

Meeting Minutes
Farmington High School Building Online Committee Meeting
Wednesday, April 7, 2021
6:30 P.M.

Attendees:

Meg Guerrera, Chair
Sharon Mazzochi
Ellen Siuta
Wendy Ku
Johnny Carrier
Michael Smith
Chris Fagan
Kathy Greider, Superintendent
Sam Kilpatrick, Director of School Facilities
Scott Hurwitz, FHS Principal
Lisa Kapcinski, FHS Assistant Principal
Kathy Blonski, Town Manager
Kat Krajewski, Assistant Town Manager
Devon Aldave, Clerk of the Committee
Mark Garilli, Construction Solutions Group
Chris Cykley, Construction Solutions Group

A. Call to Order.

The meeting was called to order at 6:32 P.M.

B. Pledge of Allegiance.

The committee members recited the Pledge of Allegiance.

C. Public Comment.

None.

D. Minutes.

1) To approve the attached March 24, 2021 minutes.

Upon a motion made and seconded (Mazzochi/Ku) it was unanimously VOTED: to approve the March 24, 2021 minutes.

E. Correspondence Received 3/22/2021 – 4/5/2021.

- 1) Jeanne T. Johnson – 4/1 Session**
- 2) Jeanne T. Johnson – Zoom Attendance Requirements**
- 3) Mark Socha – Community Survey**
- 4) David Eustis – Wishing You Well**
- 5) Jay Tulin – Message of Support**

Meg Guerrera reviewed the correspondences received.

F. Reports.

1) Chair Report.

Meg Guerrera thanked the committee members for their involvement in the community presentations.

2) Town Council Liaison Report.

Chris Fagan stated that he and Town Council member Brian Connolly are working with Finance Director Joe Swetcky to discuss tax abatement programs related to the FHS Building Project.

3) Communications Subcommittee Report.

Kat Krajewski stated that the Communications Subcommittee met prior to this meeting. The subcommittee reviewed website analytics. The side-by-side video presentation is live on the homepage of the website. The subcommittee discussed the ongoing community outreach presentations. A Community Outreach page was created on the website which includes recordings and slide decks of the community presentations. The Town Newsletter is being sent out this week, which features a blurb about the FHS Building Project on the front page.

After Kat finished her report, the FHS Building Committee had general discussion regarding how to engage residents who may not be familiar with Zoom. The committee will explore having socially distanced in-person viewing opportunities at Town buildings.

4) Board of Education Liaison Report.

Ellen Siuta stated that there was nothing to report.

5) Financial Report.

Kat Krajewski presented the Financial Report. It is recorded with the minutes as Attachment A.

6) State/Legislative Update.

Mark Garilli stated that there have not been relevant updates from the State regarding this project.

7) Industry Update.

Mark Garilli stated that trends remain the same from previous meetings.

G. New Business

1) To approve the attached invoice from Construction Solutions Group in the amount of \$31,707.00.

Upon a motion made and seconded (Siuta/Carrier) it was unanimously VOTED: to approve the invoice from Construction Solutions Group in the amount of \$31,707.00.

2) To discuss elections enforcement compliance.

The FHS Building Committee discussed elections enforcement compliance. Meg Guerrera began this discussion by reviewing two documents which are recorded with the minutes as Attachment B and

Attachment C. These documents include information regarding what activities are allowed and prohibited by the Town once a referendum date is set. Topics included use of public funds and advocacy. Kat Krajewski stated that she will reach out to the Town Attorney to assist in determining which materials on the committee website are considered advocacy. Meg asked the committee members for specific questions they have, which she will take to the State Elections Enforcement Commission for clarity. This conversation will continue at future meetings.

H. Adjournment.

Upon a motion made and seconded (Ku/Mazzochi) it was unanimously VOTED: to adjourn at 7:29 P.M.

