Council,

I am writing in reference to the New Business item on your August 17 agenda:

Charter Revision questions to be placed on the November election ballot and possible explanatory text

I understand that the Charter Revision question can be broken out and I would recommend that section 2-31 relating to the change in how the Board of Education fills vacancies be pulled into a separate question for voters.

I was on the Board of Finance when the original recommendations went to the Charter Revision Commission and I had a chance to see what the Board of Education had suggested at the time and this change was not part of their concerns. While I am not familiar how the Charter Revision Commission came to this particular change I have a number of concerns

with it such that I think it should be separated out for voters to consider it on its own standing if they choose to include it.

I should note, that I was also a Board of Education member for over 7 years, more than 3 of which, I served as Chair. During my time on the Board of Education several vacancies were filled that I was involved with—including my original selection to the Board to fill a vacancy—so I've had a chance to see this subject from all sides.

I recommend that the voters have a chance to consider the change to Section 2-31, part (c) separately because it singles out the Board of Education vacancy procedure separate from other Town Boards and this change could affect cooperation on the Board of Education and potentially the non-partisan nature that the Board of Education generally works under.

Specifically, I see no reason to replace the existing language that does not single out the Board of Education but rather has the vacancies filled as other Town Boards (with the exception of the Legislative Council which already had separate language). Voters should have a chance to decide if they think the BOE needs a separate procedure for this.

Additionally, the new language includes a number of things that are specific only to the Board of Education, again without clear need. While I might be happy with an increase to 45 days to replace a vacancy on any Town Board, I don't see that the BOE needs this more than any other Town Board. Further, the total of 90 days and then having the BOE Chair appoint someone drags out the process considerably. Finally, the requirement that the only those of a given party would select the new member likely guarantees the +45 day and +90 day procedures will never be necessary. A partisan push for "any warm body" will likely happen rather than a party give up its chance to make a choice.

This partisan ship is the primary problem in the design of the new Procedures. As Chair of the Board of Education, I felt that having the complete Board review and recommend candidates was the appropriate way to go about it. Having all the Board members invested in the best new candidate meant that we were all working towards what was best for our students and employees rather than what might have seemed best for our particular party.

I believe the voters need to have a chance to decide independently if these changes to vacancy procedures should be included in an updated Town Charter.

Thank you for your attention to my comments and your service to Newtown—
--Keith

Keith Alexander
8 Fawnwood Road, Sandy Hook
Former Chair, Board of Finance
Former Chair, Board of Education

Submitted on Sunday, August 14, 2022 - 7:48pm

Your name: Daniel Cruson

Your e-mail address: dcruson@gmail.com

Subject: Charter Revision - Change to Filling BoE Vacancies

Message:

Hello,

I am writing to you today as a resident of Newtown and not a member of the Board of Education.

I have been following the Charter Revision process and am not in favor of the change to the process for filling vacancies on the Board of Education so that only members of the same political party as the person who resigned are involved. The Board of Education should be a non-partisan Board, yet this change is one that is incredibly partisan and can only make the Board more partisan instead of less. Leaving out a subset of members of the Board in the process would most likely result in the remaining members being divided on the selection, as well as putting the brand new member of the Board right in the middle. Meanwhile, simply leaving the process as is results in all members of the Board feeling like they have had an equal say in the interview and selection process and sets all members, new and remaining alike, up to feel like they can work together cohesively.

In addition, I think this change in the process will run into an issue if the member of the Board that resigns was elected from either a third party or as a write in candidate. If in that case they were the only member of that party, who is left to appoint their replacement? This change considers that the BoE will forever be only made up of members from 2 parties, but those assumptions are not safe to make.

Ideally this amendment should be rejected before the Charter is put up for the referendum in November, since it was not something requested by the BoE nor recommended by the Charter Revision Committee during their extensive work. However, at the very least I would like to request that if this amendment is carried through to the referendum, that it be made a separate question from the rest of the changes. This is an amendment that deserves specific review and consideration on it's own. In addition, speaking for myself I would feel strongly enough about it that I would likely vote against the entire revision if that was the only way to reject this change.

