

**LEGISLATIVE COUNCIL REGULAR MEETING  
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT  
WEDNESDAY, APRIL 19, 2023**

**MINUTES**

**PRESENT:** Jeffery Capeci, Tom Long, Phil Carroll, Chris Gardner, Lisa Kessler, Ryan Knapp, Michelle Embree Ku, Matthew Mihalcik, William DeRosa, Charles Gardner, Angela Curi

**ABSENT:** Dan Honan

**ALSO PRESENT:** First Selectman Dan Rosenthal, Finance Director Bob Tait and one member of the public

**CALL TO ORDER:** Mr. Capeci called the meeting to order with the Pledge of Allegiance at 7:35 pm.

**VOTER COMMENT:** None

**MINUTES:** Charles Gardner moved to approve the minutes from the 4/5/23 meeting. Matt Mihalcik seconded, all in favor.

**COMMUNICATIONS:** None

**COMMITTEE REPORTS:** None

**FIRST SELECTMAN'S REPORT:** No report

**UNFINISHED BUSINESS**

*"Do Not Block the Box" Ordinance* – Ryan Knapp reported that the Ordinance Committee did not tender a recommendation for the "Do Not Block the Box" ordinance. The statute is very specific so the ordinance needs to specify each intersection. Because the intersections are specified, it doesn't mean they will get painted, it gives the Police Commission the ability to paint them in the future if they deem it necessary. Because of that, they are looking at other intersections that may need to be addressed in the future.

*Newtown Fair Rent Commission Ordinance* – Charles Gardner moved to refer the Newtown Fair Rent Commission Ordinance to a public hearing, Matt Mihalcik seconded. Ryan Knapp explained that the Ordinance Committee recommended the language which is approved by the town attorney. It is required for Newtown because of its size. Because Newtown doesn't have a big rental market relative to other communities, they tried to keep it vague. They are recommending 5 members and meet at least once a year. All in favor

## NEW BUSINESS

Transfer – Charles Gardner moved to transfer \$10,000 from Contingency to Advertising (att.). Chris Gardner seconded. Bob Tait explained that this account is used for advertising for bids, budgets and job openings. There have been an increased amount of job advertising which has driven the need for the transfer. All In favor.

Neglected Cemetery – Charles Gardner moved to accept the Neglected Cemetery Grant in the amount of \$5,000 (att.), Matt Mihalcik seconded, all in favor.

Transfer for BOE non-lapsing fund – Charles Gardner moved the Transfer of \$116,623 from BOE non-lapsing fund to the reserve for special education (att.). Matt Mihalcik seconded, all in favor.

Board of Education Non-Lapsing Fund Policy – Charles Gardner moved the Board of Education Non-Lapsing Fund Policy (att.) to the Finance and Administration Committee. Matt Mihalick seconded, all in favor.

Policy on Outside Agency Request for Funds – Charles Gardner moved to refer the Policy on Outside Agency Request for Funds (att.) to the Finance and Administration Committee. Matt Mihalick seconded, all in favor.

First Selectman Summary – Ryan Knapp moved the Legislative Council set the First Selectman salary at \$135,000 a year for the next two years, Charles Gardner seconded. Ryan Knapp explained that is comparable with other municipal officials and the median income in town. William DeRosa amended the motion to raise the salary to \$165,000, Angela Curi seconded. First Selectman's job is the most important job in Newtown. We are asking people to leave full time jobs. Charles Gardner asked First Selectman Rosenthal how many additional hours outside the 40 normal hours. First Selectman Rosenthal answered that it depends on the week. Some are as low as 50 and some are as high as 70, it is hard to quantify. Ryan Knapp articulated that he is sensitive with the amendment and understands that some executive officials are higher paid. If we move to a town manager position, we are probably going to have to pay that much. This is an elected position and think it shouldn't be just about the money, but also about giving back to Newtown. William DeRosa said that we don't have a town manager so that is not in the equation. Personally he doesn't view it as a service job. Amendment fails 5 No (Embree Ku, Chris Gardner, Carroll, Knapp, Long), 4 Yes (Charles Gardner, Kessler, DeRosa, Curi), 2 abstain (Capeci, Mihalcik). Original motion passes 9 Yes, 2 abstain (Capeci, Mihalcik).

