

**LEGISLATIVE COUNCIL REGULAR MEETING
COUNCIL CHAMBERS, 3 PRIMROSE STREET, NEWTOWN, CT
WEDNESDAY, JUNE 1, 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, Charter Revision Committee Chair Andy Buzzi, Charter Revision Committee Vice-Chair James Gaston, Land Use Director of Planning George Benson, Economic and Community Development Coordinator Kimberly Chiappetta; 1 public, 0 press

CALL TO ORDER: Mr. Capeci called the meeting to order with the Pledge of Allegiance at 7:30 pm.

VOTER COMMENT: None

MINUTES: Mr. Charles Gardner moved to accept the minutes of the May 18, 2022 Legislative Council Regular Meeting. Seconded by Mr. Mihalcik. Mr. Chris Gardner abstained. Motion passes (11-0).

COMMUNICATIONS: Mr. Capeci received an email from Attorney Mednick with regard to his legal review of the Charter revisions which will be distributed to LC members. He would like to schedule a special meeting on Wednesday June 8th to review and formulate more questions on the CRC draft. The First Selectman would like to hold a joint meeting on June 15th to discuss the Fairfield Hills Authority. BOE Chair Deb Zukowski is looking for an LC representative for their teacher negotiations process - Mr. Capeci put a deadline of this Friday at noon for anyone who would like to volunteer for that.

COMMITTEE REPORTS: None

FIRST SELECTMAN'S REPORT: First Selectman Dan Rosenthal reported that conveyance fees are approaching \$1 million which shows a lot of the property activity in town over the last year. We will be finalizing the road plan on the upcoming road construction season. This will be presented to the BOS at an upcoming meeting. He would like to discuss Fairfield Hills and the historical tax credits along with the BOS, BOF and LC at a joint meeting on June 15th. The activity outside the municipal center is the sewer project which should be finished sometime this summer.

OLD BUSINESS

Discussion and Possible Action

- Request from Land Use Agency for the adoption of the Newtown Affordable Housing Plan

First Selectman Rosenthal spoke on the report that was submitted by WestCOG. The service they performed was more regional and would otherwise have been done by each individual town. What we would be voting on only is the Annex which is specific to Newtown and the CGS 830-j. Mr. Benson reviewed the revised Annex. *See attachment D.* Ms. Chiappetta said that WestCOG confirmed that the information on the chart on page 5 came directly from the State, but they are not aware as to why there was such a drastic jump in the earlier years. Mr. Knapp questioned the capacity and the sewer infrastructure which is limited in town to accommodate such housing. Mr. Benson agreed in that the 10% capacity set by the state will be very hard for Newtown to obtain. He stated that we have been gradually working our way towards the goal and the State acknowledges that. First Selectman Rosenthal said that statistics reported by West COG had our region accounting for 40% of the growth in affordable

units for the county, but only 17% in the state. Mr. Charles Gardner asked about applications for legal apartments in town. He suggested promoting public awareness of 8du regulations that have been recently adopted. Ms. Chiappetta said that although they have been permitted, the owner would have to deed-restrict it which is a period of 30 years, plus would have to report it annually at no benefit to them. The legal apartments and multi-unit dwellings in town are not allowed to count towards the 10% capacity. Mr. Charles Gardner said it might be worth mentioning that the Town has done work and made efforts, to add this into their annex. He also suggested that in the very first sentence of the first page, he feels “mixed use housing” should be changed to “affordable housing”.

Mr. Charles Gardner moved to approve the application by the Land Use Department for the adoption of the Newtown Affordable Housing Plan Annex 2022 as presented in a certain document in the same title dated May of 2022 and as updated May 25, 2022 be approved and further approve the resolution that the Legislative Council finds that the Newtown Affordable Housing Annex 2022 is consistent with CGS 8-30j and will be reviewed and updated every five years pursuant to statute. Seconded by Mr. Mihalcik.

Mr. Charles Gardner amended that the first sentence on the first page be changed from “mixed use” to “affordable”. Seconded by Mr. Knapp. All in favor.

Mr. Charles Gardner further amended the motion to edit number 5 in the report to add additional language at the beginning to promote public awareness of accessory dwelling units 8du regulations adopted by the Borough of Newtown in November of 2020 and by the Town of Newtown in March of 2021, and thereafter exploring incentive opportunities. Seconded by Mr. Knapp. All in favor.

Mr. Knapp said he wants to make certain that we are only voting on the annex and not the presentation by COG.

Mr. Capeci called the main motion. All in favor. Motion passes (12-0).

- Charter Revision Commission Draft Report

Mr. Knapp, Ms. Ku and Mr. Capeci submitted questions which were forwarded to Attorney Mednick for his opinion of the CRC draft. *See attachment A.* Attorney Mednick returned his formal opinion letter. *See attachment B.* Mr. Knapp asked about 5-10(a) in regards to clarifying the regulation process which takes 90 days versus the ordinance process which is only 30 days. Mr. Gaston suggested he submit the question and they can review it. Mr. Knapp asked whether the The Fairfield Hills Authority would now be made a Commission. Mr. Gaston referred to Attorney Mednick's response. First Selectman Rosenthal received a question from a resident asking whether someone from different parties would be considered for within-term vacancies on boards and commissions. Typically, when a vacancy is filled, it usually is from within the same political party or someone unaffiliated. The Charter does not allow for that. Mr. Buzzi replied that this had been discussed and what they agreed on was that the First Selectman is to try to honor the selection of the person who was appointed originally. He suggested this could get discussed further and thrown back to the CRC. A simple alteration of the terminology to change a specific party to the word “electorate” may solve the issue. Mr. Gaston commented that we can't name every political party in the Charter, it should remain generic. Mr. Long commented that he would like to discuss wording surrounding the creation of the Police Commission at the special meeting. Mr. Buzzi stated that the overall goal was to make the Charter simpler, more consistent and easier to read. Ms. Ku submitted questions directly to the CRC. *See attachment C.* Mr. Buzzi and Mr. Gaston were invited back to join the Special Meeting next week to answer questions.

NEW BUSINESS

Discussion and Possible Action

- RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$200,000 FOR THE EXPANSION, RENOVATIONS, REPLACEMENTS AND UPGRADES TO THE CYRENIUS H. BOOTH LIBRARY AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2021-22 TO 2025-26) AND AUTHORIZING THE ISSUANCE OF \$200,000 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 \$200,000 FOR THE EXPANSION, RENOVATIONS, REPLACEMENTS AND UPGRADES TO THE CYRENIUS H. BOOTH LIBRARY AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2021-22 TO 2025-26) AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE and further moved to waive the reading of the full resolution. Seconded by Mr. Honan. All in favor. Motion passes (12-0).

- RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$500,000 FOR THE ACQUISITION AND REPLACEMENT OF FIRE APPARATUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 TO 2026-27) AND AUTHORIZING THE ISSUANCE OF \$500,000 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 \$500,000 FOR THE ACQUISITION AND REPLACEMENT OF FIRE APPARATUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 TO 2026-27) AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OF THE TOWN TO MEET SAID SPECIAL APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE and further moved to waive the reading of the full resolution. Seconded by Mr. Carroll. All in favor. Motion passes (12-0).

- RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$850,000 FOR SITE CLEANUP AND REMEDIATION, DEMOLITION OF EXISTING STRUCTURES, AND VARIOUS IMPROVEMENTS TO TOWN PROPERTY, LOCATED AT 7 GLEN ROAD & 28A GLEN ROAD, AS AUTHORIZED IN THE (2021-22 TO 2025-26) AND (2022-23 TO 2026-27) CAPITAL IMPROVEMENT PLANS, 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 the RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$850,000 FOR SITE CLEANUP AND REMEDIATION, DEMOLITION OF EXISTING STRUCTURES, AND VARIOUS IMPROVEMENTS TO TOWN PROPERTY, LOCATED AT 7 GLEN ROAD & 28A GLEN ROAD, AS AUTHORIZED IN THE (2021-22 TO 2025-26) AND (2022-23 TO 2026-27) CAPITAL IMPROVEMENT PLANS, 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 further moved to waive the reading of the full resolution. Seconded by Mr. Chris Gardner. All in favor. Motion passes (12-0).

See attachments E and F.

- American Rescue Plan (ARP) Appropriation related to a Community Center/Senior Center 14 seat passenger bus

Mr. Mihalcik confirmed the amount for this is \$90,000. This will be allowed to be used by the Community Center for school transportation and by the Senior Center to allow for longer trips. First Selectman Rosenthal stated that we have about \$2 million remaining which has to be allocated by 2024 and spent by 2026. *See attachment G.*

Mr. Charles Gardner moved to approve the appropriation related to a Community Center/Senior Center 14 seat passenger bus which is to be funded by the American Rescue Plan. Seconded by Mr. Mihalcik. All in favor. Motion passes (12-0).

Mr. DeRosa asked where this vehicle will come from. The First Selectman said it would have to go by state bid or auction. We'll have to follow our purchasing regulations first.

VOTER COMMENT: None

ANNOUNCEMENTS: Mr. Capeci shared that a ribbon cutting ceremony for the new wheelchair-accessible playground equipment will be held at Dickinson Park on Saturday at 10am. *See attachment H.*

ADJOURNMENT: There being no further business, Ms. Curi moved to adjourn the meeting at 8:57 pm. Seconded by Mr. Carroll. 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

From: "Jeffrey Capeci" <Jeff@theCapecis.com>
To: "Dan Rosenthal" <dan.rosenthal@newtown-ct.gov>
Sent: Tue, May 17, 2022 at 16:57
Subject: Charter Revision Questions for the Legal Counsel
Dan,

Please forward the attached PDF from Michele as well as Ryan's questions below.

I share some of the questions of Ryan and Michelle and one other one regarding wording.

Hello Jeff,

Attached are my questions for the Charter Revision Draft review. I have tried not to question the CRC's decisions, only how the wording will play out in practice.

- 2 Fairfield Hills Authority - Is this an authority or a commission? I believe it was originally created as an authority because the Town did not have a mechanism for leasing property when we took possession of Fairfield Hills. Since then that has been remedied in Charter and Ordinance, and the role of the body is more as advocates for the campus and the master plan. My concern is under statute "authority" may mean something more than what they are and once it is in the Charter it is difficult to change.

- 1-25(a)(7) Town Bodies language added as it relates to the BOE - is this necessary? In a Dillon's Rule state statute prevails anyway, so this language seems to state the obvious. Could this result in grey areas where there is future legal conflict between the BOE and Town, with both sides funded by the taxpayers?

- 2-31 Procedure for filling vacancies on the BOE - when it says a member of the same party, does this mean the party that endorsed them or their party at the time of the vacancy? I ask because people have changed parties during terms before.

-- A general question about elections - recently we had an issue that resulted in a candidate having to give up a party endorsement and run as a write in, leaving what was essentially an uncontested election, and resulted in our need to create Ordinance 124. This had to do with Charter language, BOE minority representation more restrictive than statute, and a reference to statute. Does the Attorney see any similar issues with the current Charter process?

- 6-35 General concern about the separation of Special and Emergency Appropriations. Does this reduce the LC's special appropriation authority?

