

received 01/31/2020 @ 11:45 am
C. J. A. T. C.

AGENDA

**TOWN COUNCIL
COUNCIL CHAMBERS
SOUTH WINDSOR TOWN HALL**

**REGULAR MEETING
MONDAY, FEBRUARY 3, 2020
TIME: 7:00 P.M.**

NOTE: After roll call is complete, Keshav Ramesh, President of the South Windsor Chapter of Future Business Leaders of America (FBLC) will be coming in to do a presentation regarding FBLC; and Mihika Joshi will present a proposed Veterans Banner Program.

REMINDER: There is a Public Hearing scheduled tonight at 8:00 p.m. to receive citizen input on a proposed "Mutual Assistance Agreement with the Town of Tolland, Town of Ellington, and Town of Vernon for the Designation of Fire Marshals."

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Mayor's Remarks**
5. **Adoption of Agenda**
(Councilor Maneeley)
6. **Communications and Reports from Town Manager**
7. **Public Input**
[Town Council members will not respond to any public comments/questions]
8. **Adoption of Minutes of Previous Meetings**
(Councilor Evans)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Regular Meeting Minutes of January 21, 2020.

8. **Public Petitions**
9. **Communications from Liaisons, Officers, and Boards Directly Responsible to Council**
10. **Reports from Committees**
11. **Consent Agenda**
[All items listed under this section are considered to be 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.]

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

Item #7 and 15:

Public Input

When recognized by the Mayor, the speakers (s) shall approach the lectern, give their name and address, and avoid personalities or impugning of improper motive to any person.

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.

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Regular Meeting – Town Council
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11. Consent Agenda (Continued)

(Deputy Mayor Pendleton)

Motion to approve Agenda Items 11.a.A. through 11.a.D. for a first reading on the Consent Agenda

a. First Reading

A. Resolution Approving a Mayoral Reappointment of Matthew Streeter to the Cable Advisory Board 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 approves a Mayoral Reappointment of Matthew Streeter to the Cable Advisory Board for a term ending June 30, 2021 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

B. Resolution Approving a Mayoral Reappointment of David O'Neil to the Cable Advisory Board 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 approves a Mayoral Reappointment of David O'Neil to the Cable Advisory Board for a term ending June 30, 2020, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

C. Resolution Approving a Mayoral Appointment of Craig Zimmerman to the Cable Advisory Board 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 approves a Mayoral Appointment of Craig Zimmerman to the Cable Advisory Board for a term ending June 30, 2020, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

D. Resolution Approving a Mayoral Appointment of Janice Snyder to the Greater Hartford Transit District and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council approves a Mayoral Appointment of Janice Snyder to the Greater Hartford Transit District for a term ending December 12, 2020 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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Regular Meeting – Town Council
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11. Consent Agenda (Continued)

(Councilor Lopez)

Motion to approve Agenda Items 11.b.A. through 11.b.B. for a second reading on the Consent Agenda

b. Second Reading

A. Resolution Appointing Anitha Elango (D) to the Human Relations Commission

BE IT RESOLVED that the South Windsor Town Council hereby appoints Anitha Elango (D) to the Human Relations Commission for a term ending November 30, 2021 to fill the unexpired term of Michael Paré, whose resignation was effective January 21, 2020.

B. Resolution Appointing Elizabeth Burgess (D) an Alternate to the Historic District Commission

BE IT RESOLVED that the South Windsor Town Council hereby appoints Elizabeth Burgess (D) an Alternate to the Historic District Commission for a term ending November 30, 2021 to fill a vacancy (previously Mindy Lewis).

c. Miscellaneous

None

12. Unfinished Business

A. Discussion Item: Establishing a South Windsor Annual Honorary Citizen Award *(requested by Mayor Paterna)*

13. New Business

A. Resolution Requesting the Town Council to Approve a Referendum Date of March 10, 2020 for Planning, Design, Acquisition, Construction, Equipping, and Furnishing of a New Pleasant Valley Elementary School and Related Costs

(Councilor Hockenberry)

(Resolution Continued on Next Page)

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13. A. (Continued)

WHEREAS, the 2011-2014 Board of Education Strategic Plan adopted on September 13, 2011 calls for a “long-range elementary facilities plan that promotes a safe, engaging learning environment that is accessible to all students and community members”; and

WHEREAS, the Board of Education officially adopted the Elementary Facilities Ten-Year Master Plan (the “Ten-Year Plan”) on October 29, 2013; and

WHEREAS, Phase One of the Ten-Year Plan, Orchard Hill Elementary School, is completed and Phase Two of the Ten-Year Plan, Eli Terry Elementary School and Philip R. Smith Elementary School, is currently on schedule and on budget; and

WHEREAS, the next phase of the Ten-Year Plan, Phase Three, calls for the construction of a new Pleasant Valley Elementary School; and

WHEREAS, on October 22, 2019, the Board of Education approved the *Educational Specifications* for the construction of a new PK-5 elementary school to be built on the campus of the Pleasant Valley Elementary School; and

WHEREAS, on October 22, 2019, the Board of Education approved the final total project cost estimate for Pleasant Valley Elementary School; and

WHEREAS, an overview of the Ten-Year Plan; including Pleasant Valley Elementary School, was presented to the Town Council on December 16, 2019; and

WHEREAS, it is the desire of the Board of Education to bring the referendum question forward to the South Windsor community on March 10, 2020

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby approves a referendum date of March 10, 2020 with polling time of 6:00 a.m. to 8:00 p.m.

