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## TOWN OF NEWTOWN

### LEGISLATIVE COUNCIL MEETING

JUNE 20, 2018

### NEWTOWN MUNICIPAL CENTER, NEWTOWN, CT MINUTES

**PRESENT:** Chris Eide (7:35 pm), Jordana Bloom, Judit DeStefano, Ryan Knapp, Dan Wiedemann, Paul Lundquist, Phil Carroll, Kelley Johnson, Jay Mattegat.

**ABSENT:** Chris Smith, Robert Pickard, Dan Honan.

**ALSO PRESENT:** First Selectman Dan Rosenthal, Finance Director Bob Tait, Chief of Police James Viadero, Newtown Forest Association Bart Smith.

**CALL TO ORDER:** Mr. Lundquist called the meeting to order with the Pledge of Allegiance at 7:31 pm.

**VOTER COMMENT:** None.

**MINUTES:** MR. CARROLL MOVED TO APPROVE THE MINUTES OF THE JUNE 6, 2018 REGULAR MEETING. SECOND BY MR. WIEDEMANN. ALL IN FAVOR. MOTION PASSES. (8-0)

**COMMUNICATIONS:** Newtown Center for Support & Wellness Working Towards a Healthy Community issue. (Attached)

**COMMITTEE REPORTS:** *Ordinance Committee* – Mr. Knapp reported that the committee met last week and is pretty close on the fracking waste ordinance, long discussion on the plastic bag ordinance, and will meet again in the next couple of weeks.

#### **FIRST SELECTMAN'S REPORT**

*Storm Clean-up* - Mr. Rosenthal said that clean-up efforts continue and he is following the progress, crews working with subcontractors, Lakeview Terrace area, still more work to be done, brush should be put to the curb by June 22 for pick up. Lakeview Terrace area may take longer, maybe another 2 weeks. Working on securing the former BlueLinx property to stage material.

*Roads* – Mr. Rosenthal said that Mr. Hurley gave a proposed road list, try to make the road money go farther, extend the life before losing the road base, evaluating bringing back chip sealing, cost effective way to extend the life of the road, maybe 10-12 years. For comparison, last year 2017/18, \$2.5 million for road work, total paving 7.8 miles of road paved, plus 1.3 miles of drainage work, total roadwork improvement for last year was about 9.1 miles. This year, and will be discussed more with Mr. Hurley, will be able to pave/improve just under 23 miles of roads, through chip sealing, patch pave, paving, and fog coating. Process will delay decline of some roads. Technology of chip sealing has improved over the years and has more confidence in the process. Mr. Lundquist asked about past years there was a cap put on how much money to allocate because of a capacity issue and how much could get done, is that a

## LEGISLATIVE COUNCIL

concern this year. Mr. Rosenthal said that is not a concern this time. Mr. Carroll asked about the quality of chip sealing used in the past. Mr. Rosenthal said that a fiber-mat product had been used on Equestrian Ridge and Greenleaf Farms, maybe not enough prep work was done in the past, chip seal may be the better alternative. Ms. Johnson asked about drainage, ice, curbing damage, and plan for repairs. Mr. Rosenthal will look into plan to repair curbs. Mr. Lundquist encouraged residents to call Public Works who will get a crew out to evaluate. Mr. Mattegat asked Mr. Rosenthal to elaborate on fog coating. Mr. Rosenthal explained that after the chip sealing process, an oil base is put down, then gravel is put on top, car traveling over compact it, then the excess gravel is removed, and apply a black sealer over it to darken it, adhesive properties. Mr. Wiedemann asked about the waste of tree removal. Mr. Rosenthal said some loose brush will be grinded up, some turning into mulch, he will get more detail.

