

AGENDA

TOWN COUNCIL
COUNCIL CHAMBERS
SOUTH WINDSOR TOWN HALL

REGULAR MEETING
Monday, October 2, 2023
TIME: 7:00 P.M.

1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

4. Mayor's Remarks

Councilor Lopez

5. Adoption of Agenda

6. Communications and Reports from the Town Manager

7. Public Input for Items on the Agenda

Public Input shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes.

Councilor Elango

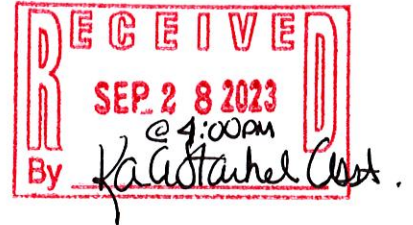
8. Adoption of Minutes of Previous Meeting

Approval of September 5, 2023 Town Council Meeting Minutes

BE IT RESOLVED, that the South Windsor Town Council hereby approves the Minutes of the Regular Town Council Meeting of September 5, 2023.

Approval of September 18, 2023 Town Council Meeting Minutes

BE IT RESOLVED, that the South Windsor Town Council hereby approves the Minutes of the Regular Town Council Meeting of September 18, 2023.



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

- **Planning and Zoning Commission (Councilor Kozikowski)**
- **Agricultural Commission (Councilor Lopez)**
- **Capital Projects (Assistant Town Manager, Mr. Roberts)**
- **Inland Wetlands Agency/ Conservation Commission (Deputy Mayor King)**
- **Patriotic Commission (Mayor Pendleton)**
- **Economic Development Commission (Deputy Mayor King)**
- **Insurance Control Commission (Town Manager, Mr. Maniscalco)**

10. **Reports from Committees**

Public Meetings are the time and place at which the Town Council conducts official business of the Town. The Council reserves the time and invites the public to be heard during **Public Input** of each Public Meeting, as follows:

Item #7: Public Input on Agenda Items Only

In-Person Meetings:

Public Input shall not exceed thirty (30) minutes unless extended by the Mayor with the consent of the majority of the Council present. When recognized by the Mayor, the speaker(s) shall approach the lectern, and give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item on the agenda. The speaker(s) shall limit their speaking time to five (5) minutes. This limit may not be exceeded, except when invoked by any member of the Council with the consent of a majority of the Council present. Town Council members will not respond to any public comments/questions. Emails will only be read into the record if brought forth by a Council member or if the person submitting the email has requested that the email is read into the record. A Council member who brings an email forward will read the email into the record. No email shall be read if the substance of such email, at the discretion of the Mayor or any Council member violates these rules, or if, upon the advice of the Town Attorney, would otherwise be improper. A Council member or the Mayor shall advise the rest of the Council in writing through the Clerk of the Council their objection to the email being read prior to the call of the meeting.

Virtual Meetings:

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Item #15: Second Public Input - on any matter over which the Council has Jurisdiction

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11. **Consent Agenda**

[All items listed under this section are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and be considered in its normal sequence on the Agenda.]

A. **First Reading**

None.

B. **Second Reading**

None.

C. **Miscellaneous**

None.

12. **Unfinished Business**

A. **Discussion Item: Implementation of updated Strategic Plan**

13. **New Business**

Deputy Mayor King

A. Resolution changing the Planning Department's approved budgeted title of Assistant Director of Planning/Economic Development Coordinator to Assistant Planner

WHEREAS, in the 2023/2024 Fiscal Year Budget, the Town Council approved the hiring of an Assistant Director of Planning/Economic Development Coordinator; and

WHEREAS, it has been determined that this position is not attracting applicants with the combined title; and

WHEREAS, this position would be most fitting as a supervisory roll with the title of Assistant Planner; and

WHEREAS, the Town has an approved title of Assistant Director of Planning, Grade 5 listed in the approved Non-Bargaining Job Classification Schedule that the Assistant Planner title will replace; and

WHEREAS, there was a consensus of Council Members at the September 18, 2023 Town Council Meeting that it would be in the best interest of the Town to hire an Assistant Planner at the budgeted salary of \$100,000 to properly fill the department for succession planning;

(13 A cont.)