Executive session – Charles Gardner moved to enter into executive session for discussion on pending litigation relative to personnel matter. Angela Curi seconded, all in favor. Executive session was entered into at 8:11pm and returned to regular session at 8:30pm with the following motion:

Charles Gardner moved to approve the proposed agreement presented during executive session relative to personnel matters. Matt Mihalcik seconded, all in favor.

Announcements - None

Having no further business, the meeting was adjourned at 8:32pm

*Respectfully submitted,  
Arlene Miles, Clerk*

*Attachment: Transfer, Neglected Cemetery, Transfer in BOE Non-Lapsing, Policy on Outside Agency Request for Funds*

# TOWN OF NEWTOWN APPROPRIATION (BUDGET) TRANSFER REQUEST

FISCAL YEAR 2022 - 2023 DEPARTMENT Finance DATE 3/28/23

	<u>Account</u>	<u>Amount</u>	
FROM:	<u>101245700000-5899CONTINGENCY</u>	<u>(10,000)</u>	USE NEGATIVE AMOUNT ↓ USE POSITIVE AMOUNT
	<u>.</u>		
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TO:	<u>101111050000-5540ADVERTISING</u>	<u>10,000</u>	
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REASON:

Request due to unusually high number of job advertisements due to an unusual amount of open positions and the difficulty in filling them. In past experience there were very few job adverts in this account. Mostly adverts for bids and budget.

AUTHORIZATION:

date:

(1) DEPARTMENT HEAD

(2) FINANCE DIRECTOR

(3) SELECTMAN

(4) BOARD OF SELECTMEN

(5) BOARD OF FINANCE

(6) LEGISLATIVE COUNCIL

*[Signature]*

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

3/28/23

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AUTHORIZATION SIGN OFF

FIRST 335 DAYS >>>>WITH IN A DEPT.>>>>LESS THAN \$50,000>>>> (1), (2) & (3) SIGNS OFF; MORE THAN \$50,000>>>> (1), (2), (3) & (5)  
>>>>ONE DEPT TO ANOTHER>>>>LESS THAN \$200,000>>>>ALL EXCEPT (6); MORE THAN \$200,000>>>>ALL SIGN OFF

AFTER 335 DAYS >>>>(1), (2), (3), (5) & (6) ANY AMOUNT FROM CONTINGENCY>>>> ALL SIGN OFF

POWERSCHOOL  
DATE: 03/28/2023  
TIME: 11:54:54

NEWTOWN MUNICIPAL CENTER  
EXPENDITURE TRANSACTION ANALYSIS

PAGE NUMBER: 1  
AUDIT: 1

SELECTION CRITERIA: transact.yr='23' and transact.key\_orgn='101245700000'  
ACCOUNTING PERIOD: 9/23

FUND - 101 - GENERAL FUND  
BUDGET UNIT - 101245700000 - CONTINGENCY

ACCOUNT DATE	T/C	PURCHASE	REFERENCE	VENDOR	BUDGET	EXPENDITURES	ENCUMBRANCES	DESCRIPTION	POSTED FROM BUDGET SYSTEM
5899	CONTINGENCY								
1/23	06/30/22	11			115,000.00				
6/23	12/08/22	25			-11,157.00				
TOTAL	CONTINGENCY				103,843.00	.00	.00		
TOTAL	CONTINGENCY				103,843.00	.00	.00		
TOTAL	GENERAL FUND				103,843.00	.00	.00		
TOTAL REPORT					103,843.00	.00	.00		

