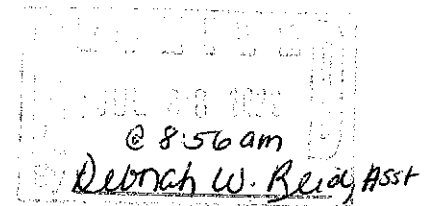


**TOWN COUNCIL  
REGULAR MEETING  
TOWN OF SOUTH WINDSOR**



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**July 18, 2022**

**1. Call Meeting to Order**

Mayor Pendleton called the Regular Meeting to order at 7:01 p.m.

**2. Pledge of Allegiance**

**3. Roll Call**

Members Present: Mayor Elizabeth Pendleton  
Deputy Mayor Steven King Jr. (Via Web-Ex)  
Councilor Erica Evans  
Councilor Philip Koboski (Via Web-Ex)  
Councilor Andrew Paterna  
Councilor Jamie Gamble  
Councilor Cesar Lopez

Others Present: Michael Maniscalco, Town Manager  
Vanessa Perry, Assistant Town Manager/Director of H.R.  
Scott Roberts, Assistant Town Manager/CIO/Emergency Mgmt.  
Richard Carella, Town Attorney

**4. Mayor's Remarks**

Mayor Pendleton proclaimed May 2, 2022 as the Mayor's Monarch Pledge Day to take action to protect Monarch Butterfly populations and presented a signed Proclamation to Mr. John Caldwell, Superintendent of Parks and Recreation in observance of National Pollinators Week

**5. Adoption of Agenda**

Councilor Cesar Lopez made a motion to adopt the July 18, 2022 agenda. Deputy Mayor Steven King, Jr. made a motion to move agenda item #17 (Executive Session) to after item #7 (Public Input). Councilor Erica Evans seconded the motion which passed by unanimous voice vote.  
**MOTION CARRIES.**

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**6. Communications and Reports from Town Manager**

- Mr. Maniscalco informed the Town Council that the Main Street Bridge is expected to be complete sometime in the beginning of August. Mr. Maniscalco stated that they expect to hold some type of ceremony to formally open the bridge with our State Delegation and Town Council sometime towards the end of August. This project was funded in part with State and local funds.
- Mr. Maniscalco provided an update on the sewer line work being completed on Clark Street by the Water Pollution Control Authority. This is the first location of many throughout the town that will be relined, and is being done in an effort to extend the life span of the sewer lines in town, saving residents money in the long-term. This project is being funded through ARPA funds.
- Mr. Maniscalco stated that the outdoor fitness equipment for Nevers Road Park is expected to be delivered anytime now with the intent of installation late summer to early fall as work schedules will allow. This project is being funded through a joint effort with the MaxChallenge and ARPA funds.
- Mr. Maniscalco provided an update on the Buckland Road repaving project which is scheduled to begin in early August. Work is going to occur both at night, and during the day so residents should plan for delays in the area and schedule accordingly. It is the expectation that repaving of Buckland Road should take about a month and a half to complete. This project is funded through bond funding approved at referendum by South Windsor residents.
- Mr. Maniscalco reported that ARPA funds from the Federal and State Government were to be received in two (2) payments. The first payment was received last year and we were expecting the second payment in May. Mr. Maniscalco stated that the State claims they have not yet received the funding from the Federal government, but that the situation is being watched closely.

Answering questions from the Council, Mr. John Caldwell, Superintendent of Parks and Recreation provided an update on the Pickle Ball Court while Mr. Maniscalco provided an update for the Splash Pad. Additionally, Mr. Maniscalco announced that the Library and Community Center are available to serve as cooling centers this summer and stated that residents may contact Human Services at (860) 648-6361 for more details or 2-1-1 for statewide information.

**7. Public Input**

None

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**17. Executive Session**

Deputy Mayor Steven King, Jr. made a motion to go into executive session at 7:30 p.m. to discuss item # 17(B) to discuss a personnel issue (Agreement between the Town of South Windsor and Local 1303-466 of Council 4, AFSCME, AFL-CIO Pollution Control Employees) and invited the Town Manager, Michael Maniscalco; Assistant Town Manager, Vanessa Perry; Assistant Town Manager, Scott Roberts into Executive Session. Councilor Jamie Gamble seconded the motion which passed by unanimous voice vote. **MOTION CARRIES.** The Executive Session ended at 7:55 p.m.

