

**LEGISLATIVE COUNCIL REGULAR MEETING
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT
WEDNESDAY, APRIL 6, 2022**

MINUTES

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

ALSO PRESENT: First Selectman Dan Rosenthal, Finance Director Bob Tait, Superintendent Dr. Lorrie Rodrigue, BOE Director of Business and Finance Tanja Vadas, BOE Director of Facilities Bob Gerbert, BOE Chair Deborra Zukowski, 11 public, 1 press

CALL TO ORDER: Mr. Capeci called the meeting to order with the Pledge of Allegiance at 7:32 pm.

VOTER COMMENT: *David Stott, 3 River Run Road, Newtown* – Mr. Stott shared his opposition for the proposed \$557,000 budget cut put forth by the LC Education Sub-Committee. He feels that our Superintendent and her staff know what the schools need best.

Kate McGrady, 26 Philo Curtis Road, Sandy Hook – Ms. McGrady supports the BOE recommended budget and does not agree with the proposed budget cut by the Education Sub-Committee. She feels there has been a loss of learning through the pandemic and, as a parent, she feels this is not the year to take away from the budget.

MINUTES: Mr. Charles Gardner moved to accept the minutes of the March 16, 2022 Legislative Council Regular Meeting. Seconded by Mr. Carroll. All in favor. Motion passes (12-0).

COMMUNICATIONS: Mr. Capeci announced that the Charter Revision Committee is in the process of putting together a draft report and will submit it soon. The First Selectman confirmed that outside Counsel can review it. The LC will put this on a future agenda. Mr. Capeci also acknowledged that he received several emails advocating for the BOE budget. *See attachment A.*

COMMITTEE REPORTS: Discussed under old business.

FIRST SELECTMAN'S REPORT: First Selectman Dan Rosenthal reported that Public Building and Site Commission met the other night to review the guaranteed maximum price proposal from Downes Construction for the Hawley HVAC project. They unanimously endorsed it and the BOS approved it Monday night. He expects the approved proposal to be signed by the end of the week.

OLD BUSINESS

Discussion and Possible Action

- 2022-23 Budgets: Board of Selectmen/Board of Education

Mr. Charles Gardner moved to approve the BOF recommended budget for 2022-2023, the BOS budget in the amount of \$129,461,726. Mr. Gardner withdrew his motion. Mr. Gardner moved to approve the BOS budget as recommended by the BOF in the amount of \$47,027,087. Seconded by Mr. Mihalcik.

Mr. Long spoke on the Municipal Operations Committee. They reviewed the Public Safety, Public Works, Recreation/Leisure sections in the budget. After a couple of meetings to discuss, they decided to approve these areas of the BOS budget as presented.

Mr. Knapp moved to amend the line Lake Authorities to \$53,735. Seconded by Mr. Mihalcik.

Mr. Knapp made this motion because he feels the Lake Authority, being an outside agency, did not present any justification for the larger amount which increased by 20% since last year. Mr. Capeci expressed concern in that if this passes, it may contribute to logistical issues with surrounding towns. The First Selectman responded that he would have to review their by-laws to know for sure. Ms. Ku suggested whether this can be treated similarly to the Health District which is shared with other towns, and start the discussions earlier in the process. First Selectman Rosenthal said this is good reasoning to continue discussions about setting forth policies on outside agencies. If this motions passes, they would have the opportunity to amend. Mr. Rosenthal said that we could invite representatives from other communities.

After discussion and concern that the Lake Authority may not be aware such a motion was under consideration, Mr. Mihalcik amended the motion to reduce the reduction such that the LA budget increase was inline with inflation, 8% making it \$58,034. Seconded by Mr. Carroll. Motion fails (4-8; Nays: Curi, Chris Gardner, Kessler, DeRosa, Charles Gardner, Ku, Knapp, Honan).

Mr. Mihalcik agrees that 20% increase is way above what they should be requesting. However, keeping in line with them being an outside agency and not knowing what their by-laws may require, he is comfortable with allowing an 8% increase year after year to be more in line with inflation. Mr. Chris Gardner feels it is too late on the budget process to bring this issue to light. We are not in a position to reduce or reallocate to the authority without knowing what our liability is. Mr. DeRosa sees no justification for the increase and agrees with Mr. Knapp. Mr. Long agrees with Mr. Mihalcik's amendment. He feels that the 8% would spark conversation for future years.