*AD take authority transfer*

RUN DATE 03/28/2023 TIME 11:54:54

POWERSCHOOL - FUND ACCOUNTING 5.2.1

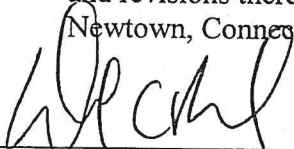
**CERTIFIED RESOLUTION  
ACCEPTING**

WHEREAS, the State of Connecticut Office of Policy and Management has the capacity to extend financial assistance for this Neglected Cemetery Account Grant Program under Section 19a-308b of the Connecticut General Statutes (CGS); and


WHEREAS, it is desirable and in the public interest that the Town of Newtown enter into an agreement with the State of Connecticut for a \$5,000 grant for the Taunton Cemetery cleanup project at 21 Taunton Lake Road;

NOW THEREFORE, BE IT RESOLVED by the Newtown Board of Selectmen:

1. That is cognizant of the conditions and prerequisites for the State Assistance imposed by C.G.S. 19a-308b.
2. That the acceptance of State financial assistance by The Town of Newtown in an amount not to exceed \$5,000 is hereby approved and that Daniel C. Rosenthal, First Selectman is directed to execute an agreement with the Connecticut Office of Policy and Management, to provide such additional information, to execute such other documents as may be required, to execute any amendments, decisions and revisions thereto, and to act as the authorized representative of the Town of Newtown, Connecticut.

  
\_\_\_\_\_  
Daniel C. Rosenthal, First Selectman

  
\_\_\_\_\_  
Maureen Crick Owen, Selectman

  
\_\_\_\_\_  
Edwin Schierloh, Selectman

Certified a true copy of a resolution duly adopted by the Town of Newtown, Connecticut at a meeting of its Board of Selectmen on April 3, 2023 and which has not been rescinded or modified in any way.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debbie A. Halstead, Town Clerk

**TOWN OF NEWTOWN  
FINANCIAL IMPACT STATEMENT  
(Per Town Charter 6-100)**

REQUESTING DEPARTMENT LAND USE

PROJECT: NEGLECTED CEMETERY ACCOUNT GRANT PROGRAM

PROPOSED APPROPRIATION AMOUNT: \$ 5,000

PROPOSED FUNDING:

BONDING

GRANT

OTHER

\$ 5,000

\$ 5,000

**ANNUAL FINANCIAL IMPACT ON OPERATING BUDGET (GENERAL FUND):**

List any financial impact your request will have on the Town's annual operating budget.  
Attach spreadsheet(s) showing your calculation of the estimated impact.

EXPENDITURE CATEGORY:

\*\*FOR BRACKETS USE NEGATIVE SIGN  
BEFORE NUMBER\*\*

(POSITIVE IMPACT) /  
NEGATIVE IMPACT

Attachment  
#

SALARIES & BENEFITS

PROFESSIONAL SERVICES

CONTRACTED SERVICES

REPAIRS & MAINTENANCE

UTILITIES

OTHER

DEBT SERVICE (1st year)

TOTAL IMPACT ON EXPENDITURES

\$ -

REVENUE CATEGORY:

POSITIVE IMPACT /  
(NEGATIVE IMPACT)

Attachment  
#

PROPERTY TAXES

CHARGES FOR SERVICES (FEES)

OTHER

TOTAL IMPACT ON REVENUES

\$ -

TOTAL FINANCIAL IMPACT ON OPERATING BUDGET

\$ -

**EQUIVALENT MILL RATE OF TOTAL IMPACT**

(using current year's information)

0.0000 mills

**COMMENTS:**

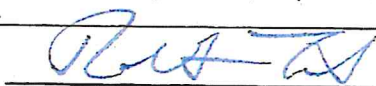
NO IMPACT ON THE OPERATING BUDGET

The Neglected Cemetery Account Grant Program was established under Section 19a-308b of the Connecticut General Statutes to provide municipalities with an opportunity to receive financial assistance to reclaim and maintain neglected cemeteries.