Respectfully Submitted,

Devon Aldave
Clerk of the Committee

Farmington High School Building Committee
 Financial Report- April 7, 2021

Starting Account Balance 2016	\$500,000	Initial authorization for the FHS Building Committee in 2016
Remaining Balance from 2016 committee	\$266,007.00	Remaining balance from previous FHS committee approved at 9/10/19 Town Council Meeting
Appropriation from Town Council	\$199,000.00	approved at 9/10/19 Town Council Meeting
Transfer from Town Council	\$256,000.00	Council Meeting

Total Account Balance- Beginning 2018 \$721,007.00

Expenses from Ad Hoc Committees:

Amount	Description	
\$17,000	Community Survey	Contract

Expenses from this FHS Building Committee:

Amount	Description	
\$33.75	2 year website Domain- fhsbuildingproject.org	P-Card
\$27.90	2 year website Domain- fhsbuildingproject.com	P-Card
\$27.90	2 year website Domian- fhsbuildingproject.net	P-Card
\$432.00	wix website hosting	P-Card
	wix credit	Credit
\$369.66	hartford courant legal notice for Architect RFP	cu00254321
\$1,993.00	FHS Building Committee Intern (Summer Work)	
\$218.16	Square Space website hosting	P-Card
\$14,850.00	PT Help-- For Committee	Contract
\$15.94	Staples- Poster for 10/16 Community Input Meeting	P-Card
\$105.10	Highland park Market- Dinner for Interviews	P-Card
\$25.47	Staples Poster Boards for Communtiy Input Meeting	Staples Credit Card
\$276.90	Amazon- Supplies for Community Input Meeting	P-Card
\$132.75	Chartwells- Coffee/Tea for Communtiy Input Meeting	
\$112.50	Chartwells from 1/25 Community meeting	

Farmington High School Building Committee
Financial Report- April 7, 2021

\$596.00	Nutmeg TV Meetings 1/8, 1/15, 1/22	
\$1,198.00	Briarwood Printing- Postcard 8/2020	
\$2,941.34	USPS Postcard Mailing- 8/2020	
\$229.72	Square space website hosting- annual fee	P-Card
\$1,925.06	January Newsletter Postage 1/20/21	
\$224.19	Survey- Business Reply Postage 1/25/21	
\$383.52	Survey -Business Reply Postage 1/27/21	
\$191.76	Survey- Business Reply Postage 1/28/21	
\$62.04	Survey-Business Reply Postage 1/29/21	
\$269.31	Survey- Business Reply Postage 2/1/21	
\$60.63	Survey-Business Reply Postage 2/3/21	
\$36.66	Survey-Business Reply Postage 2/4/21	
\$169.89	Overnight Shipping to Survey Systems	
\$9.80	Survey- Business Reply Postage 2/5/21	
\$35.25	Survey-Business Reply Postage 2/5/21	
\$97.25	Overnight Shipping to Survey Systems	
		Additional reply postage received after survey deadline
\$318.66	Survey-Business Reply Postage- 2/9-2/24/21	
\$19.74	Survey -Business Reply Postage - 2/25/21-3/5/21	
\$4.23	Survey-Business Reply Postage- 3/11/21-3/17/21	
\$1,925.06	March Newsletter Postage- 3/25/2021	
Total Expense:		\$29,319.14

Current Account Balance **\$674,687.86**

<i>Professional Partners-Invoice (Part 1)</i>	<i>Amount Billed to Date</i>	<i>Total Contract Amount (Part 1)</i>	<i>Remaining Balance</i>
CSG Invoice	\$89,109.00	\$89,109.00	\$0.00
QA+M	\$47,000.00	\$47,000.00	\$0.00
TSKP Studio	\$120,000.00	\$120,000.00	\$0.00
<i>Professional Partners-Invoice (Part 2)</i>			
Center for Research and Public Policy	\$8,500.00	\$17,000.00	\$8,500.00

Farmington High School Building Committee
Financial Report- April 7, 2021

Tall Timbers Marketing	\$24,832.00	\$32,500.00	\$7,668.00
CSG	\$63,414.00	\$105,690.00	\$42,276.00
TSKP Studio	\$118,046.16	\$130,000.00	\$11,953.84