Mr. Capeci called the main motion. Motion passes (7-5; Nays: Chris Gardner, Mihalcik, Long, Ku, Honan)

Mr. Knapp moved to reduce the library line to \$1,407,621 which would be this year's town contribution level. Seconded by Mr. Carroll. Motion passes (8-4; Nays: Mihalcik, Long, Ku, Honan)

Mr. Knapp believes the library has a substantial fund balance. He suggests to reduce the portion that the taxpayer is responsible for but to keep the Town's contribution to the library flat. Mr. Long shares the concerns but feels this can be addressed more effectively with upcoming CIP projects versus leveling it out, therefore would not support this.

Mr. Mihalcik spoke on the Finance and Administration Committee. The committee would like to see a policy in place where departments must provide a detailed report when requesting a larger budget. They had one recommendation towards the budget and that was to use \$100,000 of our debt service fund balance towards the replacement of tax payer funds towards debt service payments.

Ms. Ku moved to reduce the BOS budget by \$100,000 in debt service by applying debt service fund to the interest payment. Seconded by Mr. Honan. Motion passes. (7-5; Nays: Curi, Kessler, DeRosa, Long, Carroll)

Mr. Tait commented that we already have \$280,000 out of the debt service fund to offset debt service payments. Over five years, there's about \$1.7 million in planned debt service use. If you pay it off earlier, there will be a huge jump in debt service in next year's budget.

Mr. Knapp asked if Mr. Tait could speak at length regarding our finance process, auditing, what steps he takes to protect our funds. He suggested this get added to a future agenda so we can

reassure the voters on the protective financial steps taken by the Town.

Mr. Knapp feels this is a good budget and appreciates everyone's efforts in trying to control spending, as this will be a hard year for everyone.

Mr. Charles Gardner moved the amended budget amount for the BOS budget in the amount of \$46,891,399. Motion passes (11-1; Nay: DeRosa).

Mr. Charles Gardner moved that we approve the BOF recommended BOE budget for the 2022-2023 year in the amount of \$82,434,639. Seconded by Ms. Curi.

Mr. Carroll spoke on the Education Committee. After meeting several times, they decided to reduce the increase by \$557,195. He pointed out that the increase in the BOE increase was almost double the increase of last year, and even after reducing by this amount, there is almost \$1 million more in their budget than last year. Among the items they deducted, about \$70,000 came out of several items that were in the five-year maintenance plan which had not been there in prior years.

Mr. Carroll moved to reduce the BOE budget by \$557,195. Seconded by Ms. Curi.

Ms. Curi pointed out that this proposal is not a budget "cut" but it's a proposal to reduce the amount of the increase that was asked for. Ms. Vadas confirmed that the BOF had recommended to take out \$616,540 to put into the town's capital and non-recurring. Mr. Knapp asked if there would be an assumed savings by not having Hawley School open next year. Dr. Rodrigue said there would not be much savings in that the building will still be open, lights will be on, machinery will be working, etc.

As a member of the BOE, Ms. Zukowski read a statement expressing her support for the proposed BOE budget as presented. She summarized that the budget request is larger than they'd like but it represents the current needs of the students affected by the pandemic.

Mr. Honan feels that the Superintendent has been very clear and answered our questions. The budget as presented is a minimal increase and we should be supportive. Mr. DeRosa stated that we are agreeing with 90% of their projected budget. He has complete confidence in the Superintendent and her staff to reconfigure everything after this very minimal reduction.

Mr. Mihalcik moved to amend the reduction to the BOE budget to \$300,000. Seconded by Mr. Carroll. Motion passes (9-3; Nays: Chris Gardner, Ku, Honan).

Mr. Carroll feels it is fair to reduce it by \$300,000. He expressed concern over the upcoming bus company contract and the extra money can allow them flexibility to bid out. Mr. Knapp also shares concerns over the bus company. Transportation is one of the biggest drivers of the budget that is not staff related. Mr. DeRosa agrees that the \$300,000 is a good reduction so it meets in the middle. Ms. Ku feels that there is a strong disconnect with how the Council discusses the BOS versus the BOE budgets. Mr. Chris Gardner is concerned at how the Education Committee came about their conclusion and does not agree. When questioned by Ms. Curi on whether the extra \$1 million from last year still wasn't enough, Dr. Rodrigue answered that they would not have asked for it if they did not really need it. She explained that it is due to a lot of students having academic and social needs due to the pandemic, rising population in special education, rising population of ESL students, among other needs. The complexities at the high school are different than elementary schools. Per the request of Mr. Chris Gardner, Dr. Rodrigue shared details of the 12 new teacher positions proposed. As far as she's concerned, classroom staffing is a need. Ms. Ku thinks that while we don't have line item authority, we owe it to the people who spend time on the budget and the public, the rationale as to why we're proposing these reductions. Mr. Capeci

referred to a chart in the BOE budget, which shows that in 2011-2012, there were 1,723 students and today we're at 1,450 which is 273 fewer for the same number of teachers. He understands there are more programs today than we had, but he feels that is still a lot more students that were being taught back then.