**8. Adoption of Minutes of Previous Meetings**

Councilor Erica Evans made a motion for the adoption of the following resolution:

**BE IT RESOLVED, that the South Windsor Town Council hereby approves the Minutes of the Special Work Session Meeting of July 5, 2022.**

The motion was seconded by Councilor Andrew Paterna which was passed by a roll call vote of 6 ayes (Mayor Pendleton, Deputy Mayor King, Councilors Evans, Paterna, Koboski, and Lopez), 0 nays, and 1 abstention (Councilor Gamble). **MOTION CARRIES.**

Councilor Erica Evans made a motion for the adoption of the following resolution:

**BE IT RESOLVED, that the South Windsor Town Council hereby approves the Minutes of the Regular Town Council Meeting of July 5, 2022**

The motion was seconded by Councilor Andrew Paterna which was passed by a roll call vote of 6 ayes (Mayor Pendleton, Deputy Mayor King, Councilors Evans, Paterna, Koboski, and Lopez), 0 nays, and 1 abstention (Councilor Gamble). **MOTION CARRIES.**

**9. Communications from Liaisons, Officers, and Boards Directly Responsible to Council**

Deputy Mayor King updated members of the Town Council that the Inland Wetlands Meeting scheduled for July 20, 2022 has been cancelled and that the Water Pollution Control Authority will have a Special Meeting at the Town Hall in the Council Chambers on Wednesday, July 20, 2022 at 7p.m. to discuss odor control improvement.

**10. Reports from Committees**

Councilor Evans reported that the IT Board and Video Subcommittee met and discussed a traveling system that could be set up for boards and commissions at various locations which would be a

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more cost effective option of providing video recordings without hiring staff to cover the meetings. They would not provide live stream recording, but recorded videos would be made available to the public the following day via the Town's website. The plan is to try a sample system and report back to the Subcommittee at the next meeting.

Mayor Pendleton reported that the Personnel Committee is meeting Tuesday, June 19, 2022 at 11a.m. to review applications for the Clerk of the Council position. Additionally, Mayor Pendleton reported that Capital Improvement Projects is meeting on Wednesday, June 20, 2022 to discuss the status of the 2022 projects.

**11. Consent Agenda**

**A. First Reading**

**1.Resolution Appointing Srinivasa Chalikonda (D) as a member of the Park and Recreation Commission and Postponing Consideration of this Motion until the Town Council's next regularly scheduled meeting.**

**BE IT RESOLVED**, that the South Windsor Town Council hereby appoints Srinivasa Chalikonda (D) as a member of the Park and Recreation Commission for a term ending December 31, 2023, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Councilor Erica Evans made a motion to approve Agenda Item 11.A.1. as a First Reading on the Consent Agenda. Councilor Andrew Paterna seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**B. Second Reading**

**1. Resolution Appointing Suresh Jeyaprasad (U) as a member of the Social Justice and Racial Equity Commission for a term ending November 30, 2022**

**BE IT RESOLVED**, that the South Windsor Town Council hereby appoints Suresh Jeyaprasad (U) as a member of the Social Justice and Racial Equity Commission for a term ending November 30, 2022

Deputy Mayor Steven King, Jr. made a motion to approve Agenda Item 11.B.1. as a Second Reading on the Consent Agenda. Councilor Erica Evans seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**C. Miscellaneous**

**1. None.**

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**12. Unfinished Business**

None.

**13. New Business**

**A. Resolution Authorizing the Appropriation of \$413,000 of LoCIP Funds to Cover Costs Associated with the replacement of the South Windsor Fire Headquarters Roof**

Councilor Philip Koboski made a motion for the adoption of the following resolution:

**WHEREAS**, the Town Council wishes to use \$413,000 in LoCIP funds to pay for the replacement of the South Windsor Fire Headquarters Roof; and

**WHEREAS**, the required public hearing was held on Monday, July 18, 2022

**NOW, THEREFORE, BE IT RESOLVED** that the South Windsor Town Council hereby authorizes the Town Manager to apply to the State of Connecticut, Office of Policy and Management to use \$413,000 in LoCIP funds to cover costs associated with the replacement of the Fire Headquarters Roof

