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## TOWN OF NEWTOWN

### TOWN OF NEWTOWN LEGISLATIVE COUNCIL SPECIAL MEETING MARCH 8, 2018 NEWTOWN MUNICIPAL CENTER, NEWTOWN, CT

**PRESENT:** Chris Eide, Chris Smith, Jordana Bloom, Robert Pickard, Judit DeStefano, Ryan Knapp, Dan Wiedemann, Paul Lundquist, Phil Carroll, Kelley Johnson, Jay Mattegat, Dan Honan.

**ALSO PRESENT:** First Selectman Dan Rosenthal, Selectman Jeff Capeci, Finance Director Bob Tait, Board of Finance Chair Jim Gaston, Board of Finance Steve Hinden, Board of Education Chair Michelle Embree Ku, Newtown Public School District Director of Business Ron Bienkowski, Superintendent of Schools Dr. Lorrie Rodrigue, Economic Development Commission Chair Wes Thompson, Deputy Director Economic and Community Development Christal Preszler, Cramer Owen, Bill Donohue Teton Capital, 2 press.

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

**VOTER COMMENT:** Jeff Capeci, 52 Bear Hills Road, spoke in support of the emergency ordinance and to appoint four additional members to the Board of Assessment Appeals, the Board of Assessment Appeals has a lot of work with possibly up to 200 hearings due to the reval, there is an opening for a Republican member, adding 4 members will help with the backlog, supports John Godin and Deb Zukowski.

**MINUTES: MR. EIDE MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 21, 2018 REGULAR MEETING. SECOND BY MR. HONAN. ALL IN FAVOR. MOTION PASSES. (12-0)**

**COMMUNICATIONS:** None.

**COMMITTEE REPORTS:** Mr. Honan announced that there will be a meeting of the education committee next Tuesday, please forward any comments or questions on the education budget to Mr. Honan.

**FIRST SELECTMAN'S REPORT:** Mr. Rosenthal thanked Mr. Capeci for support of the emergency ordinance of Board of Assessment Appeals. At the last Board of Selectman's meeting, the Board of Selectman recommended to the Water and Sewer Authority not to expand the sewer district to 79 Churchill Road, Hunter Ridge Development. WSA will have the final say, but hopefully will give the Board of Selectman's vote strong consideration. The Board of Selectman moved CIP items: the amended CIP number for Edmond Town Hall removed a/c for the gym and replaced it with the stage improvements; the library improvements; Treadwell pool deck. Regarding the recent storm, Newtown had some of the highest snow totals, as of this morning there are still about 2,400 without power and about 77 roads blocked or partially blocked, now about 38 roads. Restoration continues. Possibly open a shelter for the weekend, if necessary. Regarding the budget presentations tonight from the Board of Finance on the

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Town and municipal budget and Board of Education on the education budget, Mr. Rosenthal said he has differences with the budget but asked to speak on the particulars during tonight's meeting.

Ms. DeStefano asked about the stock of supplies of salt and sand for the rest of the year relative to budget. Supplies have been reordered and there is money still available to cover any additional costs, OK on labor and overtime as of now, hopefully will not hit contingency.

### **NEW BUSINESS:**

#### *Discussion Only*

#### **2018-2019 Municipal and Education Budget Introduction**

Jim Gaston and Steve Hinden spoke on behalf of the Board of Finance, Mr. Gaston spoke to the process, highlights, and specifics to the budgets. Budgets approved at their last meeting 5:1 vote. The process included 4 meetings, 1 public hearing, thoroughly vetted with board commissions, leaders of the BOS and BOE, finance director, individual departments, in addition to those 4 meetings, board members posed questions to BOF of which answers were provided and are part of public record in the minutes.

The proposed budget for the BOS saw a 2.5% increase, historically comes from wages and salaries. Debt service went up 0.6% or \$53,000, pensions went up \$290,000, fortunate to see a 3.4 decrease in workers comp and liability insurance and 7.5% decrease in medical self-insurance, an increase for a purchasing agent which will cover both the Town and BOE side, sharing the cost equally. BOE budget saw a 2.3% increase as presented, primarily driven by wages and salaries, special ed continues to be expensive, 2.19 increase. BOF doesn't think that educational cost sharing will be reduced anymore from the state, there is a \$120,000 cushion in the budget. Enrollment is seeing an increase in students above from what was projected for K-4<sup>th</sup> grade, approx. 60 more students than 2015-16, downtrend of certified teachers, down to 416.