Mr. Capeci called the Mason amendment to reduce the BOE budget by \$300,000.

Mr. Mihalcik moved the amended BOE budget in the amount of \$82,134,639. Seconded by Mr. Carroll. Motion passes (10-2; Nays: Chris Gardner, Honan).

Mr. Charles Gardner moved to set the amended BOS and BOE budget to \$129,026,038 and for the Finance Director to adjust for any rounding errors. Seconded by Mr. Knapp. Motion passes (10-2; Nays: Chris Gardner, Honan).

See attachment B.

- Consideration of BOF Recommended Amendments to the 2021-2022 approved CIP:
 - \$420,000 library project added for roof, gutters, downspout and shutters replacements/upgrades/repair moved to 2021-22. To be funded by the library available fund balance reserved for capital improvements.
 - \$200,000 library project (unspent) in the current approved 2021-22 CIP amended to be used for HVAC comprehensive upgrades in 2022-23 (to be combined with 2022-23 \$350,000).

This was tabled for a future meeting.

NEW BUSINESS

Discussion and Possible Action

- RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$850,000 FOR THE PLANNING, DESIGN, ENGINEERING AND INSTALLATION OF VENTILATION SYSTEMS AND HVAC RENOVATIONS AT NEWTOWN HIGH SCHOOL AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 to 2026-27) AND AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Mr. Charles Gardner moved to approve the resolution providing for a special appropriation in the amount of \$850,000 for the planning, design, engineering and installation of ventilation systems and HVAC renovations at Newtown High School as authorized in the Capital Improvement Plan (2022-23 to 2026-27) and authorizing the issuance of \$850,000 bonds of the Town to meet said special appropriation and pending the issuance thereof the making of temporary borrowings for such purpose and waives the full reading of the resolution. Seconded by Mr. Knapp. All in favor. Motion passes (12-0).

- RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$600,000 FOR THE PLANNING, DESIGN, RENOVATION OF, AND CONSTRUCTION OF IMPROVEMENTS TO, EDMOND TOWN HALL PARKING LOT AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 to 2026-27) AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Mr. Charles Gardner moved the resolution providing for a special appropriation in the amount of \$600,000 for the planning, design, renovation of, and construction of improvements to, Edmond Town Hall parking lot as authorized in the Capital Improvement Plan (2022-23 to 2026-27) and authorizing the issuance of \$600,000 bonds of the Town to meet said special appropriation and pending the issuance thereof the making of temporary borrowings for such purpose and further waives the reading of the full resolution. Seconded by Mr. Carroll. All in favor. Motion passes (12-0).

- Motion to authorize and direct the Board of Selectmen to call a Referendum to be held on April 26, 2022 between the hours of 6:00 am and 8:00 pm (E.T.) for the purpose of a vote by electors and qualified voters of the Town

Mr. Charles Gardner moved to authorize and direct the Board of Selectmen to call a Referendum to be held on April 26, 2022 between the hours of 6:00 am and 8:00 pm (E.T.) for the purpose of a vote by electors and qualified voters of the Town. Seconded by Ms. Curi. All in favor. Motion passes (12-0).

- RESOLUTION TO AUTHORIZE THE PREPARATION AND PRINTING OF NON-ADVOCACY MATERIALS RELATED TO THE PLANNING, DESIGN, ENGINEERING AND INSTALLATION OF VENTILATION SYSTEMS AND HVAC RENOVATIONS AT NEWTOWN HIGH SCHOOL REFERENDUM QUESTION SCHEDULED FOR APRIL 26, 2022. SUCH MATERIALS MAY INCLUDE MAILINGS, FLIERS AND POSTERS AS WELL AS EXPLANATORY TEXT ON THE BALLOT. CONTENT OF THESE MATERIALS TO BE APPROVED BY THE TOWN ATTORNEY, SUBJECT TO CGS 9-369B (A)

Mr. Charles Gardner moved the resolution to authorize the preparation and printing of non-advocacy materials related to the planning, design, engineering and installation of ventilation systems and HVAC renovations at Newtown High School referendum question scheduled for April 26, 2022. Such materials may include mailings, fliers and posters as well as explanatory text on the ballot. Content of these materials to be approved by the Town attorney, subject to CGS 9-369B (A). Seconded by Mr. Knapp. All in favor. Motion passes (12-0).