Thank you,

-Ryan

My concern is the wording of 2-25 (a):

2-25 Voting

- (a) It shall be the duty of every Town Body member present at any meeting to vote affirmatively or negatively on each question raised, excepting that a member present at any Town Body meeting who has missed a previous meeting by not attending, for any reason, shall have the choice to abstain from voting on the minutes of such previous meeting

I think it can be simplified to something like this:

An abstention from voting by members of any Town Body are allowed only in the case of voting on Town Body minutes for a meeting at which the member was not present.

Thanks,
Jeff

Newtown Draft Charter MEK Questions for Legal Counsel

Charter §2-160: “Board of Police Commissioners”

Language has been added to authorize the Board “to act as the Civilian Review Board with all powers as set forth in the Connecticut General Statutes.”

- a. Is Newtown required to have a Civilian Review Board? The charge to the Charter Revision Commission appears to have been based on legislation being proposed at the time the charge was written. Was new legislation ultimately adopted that mandates local Civilian Review Boards be established?
- b. What is the implication of authorizing the Board of Police Commissioners to act as a Civilian Review Board? That is, what policy, if any, will need to be adopted? Will Commissioners need additional training? What are the legal risks and benefits?
- c. CGS §7-294aaa indicates that Civilian Police Review Board may be established “by ordinance.” Is the establishment of a Police Review Board by Charter (instead of ordinance) acceptable?

Charter §3-15(e): “Election of Boards and Commissions”

In the last decade, Newtown has had confusion surrounding Board of Education elections. In 2013 and 2017 the candidates, political parties and voters did not fully understand the implications of the charter and statutes on minority representation. Since 2013, the Charter has been modified and a subsequent Ordinance adopted to address concerns. Given the history, it is important that the Ordinances, the Charter, and the Statutes agree and be clear:

The current Town Ordinance § 124-2

The Draft Charter § 2-10(b)(2) and § 3-15(e)

The Statute § 9-204b (as adopted by Ordinance § 124-2)

In 2018, the Legislative Council adopted town ordinance § 124-2 which indicates that “The Town of Newtown adopts § 9-204b of the Connecticut General Statutes to govern the process by which Board of Education members are to be elected.”

Does the proposed Charter language § 3-15(e) in conjunction with town ordinance § 124-2, suggest that the minority representation requirements of CGS § 9-167(a) applies (OLR Report 2017-R-0344 indicates that this is the case – Attachment A). That is, the maximum number of BOE members from the same party can be 5. Or does the minority representation cited in the Charter § 2-10(b)(2) apply (number of members of any one party on the Board of Education shall not exceed 4)?

If the intent is to have a 7 member Board of Education with offset election cycles (3 positions one year, and 4 positions two years later), and no more than 4 members of any one party holding office at a time. Does the Draft Charter, along with the ordinance and statutes achieve this?

Charter §2-31(c)(5): “Procedures for Filling Vacancies in Elected Town Bodies”

When a vacancy occurs on the Board of Education, and a successor is elected at the next election for the unexpired term, how is minority representation maintained?

Specifically, the Draft Charter indicates that if a vacancy occurs on the Board of Education, “at the next election, a successor is elected for the unexpired portion of the term.” If the unexpired term is two years, and BOE terms are four years, and the party majority limits have been met, how will the “minority representation rule” affect the party affiliation of those eligible to run for the unexpired term and/or the determining who has won the 2-yr position and the 4-yr positions?

As an example (somewhat similar to Newtown’s 2013 elections), a vacancy occurs on the BOE, and at the next election, a successor is elected for the unexpired portion of the term. If both Democratic and Republican candidates run for the 2-yr position, the result could be a 5:2 party balance which would be in conflict with Charter § 2-10(b)(2) which indicates “the number of members of any one political party who may serve on the Board of Education shall not exceed 4.”

Elected 2009	Elected 2011 (holds office until 2015)	Resigned/Appointed 2012	Election 2013	
			4 yr	2 yr
Republican - A			Republican - A	
Republican - B			Republican - B	
	Republican - C			
	Republican - D			
Democrat - A			Democrat - A	
Democrat - B			Democrat - B	
	Democrat - C	Democrat - C/D		Republican - E
	Board balance 4:3	Board balance 4:3	Board	balance 5:2

CHAPTER 6 “Budget Processes”

The Board of Finance has been removed from the Draft Charter, causing the timing of the budget review to change. According to the Draft, the Boards of Education and Selectmen have an additional week before the proposed budget must be submitted (6-05(a)), and the Legislative Council has three additional weeks before it must approve a budget for adoption at the annual town budget referendum (6-20(d)). Would existing statutes allow for the Legislative Council submission date to be earlier (to allow for more time to prepare the ballots and for voters to obtain and return absentee ballots)?

6-20(f)(2) "Preparation of the Proposed Town Budget by the Legislative Council"

The section starts with "Prior to subsequent budget referenda. . . "It is followed by new language indicating "should the Board of Selectman [sic] or Board of Education make any amendments to budget proposals, then the Legislative Council shall not thereafter increase the size of any such amended budget proposal."

Is this language consistent with the use of the advisory question on the referendum which asks, "If the proposed sum of \$___ for the Board of _____ is not approved, should the revised budget be higher?"

If, as an example, the Board of Selectmen amend the budget such that voters feel it is too low, and the referendum advisory question indicates the budget(s) should be higher than what the Board of Selectmen proposed, will the Legislative Council be able to address this?

6-35 "Special and Emergency Appropriations"

Several sections of the Charter address appropriations – special appropriations, emergency appropriations, budget, property acquisition, and capital project.

Are Special Appropriations separate from capital projects as suggested by § 6-35(a)? That is, a "Special Appropriation" is defined as "any appropriation of additional funds made during a fiscal year that is supplemental to an adopted Town Budget or capital project."

If so, are capital improvement projects exempt from being included in the cumulative one mil limit indicated in 6-35(d)?

Likewise, the language used in the section addressing appropriations for property acquisition (§ 8-05(e)) mentions only the \$1,500,000 limit, raising the same question: does an appropriation for property acquisition contribute to the cumulative one mil limit indicated in 6-35(d)?

(note: the reference to 6-35(e) will need to be changed to match the change in numbering in § 6-35)

6-35(d)(1) "Special and Emergency Appropriations"

The two sentences in this section appear to be inconsistent with each other as well as with historical practice:

- "The Legislative Council shall have the power to approve without referendum Special Appropriations, in any amount not in excess of \$1,500,000 cumulative during a fiscal year."
- "The total of Special Appropriations approved by the Legislative Council for all purposes during a fiscal year shall not exceed an amount equal to one mil on the most recently completed Grand List"

Does "cumulative during a fiscal year" in the first sentence have a different meaning than "total . . . for all purposes during a fiscal year" in the second sentence?

Minority Representation on Municipal Boards

By: Jennifer Proto, Principal Analyst
December 20, 2017 | 2017-R-0344

Issue

Provide background information on minority political party representation requirements for local elected boards, including boards of education and finance.

Summary

The law generally requires minority political party representation on governmental bodies of the state, its municipalities, and other political subdivisions. It establishes minority representation requirements under [CGS § 9-167a](#), which has general applicability, and various other provisions of the General Statutes, which apply to specific bodies.

[CGS § 9-167a](#) limits the maximum number of members (generally two-thirds of the total) who may belong to the same political party on most state and local boards, commissions, legislative bodies, committees, and similar bodies, whether elected or appointed. Local boards of finance are subject to the minority representation requirements in [CGS § 9-167a](#).

Other provisions establish minority representation requirements for specific boards or commissions by, among other methods, requiring restrictive voting. Local boards of education are subject to restricted voting, unless they adopt one of three full-voting models authorized under the statutes. In all cases, the resulting membership reflects minority representation (CGS §§ [9-204\(b\)](#), [9-204a](#), [9-204b](#)).

Minority Representation Requirement Under CGS § 9-167a

[CGS § 9-167a](#) limits the maximum number of members who may belong to the same political party on boards, commissions, legislative bodies, committees, or similar bodies, whether elected or appointed. The requirement applies to most governmental bodies of the state, its municipalities, and other political subdivisions. But it exempts a governmental body whose members are elected on the basis of geographical division (e.g., regional boards of education), certain other legislative bodies, and the board of directors of small taxing districts.

In the case of an elective body, once candidates from the same party fill the maximum allowable slots, the highest vote getters from any other party or parties, or independents (candidates who are not affiliated with a political party), fill the remaining positions. The law does not guarantee a minor party representation on the board, however, and the number of parties that candidates represent during an election does not change the requirement.

Table 1 shows the maximums.

Table 1: Minority Representation Requirement

<i>Total Board Membership</i>	<i>Maximum from Same Party Under § 9-167a</i>
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	2/3 of total membership

Towns may enact a greater degree of minority representation than required by state law through their local charters.

Other Minority Representation Requirements

In addition to [CGS § 9-167a](#), other sections of the General Statutes make explicit requirements for minority representation on other bodies or indirectly ensure minority representation by restricting nominations and the number of candidates for which an elector may vote to a bare majority of the members.

Boards of Selectmen

The composition of a board of selectmen must comply with the minority representation specified in [CGS § 9-167a](#) except when the board has five members, in which case no more than three can be members of the same party ([CGS § 9-188](#)). This exception requires a greater degree of minority representation than the general provision.

Assessors and Boards of Tax Review

Voters can vote for no more than half the number of assessors or members of the board of tax review when the number is even or for no more than a bare majority when the number is odd ([CGS § 9-199](#)). Because parties can nominate no more candidates than the number for which an elector may vote ([CGS § 9-414](#)), the effect is to ensure minority representation among assessors or on the board.

Boards of Education

A separate minority representation provision for boards of education, enacted through the restricted voting mechanism, is required by [CGS § 9-204](#), which is discussed in further detail below.

Constables

In electing its constables (up to seven in each town, except Groton which may elect 14), voters can vote for half, if the number to be elected is even; or a bare majority, when the number is odd ([CGS § 9-200](#)).

Charter Commissions

When a town charter or charter revision commission is authorized, no more than a bare majority of its members can be members of any one political party ([CGS § 7-190](#)).

Local Boards of Education

Unless a town takes action through a charter provision, ordinance, or referendum to permit full voting, state election law establishes a system of restricted voting for local boards of education ([CGS § 9-204\(a\)](#)). Under this provision, when a town elects an even number of board members, a voter may vote for half that number; when it elects an odd number of board members, a voter may vote for the bare majority, or one-half plus one.

Alternatively, towns can establish one of three systems to permit full voting and allow parties to nominate candidates for all the positions to be filled on a board of education.

1. Under [CGS § 9-204\(b\)](#), a town may, under its charter, elect all of its board members at the same election (rather than provide for staggered terms) and apply the minority representation requirements of [CGS § 9-167a](#). The number of candidates that a party can nominate and for whom a voter may vote is set at the maximum levels specified in [CGS § 9-167a](#).
2. Under [CGS § 9-204a](#), a town may adopt a charter provision or pass a referendum that allows:
 - a. political parties to nominate as many candidates as there are board positions to be filled at the election and
 - b. voters to vote for the full number to be elected.

The candidates with the highest number of votes from the same party can be elected to fill half or a bare majority of the offices, then the candidates with the highest number of votes who do not belong to that party fill the remaining offices.