*Referendum to two capital items* – Mr. Rosenthal said that in preparation for items that will be brought to the Legislative Council, probably at the July meeting, the most recent referendum pertaining to the Town capital items – roads and Middle Gate roof, the Middle Gate roof will be less expensive than was voted on, Middle Gate roof was on the referendum for \$1.6 million and the total cost has now come down and will be \$875,000. Regrettably, when notice was filed in the Town Clerk's Office, the notice was filed in the Newtown Bee in in the issue prior to the referendum which did not meet the five day standard, so the bond council reached out to Mr. Tait, and questioned it. Taking a cautious stance, the best course of action is for the Legislative Council to use its appropriation authority. It is now on the Board of Selectmen's agenda for Tuesday's meeting. Mr. Carroll asked about Middle Gate roof costs, previously he specifically asked questions about the necessity of replacing the entire roof or just parts of it, it was advised to replace the entire roof, now it is recommended to replace only parts of it. Mr. Tait said the CIP is to restore or replace the roof, decided to restore and not replace, and was bid out. Mr. Rosenthal said the budget needs a 5 day notice before the referendum, the CIP items were filed with not enough time. Mr. Lundquist commented that if the description of the use of the money is consistent, and the scope of work is less money than anticipated, all a good thing because the Town is spending less money, but wants to make sure that it correctly reflects the CIP, Mr. Tait said yes, because it says it is to replace and/or restore. Mr. Knapp asked if that also needs a deauthorization of the action, Mr. Tait said no, because it is void. Mr. Knapp asked if we exercise a large amount of Council authority now, where does that put us in the spring, not much authority left, is a better alternative to put to the voters again during the August primary. Mr. Rosenthal said that the problem putting it out in the primary is that only registered democrats and registered republicans can vote, a separate ballot in every polling place. The other thought is to use the November election as an option. Mr. Lundquist said it is good to have ideas for discussion and will have 3 options to consider. (Attached)

### **OLD BUSINESS:**

### **NEW BUSINESS**

MR. WIEDEMANN MOVED A RESOLUTION APPROVING A \$275,000 EMERGENCY APPROPRIATION, INITIATED BY THE LEGISLATIVE COUNCIL, INCREASING THE TRANSFER OUT - CAPITAL AND NON-RECURRING ACCOUNT IN THE GENERAL FUND. THIS \$275,000 EMERGENCY APPROPRIATION WILL BE FUNDED BY THE USE OF FUND BALANCE (IN THE GENERAL FUND). SECOND BY MR. CARROLL. Mr. Lundquist referred to an

updated CAP calculation, include the sidewalks, not accounted for was the deauthorization of a number of items to reduce the CAP and expands the ability for Council to take care of this now. (Attached) Mr. Tait explained how to get below the CAP and approve this action, maybe deauthorize a project. The amount available does not include the original \$700,000 and passed by bond council and confirmed said a new

LEGISLATIVE COUNCIL

CAP of \$943,000. Still room in the CAP. Mr. Knapp asked what was deauthorized. Mr. Tait referred to July LC meeting minutes, list of items \$553,000. ALL IN FAVOR. MOTION PASSES. (9-0)

MR. WIEDEMANN MOVED A TRANSFER TOTAL OF \$300,000 FROM VARIOUS ACCOUNTS - \$5,000 SALARIES & WAGES-FULL TIME, \$5,000 INSURANCE, OTHER THAN EMPLOYEE BENEFITS, \$5,000 OTHER EXPENDITURES, \$25,000 SALARIES & WAGES-FULL TIME, \$10,000 SALARIES & WAGES-OVERTIME, \$7,000 SALARIES & WAGES-FULL TIME, \$15,000 SALARIES & WAGES-FULL TIME, \$178,000 ROAD IMPROVEMENTS, \$50,000 CONTINGENCY, TO TRANSFER OUT - CAPITAL NON-RECURRING FOR STORM CLEANUP COSTS. SECOND BY MR. CARROLL. Mr. Lundquist explained that this does combine what was done in the last two Legislative Council meetings to aggregate up to \$1 million which is the estimated cost for storm clean up. The FEMA application is in, be able to reimburse fund balance, general fund, and money appropriated. Mr. Wiedemann asked for more explanation on money for salaries. Mr. Tait said there are always amount left over from salaries. Overtime is already in CAP non-recurring. Mr. Eide asked about the designation of the FEMA money. Mr. Tait explained that the FEMA money will go to into CAP non-recurring to fund it. Mr. Lundquist asked for description of the various accounts, Mr. Tait said departments include Tax Collector, Emergency Communications, Police, Public Works. ALL IN FAVOR. MOTION PASSES. (9-0)