Section 19a-308 of the Connecticut General Statutes (C.G.S.) defines a "neglected cemetery", and subsection 19a-308(b) relieves municipalities, municipal employees, and agents and officers of municipalities from criminal or civil liability for undertaking the care and maintenance of a neglected cemetery.

Section 205 of Public Act 14-217 created the Neglected Cemetery Account and directed the Office of Policy and Management (OPM) to make grants to municipalities that wish provide upkeep to local, neglected cemeteries. Municipalities can apply for up to \$5,000 per year to be used: to clear weeds, briars and bushes; to mow cemetery lawn areas; to repair fences and walls; to straighten memorial stones and to keep neglected cemeteries in an orderly and decent condition.

PREPARED BY:



DATE: 3/31/2023

TO: BOF, LC



John Madzula &lt;jsmbofnewtown@gmail.com&gt;

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**appropriation request**

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**Gouveia, Tanja** <vadast@newtown.k12.ct.us>  
To: John Madzula <jsmbofnewtown@gmail.com>  
Cc: "Melillo, Christopher" <melilloc@newtown.k12.ct.us>

Mon, Mar 27, 2023 at 5:11 PM

Hi John,

hope all is well with you!

If you recall, last year the BoE requested that our year-end of \$237,879 be transferred into our non-lapsing account and this was approved by the council on September 21, 2022.

We had originally intended to allocate \$116,623 of this to our reserve for special education, bringing that balance up to \$200,000 (currently at \$83,377). Unfortunately, this information was not included in our year-end letter nor was it voted on at the council.

At this time, I would like to respectfully request an appropriation of \$116,623 from the BoE non-lapsing fund be transferred into the reserve for special education (part of the BoE non-lapsing)

I'm attaching our non-lapsing reconciliation as well as our year-end letter that was sent to Jeff Capeci on September 2, 2022

Thank you for this consideration

--

Tanja Vadas  
Director of Business and Finance  
Newtown Public Schools

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**2 attachments**

**Non Lapsing Account.pdf**  
197K



**21-22 Council Request Letter.pdf**  
39K

**BOE Non-Lapsing Fund Balance and Activity**

<u>Year</u>	<u>General Deposit</u>	<u>Reserved for Special Ed</u>	<u>Expense</u>	<u>Account Balance</u>	<u>Use</u>
<b><i>Trans from Cap non-recurring 7/2012</i></b>	<b><i>\$150,000</i></b>			<b><i>\$10,310</i></b>	<b><i>(a)</i></b>
2013-14 Deposit 6/30/14	\$47,185	\$0	(\$139,690)	\$55,695	Fabricate metal doorway
2014-15 Deposit 6/30/15	\$12,909	\$0	(\$1,800)	\$55,294	Fabricate metal doorway + security bollards
2015-16 Deposit 6/30/16	\$2,533	\$0	(\$13,310)	\$52,877	IR scan
<b><i>Trans from Cap non-recurring 7/2016</i></b>	<b><i>\$100,000</i></b>			<b><i>\$152,877</i></b>	
2016-17 Deposit 6/30/17	\$97,942	\$0	(\$4,950)	\$160,783	4G Network
2017-18 Deposit 6/30/18	\$276,038	\$0	(\$90,036)	\$427,463	4G Network
2018-19 Deposit 6/30/19	\$265,772	\$63,000	(\$9,358)	\$576,053	HAW & MS A/C, SHS lightning protection
2019-20 Deposit 6/30/20	\$0	\$0	(\$180,182)	\$520,940	SHS lightning protection
2020-21 Deposit 6/30/21	\$6,861	\$20,377	(\$55,113)	\$292,506	Hawley architectural fees
2021-22 Deposit 6/30/22	\$237,879		(\$255,672)	\$475,305	Additional work on HS track. (glue)
<b>Total Since Inception</b>	<b>\$1,197,119</b>	<b>\$83,377</b>	<b>(\$55,080)</b>	<b>\$475,305</b>	
(a) \$150,000 was transferred into this account from the Town's Capital non-recurring fund to cover costs associated with the Middlegate roof and the HS stairwell gate					
<b>Current Balance Non-Lapsing Fund</b>				<b>\$475,305</b>	