Mr. Gaston spoke to some specific areas of the budget, the BOF debated roads looking at \$1.5 million in CIP for roads for 2018-19 and the original budget had \$1.75 million. The BOF restored \$65,000 to Parks and Rec for a heavy duty pick-up truck based on concern of the use of older vehicles and services compromised. Regarding technology, plan for technology presented a 5 year plan, but currently need upgrades and circuit speeds, reduce amount of computers, circuit speed upgrades, estimated some savings of \$30,000 or more in savings, the BOF restored \$100,000. Economic Development also restored, adding \$25,000 for a part-time position. There was a lot of discussion of where the monies would come from, with various motions, one that passed on a split vote was to reduce the roads by \$150,000. Another \$25,000 taken out of winter maintenance, hours and salt, the thought process included 7 year historical cost vs. the last 5 years.

The BOE had a savings in liability insurance, additional savings in fuel costs totaling \$14,000 savings, the BOE indicated a next needs list, an increase for curriculum coordinator \$14,000. The BOE proposed \$100,000 contingency for special ed, the BOF voted to try \$50,000 contingency. In technology, historically, this item gets reduced, BOE have planned approx. \$550,000 the 5-year average would be approx. \$464,600, work on \$525,000. The BOE budget was reduced by \$75,000. Mr. Hinden, who was the sole nay vote, said that in both budget processes there was a real effort for fiscal responsibility, the increases of 2.5% and 2.3% are reasonable. Decisions process was thorough and thoughtful with forward thinking. He provided the example of a staff member with social media expertise for the Economic Development position. IT costs could be future savings. The roads is an increase, but asked the Council to consider reinstating \$75,000 to the BOE budget, and \$150,000 to the roads budget. The logic of taking money out of the budget, the action taken by the BOF, was

described as might be a token amount, but we want our citizens to see that we are being responsible in taking the number down, he thinks that sends the wrong message to the entire process, and we want our BOS budget and BOE budget to reflect reality, we don't want to encourage ask high and settle for less, if justified, we should take the number down, if it is justified, we should put the money back in, but we should not just simply take the number down for token use.

Mr. Lundquist asked Council members to pose clarifying questions. Mr. Knapp asked about the new contingency fund on BOE side, in past years he was told that they did not have ability like the Town did, statutorily is it ok or is there another way to do this. Mr. Gaston said they are allowed to do that, permitted by statute so you could carry over.

Mr. Wiedemann asked for clarification about \$160,000 already in contingency and adding to it. Mr. Gaston said that there is some money in contingency, the contingency is in the budget, the carry-over is from the prior budget. Mr. Bienkowski said that 5 years ago law passed for non-lapsing account for school districts, less of 1% of operating budget he explained, if over the BOF can approve to put into non-lapsing account, currently \$160,000 in that account. If they want to spend it they need to ask BOF to spend, vote, and processed from there, the proposal here is that that money can be available for any purpose, special ed is the logical place to use it. Came up with regulations, the amount would only be used for special ed purposes for the fiscal year only, those requests for special ed purposes would go the board, then approve, noted in the minutes.

Ms. DeStefano commented that the intention would be to spend that down first.

Mr. Lundquist asked what is the resulting increase on the BOE side. 2.3%.

Ms. DeStefano asked about dialogue of reduction of winter maintenance, risk factor. Mr. Gaston said the \$120,000 that educational cost sharing cushion, and contingency.

Ms. Johnson asked about the revenue number for the new purchasing agent, analyze data for the position. Mr. Gaston, no specifics yet, but a small percentage in savings, more information in a year or two. Mr. Wiedemann said that for the purchasing agent position, a return will be hard to benchmark, difficult for an immediate return, but over time, there will be a yield. Mr. Rosenthal said that part of the expectation of the position will be to look for savings.

Mr. Rosenthal said that regarding roads, get away from bonding for roads, pointing out last year's budget and anticipated state cuts, he would like to give the roads budget further thought and applying the resources to the roads and look to reinstate.

Mr. Knapp asked about the action taken last year, the collection rate 99.0 to 99.2, any discussion since this is a reval year, fluctuations in tax bills. Mr. Gaston said there were some questions, but did not delve into it.

Mr. Lundquist said next week 3/14 meeting will be cancelled. On the 21<sup>st</sup> there will be a public hearing at 7:00 then regular meeting at 7:30. On March 28 Council will gather to hear committee recommendations. On April 4 for final action and adopt a budget, a referendum will follow.