- RESOLUTION TO AUTHORIZE THE PREPARATION AND PRINTING OF NON-ADVOCACY MATERIALS RELATED TO THE PLANNING, DESIGN, RENOVATION OF AND CONSTRUCTION OF IMPROVEMENTS TO EDMOND TOWN HALL PARKING LOT REFERENDUM QUESTION SCHEDULED FOR APRIL 26, 2022. SUCH MATERIALS MAY INCLUDE MAILINGS, FLIERS AND POSTERS AS WELL AS EXPLANATORY TEXT ON THE BALLOT. CONTENT OF THESE MATERIALS TO BE APPROVED BY THE TOWN ATTORNEY, SUBJECT TO CGS 9-369B (A).

Mr. Charles Gardner moved the resolution to authorize the preparation and printing of non-advocacy materials related to the planning, design, renovation of and construction of improvements to Edmond Town Hall parking lot referendum question scheduled for April 26, 2022. Such materials may include mailings, fliers and posters as well as explanatory text on the ballot. Content of these materials to be approved by the Town Attorney, subject to CGS 9-369B (A). Seconded by Mr. Mihalcik. All in favor. Motion passes (12-0).

See attachment C.

VOTER COMMENT: None

ANNOUNCEMENTS: The First Selectman noted that the BOS made a motion at their last meeting to approve the High School Turf project which will come to the Council at the next meeting. The cost for materials was going up.

ADJOURNMENT: There being no further business, Ms. Curi moved to adjourn the meeting at 10:30 pm. Seconded by Mr. Chris Gardner. All in favor.

*Respectfully submitted,
Rina Quijano, Clerk*

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.

Attachment A



● **Geraldine Carley via Newtown CT** <cmsmailer@civicplus.com>
To: jcapeci



Thu, Apr 7 at 10:27 AM

Submitted on Thursday, April 7, 2022 - 10:27am
Submitted by anonymous user: 24.151.68.255
Submitted values are:

Your name: Geraldine Carley
Your e-mail address: gecarley@gmail.com
Subject: BOE Budget

Message: Something is amiss when the LC gets to override the superintendent's budget in the manner we are seeing. And to micro manage educational needs is unacceptable. You are not experts who understand the scope of what is necessary to support an excellent school district. Go sit in a classroom where teaching takes place. Go talk to special education departments and find out some of what they are dealing with. Newtown deserves better than what is happening currently.

The results of this submission may be viewed at:
<https://www.newtown-ct.gov/node/86983/submission/137876>



● **Barbara Wojcik via Newtown CT** <cmsmailer@civicplus.com>
To: jcapeci



Wed, Apr 6 at 3:00 PM

Submitted on Wednesday, April 6, 2022 - 3:00pm
Submitted by anonymous user: 24.151.90.34
Submitted values are:

Your name: Barbara Wojcik
Your e-mail address: barbara.m.wojcik@gmail.com
Subject: 22/23 BOE Budget
Message:

LC Members:

I support the 22/23 BOE budget which I believe has been responsibly prepared. I ask LC to pass the budget as is, with no further cuts. I trust our superintendent who is much closer to the anticipated staffing needs of our district than members of the LC Education Committee. I am concerned that the LC has a clear intent to cut the education budget and will do so irrespective of legitimate student and staff needs.

If there is genuine commitment by this body to public transparency, I ask that greater care be taken with writing the committee minutes of these pivotal meetings and votes. Because EC meetings are not filmed, there is no visual record for the public to witness as they inform themselves about budget discussions. I'm hoping I am not the only one who is uneasy with how little the written record conveys to the public about the reasoning behind significant decisions that impact school funding.

Thank you for considering my viewpoints and they are respectfully submitted.

Barbara Wojcik
25 Horseshoe Ridge Road, SH

The results of this submission may be viewed at:
<https://www.newtown-ct.gov/node/86983/submission/137806>



● **Heather Symes via Newtown CT** <cmsmailer@civicplus.com>
To: jcapeci



Wed, Apr 6 at 5:24 PM

Submitted on Wednesday, April 6, 2022 - 5:24pm
Submitted by anonymous user: 47.208.176.59
Submitted values are:

Your name: Heather Symes
Your e-mail address: hsymes82@gmail.com
Subject: BOE Budget
Message:

I am writing to let you know that I do not agree with the suggested cuts proposed by the sub committee. I believe Dr. Rodrigue put out an appropriate budget and any cuts would hurt our students.