MR. WIEDEMANN MOVED A TRANSFER \$9,500 FROM CONTINGENCY TO PROFESSIONAL SERVICES – ELECTION. SECOND BY MR. CARROLL. Mr. Lundquist explained that this is to cover the republican primary for the First Selectman race. ALL IN FAVOR. MOTION PASSES. (9-0)

MR. WIEDEMANN MOVED A REQUEST FOR AN APPROPRIATION OF \$100,000 IN THE OPEN SPACE LAND ACQUISITION FUND FOR THE PURCHASE OF A DEVELOPMENT EASEMENT OVER 29.17 ACRES OF OPEN SPACE OWNED BY THE NEWTOWN FOREST ASSOCIATION (TO PROTECT AGAINST FUTURE DEVELOPMENT) TO BE FUNDED BY IN LIEU FEES IN THE OPEN SPACE LAND ACQUISITION FUND [RE: CHERRY GROVE PROPERTY]. SECOND BY MR. CARROLL. (Attached) Mr. Rosenthal said this effort is a successful public/private partnership with the Newtown Forestry Association to conserve land for conservation. Mr. Bart Smith spoke about the fundraising efforts. Mr. Smith explained value of property, assessment of easement, property will remain undevelopable in perpetuity. Mr. Smith explained existing trail system, stewardship, and management plan. ALL IN FAVOR. MOTION PASSES. (9-0)

MR. WIEDEMANN MOVED TO ACCEPT A STATE-FUNDED GRANT FOR BODY-WORN CAMERAS AND SUPPORTING EQUIPMENT AND INFRASTRUCTURE FOR IN-HOUSE DATA/VIDEO STORAGE. SECOND BY MR. CARROLL. Chief James Viedero explained the grant covers storage, data, equipment, software for each officer. ALL IN FAVOR. MOTION PASSES. (9-0)

**VOTER COMMENT:** None.

**ANNOUNCEMENTS:** None.

**ADJOURNMENT:** There being no further business the meeting adjourned at 8:27 pm.

LEGISLATIVE COUNCIL

Respectfully Submitted,

June Sgobbo  
Clerk

Attachments: Newtown Center for Support & Wellness Working Towards a Healthy Community issue, Impact Statement Middle Gate Roof and Roads, Special Appropriation CAP Calculation FY 2017-2018, Resolution for \$275,000 Emergency Appropriation, Transfer Request-Storm Clean-up, Transfer Request-Election, Appropriation for Development Easement-Cherry Grove Farm, Financial Impact Statement-Development Easement-Cherry Grove Farm, Financial Impact Assessment-Cherry Grove Farm, Development Easement Draft 6/31/18, Development Easement Schedule A, Financial Impact Statement-Police Department.

*These are draft minutes and as such are subject to correction by the Legislative Council at the next regular meeting. All corrections will be determined in minutes of the meeting at which they were corrected.*



Newtown Center  
for Support and Wellness

### Why Should I Care?

The initiative will:

- ◇ Provide access and information to all community members
- ◇ Communicate to your clients/customers that you care about their community
- ◇ Increase awareness of other services and programs
- ◇ Guide future community leaders with how to measure community health

### Why Should My Staff Care?

The initiative will:

- ◇ Increase collaboration with other community members
- ◇ Increase a sense of belonging and purpose
- ◇ Decrease duplication of services

Newtown Center for  
Support and Wellness  
28 Trades Lane  
Newtown, CT  
203-270-4612

csw@newtown-ct.gov  
[www.newtowncsw.org](http://www.newtowncsw.org)