- B. Resolution Appropriating \$58,500,000 for Planning, Design, Acquisition, Construction, Equipping, and Furnishing of New Pleasant Valley Elementary School and Related Costs and Authorizing the Issuance of \$58,500,000 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 A.**

(Councilor Delnicki)

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13. New Business (Continued)

C. Resolution Approving Ballot Question for Referendum of Town Electors
(Councilor Lydecker)

BE IT RESOLVED that the Resolution entitled "Resolution Appropriating \$58,500,000 for Planning, Design, Acquisition, Construction, Equipping and Furnishing of New Pleasant Valley Elementary School and Related Costs and Authorizing the Issuance of \$58,500,000 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 March 10, 2020, 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 \$58,500,000, of which it is expected that an estimated \$21,000,000 shall be reimbursed by the State of Connecticut, for planning, design, acquisition, construction, equipping and furnishing of new Pleasant Valley Elementary School, adopted by the Town Council on February 3, 2020, be approved?"

The ballot label for said question will read as follows:

"Shall the resolution appropriating and authorizing bonds in the amount of \$58,500,000, of which it is expected that an estimated \$21,000,000 shall be reimbursed by the State of Connecticut, for planning, design, acquisition, construction, equipping and furnishing of new Pleasant Valley Elementary School be approved? YES NO"

D. Resolution Authorizing the Town Attorney to Draft Explanatory Text
(Councilor Snyder)

BE IT RESOLVED that the South Windsor Town Council hereby authorizes the Town Attorney to draft Explanatory Text pursuant to C.G.S. Section 9-369b(a) for the upcoming referendum regarding the planning, design, acquisition, construction, equipping and furnishing of a new Pleasant Valley Elementary School.

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13. New Business (Continued)

E. Resolution Endorsing the Regional Performance Incentive Program Project for CRCOG Region-wide GIS Planimetric Data (Councillor Evans)

WHEREAS, Section 4-124s as amended by Section 251 and 253 of Public Act 13-247 passed by the Connecticut General Assembly provides statewide incentive grants to regional planning organizations for projects that involve shared services; and

WHEREAS, the Capitol Region Council of Governments is acting as a convener and facilitator of service sharing projects around the CRCOG region; and

WHEREAS, on December 18, 2019, the CRCOG Policy Board passed resolutions authorizing development and submittal of application packages to the State Office of Policy and Management for funding a list of service sharing project proposals under the Regional Performance Incentive Grant Program, on behalf of the Council's member municipalities, and municipalities of other regions, which are participating in council initiatives; and

WHEREAS, the Chief Elected Officials and municipal staff of the Capitol Region have developed a list of service sharing project proposals that will be included in this application package, to the benefit of individual municipalities and the region as a whole; and

WHEREAS, the Town of South Windsor has expressed an interest in taking part in the project entitled, "CRCOG Region-wide GIS Planimetric Data"

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council does hereby endorse the above referenced Regional Performance Incentive Program project proposal and authorizes the Town Manager to sign all necessary agreements and take all necessary action to allow for the Town's participation in this program.

F. Resolution Authorizing the Town Manager to Enter into a Mutual Assistance Agreement with the Towns of Tolland, Ellington, and (Deputy Mayor Pendleton)

(Resolution Continued on Next Page)

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13. F. (Continued)

WHEREAS, the Town of South Windsor, Town of Tolland, Town of Ellington, and Town of Vernon believe that mutual assistance in the sharing of the expertise and services of their respective Fire Marshals and/or Deputy Fire Marshals is in the best interests of each Town; and

WHEREAS, the Town of South Windsor, Town of Tolland, Town of Ellington, and Town of Vernon is each willing to designate its Fire Marshal and/or Deputy Fire Marshal to act as a “Deputy Fire Marshal” in the other Town; and

WHEREAS, an agreement between the Town of South Windsor, Town of Tolland, Town of Ellington, and Town of Vernon providing for the services and expertise of the Fire Marshal and/or Deputy Fire Marshal of the other Town has been prepared; and

WHEREAS, a public hearing has been held on February 3, 2020 in order to receive citizen input; and

WHEREAS, Section 29-297(a) of the Connecticut General Statutes requires that appointment of a Deputy Fire Marshal to be made by the legislative body

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby:

1. Authorizes the Town Manager to execute an agreement with the Town of Tolland, Town of Ellington, and Town of Vernon, providing for mutual assistance between each municipalities and the sharing of services and expertise of their respective Fire Marshals and/or Deputy Fire Marshals in a form satisfactory to the Town Attorney; and
2. Upon the execution of said agreement, appoints the Fire Marshal of the Town of Tolland, Town of Ellington, and Town of Vernon as Deputy Fire Marshal of the Town of South Windsor subject to the terms of the Mutual Assistance Agreement executed by the Town Manager.