Heather Symes
6 Lake Rd, Newtown

The results of this submission may be viewed at:
<https://www.newtown-ct.gov/node/86983/submission/137816>



• **Betsy Litt via Newtown CT** <cmsmailer@civicplus.com>

To: jcapeci



Wed, Apr 6 at 5:28 PM

Submitted on Wednesday, April 6, 2022 - 5:28pm

Submitted by anonymous user: 2600:6c65:797f:f300:3032:b530:eb73:5a14

Submitted values are:

Your name: Betsy Litt

Your e-mail address: betsylitt@gmail.com

Subject: Education budget

Message:
I'm writing to ask you not to cut the education budget. We want to attract young families to Newtown, to ensure a vibrant future for our town; our excellent schools are one of the main reasons people choose to move here. Cutting the schools budget by half a million dollars will make it difficult to hire an excellent superintendent, and could result in increased class size & reduction in services. I want to preserve the character of Newtown; the best way to do that is to support our schools. Please vote to support the entire school budget, and not to cut it. Thank you!

Betsy Litt

86 Great Hill Rd, Newtown

The results of this submission may be viewed at:

<https://www.newtown-ct.gov/node/86983/submission/137821>



• **Laura Herrmann via Newtown CT** <cmsmailer@civicplus.com>

To: jcapeci



Wed, Apr 6 at 6:07 PM ★

Submitted on Wednesday, April 6, 2022 - 6:07pm

Submitted by anonymous user: 24.151.57.38

Submitted values are:

Your name: Laura Herrmann

Your e-mail address: lauraaherrmann@gmail.com

Subject: Opposition of budget cuts

Message:
As parents of a current first grader and incoming Kindergartener at Middle Gate we are against the proposed cuts. Dr. Rodrigue requested these positions due to projected increases to student population in these schools. Eliminating additional teachers resulting in larger class sizes would be a disservice to both students and teachers, all of whom are doing their best to make academic gains in light of the challenges that have faced the schools the past two years.

Laura and Greg Herrmann

18 White Oak Farm Rd

The results of this submission may be viewed at:

<https://www.newtown-ct.gov/node/86983/submission/137826>



• **Alison Plante via Newtown CT** <cmsmailer@civicplus.com>

To: jcapeci



Wed, Apr 6 at 6:38 PM ★

Submitted on Wednesday, April 6, 2022 - 6:37pm

Submitted by anonymous user: 71.15.251.145

Submitted values are:

Your name: Alison Plante

Your e-mail address: alison.plante@gmail.com

Subject: Strongly opposed to LC Education Subcommittee's BOE budget reduction

Message:
I'm writing to express my strong opposition to the LC Education Subcommittee's proposed reduction of the Board of Education's 2022-2023 budget by \$557,195.

As the parent of three children who are or will be in Newtown Public Schools, I believe this reduction will be extremely detrimental. While neither this Subcommittee nor the full Council has line-item authority over the Board of Education's budget, the implication that these cuts be overwhelmingly directed towards staffing reductions is alarming, and cuts directly against the assertion of some on the Subcommittee that our education dollars are best spent as close to the classroom as possible. I'm highly disappointed that the majority of the committee members, who are elected and entrusted with the responsibility of understanding and probing the budget, would do so without any discernible logic, and without any transparency to the public via the meeting minutes aside from the fact that a "robust discussion" occurred. I look forward to listening and hearing more about this robust discussion in tonight's LC meeting. Likewise, I hope that you will listen to the residents and weigh their perspectives when the vote is called.

Please reject the Subcommittee's proposal and pass a budget that reflects the education our children deserve.

Respectfully,

Alison Plante

7 Winding Brook Road, Newtown

The results of this submission may be viewed at:

<https://www.newtown-ct.gov/node/86983/submission/137831>

TOWN OF NEWTOWN
2022 - 2023 BUDGET - LEGISLATIVE COUNCIL ADJUSTMENTS

<u>MEETING DATE: 04/06/2022</u>		2022-2023 BUDGET	LEGISLATIVE	2022-2023 BUDGET	
		BOARD OF FINANCE	COUNCIL	LEGISLATIVE COUNCIL	
<u>FUNCTION / DEPARTMENT / ACCOUNT</u>		<u>RECOMMENDED</u>	<u>ADJUSTMENTS</u>	<u>PROPOSED</u>	<u>COMMENTS</u>
<u>PUBLIC SAFETY</u>					
<u>LAKE AUTHORITIES</u>					
OTHER PURCHASED SERVICES		64,892	(11,157)	53,735	20% increase too high. Use fund balance.
<u>RECREATION & LEISURE</u>					
<u>LIBRARY</u>					
CONTRIBUTIONS TO OUTSIDE AGENCIES		1,406,000	(24,531)	1,381,469	Usu (sizable) fund balance.
<u>DEBT SERVICE</u>					
<u>DEBT SERVICE</u>					
BOND INTEREST		2,398,371	(100,000)	2,298,371	Use an additional \$100,000 from debt service fund.
<u>EDUCATION</u>					
<u>BOARD OF EDUCATION</u>					
EDUCATION LINE ITEM		82,434,639	(300,000)	82,134,639	A reduction to the BOE line item in the Town budget.
TOTAL BUDGET ADJUSTMENTS 04/06 /2022		129,461,726	(435,688)	129,026,038	

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$850,000 FOR THE PLANNING, DESIGN, ENGINEERING AND INSTALLATION OF VENTILATION SYSTEMS AND HVAC RENOVATIONS AT NEWTOWN HIGH SCHOOL AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 to 2026-27) AND AUTHORIZING THE ISSUANCE OF \$850,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$850,000 is a special appropriation made pursuant to Chapter 6, Section 6-35 of the Town Charter of the Town of Newtown (the "Town") for the planning, design, engineering and installation of ventilation systems and HVAC renovations at Newtown High School, all as authorized in the Capital Improvement Plan (2022-23 to 2026-27), and for administrative, financing, legal and costs of issuance related thereto (the "Project"), said appropriation to be inclusive of any and all State, Federal or other grants-in-aid thereof.

Section 2. To meet said appropriation, \$850,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the "Connecticut General Statutes"). The bonds may be issued in one or more series as determined by the Financial Director, and the amount of bonds of each series to be issued shall be fixed by the Financial Director, in the amount necessary to meet the Town's share of the cost of the Project determined after considering the estimated amount of State and Federal or other grants-in-aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Financial Director, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest shall be determined by the First Selectman and the Financial Director, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Financial Director in a competitive offering and the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. To the extent required by the Charter of the Town of Newtown, bids shall be solicited from at least three lending institutions. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The First Selectman and the Financial Director are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Financial Director, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. The notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The First Selectman or his designee is hereby authorized, in the name and on behalf of the Town, to apply for and accept any and all Federal and State loans and/or any grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith, to contract in the name of the Town with engineers, contractors and others.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds or bond anticipation notes or other obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Financial Director or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

Section 7. The First Selectman and the Financial Director are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The First Selectman is hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

Section 9. This resolution shall become effective upon its approval by the Town electors and persons qualified to vote at a duly warned referendum pursuant to Section 6-35 of the Town Charter.

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$600,000 FOR THE PLANNING, DESIGN, RENOVATION OF, AND CONSTRUCTION OF IMPROVEMENTS TO, EDMOND TOWN HALL PARKING LOT AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 to 2026-27) AND AUTHORIZING THE ISSUANCE OF \$600,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$600,000 is a special appropriation made pursuant to Chapter 6, Section 6-35 of the Town Charter of the Town of Newtown (the “Town”) for the planning, design, renovation of, and construction of improvements to, the Edmond Town Hall parking lot, including, but not limited to, safety repairs, installation of lighting and security cameras, installation and maintenance of a water source and heavy duty electric outlets for maintenance, upgrades to pedestrian walkways, improved signage, grading, installation of rumble strips and additional parking spaces, including handicapped assessable parking, demolition of firehouse, and installation of a dumpster enclosure, all pursuant to the Edmond Town Hall - Parking Lot Improvements as authorized in the Capital Improvement Plan (2022-23 to 2026-27), and for administrative, financing, legal and costs of issuance related thereto (collectively, the “Project”), said appropriation to be inclusive of any and all State, Federal or other grants-in-aid thereof.