# Working Towards a Healthy Community

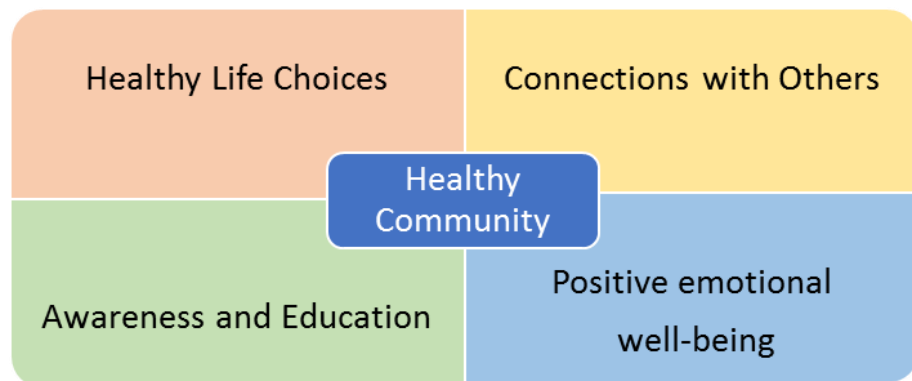
## Summary for Community Leaders

### What is the Healthy Community initiative?

In order to leverage the existing excellent services available in Newtown and work towards collective goals, an initiative began in early 2018 to start to build consensus on how we define and measure a healthy community. During the months of March and April, a task force of 25 active members (and a total of 40 overall) convened 4 times, 2 open community forums were held, and a community survey was conducted that generated over 400 community responses. Based on this work in Newtown, national research, and accepted social predictors of health, the task force was able to create a definition and a supporting town philosophy for community health.

### What is the definition?

*A Healthy Community is one where all individuals and families have awareness and access to opportunities for social, physical, and emotional health. The Town of Newtown strives to provide a healthy community that encourages schools, businesses, and organizations to support wellness through the delivery of services which promote:*



### What are the next steps?

- ◇ Convene a group of 3-4 community members for each category to inventory existing resources and determine data points necessary to measure success.
- ◇ Convene a group of community members to explore community standards and recommendations for the promotion of healthy community efforts.
- ◇ Explore other large community initiatives to for points of shared purposed and collaboration.
- ◇ Explore the use of a community calendar that can be leveraged for all organizations.

### How else can I get involved?

- ◇ Contact [csw@newtown-ct.gov](mailto:csw@newtown-ct.gov) to volunteer for an active committee or sign up to receive on-going updates and information.
- ◇ Consult with Jennifer Crane [Jennifer.crane@newtown-ct.gov](mailto:Jennifer.crane@newtown-ct.gov) to explore how you can further support a Healthy Community as part of an existing organization or as an individual member of the community.

**TOWN OF NEWTOWN  
FINANCIAL IMPACT STATEMENT  
(Per Town Charter 6-35(b) & 7-25)**

REQUESTING DEPARTMENT EDUCATION

PROJECT: MIDDLE GATE SCHOOL ROOF REPLACEMENT/RESTORATION

PROPOSED APPROPRIATION AMOUNT: \$ 875,000

PROPOSED FUNDING:

BONDING	\$	875,000
GRANT		
OTHER		
	<u>\$</u>	<u>875,000</u>

**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)		\$ 70,000	_____
<b>TOTAL IMPACT ON EXPENDITURES</b>		<u>\$ 70,000</u>	_____

REVENUE CATEGORY:	POSITIVE IMPACT / (NEGATIVE IMPACT)	Attachment #
PROPERTY TAXES	_____	_____
CHARGES FOR SERVICES (FEES)	_____	_____
OTHER	_____	_____
<b>TOTAL IMPACT ON REVENUES</b>	<u>\$ -</u>	_____

**TOTAL FINANCIAL IMPACT ON OPERATING BUDGET** \$ 70,000

**EQUIVALENT MILL RATE OF TOTAL IMPACT** 0.0228 mills  
(using current year's information)

**COMMENTS:**

The roof requires inspections and periodic maintenance that can range in cost from \$1,000 to \$5,000 annually. Restoring the roof is proactive at this time as it will continue to deteriorate more rapidly, saving the cost of ongoing repairs and potential property damage.