Total Invoices Approved to Date **\$470,901.16**

Updated Account Balance (with invoices) **\$203,786.70**

Remaining Balances

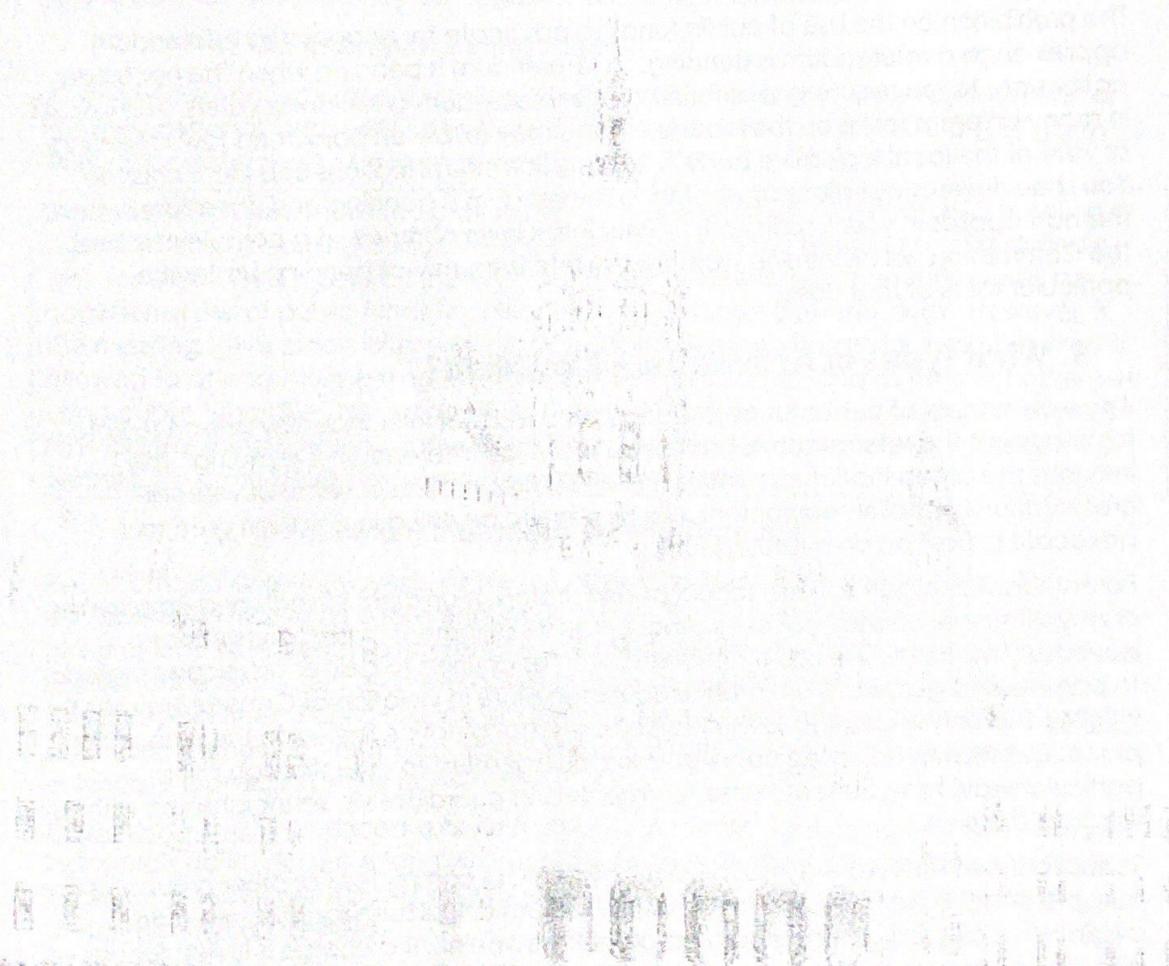
Remaining Balances (see above) \$70,397.84

Total Remaining Balances **\$70,397.84**

Total On Hand **\$133,388.86**

Understanding Connecticut Campaign Finance Laws

A Guide to Financing a Referendum Question



STATE ELECTIONS ENFORCEMENT COMMISSION
Revised May 2013





IV. Use of Public Funds

Public funds may **not** be used to influence anyone to vote for or against a pending referendum question. Anyone found in violation of this prohibition may be required to pay a civil penalty of either \$1,000 or twice the improper expenditure, whichever is greater. If a violation is found, the Commission will typically order that restitution be made to the municipality or government entity in the amount of the improper expenditure. An individual paying a civil penalty imposed under this section may **not** be reimbursed or indemnified with public funds.