NOW THEREFORE BE IT RESOLVED, that the Town Council approves changing the budgeted position title from Assistant Director of Planning/Economic Development Coordinator to Assistant Planner and replacing the Assistant Director of Planning title with the title of Assistant Planner on the Non-Bargaining Job Classification Schedule.

B. Discussion Item: Sidewalk installation on Birch Hill Drive and Felt Road

Councilor Lopez

C. Resolution for the installation of sidewalks on Birch Hill Drive and Felt Road

WHEREAS, the Town of South Windsor's residents have requested sidewalks to be installed along the entirety of Birch Hill Drive; and

WHEREAS, the Town Council per Sec 86-85 of the code of ordinances held a public hearing on July 17th 2023 to obtain public input on the installation of sidewalks along Birch Hill Drive; and

WHEREAS, the residents of South Windsor approved a bond referendum in 2022 that included funding to repair existing sidewalks and install new sidewalks in Town.

NOW, THEREFORE BE IT RESOVLED, that the Town Council per Sec 86-85 of the code of ordinances finds that sidewalks along Birch Hill Road will serve the public need and authorizes the Town Manager to install sidewalks along the entirety of Birch Hill Road in accordance with the town's standards and specifications.

Councilor Lydecker

D. Resolution settling litigation regarding 460 Miller Road

WHEREAS, on October 24, 2017 the Town and its Zoning Enforcement Officer brought an action for zoning compliance and injunction against the property owners of 460 Miler Road with regards to blight and zoning violations on the property; and

WHEREAS, the Superior Court entered judgment in favor of the Town on February 14, 2019, enjoining the use of the Property for commercial purposes and awarded damages and attorney fees against the owners; and

WHEREAS, the award of damages was appealed to the Connecticut Appellate Court, which reversed the trial court in part and remanded the matter for a new trial; and which decision was further appealed by the Town to the Connecticut Supreme Court, which reversed the trial court and Appellate Court and remanded the matter for a new trial limited to the measure of damages; and

(13 D cont.)

WHEREAS, on June 3, 2019 one of the property owners commenced litigation against the Town in the United States Bankruptcy Court resulting in an award in favor of the property owner in the amount of \$120,144.61 and which limited the amount of offsetting damages in the Town’s zoning enforcement action against the property owner; and

WHEREAS, on January 18, 2022, Town and property owner agreed that the Town would deposit the \$120,144.61 into the Bankruptcy Court in full satisfaction of the Bankruptcy Court award for the property owner, pending the further resolution of award of damages in the Town’s zoning enforcement action; and

WHEREAS, the parties mediated their remaining disputes regarding damages in the Town’s zoning enforcement action before the Honorable Susan Connor on July 12, 2023 (“Mediation”) which resulted in a settlement in which the Town will recoup as a set off the sum of \$30,000 from the \$120,144.61 being held by the Bankruptcy Court, with the remainder being disbursed for the benefit of the property owner, in full and final satisfaction of all claims between the property owner and Town, except for the enforcement of the court’s injunction and the ongoing liens for real estate taxes, which both remain intact.

NOW THEREFORE, BE IT RESOLVED, that the Town of South Windsor authorizes the Town Manager to execute a Settlement and Release Agreement in accordance with the above terms, and any other documents necessary to effectuate such settlement.

Councilor Evans

E. Resolution approving nineteen (19) refunds for the total of \$7,795.22

BE IT RESOLVED, that the South Windsor Town Council hereby approves a refund of taxes to nineteen (19) South Windsor Taxpayers, the total of said refunds being \$7,795.22 and as more fully described on attachment **exhibit A**.

14. Passage of Ordinance

None.