PREPARED BY:  DATE: 6/28/2018

**TOWN OF NEWTOWN  
FINANCIAL IMPACT STATEMENT  
(Per Town Charter 6-35(b) & 7-25)**

REQUESTING DEPARTMENT PUBLIC WORKS

PROJECT: CONSTRUCTION/RECONSTRUCTION - CAPITAL ROADS

PROPOSED APPROPRIATION AMOUNT: \$ 1,500,000

PROPOSED FUNDING:

BONDING	\$ 1,500,000
GRANT	
OTHER	
	<u>\$ 1,500,000</u>

**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)		\$ 121,000	
<b>TOTAL IMPACT ON EXPENDITURES</b>		<b>\$ 121,000</b>	

REVENUE CATEGORY:		POSITIVE IMPACT / (NEGATIVE IMPACT)	Attachment #
PROPERTY TAXES			
CHARGES FOR SERVICES (FEES)			
OTHER			
<b>TOTAL IMPACT ON REVENUES</b>		<b>\$ -</b>	

**TOTAL FINANCIAL IMPACT ON OPERATING BUDGET** \$ 121,000

**EQUIVALENT MILL RATE OF TOTAL IMPACT** 0.0395 mills  
(using current year's information)

**COMMENTS:**

**IMPROVED OR REPLACED ROADS ARE LESS TO MAINTAIN. ALSO IMPROVES THE SAFETY OF ROADS.**

PREPARED BY: 

DATE: 6/28/2018

A resolution approving a \$275,000 emergency appropriation, initiated by the Legislative Council, increasing the Transfer Out - Capital and Non-Recurring account in the general fund. This \$275,000 emergency appropriation will be funded by the use of Fund Balance (in the general fund).

Estimates for the cleanup costs relating to the most recent storm are \$1,000,000. This includes over time and contractual services costs (for the most part). This \$275,000 emergency appropriation (along with the \$425,000 emergency appropriation approved on 6/6/2018) will provide most of the required funds to the Capital and Non-Recurring Fund. The remaining funds will come from a general fund appropriation transfer request for \$300,000 currently going through the approval process.

If a FEMA reimbursement program grant is received the funds will be used to reimburse the general fund, fund balance and replace any appropriation transferred that is deemed necessary (such as road funds used).





**TOWN OF NEWTOWN  
APPROPRIATION (BUDGET) TRANSFER REQUEST**

FISCAL YEAR 2017 - 2018 DEPARTMENT Finance DATE 6/1/18

	<u>Account</u>	<u>Amount</u>	
FROM:	1-101-11-140-5110-0000SALARIES & WAGES - FULL TIME	(5,000)	USE NEGATIVE AMOUNT ↓
	1-101-11-350-5520-0000INSURANCE, OTHER THAN EMPLOYEE BENEI	(5,000)	
	1-101-11-350-5800-0000OTHER EXPENDITURES	(5,000)	
	1-101-12-300-5110-0000SALARIES & WAGES - FULL TIME	(25,000)	
	1-101-12-300-5130-0000SALARIES & WAGES - OVERTIME	(10,000)	
	1-101-12-310-5110-0000SALARIES & WAGES - FULL TIME	(7,000)	
	1-101-13-500-5110-0000SALARIES & WAGES - FULL TIME	(15,000)	
	1-101-13-500-5735-0000ROAD IMPROVEMENTS	(178,000)	
	1-101-24-570-5899-0000CONTINGENCY	(50,000)	
TO:	1-101-25-860-5870-0000TRANSFER OUT - CAPITAL NON-RECURRING	300,000	
	.		
	.		
	.		
	.		
	.		

**REASON:**

Transfer request to Transfer Out - Capital and Non-Recurring account (to be transferred to capital and non-recurring fund) is for storm clean up. This plus an emergency appropriation request to be initiated by the Legislative Council of \$700,000 will provide \$1,000,000 in funds for storm clean up costs. If eligible, a FEMA reimbursement program application will be submitted. Meanwhile funds must be made available now.