**NEWTOWN PUBLIC SCHOOLS  
3 PRIMROSE STREET  
NEWTOWN, CT 06470**

OFFICE OF THE SUPERINTENDENT  
(203) 426-7620  
FAX (203) 270-6110

BUSINESS OFFICE  
(203) 426-7618  
FAX (203) 270-6110

September 2, 2022

Jeffrey Capeci  
52 Bears Hill Rd.  
Newtown, CT 06470

Dear Jeff,

On Tuesday, August 23, 2022 the Newtown Board of Education unanimously passed the following:

Move that the Board of Education request of the Legislative Council that the unexpended funds from the 2021-2022 fiscal year budget appropriation in the amount of \$237,879 be deposited into the Non-Lapsing account, established in accordance with Connecticut General Statute Section 10-248a for educational purposes. The source of these funds are detailed in the year-end financial report as approved by this Board of Education.

The \$237,879 should be added to the prior deposits that were made to the Non-Lapsing account.

Please do not hesitate to call me if I can offer any further explanation on this request.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chris Melillo'.

Christopher Melillo  
Superintendent of Schools

## **Town of Newtown**

### **Policy on Outside Agency Request for Funds**

#### **Purpose Statement:**

Through the annual municipal budget process, the Town of Newtown reviews requests from agencies that operate outside of the Town's general fund.

The purpose of this policy is twofold. First, the policy ensures transparency and accountability for public funds contributed to outside agencies through the budget process. Second, outside agencies requesting public funds must demonstrate financial need and use the funds to benefit the citizens of Newtown.

#### **Scope:**

For the purpose of this policy, all outside agencies or quasi-departments, as defined in the budget document, including but not limited to, are subject to this policy.

**Not For Profits** – categorized in the budget document as “outside agencies”:

- Regional Hospice
- Women’s Center of Danbury
- Ability Beyond Disability
- United Way of Western Connecticut
- Newtown Parent Connection
- Kevin’s Community Center

**Not For Profits/Authorities** – categorized in the budget document as (quasi) departments:

- Lake Authorities – Zoar & Lillinonah
- Newtown Underwater Search & Rescue
- Newtown Volunteer Ambulance Association
- Newtown Youth & Family Services
- Children’s Adventure Center
- Cyrenius H. Booth Library

**Town Special Revenue Funds** - categorized in the budget document as “other

financing uses” Edmond Town Hall

**Policy Statement:**

Any outside agency requesting public funds to partially fund their operations must submit a report describing their mission and outlining how they benefit Newtown residents in the most recent fiscal year completed.

The outside agency will be required to submit their two most recent financial statements and their current working budget as compared to the three prior year budgets.

Any outside agency with an undesignated fund balance of over 10% of its total budget or \$50,000+, whichever is greater, must submit a report outlining planned expenditures of excess undesignated fund balance (amount over 10%) in order to have its budget request considered. Planned expenditures can be over a period of time (capital planning).

**Procedures:**

The Finance Director shall inform, in the October time period before the budget process starts, outside agencies that plan to request a contribution in the next budget process to submit a request with the required information:

- A mission statement
- A description of services which includes services that benefit Newtown residents (providing specific data) • The most recent two completed financial statement.
- A budget comparison report comparing current budget to prior three years.
- A statement of planned use of excess undesignated fund balance.
  - Excess undesignated fund balance is the amount over 10% of total budget.
  - This requirement is not necessary if undesignated fund balance is under \$50,000.

This documentation will be included in the Town budget process as additional information for the budget reviewers to make decisions or to make additional inquiries.

*As discussed by BOF: 3/23/23*