Thank you,
Dan Cruson Jr.
170 Hanover Rd
Newtown, CT 06470

Submitted on Wednesday, August 17, 2022 - 1:26pm

Your name: Judit DeStefano

Your e-mail address: judit.destefano@gmail.com

Subject: Charter Revision - Proposed Change

Message:

I am writing to share my thoughts on a newly proposed change to the Newtown Charter.

The proposed change would alter the replacement process for BOE vacancies from one that gives the appointing authority to all of the remaining BOE members to one that puts the authority in the hands of only the members of the same political party as the person resigning. There are several reasons I do not support this change:

- the change has a partisan tone.
- the change was not part of the original charge to the Charter Revision Commission. It was not at the time requested by any non-commission members, and it was not researched by the Commission to see if other communities use this process or determine if it makes sense. I was part of this process, and a last-minute addition such as this has me questioning the efficacy of our work.
- I believe that as much as possible, partisanship should stay out of local BOE elections and the work of the BOE. Silencing some board members (of whatever party) does nothing to foster a healthy and cooperative body.

I ask you to break out this question on the ballot so the community can weigh in on this change separate from the rest of the charter revision.

Thank you for your time, your attention to this request, and your service to the community,

Judit DeStefano

12 Horseshoe Ridge Rd.

Sandy Hook

Ballot Questions

1. Shall the Charter be amended to provide that Section 2-125, Sections (a) & (b) “Board of Finance”, be deleted from the Charter. Further, that all references to the Board of Finance, including the powers and duties thereof, be deleted in their entirety?

Yes _____ No _____

2. Shall the remaining Charter Amendments adopted by the Legislative Council on July 20, 2022 be approved?

Yes _____ No _____

Addendum

Question number 2 includes:

- 1). Section 1-25(7) "Town Department"
- 2). Section 2-01(c) "General Provisions"
- 3). Section 2-05(d)6 "Building Appeals Board"
- 4). Section 2-15(d) "Building Appeals Board"
- 5). Section 2-25(a) "Voting"
- 6). Section 2-31(a)(1-5) "Board of Education - vacancies"
- 7). Section 2-115(d)(10) "Legislative Council"
- 8). Section 2-135(a) "adds Registrar of Vital Statistics"
- 9). Section 2-160(a) "adds duties to Board of Police Commissioners"
- 10). Section 2-210 "eliminates Building Appeals Board"
- 11). Section 2-231 "(a) – (d) adds Fairfield Hills Authority"
- 12). Section 3-15 "eliminates reference to Board of Finance"
- 13). Section 3-15(e) "adds language references in vote for Board of Education"
- 14). Section 4-05(a) "eliminates reference to Board of Finance"
- 15). Section 4-05(c)(8) "reference to additional duties of Finance Director"
- 16). Section 5-10(a) "deletes reference to Board of Finance regarding regulation"
- 17). Section 6-01(4) "eliminated re Board of Finance"
- 18). Section 6-05(a) "changes date re receipt of Budget and eliminates Board of Finance reference"
- 19). Section 6-15 "(a) – (d) eliminates Board of Finance duties re Budget"
- 20). Section 6-20 (a) – (g) "delineates duties of Legislative Council regarding the Budget"
- 21). Section 6-25(b) "eliminates reference of Board of Finance"
- 22). Section 6-35(a) "eliminates reference to Board of Finance"
- 23). Section 6-35(b) & (d) "revises procedure re requests for emergency appropriations"
- 24). Section 6-35(g) "modifies procedure re requests for emergency and special appropriations"
- 25). Section 7-05 "eliminates Board of Finance from financial process"
- 26). Section 7-15(a) "Legislative Council keeps under review the budget of the Town"
- 27). Section 7-20 "requires approval of Legislative Council for transfer in excess of \$50,000"