Amounts available in salary accounts due to employees out on worker's compensation or long term disability.

Road improvements amount was going to be expended in May/June. This amount will be replaced with FEMA reimbursement funds if eligible and approved (to be used for roads).

**AUTHORIZATION:** \_\_\_\_\_ date: \_\_\_\_\_

(1) DEPARTMENT HEAD n/a

(2) FINANCE DIRECTOR [Signature] 6/1/18

(3) SELECTMAN [Signature] 6-5-18

(4) BOARD OF SELECTMEN [Signature] 6-5-18

(5) BOARD OF FINANCE James O. [Signature] 6/12/18

(6) LEGISLATIVE COUNCIL \_\_\_\_\_

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



Request for an appropriation of \$100,000 in the Open Space Land Acquisition Fund for the purchase of a development easement over 29.17 acres of open space owned by the Newtown Forest Association (to protect against future development) to be funded by in lieu fees in the Open Space Land Acquisition Fund.

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

REQUESTING DEPARTMENT LAND USE

PROJECT: Development Easement Purchase - Cherry Grove Farm

PROPOSED SPECIAL APPROPRIATION AMOUNT: \$ 100,000.00

PROPOSED FUNDING:

BONDING	N/A
GRANT	N/A
CONTINGENCY	N/A
OTHER	\$ 100,000.00
	\$ 100,000.00

**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		0	
PROFESSIONAL SERVICES		0	
CONTRACTED SERVICES		0	
REPAIRS & MAINTENANCE		0	
UTILITIES		0	
OTHER		0	
DEBT SERVICE (1st year)		0	
<b>TOTAL IMPACT ON EXPENDITURES</b>		<b>\$ -</b>	

REVENUE CATEGORY:	POSITIVE IMPACT / (NEGATIVE IMPACT)	Attachment #
PROPERTY TAXES	0	
CHARGES FOR SERVICES (FEES)	0	
OTHER	0	
<b>TOTAL IMPACT ON REVENUES</b>	<b>\$ -</b>	

**TOTAL FINANCIAL IMPACT ON OPERATING BUDGET** \$ -

**EQUIVALENT MILL RATE OF TOTAL IMPACT** 0.0000 mills

(using current year's information)

**COMMENTS:**

Purchase of development easement over 29.17 Acres of open space owned by Newtown Forest Association to protect against future development.

PREPARED BY: George Benson DATE: 5/30/2018

TO: BOS

3 Primrose Street  
Newtown, CT 06470  
Tel. (203) 270-4276  
Fax (203) 270-4278



George Benson  
Director of Planning

## **TOWN OF NEWTOWN**

### **Planning Department**

#### Cherry Grove Farm Financial Impact Assessment

The Development Easement over the property located at Cherry Grove Farm consists of 12.904 acres of open space land dedicated by the Newtown Planning and Zoning Commission, (P&Z) to the Newtown Forest Association (NFA) and 16.3 acres of Development Easement land at a cost of \$100,000 = \$6,135/acre. In addition NFA is contributing \$500,000 = \$30,675/acre to purchase the 16.3 acres of property. The result will be the Town will have a Development Easement over 29.171 acres of land open to the public and protected from development, for \$100,000 with the Town having no future financial obligation for maintenance or management of the property.

## DEVELOPMENT EASEMENT

**DRAFT 6/31/18**

**KNOW ALL MEN BY THESE PRESENTS**, that NEWTOWN FOREST ASSOCIATION ("NFA"), a Connecticut Not For Profit Corporation (hereinafter, together with its successors and assigns shall be referred to as the "Owner"), in consideration of One Hundred Thousand Dollars (\$100,000) and other good and valuable consideration received to their full satisfaction of the TOWN OF NEWTOWN, a Municipality organized and existing under the laws of the State of Connecticut (hereinafter referred to as the "Town") does hereby grant unto the said Town, its successors and assigns, the perpetual right and easement, as a "Development Easement," to preserve, protect and retain forever in its predominantly natural, scenic, forested and/or open space condition all those certain pieces, parcels and tracts of land more particularly delineated as "Development Easement Area" ("Development Easement"), on a map hereinafter referred to.