[General Statutes § 9-369b]

A. When Does the Ban Apply?

The prohibition on the use of public funds to advocate for or against a referendum applies once a referendum is **pending**. A referendum is pending when the necessary actions are taken requiring submission of the referendum question to voters. This occurs in many different forms on the local level and may follow an adjourned town meeting or vote of the local legislative body or depend on interpretations of a local charter. You should direct questions of whether a referendum is pending and, therefore, when the ban applies in your jurisdiction, to **your local town attorney**. If a complaint is filed, the Commission will determine whether the referendum was pending under the particular facts of that case.

B. What Types of Activities are Prohibited?

Any expenditure of public funds to advocate a result or influence any person to vote for or against the referendum is prohibited once the referendum is pending. This includes the dissemination of printed materials, preparation of video or website presentations, supplies, equipment, postal permits, anything in any form used to advocate a position on a referendum.

Parent teacher organizations, school administrators, municipal officials and employees, or any other person may not use school or town equipment to prepare or copy advocacy material. The use of schoolchildren as couriers to deliver advocacy material to parents and guardians is a prohibited expenditure in violation of General Statutes § 9-369b. The only exception to this prohibition is that a notice limited to the time, date, place, question to be voted upon, and encouragement to vote (though not a particular way) may be sent home to parents and guardians via schoolchildren without violating the ban.

School or town 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 made available to all such groups regardless of their viewpoint. If a charge is levied for use of a facility, all groups must be charged the same rate.

C. What is Considered Advocacy?

The Commission utilizes an objective standard and evaluates whether a "reasonable person" would believe that a communication urged them to vote in a particular manner. The Commission has found that stated threats of program cuts and the dire consequences of failing to approve referenda, as well as statements of need and



justification, constitute advocacy. If a violation is alleged, the Commission will review the communication and determine whether the communication and the circumstances surrounding that communication taken as a whole would make a reasonable person believe that a particular result is being urged. The Commission has been more likely to find that materials issued in the time period immediately preceding the referendum are intended to influence a reader to vote in a particular manner.

D. How Can a Public Official Inform the Public?

An individual, including an individual who is a public official or public employee, may use her private funds or resources to communicate a position on a referendum. An individual may either act independently to make expenditures to promote or oppose a referendum question, or may act together with other individuals.

1. An Individual Acting Alone

Any individual acting alone, including a public official or employee, may spend his or her own personal funds without limit on his or her own time, but must file a SEEC Form 22 (disclosure statement) if he spends more than \$1,000.

Example: First Selectman Fred is asked to come speak at an afternoon PTO meeting in support of the upcoming budget referendum. Because the meeting occurs during a time for which Fred is paid by the town, he may not attend because that would be considered use of public funds to advocate a position on a referendum. However, if the meeting takes place after working hours or on his lunch break, for example, Fred is allowed to attend the meeting and advocate his position as long as he is not otherwise using public funds (i.e., he cannot bring materials that his secretary prepared on paid time and/or using office equipment, he cannot post his personal views on the town's website, he cannot use town email to promote his views, etc.).

2. Two or More Individuals Acting Together

Public officials and employees, as well as other individuals, may join together to advocate their views on a referendum question. This includes contributing personal funds or time to influence a referendum question, as well as asking others to contribute, provided the time spent on these activities is on personal time rather than during the official's paid time. Public officials are treated the same as private citizens and are permitted to speak on their own, unpaid time and use their personal resources to advocate a position on the referendum.

Public Act 10-187 introduced a "safe harbor" into the law, providing that two or more individuals acting together and who receive funds or make or incur expenditures not exceeding \$1,000 are not required to register a political committee, so long as they stay under the \$1,000 threshold.

However, if such individuals acting together receive funds or make or incur expenditures exceeding \$1,000 in the aggregate, they must register a referendum committee (SEEC Form 3) and comply with the requisite disclosure requirements as described in **Chapter III. Referendum Committees**. Because a group that has reached the \$1,000 threshold must form a committee and disclose all of its previous financial activity, any group of two or more individuals engaging in referendum spending is urged to keep records of all of its financial activity, including all contributions and expenditures.