3. Under [CGS § 9-204b](#), a town with board members elected for four-year terms can, by adoption of charter provision or ordinance, use the full voting scheme above for nominating and electing board members. However, the minority representation requirements in [CGS § 9-167a](#) apply, rather than the one-half or bare majority proportions.

Table 2 shows differences in minority representation between the systems.

Table 2: Minority Representation on Local Boards of Education

<i>Total Board Membership</i>	<i>Maximum from Same Party Under § 9-204(b) and § 9-204b (Referencing § 9-167a)</i>	<i>Maximum from Same Party Under § 9-204a</i>
3	2	2
4	3	2
5	4	3
6	4	3
7	5	4
8	5	4
9	6	5
More than 9	2/3 of total membership	1/2 or 1/2 plus one

JP:bs

Steven G. Mednick

Attorney

1 June 2022

Hon. Daniel Rosenthal
First Selectman
Town of Newtown
3 Primrose Street
Newtown, CT 06470

Hon. Jeffrey Capeci (Jeff@thecapecis.com)
Chair, Legislative Council
Town of Newtown
3 Primrose Street
Newtown, CT 06470

cc: Andrew J. Buzzi, Jr. Chair, Charter Revision Commission
2021newtowncrcchair@gmail.com

Re: Review of the Report of the 2022 Newtown Charter Revision Commission

Dear Mr. First Selectman, Mr. Chairman and Members of the Legislative Council:

I have been retained to serve as special counsel to the Town of Newtown ("Town") for the sole purpose of engaging in a review of the Report of the Charter Revision Commission ("CRC") "limited to any inconsistencies, unintended consequences or conflicts within or with statute, and charge that the scope of the review not expand to include reconsidering actions taken or not taken (by the CRC)" (See, Minutes of the Legislative Council Regular Meeting, dated May 4, 2022). Accordingly, this opinion will assess the CRC report with an eye on compliance with state statutes, case law and other relevant legal documents, including applicable collective bargaining agreements and other relevant documents. Not included in the original scope are two inquiries from members of the Legislative Council, which I believe can be addressed within the original intended scope.

The CRC was created in March of 2021 and conducted twenty-five meetings and two statutory public hearings, meeting with the public, stakeholders, Town Legal Counsel and elected representatives. As you will see in this review most of the outcomes and proposed revisions focus on both the future of the Board of Finance as well as the interactions and role of the Board of Education under the Charter.

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Steven G. Mednick

Attorney

Attached are my questions for the Charter Revision Draft review. I have tried not to question the CRC's decisions, only how the wording will play out in practice.

In the interest of clarify, I am going to tackle the issues by subject matter.

I

Issues pertaining to the Board of Education.

Section	Proposed Revision
§1-25(a)(7)	Notwithstanding the foregoing, the Board of Education shall be exempted from the definition of "Town Department" to the extent that it is inconsistent with their statutory authority.
Comment	<p>In my view, exempting any Board of Education from the definition of Department may be a bridge too far and a slippery slope that you may want to avoid if you want to maintain a permissible element of control over the education department¹.</p> <p>The administrative arm of a single-town board of education is, in fact, a Town department. Unlike other departments, there are statutory responsibilities and requirements that may exempt education administration from certain functions required of other town departments. I am uneasy about exemptions such as these; however, if you want to include an exemption I would narrow this exemption as follows:</p> <p style="padding-left: 40px;">"Notwithstanding the foregoing, the Board of Education shall be exempt from duties or functions required of Town Departments under this Charter, only to the extent such duties or functions would violate specific provisions of the General Statutes applicable to boards of education and the administration of such entities".</p>

Section	Proposed Revision
§2-31(c)	<p>Adds the following procedure for appointing a successor to a vacancy on the Board of Education ("BoE"), as follows:</p> <ul style="list-style-type: none">• First Step (within 45 days²): A majority vote of the remaining BoE members of the same political party of the former member;

¹ I hope this also addresses the issue raised by Councilmember Ryan Knapp (District 3).

² I might modify this language as follows: "up to and including 11:59:59 P.M. on the forty-fifth (45th) day following the declaration of a vacancy or the end of the predecessor's term." There should be

Steven G. Mednick

Attorney

- **Second Step (after 45 days)³:** A majority vote of the remaining members regardless of party affiliation;
- **Third Step (after 90 days)⁴:** The current Chair of the Board of Education shall appoint the successor.

It appears that the vacancy is filed with the Town Clerk and, then the Town Clerk presumably declares that a vacancy exists. Since this provision already exists for the Legislative Council, I am assuming that somewhere there exists a protocol for determining when the clock starts ticking.

- The provision also includes the following “end of the world” or “judgment day” clause which would require a special election: “Should all seats on the Board of Education become simultaneously vacant, then a special election shall be called to fill all seats.” Again, this is similar to current §2-31(a) (3).
- Finally, there is a provision addressing the term of the successor: “Any successor(s) so appointed shall serve until the next regular town election for Board of Education positions, at which election a successor shall be elected for the unexpired portion of the term, the official ballot specifying the vacancy to be filled.”

Comment

C.G.S. §10-219 addresses the procedures for filling a vacancy on local board of education. The default under state law is: “filling the position *“by the remaining members of said board”* without regard to the political party of the former member or the remaining members. That default is available “unless otherwise provided by charter or special act.” The CRC is attempting to provide the same default for the Board of Education.

Filling such vacant positions by a member of the party is not an unusual provision; on the other hand, the appointing authority usually defaults to all of the remaining members of the body, as opposed to the members of the same party. However, as the statute seems to indicate this is a matter of local choice.

clear language in the Charter setting forth the baseline date for the vacancy, which might pose a challenge should the member not file a written or verbal resignation, officially or by public statement.

³ Likewise: “up to and including 11:59:59 P.M. on the ninetieth (90th) day following the declaration of a vacancy or the end of the predecessor’s term.”

⁴ “at 12:00 A.M. on the ninety-first (91st) day following the declaration of a vacancy.”

Steven G. Mednick

Attorney

I have no deep understanding of the reasons for the multi-step approach; although I assume that since it already exists in the Charter there may be some reason why it is utilized in Newtown. I have created shifting appointment standards in municipalities where Mayors have been errant in their appointment responsibilities. I would simply fix the times, as set forth in the footnote ##1, 2 and 3.

With respect to filling a vacancy in the event of an unexpired term, you would need to retain the balance required by the minority party representation statute, prepare the ballot and establish the rules accordingly as required by C.G.S. §9-414 and §2-10(a) and (b)(2) of this Charter⁵.

Section	Proposed Revision
§6-35(b)-(c)	<p>(1) Under present provision §6-3(b) the First Selectman, with the “approval of the Board of Selectmen” or the Legislative Council may initiate the request for a Special Appropriation to supplement funds in the “adopted Town Budget or capital project”; while the First Selectman may initiate an Emergency Appropriation. The proposed Charter would permit the Board of Education to initiate both of these requests.</p> <p>(2) Unrelated to the Board of Education the CRC would require the First Selectman to obtain the “approval of the Board of Selectmen” to initiate an emergency appropriation request.</p>
Comment	<p>(1) Under Board of Education v. New Haven, 237 Conn 169, 184 (1996) capital funds fall within the purview of the Town not the Board of Education:</p> <p>“the board of education...does not have the authority to reallocate funds appropriated to it by the city under its capital budget, unless it receives permission to do so pursuant to the charter and ordinances of the city.”</p> <p>Permitting the Board of Education to <i>initiate</i> the “Special Appropriation” appears to fall within the purview of the case holding.</p> <p>(2) With respect to the requirement for the First Selectman to obtain the support of the Board of Selectmen for an</p>

⁵ I hope this answers the general issue raised by Councilmember Michelle Embree Ku (District 3). As her question digs a little deeper, I believe that more due diligence would be required that goes beyond the scope of this engagement.

Steven G. Mednick

Attorney

“emergency appropriation request”, it seems to me that adding a layer of approvals may impede a chief executive officer at a time when he or she would need additional mobility. C.G.S. §28-1(8) defines “local civil preparedness emergency” or “disaster emergency” as “an emergency declared by the chief executive officer of any town or city in the event of serious disaster affecting such town or city.” Likewise, C.G.S. §28-8a(a) offers the chief executive officer substantial flexibility:

“The chief executive officer of the municipality in which a major disaster or emergency occurs, or his designee, may take action as he deems necessary to mitigate the major disaster or emergency and to secure and preserve any documents and evidence pertinent to and necessary for a future investigation.”

Moreover, C.G.S. §28-22a gives the chief executive officer the ability to “declare a local civil preparedness emergency”.

From a legal perspective the provision is not problematic. However, since §6-35(c) requires Legislative Council approval, this one additional hurdle seems to be at odds with the very clear authority granted to chief executive officers in the context of public emergencies.

II

Issues pertaining to the Board of Finance.

Section	Proposed Revision
Misc.	<ul style="list-style-type: none">• §2-115(d) (10) – Board of Selectmen to submit proposed budget to Legislative Council, in lieu of Board of Finance;• §2-125 – Repeals the Board of Finance and, according to the CRC Report, “restores the Legislative Council as the Town’s sole fiscal authority;• §3-15(a)(3) – Board of Finance removed from section entitled “Election of Boards and Commissions”;• §4-05(a) – Board of Finance removed from the process dealing with the appointment of a Finance Director;

Steven G. Mednick

Attorney

- **§4-05(c)(1)** – Board of Finance removed from the process of approving regulations pertaining to the establishment and maintenance of a general cost accounting system for the Town;
- **§4-05(c)(8)** – Board of Finance removed from the process reviewing the capital improvement plan;
- **§5-10** – Board of Finance eliminated from process of approving regulations pertaining to financial matters and regarding recommendations for regulations governing the five-year Capital Improvement Plan;
- **Chapter 6 (Budget)** – The Board of Finance is eliminated from the entire budget process in §6-01(a)(4)[Recommended Board of Finance Budget]; §6-05(a) and (b) [Budget forms required by Board of Finance]⁶; §6-15 [Board of Finance Budget Phase]; §6-20(c), (e) and (g)[Board of Finance Recommendation]; §6-25(b)(1) and (2) [Additional request Board of Finance recommendations]; §6-35(a), (d) and (g) [Board of Finance role in Special and Emergency Appropriations]; and, §6-40 [Grants and other financial assistance];
- **Chapter 7 (Financial Processes)** – The Board of Finance is eliminated from other financial processes in §7-06(b) and (c) [Regulations pertaining to the system of accounts and Designation of Independent Auditor]; §7-15(a), (b), (c)(4) and (e) [review of and access to books and records as well as approval of regulations pertaining to purchase orders and assignment of appropriation account numbers⁷]; §7-20(a) and (b) [Transfers]; and, §7-25(b) [Financial Impact Statements]
- **§8-05(c)(1)** – Financial Impact Statement

Comment

Background: There are only two required provisions in a Charter. Under C.G.S. §7-193(a)(1) and (2) a municipality shall have a legislative body and a chief executive officer. C.G.S. §7-193(b) permits municipalities to have such officers, departments, boards, commissions and agencies (“Officers and Entities”) which are:

- required by the general statutes or by the charter.

