

DAVID L. GROGINS, ESQ.

Please Reply to: Danbury
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April 8, 2020

Pat Del Monaco, First Selectman
Town of New Fairfield
4 Brush Hill Road
New Fairfield, CT 06812

RE: 78 Gillotti Road

Dear Pat:

You have requested my opinion regarding the legal procedures required to acquire the above referenced property for the purpose of facilitating the construction of the New Fairfield High School ("Project").

In order to accomplish the above related property acquisition, three (3) steps are required: (1) the adoption of the authorization to purchase; (2) the approval of an appropriation to spend the money to acquire the property; and (3) the approval of an 8-24 resolution.

In New Fairfield, which has not adopted a town charter, the rules are governed by the General Statutes of the State of Connecticut. Under section 7-148(b)(3)(A) of the Connecticut General Statutes, towns are specifically granted the authority to acquire property. Absent an ordinance or town charter, the executive authority of the town is vested in the selectmen, subject to the need for an appropriation or a special appropriation to spend the money required to acquire the property.

In the present circumstance, the majority of the selectmen having voted in favor of the acquisition of the Gillotti Road property, the only steps required are a positive 8-24 referral, and the approval of a special appropriation.

Normally, in order to approve a special appropriation, an affirmative vote at a town meeting or a referendum is required. However, as a result of the highly unusual circumstances in which we all find ourselves, the Governor of the State of Connecticut has issued several Executive Orders to protect the health of Connecticut citizens, among which is Executive Order 7S issued on April 1, 2020. Section 13 thereof provides for approval of a special appropriation by the Board of Selectmen and the Board of Finance, notwithstanding an ordinance or charter provision to the contrary.

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Therefore, it is my opinion that in order to acquire the aforementioned property, what is required is an affirmative vote of the Board of Selectmen to purchase the property, an affirmative vote by the Board of Selectmen and the Board of Finance to authorize the special appropriation, and an affirmative 8-24 referral.

Very truly yours,

David L. Grogins

DLG:kmr