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13. New Business (Continued)

- G. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Transfer of Excess FEMA Grant Proceeds to Current Referendum Projects**
(Councilor Maneeley)

BE IT RESOLVED that the South Windsor Town Council hereby sets **Tuesday, February 18, 2020, at 8:00 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the transfer of excess FEMA Grant proceeds to current referendum projects.

- H. Resolution Approving a Transfer of \$2,000 from the Contingency Account to the Cemetery Association Account**
(Councilor Lopez)

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$2,000 from the Contingency Account to the Cemetery Association Account to cover costs associated with the Cemetery Association budget.

- I. Resolution Accepting Streets within the Sunset Hill Estates Subdivision**
(Councilor Hockenberry)

BE IT RESOLVED that the South Windsor Town Council hereby accepts the deed for streets within the following Subdivision:

Sunset Hill Estates

Gilbert Lane (partial) - 596 linear feet
Loomis Lane (partial) - 227 linear feet

- J. Resolution Supporting the Open Space Task Force Recommendation Regarding the Subdivision Open Space Located at 348 Maskel Road and 388 Abbe Road**
(Councilor Delnicki)

WHEREAS, Mannarino Builders, Inc. submitted to the Planning & Zoning Commission an open space subdivision containing 13 single family house lots including approximately 12 acres of open space; and

(Resolution Continued on Next Page)

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13. J. (Continued)

WHEREAS, the Open Space Task Force at their December 23, 2019 meeting unanimously agreed that the property is desirable as Town owned open space

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby supports the Open Space Task Force recommendation that the property be Town owned open space and forwards this recommendation to the Planning & Zoning Commission for consideration.

K. **Resolution Approving a Transfer of \$4,404.62 from the Sewer Vehicle Equipment & Supplies Account to the Fleet Vehicle Equipment & Supplies Account**

(Councilor Lydecker)

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$4,404.62 from the Sewer Vehicle Equipment & Supplies Account to the Fleet Vehicle Equipment & Supplies Account to cover costs associated with the reimbursement for fuel.

L. **Discussion Item: Strategic Planning Outline** *(requested by Town Manager Michael Maniscalco)*

M. **Discussion Item: Scope and Mission of the Charter Revision Commission** *(requested by Mayor Paterna)*

N. **Discussion Item: Honoring John Mitchell** *(requested by Councilor Snyder)*

O. **Discussion Item: Proposed Ordinance Concerning Public Nuisances Affecting Public Health and Safety** *(requested by Mayor Paterna)*

P. **Discussion Item: Proposed Ordinance Concerning the Right to Farm** *(requested by Mayor Paterna)*

14. Passage of Ordinance

15. Public Input

[Town Council members will not respond to any public comments/questions]

16. Communications from Council

17. Executive Session

18. Adjournment

RESOLUTION APPROPRIATING \$58,500,000 FOR PLANNING, DESIGN, ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF NEW PLEASANT VALLEY ELEMENTARY SCHOOL AND RELATED COSTS AND AUTHORIZING THE ISSUANCE OF \$58,500,000 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 \$58,500,000 is hereby appropriated by the Town of South Windsor, Connecticut (the "Town") for planning, design, acquisition, construction, equipping and furnishing of new Pleasant Valley Elementary School and related costs, including, but not limited to, expenses related to permitting, environmental and geological testing, earthwork, site work, installation of heating, ventilation, air conditioning, electrical, plumbing, telephone, video, data, technology, security and other infrastructure, construction, reconstruction and improvement of parking areas, sidewalks, driveways and roads, installation of storm drainage facilities and sanitary sewerage systems, landscaping, construction, reconstruction and improvement of multipurpose fields, temporary parking and storage, relocation of students, renovations, repairs and improvements to existing facilities, demolition of unused facilities, and related legal, consulting, licensing, advisory, administrative, governmental 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. The appropriation for the Project which is 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 for which a valid appropriation and bond authorization is outstanding.

Section 3. To meet said appropriation, \$58,500,000 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 4. 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 5. 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 6. Any proceeds of the 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 for which a valid appropriation and bond authorization is outstanding.

Section 7. 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 8. 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 9. 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.

Exhibit A

Section 10. The Board of Education is authorized in the name and on behalf of the Town to apply to the Connecticut Commissioner of Education for any and all State grants-in-aid of the Project.

Section 11. This resolution shall become effective upon its approval by the Town electors at a referendum called by the Town Council for such purpose.