15. Public Input for Any Matter

Public Input for any other matter shall not exceed thirty (30) minutes. When recognized by the Mayor, the speaker(s) shall approach the lectern, give their name and address. Speakers shall avoid personal attacks or impugning or alleging an improper motive to any person. The speaker(s) may address the Council on any item. The speaker(s) shall limit their speaking time to five (5) minutes.

16. Communications from the Council

17. Executive Session

(Please invite Town Manager, Michael Maniscalco and Assistant Town Manager, Mr. Roberts and any other appropriate personnel deemed necessary).

- a) Pending litigation regarding 460 Miller Road

18. Adjournment

Exhibit A

MEMO

DATE: September 20, 2023
FROM: Linda Russell
TO: Amanda Poma –Clerk of the Council
SUBJECT: Refund Batch #28 for Town Council – October 2, 2023 Agenda
Michael Maniscalco, Town Manager
CC: Patricia Perry, Director of Finance
Jennifer R. Hilinski-Shirley – Collector of Revenue
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 19 refunds totaling \$7,795.22, as noted on the attached report. All refund requests received by September 20, 2023 are included.

Name	Bill	Prop Loc/Vehicle Info.	Reason	Over Paid
ACAR LEASING LTD	2022-03-0050164	2022/AU81221/1GCUYEEDXNZ120040	Sec. 12-128 Refund of Taxes Erroneously Collected from Veterans and Relatives.	(615.65)
ACAR LEASING LTD	2022-03-0050169	2020/AY42705/1GYKFRS7LZ109772	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(317.94)
ALWANG DAWN M	2022-03-0050671	2010/BD28325/3FAHP0HG7AR218959	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(58.46)
CCAP AUTO LEASE LTD	2022-03-0053666	2020/AZ19938/1C4PJMLB6LD594168	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(157.75)
CORELOGIC CENTRALIZED REFUND	2019-01-0008408	185 PINE TREE LANE	Sec. 12-129 Refund of Excess Payments.	(3,740.65)
ENDERLE JOHN O	2022-03-0056977	2004/JOEBMW/WBABW53464PJ961118	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(10.00)
FINANCIAL SER VEH TRUST	2022-03-0057682	2020/AX41816/WBXYJ1C02L5N97373	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(607.16)
GILLON ADAH J	2022-03-0058659	2017/00ATDM/JKAEX8B12HDA37901	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(33.40)
HONDA LEASE TRUST	2022-03-0060414	2020/AX36109/2HGFC2F69LH538433	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(330.59)
LEIBOWITZ HANNAH G	2022-03-0063496	2016/AV36526/1N4AL3AP2GC156791	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(74.73)
MOURA MARIA D	2022-03-0065952	2015/461CUE/3HGGKSH82FM720424	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(162.66)
PINES STEVEN E	2022-03-0068176	2009/727HST/1J4FA24129L731671	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(19.61)
PLOURDE BETTY A	2022-03-0068264	2013/AL48229/5NPEB4AC5DH693365	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(17.83)
PRAJAPATI JANKI U	2022-03-0068468	2015/MAHEK/2HKRM4H76FH602272	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(40.91)
RAULUKAITIS WILLIAM J	2022-03-0068959	2001/C113129/1GCGK29U31Z110449	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(27.82)
SCOTT THERESA R	2022-03-0070710	2019/AS25365/2T1BURHE8KC126908	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(38.72)
SIMPSON JARED R	2022-03-0071228	2007/771NMU/1FAHP34N97W216223	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(21.98)
VCFS AUTO LEASING CO	2022-03-0073738	2019/AU54405/VV4A22RK8K1386532	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(851.43)
VCFS AUTO LEASING CO	2022-03-0073741	2020/AW82533/VV4102PK1L1566347	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(667.93)
Total of 19 Refunds				(7,795.22)

Drafted by:

Linda Russell

Date:

9/20/2023

Approved by:

Jennifer Hilinski-Shirley
Jennifer B. Hilinski-Shirley, CCMC, CCMO - Collector of Revenue

Date:

20 Sept 2023