⁶ Note: This is not a legal issue; however, it is interesting that the legislative body is establishing the criteria for submission documents for a budget that is formulated by the executive.

⁷ Again, this appears to be an executive function. Does the Legislative Council have a staff to do this work? It seems that this function may be transferred to an administrative official.

Steven G. Mednick

Attorney

- specifically allowed by the general statutes or which are necessary to carry out any municipal powers, duties or responsibilities under the general statutes.

Moreover, these Officers and Entities “shall be elected, appointed and organized in the manner provided by the general statutes, except as otherwise provided by the charter or by ordinances or resolutions adopted pursuant to such charter.” In this regard, municipalities may, by charter or by ordinances or resolutions adopted pursuant to such charter, alter the method of election, appointment or organization of any or all of such officers, departments, boards, commissions or agencies, including combining or separating the duties of each, unless specifically prohibited from making such alteration by the Constitution or the general statutes.”

Conclusion: There is no statutory requirement to include a Board of Finance in the Charter. The Town has complete discretion in determining whether to retain or repeal these provisions.

III

Other Issues.

Section	Proposed Revision
§2-01(c)	Clarifying language: in the event there is a conflict between the Bylaws of any Town Body and the Charter or General Statutes, the Town Charter and General Statutes shall prevail.
Comment	Legally sensible; however, it should be clarified that unless there is a Special Act provision of the Charter, it should be noted that the Charter would yield to the General Statutes.
Section	Proposed Revision
§2-05(d)(4), §2-15(d); + §2-210	Elimination of Building Appeals Board
Comment	Background: C.G.S. §29-266(a) entitled “Municipal Board of Appeals” appears to require the creation of a five-member board, which members “shall meet the qualifications set forth in the State Building Code.” The major responsibility of the board is to address appeals from building official decisions under the Building Code.

Steven G. Mednick

Attorney

There is a process in C.G.S. §29-266(c) which appears to require such a board.

- If, at the time that a building official makes a decision, there is no board of appeals for the municipality in which the building official serves, a person who claims to be aggrieved by such decision may submit an appeal, in writing, to the chief executive officer of such municipality.
- If, within five days, exclusive of Saturdays, Sundays and legal holidays, after the date of receipt of such appeal by such officer, the municipality fails to appoint a board of appeals from among either its own residents or residents of other municipalities, such officer shall file a notice of such failure with the building official from whom the appeal has been taken and, prior to such filing, mail a copy of the notice to the person taking the appeal.
- Such person may appeal the decision of the building official to the Codes and Standards Committee of the Department of Administrative Services within fourteen days after the filing of such notice with the building official. From the Code and Standards Committee there is an appeal to the Superior Court.
- If the municipality succeeds in appointing a board of appeals, the chief executive officer of the municipality shall immediately transmit the written appeal to such board, which shall review the appeal in accordance with the provisions of this section.

Conclusion: I am not certain how it was concluded that the ZBA or P&Z had jurisdiction in this matter. The statute does not appear to provide such authority and seems to require the appointment of such a board. The statute permits appointment of qualified board members from other municipalities to serve throughout the State. The choice would be to retain the Board or allow for the default appeal to DAS.

Section	Proposed Revision
§2-25(a)	Permits members of town bodies to abstain from the approval of minutes they did not attend. Currently, members are required "...to vote affirmatively or negatively on each questions raised."
Comment	The recommendation is consistent with Robert's Rules and other parliamentary authority.

Section	Proposed Revision
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Steven G. Mednick

Attorney

§2-32(a)(1) In the case of appointed Boards and Commissions, the time-frame for appointment of successors to vacancies by the First Selectman, with the approval of the Board of Selectman, is increased from forty-five to ninety days. In the event an appointment is not forthcoming within that time-frame, the remaining members of the Board or Commission shall make the appointment.

Comment I have recommended two-tier appointment systems to many of my CRCs. As I raised with regard to the Board of Education vacancies, we may want to modify the language so that there is a clear standard for the declaration of a vacancy and the time the authority to appoint would lapse (i.e. up to and including 11:59:59 P.M. on the ninetieth (90th) day following the declaration of the vacancy or, the end of the term.

Section	Proposed Revision
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§2-135(a)	Consolidate the functions of the Registrars of Vital Statistics in the Office of the Town Clerk.
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Comment This is entirely consistent with C.G.S. §7-37(a), which establishes the Town Clerk as the ex-officio registrar, as follows: "The town clerks of the several towns shall be, ex officio, the registrars of vital statistics in their respective towns, except in towns where such registrars are elected or appointed under special laws, and shall be sworn to the faithful performance of their duties as such."

Section	Proposed Revision
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§2-160(a)	Amend the "Summary of General Responsibilities" of the Police Commission authorizing the Commission "...to act as the Civilian Review Board with all the <i>powers</i> as set forth in the Connecticut General Statutes (emphasis added)"
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Comment I: C.G.S. §7-294aaa permits the creation of Civilian Police Review Boards ("CPRBs") by ordinance. As a result, when this issue has arisen in charter revision processes, I have recommended including a Charter mandate for the creation of a CPRB by ordinance⁸.

II: The second issue raised by the proposal is the notion that the General Statutes has established a set of "powers" for CPRBs. Under C.G.S. §7-294aaa(a) an ordinance creating a CPRB shall prescribe the:

- *scope of authority* of the board (emphasis added);

⁸ I hope this also addresses the issue raised by Councilmember Michelle Embree Ku (District 3).

Steven G. Mednick
Attorney

- number of board members;
- process for the selection of board members, whether elected or appointed;
- term of office for board members; and,
- procedure for filling any vacancy in board membership.

Moreover, the board may also have authority to: (1) issue subpoenas to compel the attendance of witnesses before such board; and (2) require the production for examination of any books and papers that such board deems relevant to any matter under investigation or in question.

Let's talk about the "scope of authority." This provision is both a benefit and bane for advocates of civilian oversight and review. On the one hand, the municipality has been granted broad authority to establish "scope". In my view, this authority falls into the "watch out what you wish for category." For example, if your community seeks to include in the CPRB functions normally associated with a Police Commission such as hiring, promotions and discipline, you may be surprised to discover that those issues are already dealt with in a collective bargaining agreement and "out of scope" form the reach of the CPRB or Police Commission, as a matter of law. That is the bane of the statute, giving communities broad authority on the surface, which may be frustrated by provisions of CBAs which, as a matter of law, "shall prevail" when in conflict with a local charter, special act, ordinance or other rules or regulations' see, C.G.S. §7-474(f).

Thus, you may create a CPRB; however, if your scope is out of whack with the terms of a CBA you may simply find yourself driving into a brick wall. That is not to say that you shouldn't approve a CPRB; only that you need to do so with a realistic eye on the limitations of such entities under the current law.

Conclusion: There are several additional points to make. First, there is no mandate to create a CPRB under the statute. Second, the implications of authorizing the Board of Police Commissioners to act as a CPRB depends on the scope of authority granted to the Board⁹. The major clear asset and power under the CPRB law is

⁹ I hope the first and second responses address the issues raised by Councilmember Michelle Embree Ku (District 3). The issues raised with regard to "legal risks and benefits" goes well beyond the scope of this engagement. An analysis would require review of the CBA and other documents to determine the appropriate scope for either the Police Commissioners or a separate CPRB. Understanding the historical relationship of the Town and its police union would be a useful indicator of what "legal risks and benefits" might exist. I will say that the reform legislation was a

Steven G. Mednick
Attorney

the subpoena authority granted to Boards. That could be a very useful tool in the hands of a Police Commission, especially a board with clear disciplinary authority under a CBA and even one that does not. Establishing a Police Commission that broadly represents the population of a community could be an effective tool.

My recommendation is to modify the current language to the following effect:

“the Board of Police Commissioners may act as a Civilian Police Review Board with the authority to issue subpoenas, if so designated by Ordinance.”

Section	Proposed Revision
§2-231	To add to the Charter the purpose, membership and terms for the Fairfield Hills Authority.

Comment **Background:** C.G.S. §7-163d entitled “An Act Authorizing Municipalities to Establish Municipal Development Authorities” is the legal authority for the Fairfield Hills Authority. The statute applies to a town with a population between 25,000-30,000 occupying a total area of not less than 59 square miles and is the site of a correctional institution operation by the Department of Correction. By happenstance Newtown falls squarely within this provision of law. The statute permits the Town to establish an authority to oversee the development or redevelopment of a specified area or parcel that is located in and owned by the Town.

Conclusion¹⁰: Similar to our discussion of the CPRB in §2-160(a), state law permits the creation of an authority by adoption of an Ordinance. Again, my recommendation is to simplify the Charter provision to require the adoption and retention of such an authority in accordance with the ordinance that was authorized under C.G.S. §7-163d. You may lay out the broad purposes of the authority; but, I would leave the composition and structure of the Authority to the ordinance, in the event you may want to want to modify the scope, composition or any other provision pertaining to the authority.

response to an already litigious and risk-based system and environment which needs procedural and systemic review. Obviously there will be resistance by certain stakeholders which will be offset by those who seek reform. There will be a great deal of smoke and fiery rhetoric in the debate. The simple truth is this: the decision to adopt a CPRB and how far the Board should go is really a matter of local concern and should be debated in the context of the local culture, need and custom.

¹⁰ I hope this also addresses the issue raised by Councilmember Ryan Knapp (District 3).

Steven G. Mednick

Attorney

I don't know how to respond to the issue of whether the term "authority" may "mean something more than what they are and once it is in the Charter it is difficult to change" except to say that by mandating the adoption of the ordinance you are mandating the retention of the ordinance, although reserving the ability to change particular terms of the ordinance. Again, those changes need to be consistent with the statute. Whether there is a distinction between an "authority" or a "board" or "commission" is based not on what you call the entity but rather on the basis of what powers are delegate to the entity. Again, by retaining the Ordinance as the legal authority for the day-to-day operational scope and purposes of the Authority you retain greater control of the entity.

Section	Proposed Revision
§2-275(a)	Add "or a reduction in environmental impact" to the summary of the responsibilities of the Sustainable Energy Commission.
Comment	No legal issues.

Section	Proposed Revision
§3-15(e)	To incorporate the provisions of Newtown Ordinance 124 into the Charter pertaining to the election of Board of Education members.
Comment	Appears to be in sync with C.G.S. §9-414. However, the reference to the term "maximum number established in the town Charter" is not clear to me. Is this a reference to the statutory minority party representation standard or something else? It is not clear. I would be happy to look into this a little more thoroughly if authorized to do so ¹¹ .

Section	Proposed Revision
§4-05(c)(8)	Revise the language pertaining to the capital improvement plan to broaden the current language from a "five year" plan to a plan of "at least 5 years with annual adjustments to allow for fiscal flexibility." The provision also includes "annual" submission of the updated version to the Legislative Council no later than the fifteenth day of January each year
Comment	There are no legal issues. However, there is some redundant language since capital plans are usually adjusted annually with the adoption of the current capital budget.

¹¹ I believe the issues raised by Councilmember Michelle Embree Ku (District 3) are illuminating; although the analysis may be beyond the scope of this engagement, since I would need to dig a little deeper on the facts. I would also need more information to address Councilmember Ryan Knapp's (District 3) general question about elections.