**WHEREAS**, the Owner represents to the Town that it is presently the Owner in fee simple of certain premises (hereinafter referred to as the "Property") shown and designated on a certain map entitled, "Property Survey and Lot Line Revision of Lots 1&2 prepared for GRC Construction, LLC & Newtown Forest Association, Beaver Dam, Platts Hill and Palestine Roads, Newtown, Connecticut. Prepared by Brautigam Land Surveyors, P.C. dated 4/11/18" recorded or to be recorded in the Newtown Town Clerk's office as Map Number 8391; and

**WHEREAS**, certain areas on said attached map are designated as "Development Easement".

BY THE DELIVERY AND ACCEPTANCE OF THIS GRANT the parties agree as between themselves, their heirs, successors and assigns, that said parties shall do or refrain from doing on or within the Development Easement the acts set forth:

1. That the Development Easement shall remain as an entity in single ownership. Owner agrees that this restriction shall be inserted in any subsequent deed or other legal instrument by which the Owner divests either the fee simple title or the possessory interest in the Development Easement.

2. Development Rights and Restrictions.

There shall be no Residential Dwelling allowed in the "Development Easement Area" and the "Development Easement Area" shall not be divided subdivided or developed, except as stipulated in this document. That the general topography or the landscape of the Development Easement shall be maintained in its present condition (subject to construction activities permitted in accordance with any appropriate approvals), and no topographic changes shall be made without the prior written approval of the Town.

Topographic changes shall include, without limitation, filling, excavating, removing topsoil, removing sand and gravel, removing rocks or minerals, building roads, or altering natural or existing watercourses or drainage. Provided however, Grantor may construct limited structures consistent with NFA agricultural, passive recreational and educational purposes.

3. The Owner grants to the Town, its agents and employees, the right to enter the Property at all reasonable times for the limited purpose of inspecting the Development Easement, and performing such work therein, consistent with the Provisions hereof, as the Town deems appropriate.

4. If after an inspection made pursuant to this Easement, the Town determines that the Owner has failed to comply with any terms of this Easement, then the Town shall give written notice of said failure to the Owner at such address as may from time to time be provided to the Town. The Owner shall have thirty (30) days from the receipt of such notice to cure said failure.

5. If the Owner does not cure said failure within such thirty (30) day period (or, in the case of failures that cannot practicably be cured within such thirty (30) day period, if the owner does not commence to cure said failures within such thirty (30) day period, and thereafter diligently pursue such cure), then the Town may proceed to cure the same and charge the actual costs thereof to the Owner, which costs the Owner agrees to pay within thirty (30) days after receiving notice of such costs from the Town.

6. The Owner shall reimburse the Town for legal fees and court costs if it becomes necessary for the Town to seek to collect any sums or to enforce any of the provisions of this Easement. The Town will reimburse the NFA for any costs it incurs related to asserted easement violations brought by or on behalf of the Town that are found to be alleged errors.

7. The rights and obligations established under this Easement shall in no way grant to the general public the right to enter the Property or the Development Easement for any purpose, except by foot to access the Developmental Easement utilizing the paths, trails and roadways located thereon.

8. The Owner hereby agrees and represents that this Easement shall be recorded on the Newtown Land Records.

9. The Parties agree not to contest the validity of this instrument.

10. The Owner agrees that nothing herein shall be construed to be a limitation upon the rights of the Town to assert and enforce any rights it may have under federal, state, or existing Town statute, ordinance or regulation as of June 2018.