#### *Discussion and Possible Action*

#### **Emergency Ordinance to Appoint Four Additional Members to the Board of Assessment Appeals**

#### **MR. WIEDEMANN MOVED TO ACCEPT THE EMERGENCY ORDINANCE TO APPOINT FOUR ADDITIONAL MEMBERS TO THE BOARD OF ASSESSMENT APPEALS. SECOND BY MR. HONAN.**

Mr. Lundquist explained the ordinance language. (Attached) The Board of Assessment Appeals had three members and one resigned, because it is a reval year, additional members can be appointed. Nominations have been put forth by the DTC and

RTC. Mr. Knapp referenced the schedule of 60 days as enough time. An extension is toward the end of April, which is enough time. The ordinance is in effect immediately and will be published accordingly. Mr. Eide asked if members would be assigned a certain amount of appeals, Mr. Rosenthal said that the Board of Assessment Appeals will be able to hear the appeals, and use additional resources as needed. **ALL IN FAVOR. MOTION PASSES. (12-0)**

### **Appointment of Members to the Board of Assessment Appeals**

**MR. WIEDEMANN MOVED TO ACCEPT THE EMERGENCY ORDINANCE TO APPOINT DEB ZUKOWSKI TO THE BOARD OF ASSESSMENT APPEALS. SECOND BY MR. HONAN. ALL IN FAVOR. MOTION PASSES. (12-0)**

**MR. WIEDEMANN MOVED TO ACCEPT THE EMERGENCY ORDINANCE TO APPOINT JOHN GODIN TO THE BOARD OF ASSESSMENT APPEALS. SECOND BY MR. HONAN. ALL IN FAVOR. MOTION PASSES. (12-0)**

**MR. WIEDEMANN MOVED TO ACCEPT THE EMERGENCY ORDINANCE TO APPOINT CONNIE COOPER TO THE BOARD OF ASSESSMENT APPEALS. SECOND BY MR. CARROLL. ALL IN FAVOR. MOTION PASSES. (12-0)**

**MR. WIEDEMANN MOVED TO ACCEPT THE EMERGENCY ORDINANCE TO APPOINT CHARLES FRAMULARO TO THE BOARD OF ASSESSMENT APPEALS. SECOND BY MR. HONAN. ALL IN FAVOR. MOTION PASSES. (12-0)**

Mr. Lundquist thanked the volunteers for stepping forward on short notice. Mr. Capeci, questioned a point of order on Council to vote that the emergency exists before voting on the ordinance. The emergency is explained in the ordinance.

### **Teton Capital Business Incentive for 37 Church Hill Road**

Mr. Lundquist invited Economic Development Commission Chair Wes Thompson, Deputy Director Economic and Community Development Christal Preszler, Economic Develop Commission Cramer Owen, Bill Donohue Teton Capital to speak to the Teton Capital Business Incentive for 37 Church Hill Road. Mr. Thompson explained they are here tonight for Council support to build an assisted living facility at 37 Church Hill Road. It will create 64 new jobs, minimal traffic impact, most residents will not be driving cars, existing property is vacant generating about \$9,000 in taxes, wooded area, about \$16 million to develop, BOS, BOF, and Economic Development Commission have voted in support of the project. The incentive program does not reduce the existing tax base, it immediately increases tax base even during construction, it slows the increase in taxes, asking for approval for a three year tax incentive. Taxes will increase within the first year about \$153,000, a 1,681% increase, during the incentive period it stays about that level, after the incentive period it increases to \$338,000 per year. This investment qualifies for 45% of the incentive with a 1.25% personal property multiplier, term is 3 years. High potential for complimentary sales in the community. The reason they are asking for the incentive, Teton Capital is looking at other towns, New Milford, Madison, Stamford, this is a perfect use of the incentive program to be a strong competitor for the project. Mr. Weidemann asked about traffic to the schools, what times are the

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shifts, coincide with school. There will be 3 shifts, some may coincide with school times, about 25-30 people. Traffic study done, a lot of discussion, a traffic consultant looked at. Assisted living is in the lower traffic flow. Mr. Knapp fully supports the project and the program has been designed for projects like this, helpful to support Newtown's aging population. Mr. Smith asked if other uses for the property, no. Mr. Lundquist asked if these would be new jobs for the organization, yes.