Steven G. Mednick

Attorney

Section	Proposed Revision
§5-10(a)	CRC states that this provision (which also eliminates the Board of Finance from the process) clarifies the regulation adoption process.
Comment	No legal issue involved. It is not clear, from my reading, how it has changed other than the total elimination of the Board of Finance from the process and the elimination of the Board of Selectmen from financial regulations.
Section	Proposed Revision
§6-20	Preparation of the Proposed Town Budget by the Legislative Council
Comment	The are no legal issues pertaining to the role of the legislative body in the budget process ¹² .
Section	Proposed Revision
§6-20(f)(1)	Prior to the Annual Town Budget Referendum, amendments shall be submitted to the Legislative Council. The Legislative Council shall vote on the amendments as if they were part of the proposed Board of Selectmen and Board of Education Budgets.
Comment	This appears to treat the authority of the Legislative Council to reduce, increase or add funds to the proposed amendments as redundant and relies on the level of authority granted to the Legislative Council during the budget process.
Section	Proposed Revision
§6-20(f)(2)	<u>Prior to subsequent budget referenda, should the Board of Selectman or Board of Education make any amendments to budget proposals, then the Legislative Council shall not thereafter increase the size of any such amended budget proposal.</u>
Comment	This language is intended to clarify that the Legislative Council may not increase the size of any budget amendment by the Board of Selectmen or Board of Education prior to any subsequent budget

¹² Councilmember Michelle Embree Ku (District 3) raised the question about whether "existing statutes (would) allow for the Legislative Council submission date to be earlier (to allow for more time to prepare the ballots and for voters to obtain and return absentee ballots)." To my knowledge there are no existing statutes which govern the municipal budget process. The local budget process is left to the Charter. Of course, municipalities are governed by some broad statutes regarding the commencement of the fiscal year and the impact of not completing a budget by that time and other regulatory and reporting requirements. There is also an ability to alter the budget schedule in a Charter by action of the legislative body.

Steven G. Mednick

Attorney

referenda (in lieu of the current “shall not be exceeded” language.” Implicit is the authority of the Legislative Council to reduce such budget amendments¹³.

Section	Proposed Revision
§6-35(d)(1) ¹⁴	The Legislative Council shall have the power to approve, without referendum, Special Appropriations in an amount <i>not in excess of \$1,500,000 cumulative</i> during a fiscal year. <u>Said amount approved by the Legislative Council shall be cumulative as to the fiscal year.</u> The total ¹⁵ of Special Appropriations approved by the Legislative Council for all purposes during a fiscal year shall “not exceed an amount equal to one mil” on the most recently completed Grand List.

Comment¹⁶ No legal issue. Nevertheless, the provision is confusing. I originally thought there was redundancy based upon the underscored provision. It appears as a rhetorical affirmation of their view that the \$1.5 million cap is no longer a project cap but rather a cumulative cap. It didn’t make sense to me until I spoke with the CRC Chair who informed me that the \$1.5 million cap is a definitive cap on Legislative Council action *free of referendum*.

In other words, once the \$1.5 million cap is reached all Special Appropriations approved by the LC, in any amount (\$25,000 or \$1 million), have to go to referendum up to the “one mil” cap.

As I understand the current scenario where the Special and Emergency Appropriations are combined a referendum would be required if an item “for any one purpose” exceeded \$1.5 million.

¹³ Councilmember Michelle Embree Ku (District 3) raises a couple of questions in the context of the following ballot questions: “If the proposed sum of \$___ for the Board of _____ is not approved, should the revised budget be higher?” The answer would appear to be that while the Board of Selectmen or Board of Education may attempt to grapple with the notion of revising the budget “higher” this provision would appear to limit the Legislative Council’s ability to do so.

¹⁴ In response to the issue raised by Councilmember Ryan Knapp (District 3), I don’t believe the new language reduces the LC’s special appropriation authority since it segregates emergency appropriations into a separate category.

¹⁵ Councilmember Michelle Embree Ku raises a good question on the juxtaposition of the terms “cumulative” as pertains to \$1.5 million cap in the first sentence and the term “total of Special Appropriations used in connection with the “one mil” cap, in the third sentence.

¹⁶ In response to the question raised by Councilmember Michelle Embree Ku (District 3) I would respectfully suggest that these questions would be better asked of the CRC when they appear before your body. However, my read of this provision is that the Special and Emergency Appropriations are above and beyond the annual general fund and capital budgets. Accordingly, the caps established for these supplemental items would not apply to items included in the annual budget.

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Attorney

However, if all other appropriations were for less than that cap, then all other appropriations would be freely permitted until the “one mil” cap is reached. Assuming most of the funds were for “Special Appropriations” rather than “emergency Appropriations” the legislative prerogatives currently enjoyed by the Council would be greater than under the proposed scenario, which places a hard cap on legislative action at \$1.5 million. While there is arguably, ore freedom of movement under the “Emergency Appropriation” scenario, it is my understanding that the amount permitted under the cap exceeds any recent experience in Newtown.

The LC needs to decide whether the proposed scenario makes sense. Based upon my cursory knowledge of the situation, it does seem to reduce the flexibility of Council action. On the other hand, if you support the approach, I would recommend language that would clarify the relationship of the two caps and the action that prompts a referendum¹⁷.

Section	Proposed Revision
§6-35(d)(2)	The Legislative Council shall have the power to approve, without referendum, Emergency Appropriations in a cumulative amount for the fiscal year not in excess of an amount equal to one mil on the most recently completed Grand List. <u>Said amount approved by the Legislative Council shall be cumulative as to the fiscal year.</u> Upon approval by the Legislative Council of Emergency Appropriations beyond said one mil, approval by referendum is required.
Comment	This section creates a separate category that is not included in the cap for Special Appropriations. Again, there appears to be redundant language which is underscored. It should be noted that <u>this provision does not grant authority for the First Selectman to respond to an emergency</u> , it is simply a provision that permits the

¹⁷ With respect to the first issue raised by Councilmember Michelle Embree Ku (District 3) with regard to “capital improvement projects” it would normally be my assumption that Special Appropriations go to matters in the general fund or operating side of the budget as opposed to the capital side. Moreover, Charter §6-35(a) clearly includes “capital project” within the definition of “Special Appropriation.” *As such, it would appear that Special Appropriations for capital projects fall squarely within the purview of the two caps.* Her second question addresses the issue of the relationship between §8-05(e) and this section: “As provided in Subsection 6-35(e), if the real property proposed to be acquired requires an appropriation of \$1,500,000 or more, said **Acquisition** shall require approval of a referendum.” It is not clear to me why there is a reference to the earlier provision since the issue seems to stand on its own; unless, of course, the property acquisition requires a Special Appropriation. Although, to be honest, §8-05(e) is a much clearer statement of the CRC’s intent.

Steven G. Mednick

Attorney

First Selectman to request an Emergency Appropriation, without referendum, subject to the "one mil" cap. I urge you to consider adding language that would offer flexibility for emergency action by the First Selectman in the event of an emergency.

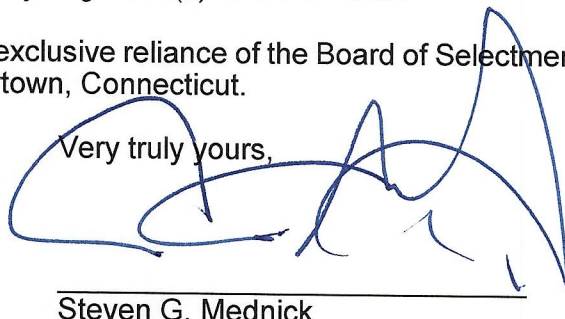
The emergency appropriations are not broken down by incident since the "one mil" cap is cumulative. \$3.8 million sounds like a reasonable figure for emergencies, even in the event of a series of emergencies.

However, except for the vague language in §2-110(c) which grants the First Selectman the authority "to take such actions as are in the best interest of the Town," there is no provision in the Charter that explicitly permits the First Selectman to spend public funds in an emergency. In my view, a clear grant of authority would be useful.

Section	Proposed Revision
§6-35(d)(3)	Only dollars sourced from property tax revenue and charges for services revenue shall be counted as part of the caps and limits on Special and Emergency Appropriations.
Comment	I am assuming this means that the First Selectman may have other sources of funds that may be utilized for emergencies, in keeping with the vague authority in §2-110(c) of the Charter.

The foregoing opinion is for the exclusive reliance of the Board of Selectmen and Legislative Council of the Town of Newtown, Connecticut.

Very truly yours,



Steven G. Mednick

SGM:oho

Attachment C

May 23, 2022

Re: Draft Charter Questions

Jeff,

The Charter Revision Commission has done an impressive amount of work and provided the Legislative Council with a clear roadmap to the charge and the draft changes. I appreciate the dedication and work of the Commissioners toward improving the document that guides our work in Newtown government.

Although I tried to follow much of the Commission's work, and the Draft Report that they provided is incredibly helpful, some clarification on some of the charges/changes will help me understand the rationale behind the Commission's actions (or inactions, as the case may be). I am attaching the charges, proposed changes, and my questions. Knowing that much can be lost in writing, I am happy to clarify anything in person if it helps.

Thank you,

Michelle

§2-30 Vacancies on the Legislative Council, Boards, Commissions, and Authorities;
§2-31 Procedures for Filling Vacancies in Elected Town Bodies;
§2-32 Procedures for Filling Vacancies in Appointive Boards and Commissions.

1. The charge to the Charter Revision Commission was:

For §2-31/32 “Consider use of the term “unaffiliated” when filling mid-term vacancy, which as currently written could disqualify prospects who are members of a party other than two major parties. There is concern that this could be used as process to subvert minority representation.”

Relatedly, §2-30 indicates “If a person vacating an appointive **Town Body** was appointed as a member of a political party, the vacancy shall be filled by a member of the same political party or by an unaffiliated **Resident Elector**. If the newly appointed member is an unaffiliated elector and must vacate his appointment, the person appointed to fill such a vacancy must be either an unaffiliated elector or a member of the same political party as the person initially appointed.”

A member of the public made the case at the Charter Revision Commission’s Public Hearing (April 20, 2022) and followed up with communication indicating that “Currently the appointment of registered voters to open positions on Appointed Commissions is performed by a majority vote of the Board of Selectmen, its designed to fill appointments with the best qualified candidates. The BOS is free to appoint any registered voter to appointed commissions regardless of party affiliation and only subject to the minority representation rules of the state. . . . However, when a vacancy occurs during an appointee's term on Appointed Commission the process changes substantially. The process is no longer solely designed to appoint the best candidate, subject to minority representation. The rules no longer allow any registered voter to be appointed. The rules become partisan.”

Why did the Charter Revision Commission decline to address the charge?

2. Although not part of the original charge to the Charter Revision Commission, a new section has been added to §2-31 that changes the procedure for filling Board of Education vacancies:
 - a) Why did the Charter Revision Commission decide to change the procedure for filling BOE vacancies?
 - b) Why did the Charter Revision Commission feel that the replacement process for the Board of Education should add a step that is dependent on political party affiliation of the remaining Board of Education members?
 - c) Why does the BOE have different time limits than other elected boards for filling vacancies?
 - d) Was there a request for this change and/or input from beyond the Charter Revision Commission membership?