Councilor Andrew Paterna seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**B. Resolution Approving an Agreement Between the Town of South Windsor and Local 1303-466 of Council 4, AFSCME, AFL-CIO Pollution Control Employees**

Councilor Cesar Lopez made a motion for the adoption of the following resolution:

**BE IT RESOLVED** that the South Windsor Town Council hereby approves the proposed "Agreement Between the Town of South Windsor and Local 1303-466 of Council 4, AFSCME, AFL-CIO Pollution Control Employees" for the period of July 1, 2022, through June 30, 2025.

Councilor Andrew Paterna seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**C. Resolution Approving a Refund of Taxes to Four (4) South Windsor Taxpayers.**

Councilor Jamie Gamble made a motion for the adoption of the following resolution:

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**BE IT RESOLVED**, that the South Windsor Town Council hereby approves a refund of property taxes to Four (4) South Windsor Taxpayers, the total of said refunds being \$8,222.54 and as more fully described in attached **Exhibit A**.

Councilor Erica Evans seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**D. Discussion Item: Plan for Paving**

Mr. Maniscalco and Mr. Jeffrey Doolittle, Town Engineer and Assistant Director of Public Works provided an update on the Paving for Progress Project. Answering questions from the Council, there was a discussion about the lower financial impact this project will have on residents over the six year period of time. due to the utilization of long-term borrowing. It was also discussed how the increase in funding for the project is due to the consideration of additional sidewalks. There was a discussion on the possibility of obtaining state grants to aid in the funding of the sidewalks.

**E. Resolution Requesting the Town Council to Approve a Referendum Date of November 8, 2022 for the Planning, Design, Construction and/or Replacement of Town-wide road paving, sidewalks and drainage improvements and authorizing the issuance of \$35,470,000 bonds of the Town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose**

Councilor Erica Evans made a motion for the adoption of the following resolution:

**WHEREAS**, it is the desire of the Town Council to bring the referendum question forward to the South Windsor community on November 8, 2022

**NOW, THEREFORE, BE IT RESOLVED** that the South Windsor Town Council hereby approves a referendum date of November 8, 2022 with polling time of 6:00 a.m. to 8:00 p.m.

Councilor Andrew Paterna seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**F. Resolution Appropriating \$35,470,000 for the Planning, Design, Construction and/or Replacement of Town-wide road paving, sidewalks and drainage improvements and authorizing the issuance of \$35,470,000 bonds of the Town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose and more fully described on attached Exhibit B**

Mayor Liz Pendleton made a motion for the adoption of the following resolution:

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**BE IT RESOLVED**, that the South Windsor Town Council hereby approves the appropriation of \$35,470,000 for the Planning, Design, Construction and/or Replacement of Town-wide road paving, sidewalks and drainage improvements and authorizing the issuance of \$35,470,000 bonds of the Town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose and more fully described in attached **Exhibit B**.

Councilor Erica Evans seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

**G. Resolution Approving a Ballot Question for Referendum of Town Electors**

Councilor Andrew Paterna made a motion for the adoption of the following resolution:

**BE IT RESOLVED** that the resolution entitled "Resolution Appropriating \$35,470,000 For The Planning, Design, Construction And/Or Replacement Of Town-Wide Road Paving, Sidewalks And Drainage Improvements And Authorizing The Issuance Of \$35,470,000 Bonds Of the Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose"; heretofore at this meeting adopted, be submitted to the Town electors for approval or disapproval at a referendum to be held in conjunction with the general election on Tuesday, November 8, 2022, and that the warning of said referendum state the question to be voted upon as follows:

"Shall the resolution approving an appropriation and bond authorization in the amount of \$35,470,000 for the planning, design, construction and/or replacement of Town-wide road paving, sidewalks and drainage improvements, adopted by the Town Council on July \_\_, 2022, be approved?"