**MR. WEIDEMANN MOVED TO APPROVE THE BUSINESS INCENTIVE FOR TETON CAPITAL AT 37 CHURCH HILL ROAD AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT COMMISSION. SECOND BY MR. KNAPP. ALL IN FAVOR. MOTION PASSES. (12-0)**

**MR. WIEDEMANN MOVED A RESOLUTION TO AUTHORIZE THE PREPARATION AND PRINTING OF NON-ADVOCACY MATERIALS RELATED TO MIDDLE GATE ROOF REPLACEMENT REFERENDUM QUESTION SCHEDULED FOR APRIL 24, 2018. SUCH MATERIALS TO INCLUDE MAILINGS, FLIERS, AND POSTERSAS WELL AS EXPLANATORY TEXT ON THE BALLOT. CONTENT OF THESE MATERIALS TO BE APPROVED BY THE TOWN ATTORNEY, SUBJECT TO CGS 9-369B (A). SECOND BY MR. CARROLL.** Mr. Knapp asked about cost of these items and how accounted for. Mr. Lundquist explained that the BOE would need to approve costs. **ALL IN FAVOR. MOTION PASSES. (12-0)**

**MR. WIEDEMANN MOVED A RESOLUTION TO AUTHORIZE THE PREPARATION AND PRINTING OF NON-ADVOCACY MATERIALS RELATED TO CAPITAL ROAD PROGRAM REFERENDUM QUESTION SCHEDULED FOR APRIL 24, 2018. SUCH MATERIALS TO INCLUDE MAILINGS, FLIERS, AND POSTERSAS WELL AS EXPLANATORY TEXT ON THE BALLOT. CONTENT OF THESE MATERIALS TO BE APPROVED BY THE TOWN ATTORNEY, SUBJECT TO CGS 9-369B (A). SECOND BY MR. KNAPP. ALL IN FAVOR. MOTION PASSES. (12-0)**

**VOTER COMMENT:** None.

**ANNOUNCEMENTS:** Mr. Lundquist announced that the March 14, 2018 Legislative Council meeting will be cancelled. All questions for municipal ops or finance committees should be collected, sent to the chair, and cc Mr. Lundquist.

**ADJOURNMENT:** There being no further business the meeting adjourned at 9:01.

Respectfully Submitted,

June Sgobbo

Clerk

Attachment: Emergency Ordinance to Appoint Four Additional Members of the Board of Assessment Appeals.

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

EMERGENCY ORDINANCE TO APPOINT FOUR ADDITIONAL MEMBERS  
TO THE BOARD OF ASSESSMENT APPEALS

**WHEREAS**, the year 2017 was a revaluation year in the Town of Newtown; and

**WHEREAS**, pursuant to Connecticut General Statute Section 9-199(c) the Connecticut State Legislature has authorized municipalities to appoint additional members to the Board of Assessment Appeals for any assessment year in which a revaluation becomes effective and for the assessment year following such year; and

**WHEREAS**, the Newtown Town Charter Section 5-15 Emergency Ordinances authorizes the Legislative Council to adopt an emergency ordinance to become effective immediately upon stating facts which support a finding that a public emergency exists; and

**WHEREAS**, every emergency ordinance, including any amendment thereto, shall be automatically repealed at the termination of the sixty-first day following said signing of such ordinance; and

**WHEREAS**, due to the recent Town wide revaluation, the Board of Assessment Appeals currently has approximately two hundred appeals waiting to be processed; and

**WHEREAS**, the Board of Assessment Appeals as presently constituted will be unable to process the pending matters and complete its work on schedule; and

**WHEREAS**, if the Board of Assessment Appeals does not complete its work on schedule, the Town will be unable to appropriately set a mill rate; and

**WHEREAS**, the Board of Selectmen have determined that the Board of Assessment Appeals' inability to process the pending appeals from the revaluation in a manner which will permit the mill rate to be set in a timely manner constitutes a public emergency.

**NOW THEREFORE**, in order to address the emergency that exists, the Legislative Council, invoking its authority according to C.G.S. §9-199(c) and its emergency power pursuant to Newtown Town Charter § 5-15, expands the Board of Assessment Appeals by increasing the Board of Assessment Appeals membership by four members from three members to seven members.

This ordinance is effective immediately upon signing and publication thereof, per Section 1-25(b) of the Town Charter. It will be published in a newspaper having general circulation in the Town of Newtown and will automatically expire at the termination of the sixty-first day following said publication.

Signed and approved by the Legislative Council at a meeting held on the 8th day of March, 2018.

Legislative Council

BY: 