11. The Owner, for itself, its successors and assigns, represents and covenants that it is well seized of the Property containing the Development Easement



as a good and indefeasible estate in fee simple, and it has good right to enter into this Easement in the manner and form as is above written, and that same is free from all encumbrances whatsoever, and it will obtain, at its sole cost and expense, any documents necessary to effectuate the terms and provisions of this Easement

12. The parties agree that this document may be executed by them in multiple counterparts and shall be enforceable if an original signature, duly witnessed and notarized, is obtained from each signatory.

This representation and all other representations made by the Owner herein are material representations upon which the Town is relying upon with regard to this Easement. The Owner does, by these presents, bind itself, its successors and assigns forever to WARRANT AND DEFEND the above-granted and bargained easement to the Town, its successors and assigns, against all claims and demands whatsoever.

The duties, obligations, benefits and burdens imposed in accordance with this Easement on the Owner shall bind the Owner, its successors and assigns from time to time, and shall run with the land in perpetuity.

Whenever the context of this instrument so requires, the singular number shall include the plural and the masculine gender shall include the feminine or be consistent with whatever type of entity said context so requires.

**IN WITNESS WHEREOF**, the said Owner has hereunto executed this Development Easement and set his hand and seal to said Easement this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signed, Sealed and Delivered  
in the presence of:

NEWTOWN FOREST ASSOCIATION

\_\_\_\_\_

By: \_\_\_\_\_

STATE OF )  
 ) ss:  
COUNTY OF )

Personally appeared, \_\_\_\_\_, signer and sealer of the foregoing, who acknowledges the same to be his free act and deed and the free act and deed of said NFA.



Schedule "A"

Development easement area to be conveyed from Newtown Forest Association to the Town of Newtown in total 29.1714 acres more or less and being more particularly noted and depicted as lot 1 remainder (7.9428+/- acres), lot 2 remainder (8.3245+/- acres) and Newtown Forest Association Open Space (12.9041+/- acres) on map entitled "Property Survey and Lot Line Revision of Lots 1&2 prepared for GRC Construction, LLC & Newtown Forest Association, Beaver Dam, Platts Hill and Palestine Roads, Newtown, Connecticut. Prepared by Brautigam Land Surveyors, P.C. dated 4/11/18 and filed in the Newtown Town Clerk's office as number 8391.

**TOWN OF NEWTOWN  
FINANCIAL IMPACT STATEMENT  
(Per Town Charter 6-35(b) & 7-25)**

REQUESTING DEPARTMENT POLICE DEPARTMENT

PROJECT: STATE FUNDED BODY-WORN RECORDING EQUIPMENT GRANT PROGRAM

PROPOSED APPROPRIATION AMOUNT: \$ 69,434

PROPOSED FUNDING:  
 BONDING  
 GRANT \$ 69,434  
 OTHER  
\$ 69,434

**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)		_____	_____
<b>TOTAL IMPACT ON EXPENDITURES</b>		<u>\$ -</u>	_____

REVENUE CATEGORY:		POSITIVE IMPACT / (NEGATIVE IMPACT)	Attachment #
PROPERTY TAXES		_____	_____
CHARGES FOR SERVICES (FEES)		_____	_____
OTHER		_____	_____
<b>TOTAL IMPACT ON REVENUES</b>		<u>\$ -</u>	_____

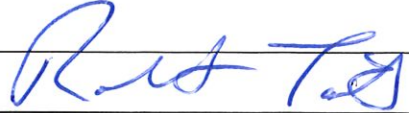
**TOTAL FINANCIAL IMPACT ON OPERATING BUDGET** \$ -

**EQUIVALENT MILL RATE OF TOTAL IMPACT** 0.0000 mills  
(using current year's information)

**COMMENTS:**

THERE IS NO FINANCIAL IMPACT REGARDING THIS GRANT. THE MILL RATE WILL NOT CHANGE AND TAXES WILL NOT INCREASE AS A RESULT.

GRANT WILL SUPPLY 42 BODY WORN CAMERAS WITH SUPPORTING EQUIPMENT. IT WILL ALSO SUPPLY IN-HOUSE DATA/VIDEO STORAGE EQUIPMENT.

PREPARED BY: 

DATE: 6/6/2018