The ballot label for said question will read as follows:

"Shall the resolution appropriating and authorizing bonds in the amount of \$35,470,000 for the planning, design, construction and/or replacement of Town-wide road paving, sidewalks and drainage improvements be approved? YES NO"

Councilor Erica Evans seconded the motion, and it was approved unanimously. **MOTION CARRIES.**

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**H. Resolution Authorizing the Town Attorney to Draft Explanatory Text**

Councilor Andrew Paterna made a motion for the adoption of the following resolution:

**BE IT RESOLVED** that the South Windsor Town Council hereby authorizes the Town Clerk to draft Explanatory Text pursuant to C.G.S. Section 9-369b(a) for the upcoming referendum regarding the Planning, Design, Construction and/or Replacement of Town-wide road paving, sidewalks and drainage improvements and authorizing the issuance of \$35,470,000 bonds of the Town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose.

Councilor Erica Evans seconded the motion, and it was approved unanimously. **MOTION CARRIES.** Answering questions from the Council, Attorney Carella discussed the drafting of the Explanatory Text, which is reviewed by the State Election Enforcement Commission. Attorney Carella also explained the guidelines set forth by this Agency, which can be read in **Exhibit C**. There was also a discussion on how the Explanatory Text will be made available to the public prior to voting. Ms. Bonnie Armstrong, Town Clerk discussed her role in the Referendum process.

**14. Passage of Ordinance**

None.

**15. Public Input for Any Matter**

Audrey Delnicki (*130 Felt Road*) addressed members of the Town Council regarding items that were left off the meeting agenda. Ms. Delnicki submitted a Freedom of Information (FOI) request for the July 11, 2022 Council Agenda Setting Meeting.

**16. Communications from Council**

Councilor Paterna announced that the Park and Recreation Facility Planning Commission will be meeting on Monday, July 25, 2022 to discuss conceptual ideas for three sites.

Councilor Evans expressed her gratitude to those who volunteered to serve on the Social Justice and Racial Equity Commission, which will be able to meet next month.



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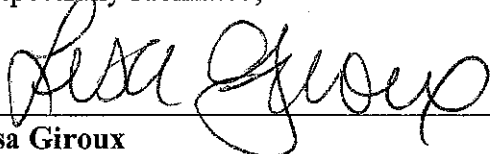
**July 18, 2022**

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**18. Adjournment**

There being no more business to come before the meeting, Mayor Liz Pendleton made a motion to adjourn the Regular Town Council Meeting at 8:57 p.m., which was seconded by Councilor Andrew Paterna and passed by unanimous voice vote. **MOTION CARRIES.**

Respectfully submitted,

  
\_\_\_\_\_  
**Lisa Giroux**  
Administrative Secretary

06 74



JENNIFER R. HLINSKI SHIRLEY, CCMC, CCMO  
COLLECTOR OF REVENUE

SWCT  
JMS

# MEMO

**DATE:** July 7, 2022  
**FROM:** Carlene Andrulat  
**TO:** Katherine Senerth – Interim Clerk of the Council  
**SUBJECT:** Refund Batch #1 for Town Council – July 18, 2022 Agenda  
**CC:** Michael Maniscalco, Town Manager  
Patricia Perry, Director of Finance  
**# OF PAGES:** 2

Please note that messages to and from the Town of South Windsor may be subject to public release in accordance with applicable laws.

I respectfully request the Town Council's consideration and approval of 4 refunds totaling \$8,222.54, as noted on the attached report. All refund requests received by July 6, 2022 are included.

Collector of Revenue

FY 22-23 Refund Batch 1

July 18, 2022 Town Council Meeting

Name	Bill	Prop Loc/Vehicle Info.	Reason	Over Paid
CHASE AUTO	2020-03-00051356	2017/SALCR2BG1HH680862	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(541.78)
KHAW RYAN &	2021-01-00051113	200 PERIN PLACE	Sec. 12-129 Refund of Excess Payments.	(4,427.54)
MERZOUGUI BELABES	2021-01-0005175	15 SKYLINE DRIVE	Sec. 12-129 Refund of Excess Payments.	(3,177.20)
STODDARD CYNTHIA M	2020-03-0071638	2003/1HGM56699A086516	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(76.02)

Total of 5 Refunds (8,222.54)

Drafted by:

*Carlene Andrusak*

Carlene Andrusak  
Revenue Clerk

Date: 7/7/22

Approved by:

*Jennifer R. Hillinski-Shirley*

Jennifer R. Hillinski-Shirley  
Collector of Revenue, CCMC, CCMO

Date:

7 July 2022

RESOLUTION APPROPRIATING \$35,470,000 FOR THE PLANNING, DESIGN, CONSTRUCTION AND/OR REPLACEMENT OF TOWN-WIDE ROAD PAVING, SIDEWALKS AND DRAINAGE IMPROVEMENTS AND AUTHORIZING THE ISSUANCE OF \$35,470,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

RESOLVED:

Section 1. The sum of \$35,470,000 is hereby appropriated by the Town of South Windsor, Connecticut (the "Town") for the planning, design, construction and/or replacement of Town-wide road paving, sidewalks and drainage improvements, and related legal, consulting, advisory and administrative fees and expenses and costs of issuance related thereto, said appropriation being inclusive of any and all State and Federal grants-in-aid thereof (the "Project").

Section 2. To meet said appropriation \$35,470,000 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"). Said bonds may be issued in one or more series as determined by the Town Manager, 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 said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, financing, legal and other 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 Town Manager and the Town Treasurer, 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, 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 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 Town Manager and Town Treasurer, in accordance with the Connecticut General Statutes.

Section 3. Said bonds shall be sold by the Town Manager in a competitive offering or by negotiation, in his discretion. If sold in a competitive offering, 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. 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. If the bonds are sold by negotiation, the purchase agreement shall be approved by the Town Manager and Town Treasurer.

Section 4. The Town Treasurer is 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 Town Manager and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Town Manager, be approved as to their legality by Robinson & Cole LLP, Hartford, Connecticut and be certified by a bank or trust company designated by the Town Manager 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. 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, 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 appropriation and any proceeds of bonds or notes for the Project not required to meet the actual cost of the Project may be transferred by the Town Manager, upon approval of the Town Council, to meet the actual cost of any other public improvement (including capital projects authorized by prior and future capital resolutions) for which a valid appropriation and bond authorization is outstanding; provided that the aggregate amount of the appropriation and bond authorization pursuant to such transfer shall not be increased.

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, notes, or other tax-exempt 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 Town Treasurer or his/her designee is authorized to pay Project expenses in accordance herewith pending the issuance of the Tax Exempt Obligations.

Section 7. The Town Manager and Town Treasurer are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of certain 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 MSRB made prior hereto are hereby confirmed, ratified and approved.

Section 8. The Town Manager and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to enter into any other agreements, instruments, documents and certificates, including tax and investment agreements, for the consummation of the transactions contemplated by this resolution. The Town Manager and the Town Treasurer, or either of them, are hereby authorized, on behalf of the Town, to apply for and accept any and all Federal and State loans and or grants-in-aid of the Project, 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 9. This resolution shall become effective upon its approval by the Town electors at a referendum called by the Town Council for such purpose.



Exhibit C

**STATE OF CONNECTICUT  
STATE ELECTIONS ENFORCEMENT COMMISSION  
55 Farmington Ave Hartford, Connecticut 06105**

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**Prohibition on Expenditure of Public Funds Relating to Referenda**

**1. *Spending Public Funds To Inform Citizens Regarding Referenda***

Historically, an "explanatory text" has been the exclusive method by which a municipality or regional school district could expend public funds for printing and distribution of an explanation of the subject matter of a referendum. Connecticut General Statutes § 9-369b(a) sets forth the following conditions for such explanatory texts:

- (a) a vote of the municipality's legislative body is needed to authorize it;
- (b) the municipal clerk must prepare the text and the municipal attorney must approve it;
- (c) it must specify the intent and purpose of each referendum; and
- (d) cannot advocate either the approval or the disapproval of the referendum.

Materials in addition to the explanatory text may now be prepared and printed with public funds if they (1) do not advocate either the approval or disapproval of the referendum; (2) are authorized by vote of the local legislative body; and (3) are approved by the municipal attorney.

In a municipality that has a town meeting as its legislative body, the board of selectmen by majority vote can authorize the issuance of an explanatory text or other neutral printed matter. Pursuant to Connecticut General Statutes § 9-369b(b), for a referendum called for by a regional school district, the regional board of education shall authorize and approve the explanatory text, which shall be prepared by the regional school board's secretary, and approved by the regional board of education counsel.