Section 2. To meet said appropriation, \$600,000 bonds of the Town, or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the maximum maturity permitted by the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the “Connecticut General Statutes”). The bonds may be issued in one or more series as determined by the Financial Director, and the amount of bonds of each series to be issued shall be fixed by the Financial Director, in the amount necessary to meet the Town’s share of the cost of the Project determined after considering the estimated amount of State and Federal or other grants-in-aid of the Project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the bonds outstanding at the time of the issuance thereof, and to pay for the costs of issuance of such bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Financial Director, bear the Town seal or a facsimile thereof, be certified by a bank or trust company, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of the bonds of each series to be issued, the annual installments of principal, redemption provisions, if any, certifying, registrar and transfer agent and paying agent, the date, time of issue and sale and other terms, details and particulars of such bonds, including the approval of the rate or rates of interest shall be determined by the First Selectman and the Financial Director, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the First Selectman and the Financial Director in a competitive offering and the bonds shall be sold at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. To the extent required by the Charter of the Town of Newtown, bids shall be solicited from at least three lending institutions. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days

in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds.

Section 4. The First Selectman and the Financial Director are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Financial Director, have the seal of the Town affixed, be payable at a bank or trust company designated by the First Selectman, be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford, Connecticut, and be certified by a bank or trust company designated by the First Selectman pursuant to Section 7-373 of the Connecticut General Statutes. The notes shall be issued with maturity dates which comply with the provisions of the Connecticut General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the Project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. The First Selectman or his designee is hereby authorized, in the name and on behalf of the Town, to apply for and accept any and all Federal and State loans and/or any grants-in-aid of the Project and is further authorized to expend said funds in accordance with the terms hereof and in connection therewith, to contract in the name of the Town with engineers, contractors and others.

Section 6. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this resolution in the maximum amount and for the Project with the proceeds of bonds or bond anticipation notes or other obligations ("Tax-Exempt Obligations") authorized to be issued by the Town. The Tax-Exempt Obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the Project, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Financial Director or his designee is authorized to pay Project expenses in accordance herewith pending the issuance of Tax-Exempt Obligations, and to amend this declaration.

Section 7. The First Selectman and the Financial Director are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The First Selectman is hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution.

Section 9. This resolution shall become effective upon its approval by the Town electors and persons qualified to vote at a duly warned referendum pursuant to Section 6-35 of the Town Charter.

NEWTOWN MUNICIPAL CENTER
3 PRIMROSE STREET
NEWTOWN, CT 06470

www.newtown-ct.gov

Robert Tait, Finance Director



**TOWN OF NEWTOWN
BOARD OF FINANCE**

John Madzula II, Esq, Chairman
Chandravir Ahuja, Vice Chairman
Laura Miller
Steven Goodridge
Erica Sullivan
Geoffrey Dent

March 24th, 2022

To the Legislative Council

Members of the Council:

At a meeting of the Board of Finance held March 24 2022, the following resolutions were approved and recommended for adoption:

RESOLVED: That the resolutions entitled "Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For The Planning, Design, Engineering And Installation Of Ventilation Systems And HVAC Renovations At Newtown High School As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$850,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose"; and "Resolution Providing For A Special Appropriation In The Amount Of \$600,000 For The Planning, Design, Renovation Of, And Construction Of Improvements To, Edmond Town Hall Parking Lot As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$600,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", copies of which are attached hereto, are hereby adopted and recommended to the Legislative Council for consideration and action, said special appropriations were initiated by the First Selectman in a letter dated March 22, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

Very truly yours,

John Madzula II, Esquire
Chairman
Board of Finance

Item for Agenda of
Meeting of Legislative Council

1. To authorize and direct the Board of Selectmen to call a Referendum and consider and act upon the resolutions entitled:

“Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For The Planning, Design, Engineering And Installation Of Ventilation Systems And HVAC Renovations At Newtown High School As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$850,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”; and “Resolution Providing For A Special Appropriation In The Amount Of \$600,000 For The Planning, Design, Renovation Of, And Construction Of Improvements To, Edmond Town Hall Parking Lot As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$600,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, copies of which are attached hereto, said special appropriations were requested in a letter initiated by the First Selectman dated March 10, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

2. To recommend a Referendum on the appropriations and authorizations set forth in the resolutions above and direct the Board of Selectmen to call the Referendum.

Excerpt for Minutes of Meeting
of Legislative Council
to be held April 6, 2022

A meeting of the Legislative Council of the Town of Newtown was held in the Council Chambers, Newtown Municipal Center, 3 Primrose Street, Newtown on April 6, 2022, at 7:30 P.M. (E.T.).