E. Acceptable Uses of Public Funds to Inform through Communications

There are also **limited** ways in which public funds may be used for communications about a referendum. Please note that these are the **only** ways public funds may be used. If the communication does not fall into one of these categories, it is likely a violation of election law.

1. An Explanatory Text: An explanatory text (i.e., text explaining the referendum question) may be issued with public funds, provided that it:

- a. is authorized by vote of the municipal legislative body;
- b. is prepared by the municipal clerk;
- c. is approved by the municipal attorney; **and**
- d. does not advocate either the approval or disapproval of the referendum (as previously discussed above).

In a municipality that has a town meeting as its legislative body, the board of selectmen may authorize an explanatory text by majority vote. For any referendum called by a regional school district, the regional board of education may authorize an explanatory text issued with public funds, which must be approved by the attorney for the regional school board. The regional school board's secretary is responsible, in lieu of the municipal clerk, for preparing the explanatory text and satisfying the other obligations imposed on the clerk pursuant to General Statutes § 9-369b(a). If an explanatory text is issued, it must be printed in sufficient supply for public distribution and distributed to each absentee ballot applicant. At least three posters of the explanatory text must be posted at each polling place.

[General Statutes § 9-369b(a)]

2. Neutral Printed Materials: Neutral materials in addition to explanatory text may be prepared and printed with public funds provided that they:

- a. are authorized by vote of the municipal legislative body, or board of selectmen in a town that has a town meeting as its legislative body, or the regional school board, as the case may be;
- b. are approved by the municipal attorney or regional school board attorney, as the case may be; **and**
- c. do not advocate either the approval or disapproval of the referendum, i.e. are neutral in content.

[General Statutes § 9-369b(a)]

3. Pro-Con Summaries: Such summaries of the issues surrounding a referendum are permitted **only** if provided for by local ordinance. If an ordinance allowing pro-con summaries is in effect, a municipality may use public funds to provide for concise summaries of *arguments both for and against* the referendum. In order to utilize a pro-con summary for a referendum, the municipality must also issue an explanatory text. The ordinance must provide for a committee composed of members of various viewpoints concerning the referendum, such as taxpayer and parent-teacher groups. The committee should provide an opportunity for public comment on the summaries. Summaries must also be approved by vote of the municipality's legislative body and must be posted and distributed in the same manner as explanatory texts. Each



summary shall state that it does not constitute an endorsement by, or represent the official position of, the municipality.

[General Statutes §9-369b(d)]

4. Press Releases or Letters to the Editor: A municipal official may use public funds, facilities and supplies to prepare a written, printed or typed summary of his/her viewpoint on a pending referendum prepared for any news medium. Such communications include press releases and letters to the editor. A municipal official may also on paid time participate in bona fide news programs not sponsored by the town or school system.

[General Statutes § 9-369b(a)]

5. Responses to Constituent Requests: A municipal official may respond to a constituent request for information both in writing (e.g. a letter) and verbally (e.g. responding to a question posed at a meeting). With respect to written communication, this exemption contemplates a single letter or response and does not apply if the official attempts to distribute the response to an audience larger than who requested the information. For example, leaving unsolicited photocopies of an official's summary prepared at public expense at the back of a meeting room has been found to violate General Statutes § 9-369b.

6. Use of Public Meeting Rooms: Use of public meeting rooms free-of-charge is permissible if access is made available to all groups or committees expressing an advocacy position in connection to the referendum on a non-discriminatory basis. Similarly, a charge may be made for the use of public facilities for this purpose as long as all sides are charged the same and access is provided on a non-discriminatory basis.

7. Time, Date, and Place Reminders: The Commission has determined that notice limited to the time, date, place, question to be voted upon, and encouragement to vote (though not a particular way) are permissible communications in regard to referenda. For example, a school may send flyers home to parents and guardians via schoolchildren if they are limited to the aforementioned subject matter.



STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION
 20 Trinity Street Hartford, Connecticut 06106—1628

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.