**2. *Expenditure of Public Funds For Advocacy Prohibited***

With two exceptions discussed below, no expenditure of state, municipal or regional school district funds can be made to influence any person to vote for approval or disapproval of any referendum question. The ban applies when a referendum is pending.

**3. *When is a Referendum Question Pending?***

A referendum question is pending when the necessary legal conditions have been satisfied to require the publication of the warning (notice) of the referendum. For example, a referendum is pending when a sufficient number of signatures have been certified by the Town Clerk under § 7-7, Connecticut General Statutes, or when the selectmen (or other authorized government official) have determined that a referendum will be conducted.

**4. Pro-Con Summaries**

By ordinance, a municipality may provide for the preparation and printing of concise summaries of arguments in favor of and opposed to a referendum for which an explanatory text is prepared under § 9-369b(a) or (b). The ordinance must provide for a committee to prepare these summaries. See § 9-369b(d), Connecticut General Statutes for other conditions which must be satisfied.

**5. Press Releases and Constituent Responses Permitted**

The other exception is that an official can express his/her views on a pending referendum at a bona fide news conference, and may use public funds, facilities, and supplies to prepare a press release to be disseminated at the conference. Also, an official may use public funds, facilities and supplies to respond to a constituent request for information concerning the referendum, including the official's views. The exception is lost however, if the official responds to the citizen's request with the knowledge that the response will be disseminated to others in the community.

**6. Children in School as Couriers**

Children in school may not be used as couriers of information that advocates a position on a referendum. A notice limited to the time, place and question to be voted upon may be sent home to parents via children in school.

**7. Use of School Teachers, Administrators, Facilities, Supplies, and Equipment Prohibited**

The prohibition on state or municipal funds also applies to the use of school facilities, supplies, and equipment and postal permits to advocate a position on a referendum. For example, parent teacher organizations and school administrators may not use school equipment to prepare or copy advocacy material even if the town, regional district or school system is reimbursed for such use. This prohibition also extends to the use of a school's public address system to advocate a result of a referendum.

**8. Use of School Facilities by Outside Political Committees and Organizations For Meetings or Rallies**

School facilities may not be used by political committees or other groups for the purpose of advocating a position on a referendum unless such facilities are accessible to all such committees or groups on a non discriminatory basis. A charge can be made for the use of school facilities for this purpose and all groups or committees must be charged the same.

**9. *What Constitutes Advocacy?***

A communication advocates a position on a referendum when in part, or taken as a whole, it urges the listener or reader to vote in a particular manner. The style, tenor and timing of a communication are factors which are considered by the Commission when reviewing alleged improprieties of § 9-369b.

**10. *Civil Penalties For Violations***

The State Elections Enforcement Commission may impose a civil penalty against any person who violates § 9-369b, in an amount not exceeding twice the amount of the improper expenditure or \$1,000, whichever is greater. The official is personally liable for the penalty and cannot be reimbursed or indemnified by the state, regional school district or municipality for payment of a civil penalty.

**11. *Political Committees to Promote Referenda***

Under Chapter 155 of the General Statutes, public officials and citizens alike may join together to advocate their views on a referendum by registering a political committee with the clerk of the municipality in which the referendum is to be held. Upon its registration, the political committee is permitted to solicit, receive and expend private funds to promote the success or defeat to a referendum question. If less than \$1,000 is expected to be collected or spent, a group may file a certification of exemption in lieu of a political committee registration form.

**12. *Independent Personal Expenditures***

Any citizen or public official may independently (acting alone) make expenditures of his/her own funds to promote the success or defeat of a referendum question without forming a political committee in conformance with Chapter 155, Connecticut General Statutes. However, once such individual spends more than \$1,000 to promote the success or defeat of a referendum question, he or she must file statements according to the same schedule and in the same manner as is required of a campaign treasurer of a political committee under § 9-608.

The information contained herein is not exhaustive. If you have any questions concerning the enforcement of § 9-369b, please contact the State Elections Enforcement Commission, 20 Trinity Street, Suite 101, Hartford, CT 06106-1628. (860-256-2940). You may also wish to consult the Commission's publication [A Guide to Financing Referendum Questions](#) or our website [www.ct.gov/seec](http://www.ct.gov/seec).