* * *

Members present and absent were as follows:

Present
Jeff Capeci
Phil Carroll
Angela Curi
William DeRosa
Charles Gardner
Chris Gardner
Dan Honan
Lisa Kessler
Ryan Knapp
Michelle Embree Ku
Tom Long
Matthew Mihalcik

Absent

* * *

Mr. Charles Gardner introduced and read the following resolution:

RESOLVED: That the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For The Planning, Design, Engineering And Installation Of Ventilation Systems And HVAC Renovations At Newtown High School As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$850,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, said special appropriation having been requested by the First Selectman in a letter to the Board of Selectman dated March 10, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

Mr. Charles Gardner moved that said resolution be adopted as introduced and read and the motion was seconded by Mr. Knapp. Upon roll call vote the ayes and nays were as follows:

AYES
Jeff Capeci
Phil Carroll
Angela Curi
William DeRosa
Charles Gardner

NAYS

Chris Gardner
Dan Honan
Lisa Kessler
Ryan Knapp
Michelle Embree Ku
Tom Long
Matthew Mihalcik

Mr. Capeci thereupon declared the motion carried and the resolution adopted.

* * *

Mr. Charles Gardner introduced and read the following resolution:

RESOLVED: That the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$600,000 For The Planning, Design, Renovation Of, And Construction Of Improvements To, Edmond Town Hall Parking Lot As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$600,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose”, a copy of which is attached hereto, said special appropriation having been requested by the First Selectman in a letter to the Board of Selectman dated March 10, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

Mr. Charles Gardner moved that said resolution be adopted as introduced and read and the motion was seconded by Mr. Carroll. Upon roll call vote the ayes and nays were as follows:

AYES
Jeff Capeci
Phil Carroll
Angela Curi
William DeRosa
Charles Gardner
Chris Gardner
Dan Honan
Lisa Kessler
Ryan Knapp
Michelle Embree Ku
Tom Long
Matthew Mihalcik

NAYS

Mr. Capeci thereupon declared the motion carried and the resolution adopted.

* * *

A motion was made by Mr. Charles Gardner, seconded by Ms. Curi, that the Board of Selectmen be authorized and directed to call a Referendum to be held at Newtown Middle School, 11 Queen Street,

Newtown on Tuesday, April 26, 2022, between the hours of 6:00 A.M. and 8:00 P.M. (E.T.) for the purpose of a vote by the electors and qualified voters of the Town for the approval or disapproval of the following questions:

1. Shall the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For The Planning, Design, Engineering And Installation Of Ventilation Systems And HVAC Renovations At Newtown High School As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$850,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose” be approved?
2. Shall the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$600,000 For The Planning, Design, Renovation Of, And Construction Of Improvements To, Edmond Town Hall Parking Lot As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$600,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose” be approved?

Upon roll call vote the ayes and nays were as follows:

AYES

Jeff Capeci
Phil Carroll
Angela Curi
William DeRosa
Charles Gardner
Chris Gardner
Dan Honan
Lisa Kessler
Ryan Knapp
Michelle Embree Ku
Tom Long
Matthew Mihalcik

NAYS

Mr. Capeci thereupon declared the motion carried.

* * *



**TOWN OF NEWTOWN
LEGISLATIVE COUNCIL**

April 6, 2022

To the Board of Selectmen
Members of the Board:

At a meeting of the Legislative Council held April 6, 2022, the following resolutions were adopted:

RESOLVED: That the resolutions entitled "Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For The Planning, Design, Engineering And Installation Of Ventilation Systems And HVAC Renovations At Newtown High School As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$850,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", and "Resolution Providing For A Special Appropriation In The Amount Of \$600,000 For The Planning, Design, Renovation Of, And Construction Of Improvements To, Edmond Town Hall Parking Lot As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$600,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose", copies of which are attached hereto, are hereby adopted and recommended to the Legislative Council for consideration and action, said special appropriation having been requested by the First Selectman in a letter to the Board of Selectman dated March 10, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

At a meeting of the Legislative Council held April 6, 2022, a motion was adopted to authorize and direct the Board of Selectmen to call a Referendum to be held at Newtown Middle School, 11 Queen Street, Newtown, CT on Tuesday, April 26, 2022, between the hours of 6:00 A.M. and 8:00 P.M. (E.T.) for the purpose of a vote by the electors and qualified voters of the Town for the approval or disapproval of the following questions:

1. "Shall the resolution entitled 'Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For The Planning, Design, Engineering And Installation Of Ventilation Systems And HVAC Renovations At Newtown High School As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$850,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose' be approved?"
2. "Shall the resolution entitled 'Resolution Providing For A Special Appropriation In The Amount Of \$600,000 For The Planning, Design, Renovation Of, And Construction Of Improvements To, Edmond Town Hall Parking Lot As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$600,000 Bonds Of The Town To Meet Said Special Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose' be approved?"

Very truly yours,

Clerk of the Legislative Council