§3-15(b) Election of Boards and Commissions

The charge to the Charter Revision Commission was: "Newtown Ordinance 124 should be merged into the Charter, specifically, referencing § 9-204b of the Connecticut General Statutes applies."

Is there a reason that the reference to the statute was left out of the section that was added (§ 3-15(d))?

§6-35 Special and Emergency Appropriations

1. The charge to the Charter Revision Commission was: "Clarifying what constitutes 1 year in respect to appropriations (ie: does it count when project is appropriated as calendar or fiscal year; does something sent to appropriation in April 2020 count towards FY 2020 or 2021?)"

I don't see where this was clarified. Can the specific language/section where this was addressed be highlighted?

2. The Commission summary indicates that:
"To clarify and define authorities and limits related to Special Appropriations versus Emergency Appropriations made by the Legislative Council. Legislative Council can authorize Special Appropriations up to a cumulative amount not to exceed \$1,500,000 in one fiscal year. Amounts in excess must go to referendum."

The current Charter provides that the cumulative limit of the Legislative Council's appropriating authority be 1 mil (currently ~\$3M+). Was the Charter Revision Commission's intent to decrease the Legislative Council's appropriating authority to \$1.5M as the summary quoted above suggests?

Edits/typos for consideration:

Should 8-05 (e) reference 6-35(d) as opposed to 6-35(e)?

Should the following sections reference the "Board of Selectmen" as opposed to "Board of Selectman":
2-231(b)(1), 3-20(a), 6-20(f)(2), 6-35(c), 7-20(a)(2)?

Newtown

May 2022

Annex to the 2022 Western Connecticut Regional Affordable Housing Plan

Town History Relating to Affordable Housing

The Town began the process of creating affordable housing after Land Use Agency staff attended a seminar presented by the Partnership for Strong Communities and Department of Housing that explained the concepts, programs, and the need for incentive housing.

At that time, Newtown Zoning only allowed Elderly Housing and Affordable Housing at a density of 4 dwelling units per usable acre and a Mixed Income Housing Development Zone (under a C.G.S. 8-30g appeal that allowed 5.75 units per gross acre of land). In response to the limited density of dwelling units, few housing developments were proposed. Since the Town is well below the 10% affordability criteria the Land Use Agency and Planning and Zoning Commission investigated possible amendments to the Zoning Regulations.

The Town of Newtown hired a consultant to complete an Incentive Housing Zone Study in 2010 to assess the current housing stock and demographic and economic trends. Utilizing this information, the Town Land Use Agency completed a review of our current affordable and multi-family zoning regulations.

The State Incentive Housing Program minimum housing density of 20 dwelling units per acre, was determined by the Planning and Zoning Commission to be excessive for the current land uses of Newtown. The Land Use Agency then conducted a series of staff meetings and discussions with Planning and Zoning Commissioners, land use attorneys, area planners and developers to create an affordable housing regulation that would suit the current land uses of Newtown, while encouraging diverse housing options that would be financially feasible for developers. The discussion included several attorneys and developers that would have previously utilized C.G.S. 8-30g to obtain approvals for affordable housing projects.

From these meetings, the Land Use Agency, with the assistance of all parties, developed the current Newtown Incentive Housing Overlay Zone Regulation that allows a maximum of 12 dwelling units per usable acre with 20% required as affordable units. The density compromise has resulted in the approvals of two affordable housing projects in Newtown; Riverwalk at Sandy Hook Village, (Farrell Communities), with 74 total dwelling units approved on September 4, 2015, and the Covered Bridge at Newtown with 180 total residential units approved December 18, 2015.

The Town of Newtown and the Borough of Newtown Zoning Commissions have amended their respective Zoning Regulations to include accessory apartments and parking requirements in compliance with the recently amended Connecticut General Statutes.

Newtown has three mobile home parks, three 55 and older multi-family developments, assisted living complexes and numerous accessory apartments in single family residences. The Newtown and Borough Zoning Commissions have also approved zoning amendments to allow a higher density of apartments above commercial properties. To facilitate more affordable smaller residential dwellings the Newtown Zoning Commission has approved subdivision regulations allowing Conservation Subdivisions and the Borough Zoning Commission has approved Cluster Housing. Both regulation amendments include small lots which result in more affordable housing choices.

The 2010 Incentive Housing Study designated the Town owned Fairfield Hills Campus as a prime area for affordable housing. At the time the Fairfield Hills Adaptive Reuse Zoning Regulation did not allow for residential housing at the campus. In 2013 and again in 2018 the Fairfield Hills Campus Master Plan Committees discussed the possibility of residential housing at the Campus.

After several public meetings discussing housing options including affordable components, the Town held a referendum in 2020, where a majority of the voters were in favor of adding housing as a limited use on the campus. The Planning and Zoning Commission subsequently amended the Fairfield Hills Adaptive Reuse Zone to include housing in two of the vacant buildings.

The development plans include the creation of over 160 units with one or two bedrooms which will provide unique and equitable opportunities for people to reside in Newtown. This project is an exciting opportunity to not only preserve these historic buildings but, also assist Newtown in meeting the municipal affordable housing goals.

Community Values Statement

The town of Newtown recognizes the value of an inclusive community that provides all of its residents the opportunity to obtain housing that is financially feasible, at or below the HUD 30% rule. The town will work toward a more balanced supply of housing types that will accommodate the housing needs of Newtown residents and those working in Newtown. The loss of our young working-age population over the past decade may have resulted from the price and/or type of housing available. Multi-family developments allow for price ranges that would attract younger adults back to Newtown, as well as providing the opportunity for senior residents to remain in Newtown.

Housing Market Trends

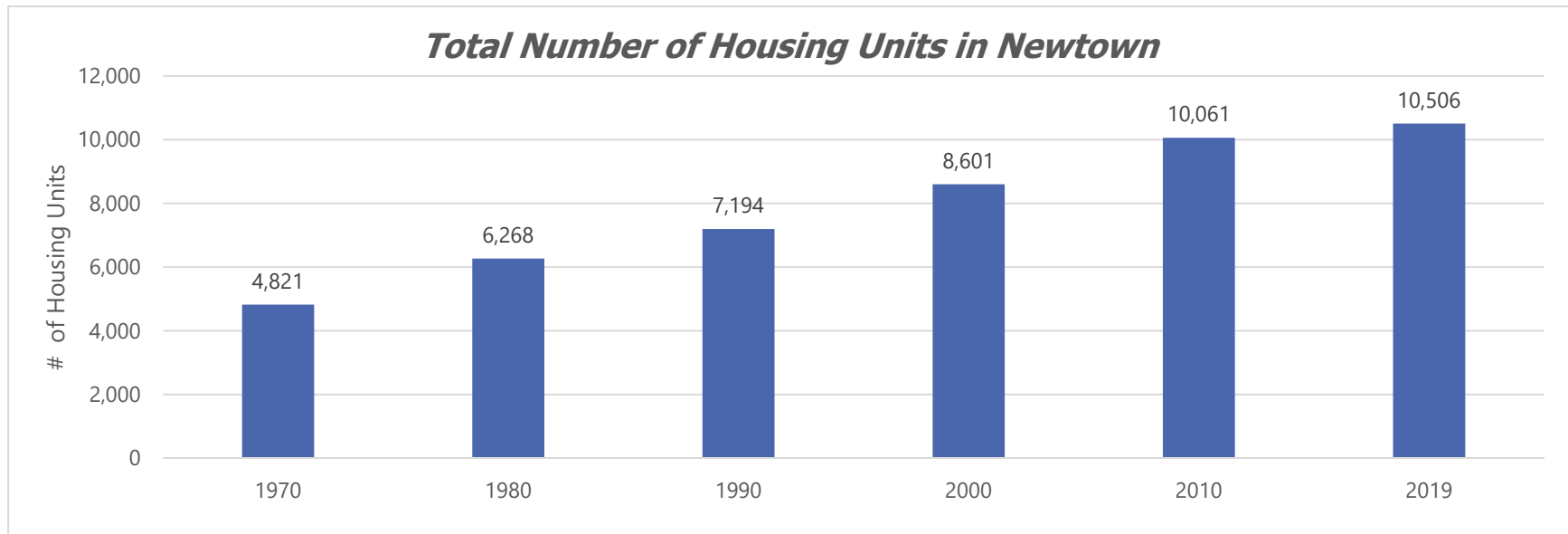
Progress Towards 10% Affordable Housing (C.G.S. 8-30g):

Over the last 15 years, affordable housing units have steadily increased in the town from 163 units in 2005 to 268 units in 2020. Most of the affordable housing created over the last 15 years have been increased usage of low interest mortgages offered by the state and federal government, as well as an increase in deed-restricted units.

YEAR	GOVERNMENTALLY ASSISTED UNITS	TENANT RENTAL ASSISTANCE	CHFA/USDA MORTGAGES	DEED RESTRICTED	TOTAL ASSISTED	CENSUS HOUSING UNITS	PERCENT AFFORDABLE
2002	245	-	27	15	287	8,601	3.34%
2005	136	-	12	15	163	8,601	1.90%
2010	138	-	18	15	171	8,601	1.99%
2015	134	3	43	15	195	10,061	1.94%
2020	134	7	95	32	268	10,061	2.66%

SOURCE: CT DEPARTMENT OF HOUSING, AFFORDABLE HOUSING APPEALS LISTS

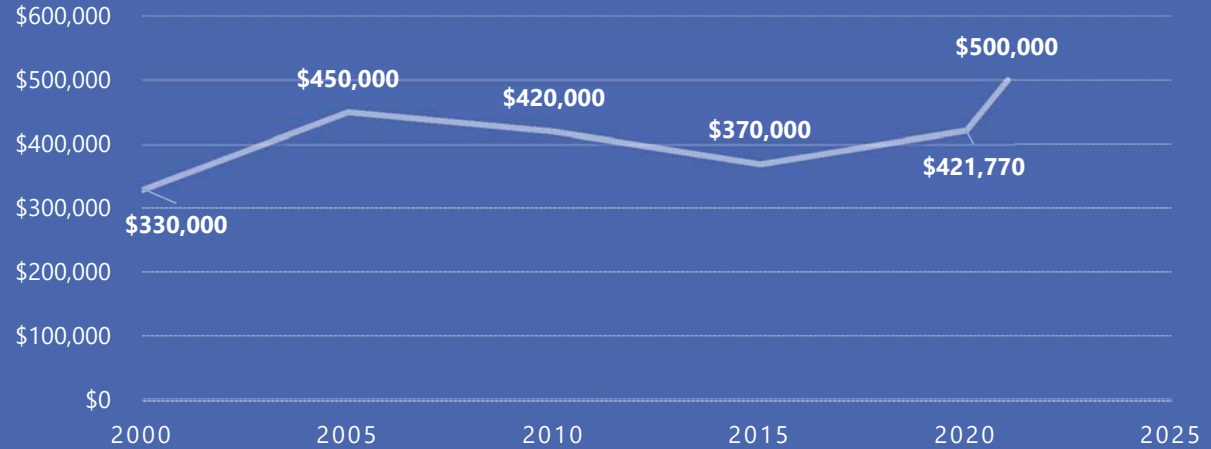
The overall number of housing units more than doubled from 1970 to 2010, since 2010 there has been a steadier growth in housing units with 445 units built in the last decade.



Source: 1970 to 2020 Decennial Censuses; 2015-2019 American Community Survey

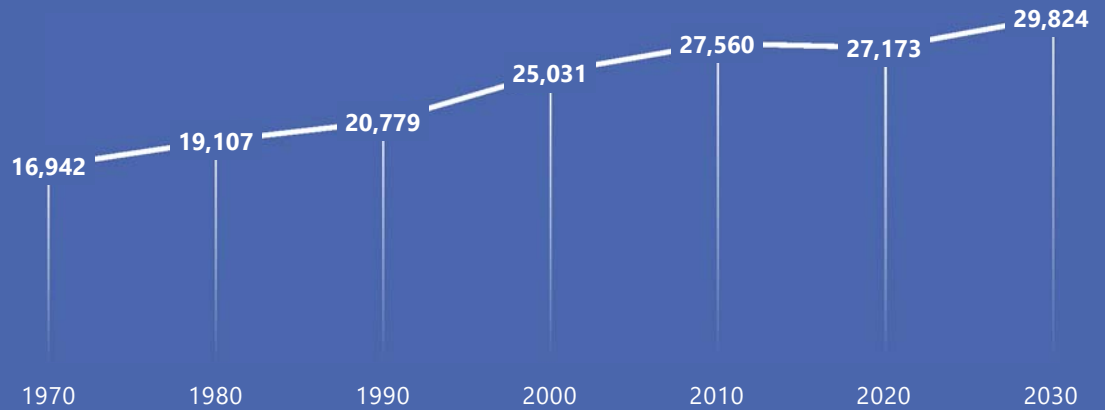
The median single family housing prices before the 2008 Great Recession were at a high of \$450,000. Afterwards, prices fell to \$370,000 in 2015 until the 2020 COVID Pandemic caused housing prices to surge beyond pre-recession prices to \$500,000.

MEDIAN SINGLE FAMILY HOUSING PRICES IN NEWTOWN FROM 2000 TO JULY 31, 2021



Source: Warren Group, 2021.

NEWTOWN POPULATION WITH 2030 PROJECTION



Source: 1970 to 2020 Decennial Censuses, NYMTC, WestCOG analysis

Housing Needs

There are 2,668 or 27.1% cost burdened households in Newtown (shown in red below), according to the 2015-2019 American Community Survey. 35.5% of renters are cost burdened, while only 25.9% of owners are cost burdened.

There are various thresholds a household or individual need to meet to qualify for affordable housing that depends on the program. For example, the C.G.S §8-30G set-aside development program is one of the least restrictive programs and requires prospective tenants to be low-income (i.e. make 80% or less of the state median income) and be cost-burdened. There are 1,546 households as of 2019 in Newtown who meet these characteristics – accounting for 15% of households in need of affordable housing in Newtown. This showcases that the need for affordable housing outnumbers the statutory requirements of 1,006 units.

Cost-Burdened Households in Newtown						
MONTHLY HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS	Occupied housing units	%	Owner-occupied housing units	%	Renter-occupied housing units	%
Less than \$20,000	327	3.3%	218	2.5%	109	9.5%
Less than 20 percent	0	0.0%	0	0.0%	0	0.0%
20 to 29 percent	25	0.3%	0	0.0%	25	2.2%
30 percent or more	302	3.1%	218	2.5%	84	7.3%
\$20,000 to \$34,999	593	6.0%	417	4.8%	176	15.4%
Less than 20 percent	21	0.2%	0	0.0%	21	1.8%
20 to 29 percent	82	0.8%	42	0.5%	40	3.5%
30 percent or more	490	5.0%	375	4.3%	115	10.1%
\$35,000 to \$49,999	811	8.2%	553	6.3%	258	22.6%
Less than 20 percent	130	1.3%	80	0.9%	50	4.4%
20 to 29 percent	198	2.0%	94	1.1%	104	9.1%
30 percent or more	483	4.9%	379	4.3%	104	9.1%
\$50,000 to \$74,999	920	9.3%	781	8.9%	139	12.2%
Less than 20 percent	250	2.5%	219	2.5%	31	2.7%
20 to 29 percent	399	4.0%	356	4.1%	43	3.8%
30 percent or more	271	2.7%	206	2.4%	65	5.7%
\$75,000 or more	7,115	72.0%	6,738	77.1%	377	33.0%
Less than 20 percent	3,762	38.1%	3,500	40.0%	262	22.9%
20 to 29 percent	2,231	22.6%	2,154	24.6%	77	6.7%
30 percent or more	1,122	11.4%	1,084	12.4%	38	3.3%
Zero or negative income	35	0.4%	35	0.4%	0	0.0%
No cash rent	84	0.8%	(X)	(X)	84	7.3%

Discussion

Over the years, the Town of Newtown has adopted practices that support the development of affordable housing. In a continuation of this effort, the Town will review the expansion of the existing sewer system southward down South Main Street which will provide the infrastructure that supports affordable housing development.

The Town will also continue to support affordable funding programs including the Affordable Housing FLEX fund and Affordable Housing Trust Fund program.

Affordable Housing FLEX fund was effective July 1, 2001, and provides grants, loans, loan guarantees, deferred loans or any combination thereof for the development and preservation of affordable housing (CT Department of Housing).

The Affordable Housing Program, otherwise known as FLEX is DOH's primary housing production program and is frequently referred to as the "flexible" housing program. The program provides quality, affordable housing for Connecticut residents, promotes and supports homeownership and mixed income developments, and assists in the revitalization of urban and rural centers.

The Affordable Housing Trust Fund program was effective on July 1, 2005. The program provides gap financing, grants, loan guarantees, low-and no-interest loans, and funding for the Connecticut Individual Development Account housing program. Additionally, an Advisory Committee advises the Commissioner on the management and objectives of the program, and on the development of regulations, procedures, and rating criteria for the program. The Housing Trust Fund Program is administered by the DOH and is designed to create affordable housing for low- and moderate-income households. The funds are awarded as loans and/or grants to eligible sponsors of affordable housing. The program encourages the creation of homeownership housing for low- and moderate-income families, promotes the rehabilitation,

preservation and production of rental housing and the development of housing which aids the revitalization of communities.

Strategies

The following are key strategies that the Town of Newtown will work toward achieving over the next five years:

1. Encourage the review of business (tax) incentive applications for developments that include affordable housing.
2. Support the review of business (tax) incentive applications for businesses as defined in the business incentive program that will create new moderate-income jobs.
3. Provide the public with education and access to information on available assistance such as CHFA loans, affordable housing locations, USDA Home Loans, and rental voucher programs.
4. Support the preservation of the Affordable Housing FLEX Fund and State Housing Trust Fund.
5. Promote public awareness that the Town of Newtown and the Borough of Newtown Zoning Commissions have amended their respective Zoning Regulations to include accessory dwelling units (ADUs) and explore incentive opportunities for individual owners of rental properties that qualify as affordable to consider deed restrictions.
6. Explore the possibility of working with neighboring towns to create a regional housing authority that would aid affordable property owners and/or potential tenants in the application and income verification processes.
7. Continue to look for public transportation opportunities that are appropriate for a municipality as geographically large and spread out as Newtown. The town expects to pursue grant funding to improve public transportation.
8. Continue the installation of sidewalks to create walkable communities within Newtown that allow residents to walk to work and stores.
9. Review the town's Incentive Housing Overlay Zone for opportunities to expand affordable housing.

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$500,000 FOR THE ACQUISITION AND REPLACEMENT OF FIRE APPARATUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 TO 2026-27) AND AUTHORIZING THE ISSUANCE OF \$500,000 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 \$500,000 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 acquisition and replacement of fire apparatus, including, but not limited to a used fire ladder truck, 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, \$500,000 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 of 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, in the name and 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, in the name and 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 Legislative Council of the Town in accordance with Chapter 6, Section 6-35 of the Town Charter.

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$200,000 FOR THE EXPANSION, RENOVATIONS, REPLACEMENTS AND UPGRADES TO THE CYRENIUS H. BOOTH LIBRARY AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2021-22 TO 2025-26) AND AUTHORIZING THE ISSUANCE OF \$200,000 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 \$200,000 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 expansion, renovations, replacements and upgrades to the Cyrenius H. Booth Library, including, but not limited to, the reconstruction, realignment and retrofitting of respective departments; and Phase 3 long range space planning & development, including building security on ground floor, entry improvements to upper floors, improvements to building rear entrance, and ADA accessibility improvements, all as authorized in the Capital Improvement Plan (2021-22 to 2025-26) and for architectural and engineer's fees, 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, \$200,000 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, 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, the 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, 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 of 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, in the name and 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, in the name and 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 Legislative Council of the Town in accordance with Chapter 6, Section 6-35 of the Town Charter.

Newtown Municipal Center
3 Primrose St., Newtown, CT 06470
Tel. 203-270-4201
Fax 203-270-4205



Daniel C. Rosenthal
First Selectman
Tel. 203-270-4202
dan.rosenthal@newtown-ct.gov

TOWN OF NEWTOWN

OFFICE OF THE FIRST SELECTMAN

May 16, 2022

Board of Selectmen
3 Primrose Street
Newtown, CT 06470

Dear Board of Selectmen:

I am requesting a special appropriation in the amount of \$500,000 be financed by bonds for the following project as authorized in the capital improvement plan (CIP) 2022-2023 to 2026-2027.

- A special appropriation in the amount of \$500,000 for the acquisition and replacement of fire apparatus, including, but not limited to a used fire ladder truck.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Rosenthal", is written over the word "Sincerely,".

Daniel C. Rosenthal
First Selectman

DCR/sm

Newtown Municipal Center
3 Primrose St., Newtown, CT 06470
Tel. 203-270-4201
Fax 203-270-4205



Daniel C. Rosenthal
First Selectman
Tel. 203-270-4202
dan.rosenthal@newtown-ct.gov

TOWN OF NEWTOWN

OFFICE OF THE FIRST SELECTMAN

May 16, 2022

Board of Selectmen
3 Primrose Street
Newtown, CT 06470

Dear Board of Selectmen:

I am requesting a special appropriation in the amount of \$200,000 be financed by bonds for the following project as authorized in the capital improvement plan (CIP) 2021-2022 to 2025-2026.

- A special appropriation in the amount of \$200,000 for the expansion, renovations, replacements and upgrades to the Cyrenius H. Booth Library.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Rosenthal", is written over the word "Sincerely,".

Daniel C. Rosenthal
First Selectman

DCR/sm



TOWN OF NEWTOWN

BOARD OF FINANCE

May 26, 2022

To the Legislative Council

Members of the Council:

At a meeting of the Board of Finance held May 26, 2022, the following resolutions were approved and recommended for adoption:

RESOLVED: That the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$500,000 For The Acquisition And Replacement Of Fire Apparatus As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$500,000 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 \$200,000 For The Expansion, Renovations, Replacements And Upgrades To The Cyrenius H. Booth Library As Authorized In The Capital Improvement Plan (2021-22 To 2025-26) And Authorizing The Issuance Of \$200,000 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 was initiated by the First Selectman in a letter dated May 16, 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, Esq, Chairman __

Chairman
Board of Finance

Item for Agenda of
Meeting of Legislative Council

1. To consider and act upon the resolutions entitled:

“Resolution Providing For A Special Appropriation In The Amount Of \$500,000 For The Acquisition And Replacement Of Fire Apparatus As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$500,000 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 \$200,000 For The Expansion, Renovations, Replacements And Upgrades To The Cyrenius H. Booth Library As Authorized In The Capital Improvement Plan (2021-22 To 2025-26) And Authorizing The Issuance Of \$200,000 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 May 16, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

Excerpt for Minutes of Meeting
of Legislative Council
to be held June 1, 2022

A meeting of the Legislative Council of the Town of Newtown was held in the Council Chambers of the Newtown Municipal Center at 3 Primrose Street, Newtown, CT on June 1, 2022, at 7:30 P.M. (E.T.).

* * *

Members present and absent were as follows:

<u>Present</u>	<u>Absent</u>
Jeffrey Capeci	N/A
Phil Carroll	
Angela Curi	
William DeRosa	
Charles Gardner	
Chris Gardner	
Dan Honan	
Lisa Kessler	
Ryan Knapp	
Michelle Embree Ku	
Tom Long	
Matthew Mihalcik	

* * *

Councilperson Charles Gardner introduced and read the following resolution:

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$500,000 FOR THE ACQUISITION AND REPLACEMENT OF FIRE APPARATUS AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2022-23 TO 2026-27) AND AUTHORIZING THE ISSUANCE OF \$500,000 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 \$500,000 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 acquisition and replacement of fire apparatus, including, but not limited to a used fire ladder truck, 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, \$500,000 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 of 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, in the name and 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, in the name and 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 Legislative Council of the Town in accordance with Chapter 6, Section 6-35 of the Town Charter.

RESOLVED: That the resolution entitled "Resolution Providing For A Special Appropriation In The Amount Of \$500,000 For The Acquisition And Replacement Of Fire Apparatus As Authorized In The Capital Improvement Plan (2022-23 To 2026-27) And Authorizing The Issuance Of \$500,000 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, is hereby adopted, said special appropriation was initiated by the First Selectman in a letter dated May 16, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

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

<u>AYES</u>	<u>NAYS</u>
Jeffrey Capeci	N/A
Phil Carroll	
Angela Curi	
William DeRosa	
Charles Gardner	
Chris Gardner	
Dan Honan	
Lisa Kessler	
Ryan Knapp	
Michelle Embree Ku	
Tom Long	
Matthew Mihalcik	

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

Councilperson Charles Gardner introduced and read the following resolution:

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$200,000 FOR THE EXPANSION, RENOVATIONS, REPLACEMENTS AND UPGRADES TO THE CYRENIUS H. BOOTH LIBRARY AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2021-22 TO 2025-26) AND AUTHORIZING THE ISSUANCE OF \$200,000 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 \$200,000 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 expansion, renovations, replacements and upgrades to the Cyrenius H. Booth Library, including, but not limited to, the reconstruction, realignment and retrofitting of respective departments; and Phase 3 long range space planning & development, including building security on ground floor, entry improvements to upper floors, improvements to building rear entrance, and ADA accessibility improvements, all as authorized in the Capital Improvement Plan (2021-22 to 2025-26) and for architectural and engineer's fees, 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, \$200,000 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, 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, the 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, 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 of 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, in the name and 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, in the name and 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 Legislative Council of the Town in accordance with Chapter 6, Section 6-35 of the Town Charter.

RESOLVED: That the resolution entitled "Resolution Providing For A Special Appropriation In The Amount Of \$200,000 For The Expansion, Renovations, Replacements And Upgrades To The Cyrenius H. Booth Library As Authorized In The Capital Improvement Plan (2021-22 To 2025-26) And Authorizing The Issuance Of \$200,000 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, is hereby adopted, said special appropriation was initiated by the First Selectman in a letter dated May 16, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

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

AYES
Jeffrey Capeci

NAYS
N/A

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

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

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$850,000 FOR SITE CLEANUP AND REMEDIATION, DEMOLITION OF EXISTING STRUCTURES, AND VARIOUS IMPROVEMENTS TO TOWN PROPERTY, LOCATED AT 7 GLEN ROAD & 28A GLEN ROAD, AS AUTHORIZED IN THE (2021-22 TO 2025-26) AND (2022-23 TO 2026-27) CAPITAL IMPROVEMENT PLANS, 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 site cleanup and remediation, demolition of existing structures, and various improvements to Town property, located at 7 Glen Road & 28A Glen Road, as authorized in the (2021-22 to 2025-26) and (2022-23 to 2026-27) Capital Improvement Plans, including, but not limited to, the demolition of existing structures for remediation, oversight and assessment/removal of hazardous and non-hazardous materials, and related site improvements, 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, \$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, in the name and 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, in the name and 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 Legislative Council of the Town in accordance with Chapter 6, Section 6-35 of the Town Charter.

Newtown Municipal Center
3 Primrose St., Newtown, CT 06470
Tel. 203-270-4201
Fax 203-270-4205



Daniel C. Rosenthal
First Selectman
Tel. 203-270-4202
dan.rosenthal@newtown-ct.gov

TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

May 16, 2022

Board of Selectmen
3 Primrose Street
Newtown, CT 06470

Dear Board of Selectmen:

I am requesting a special appropriation in the amount of \$850,000 be financed by bonds for the following project as authorized in the capital improvement plan (CIP) 2021-2022 to 2025-2026 and 2022-2023 to 2026-2027.

- A special appropriation in the amount of \$200,000 for the site cleanup and remediation, demolition of existing structures and various improvement to Town property located at 7 Glen Road & 28A Glen Road.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Rosenthal", written over the word "Sincerely,".

Daniel C. Rosenthal
First Selectman

DCR/sm



_____, 2022

TOWN OF NEWTOWN
BOARD OF FINANCE

To the Legislative Council

Members of the Council:

At a meeting of the Board of Finance held May 26, 2022, the following resolution was approved and recommended for adoption:

RESOLVED: That the resolution entitled “Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For Site Cleanup And Remediation, Demolition Of Existing Structures, And Various Improvements To Town Property, Located At 7 Glen Road & 28A Glen Road, As Authorized In The (2021-22 To 2025-26) And (2022-23 To 2026-27) Capital Improvement Plans, 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, is hereby adopted and recommended to the Legislative Council for consideration and action, said special appropriation was initiated by the First Selectman in a letter dated May 16, 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, Esq, Chairman ____
Chairman
Board of Finance

Item for Agenda of
Meeting of Legislative Council

1. To consider and act upon the resolution entitled:

“Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For Site Cleanup And Remediation, Demolition Of Existing Structures, And Various Improvements To Town Property, Located At 7 Glen Road & 28A Glen Road, As Authorized In The (2021-22 To 2025-26) And (2022-23 To 2026-27) Capital Improvement Plans, 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 was requested in a letter initiated by the First Selectman dated May 16, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

Excerpt for Minutes of
Meeting of Legislative Council
to be held June 1, 2022

A meeting of the Legislative Council of the Town of Newtown was held in the Council Chambers of the Municipal Center at 3 Primrose Street, Newtown, CT, on June 1, 2022, at 7:30 P.M. (E.T.).

* * *

Members present and absent were as follows:

<u>Present</u>	<u>Absent</u>
Jeffrey Capeci	N/A
Phil Carroll	
Angela Curi	
William DeRosa	
Charles Gardner	
Chris Gardner	
Dan Honan	
Lisa Kessler	
Ryan Knapp	
Michelle Embree Ku	
Tom Long	
Matthew Mihalcik	

* * *

Councilperson Charles Gardner introduced and read the following resolution:

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$850,000 FOR SITE CLEANUP AND REMEDIATION, DEMOLITION OF EXISTING STRUCTURES, AND VARIOUS IMPROVEMENTS TO TOWN PROPERTY, LOCATED AT 7 GLEN ROAD & 28A GLEN ROAD, AS AUTHORIZED IN THE (2021-22 TO 2025-26) AND (2022-23 TO 2026-27) CAPITAL IMPROVEMENT PLANS, 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 site cleanup and remediation, demolition of existing structures, and various improvements to Town property, located at 7 Glen Road & 28A Glen Road, as authorized in the (2021-22 to 2025-26) and (2022-23 to 2026-27) Capital Improvement Plans, including, but not limited to, the demolition of existing structures for remediation, oversight and assessment/removal of hazardous and non-hazardous materials, and related site improvements, 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, \$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, in the name and 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, in the name and 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 Legislative Council of the Town in accordance with Chapter 6, Section 6-35 of the Town Charter.

RESOLVED: That the resolution entitled "Resolution Providing For A Special Appropriation In The Amount Of \$850,000 For Site Cleanup And Remediation, Demolition Of Existing Structures, And Various Improvements To Town Property, Located At 7 Glen Road & 28A Glen Road, As Authorized In The (2021-22 To 2025-26) And (2022-23 To 2026-27) Capital Improvement Plans, 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, is hereby adopted, said special appropriation was initiated by the First Selectman in a letter dated May 16, 2022, a copy of which is attached hereto, in accordance with Chapter 6, Section 6-35 of the Town Charter.

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

AYES
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

N/A

NAYS

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

A resolution providing for an appropriation totaling \$90,000 for a Community Center/Senior Center 14 seat passenger bus. To be funded from the American Rescue Plan (ARP) grant.

\$90,000 requested appropriation was recommended by the ARP Working Group on 05/09/2022.

The ARP Working Group is comprised of the following:

Board of Selectmen

- Ed Schierloh

Board of Finance

- Geoffrey Dent
- Erica Sullivan

Legislative Council

- Charles Gardner
- Matthew Mihalcik
- Michelle Ku

Ex-officio

- First Selectman, Dan Rosenthal

The Newtown Senior Center and Community Center will both share a new 14 passenger bus. The bus will be used for Senior Center trips and events and Community Center after school transportation and will replace the current older vehicle that is becoming difficult to maintain. This will continue to allow for revenues for the Senior Center and Community Center.

From: "Neil Randle via Newtown CT" <cmsmailer@civicplus.com>
To: "jcapeci" <jeff@thecapecis.com>
Sent: Wed, Jun 1, 2022 at 11:29
Subject: Form submission from: Contact the Newtown Legislative Council
Submitted on Wednesday, June 1, 2022 - 11:29am

Your name: Neil Randle
Your e-mail address: neilprandle1962@gmail.com
Subject: Dickinson Park Playground Project - Ribbon Cutting
Message:

Dear Legislative Council Members,

Just to update you: The ribbon-cutting ceremony at the Dickinson Park playground in Newtown will go forward this Saturday at 10:00am as planned. The three pieces of wheelchair accessible equipment have been installed. Parks & Rec have done an outstanding job. However, weather has delayed the installation of the rubberized surfacing material in the area surrounding the new equipment. As a result, access to the new equipment will be limited for a few days to allow the surfacing to cure properly. We regret the delay. However, all of the existing Fun Space playground is still available for use and entertainment (including an ice-cream truck, giant bubbles, rock painting and a magician will be provided), so we hope you and your families will still come to the ribbon-cutting ceremony.

Kind regards

Neil Randle