

AGENDA

TOWN COUNCIL
COUNCIL CHAMBERS
SOUTH WINDSOR TOWN HALL

REGULAR MEETING
MONDAY, APRIL 2, 2018
TIME: 7:00 P.M.

REMINDER: There is a Public Hearing scheduled at 8:00 p.m. to receive citizen input on an application for the Fiscal Year 2018 Community Development Block Grant Program for Public Housing Modernization at Wapping Mews.

1. **Call Meeting to Order**
2. **Prayer: Councilor Mary Justine Hockenberry**
3. **Pledge of Allegiance**
4. **Roll Call**
5. **Communications and Reports from Town Manager**
6. **Public Input (Items Not on the Agenda)**
7. **Adoption of Minutes of Previous Meetings**
(Councilor Pendleton)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Joint Work Session Minutes (Town Council and Board of Education) of March 20, 2018; and Regular Meeting Minutes of March 19, 2018.

8. **Public Petitions**
9. **Communications from Liaisons, Officers, and Boards Directly Responsible to Council**
10. **Reports from Standing Committees**
11. **Reports of Temporary Committees**
12. **Public Participation (Items on the Agenda)**
13. **Consent Agenda**
(Councilor Hockenberry)

[All items listed with an asterisk (*) 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 General Order of Business 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, Public Petitions, Public Participation and Public Input/Participation** of each Public Meeting, as follows:

Item #5:

Communications and Reports from Town Manager – This segment of the meeting shall not exceed twenty (20) minutes, unless extended by a majority consent of the Council present.

Item #6:

Public Input – A segment of up to twenty (20) minutes (which may be extended by the Mayor with consent of the Council) is set aside to hear from the public on any matter **not on the agenda**. Speaker(s) generally are to limit their comments to three (3) minutes each, and shall avoid personalities or impugning of improper motive to any person.

Item #8:

Public Petitions – A South Windsor Resident or Taxpayer may petition the Council to submit a new item on the agenda as described in Section 312 of the Town Charter.

Item #12:

Public Participation – A segment of up to twenty (20) minutes (which may be extended by the Mayor with consent of the Council) is set aside to hear from the public on any matter **on the agenda**. Speaker(s) generally are to limit their comments to three (3) minutes each, and shall avoid personalities or impugning or improper motive to any person.

Item #17:

Public Input/Participation – A segment of up to ten (10) minutes (which may be extended by the Mayor with consent of the Council) is set aside to hear from the public **on any matter**. Speaker(s) generally are to limit their comments to three (3) minutes each, and shall avoid personalities or impugning or improper motive to any person.

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13. Consent Agenda (Continued)

Motion to approve Agenda Items 14. A. (*) through 14. D. (*) as the Consent Agenda. **(Please read dark headings, only, on Consent Agenda Items.)**

14. Unfinished Business

***A. Resolution Reappointing Ritu Goel (D) to the Human Relations Commission**
(Councilor Hockenberry)

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Ritu Goel (D) to the Human Relations Commission for a term ending November 30, 2020.

***B. Resolution Appointing Karell Rose (D) to the Human Relations Commission**
(Councilor Hockenberry)

BE IT RESOLVED that the South Windsor Town Council hereby appoints Karell Rose (D) to the Human Relations Commission for a term ending November 30, 2020 to fill the expired term of Nilofer Haider.

***C. Resolution Appointing Michael Paré (D) to the Human Relations Commission**
(Councilor Hockenberry)

BE IT RESOLVED that the South Windsor Town Council hereby appoints Michael Paré (D) to the Human Relations Commission for a term ending November 30, 2018 to fill the unexpired term of Charles Margolis.

***D. Resolution Appointing Lloxcí A. Lopez (D) to the Human Relations Commission**
(Councilor Hockenberry)

BE IT RESOLVED that the South Windsor Town Council hereby appoints Lloxcí A. Lopez (D) to the Human Relations Commission for a term ending November 30, 2020 to fill an expired vacancy (previously Linda Jeski).

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15. New Business

A. Resolution Accepting the Naming of Public Lands and Buildings Sub-Committee's Recommendation to Name the Open Space on Sand Hill Road and Nevers Road (sledding hill) in Honor of Porter Collins
(Councilor Maneeley)

WHEREAS, the Naming of Public Lands and Buildings Sub-Committee met on Monday, March 19, 2018 and discussed naming the sledding hill (open space on Sand Hill Road and Nevers Road) in honor of Porter Collins; and

WHEREAS, the Sub-Committee voted unanimously to recommend to the Town Council that the open space on Sand Hill Road and Nevers Road (sledding hill) be named in honor of Porter Collins

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby accepts the Naming of Public Lands and Buildings Sub-Committee recommendation to name the open space on Sand Hill road and Nevers Road after Porter Collins; and

BE IT FURTHER RESOLVED that the open space will be called "Porter's Hill".

B. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #212, an Ordinance Authorizing the Acquisition of Open Space
(Deputy Mayor Paterna)

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, April 16, 2018, 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 an amendment to Ordinance #212, an Ordinance Authorizing the Acquisition of Open Space, as shown in attached, **Exhibit A**

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15. New Business (Continued)

- C. Resolution Referring the Proposed Purchase of Development Rights for 49.7 (+ or –) Acres on the easterly side of Main Street and southerly side of Pleasant Valley Road to the Planning & Zoning Commission Pursuant to Section 8-24 of the Connecticut General Statutes**
(Councilor Pendleton)

WHEREAS, any plan to use Town funds to acquire development rights must first be submitted to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby refers the proposed purchase of development rights for 49.7 (+ or -) acres on the easterly side of Main Street and southerly side of Pleasant Valley Road to the Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes.

- D. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Proposed General Government Budget for Fiscal Year 2018/2019**
(Councilor Riley)

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, April 16, 2018, at 8:30 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 proposed **General Government Budget for Fiscal Year 2018/2019**.

- E. Resolution Appointing McGivney, Kluger & Cook, P.C. as Town Attorney and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**
(Councilor Snyder)

BE IT RESOLVED that the South Windsor Town Council appoints McGivney, Kluger & Cook, P.C. to the position of Town Attorney for the Town of South Windsor; and

(Resolution Continued on Next Page)

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15. E. (Continued)

BE IT FURTHER RESOLVED that this appointment will be in accordance to Chapter 5, Section 501 of the Town Charter, and in accordance with the terms agreed to by the Town Council, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

F. Resolution Amending a Previously Approved Resolution from the February 20, 2018 Town Council Meeting – Resolution Supporting Participation in the Sustainable Connecticut Municipal Certification Program

(Councilor Glickman)

WHEREAS, the South Windsor Town Council previously adopted a Resolution supporting participation in the Sustainable Connecticut Municipal Certification Program on February 20, 2018, which resolution omitted to appoint one member of the Economic Development Commission; and

WHEREAS, the South Windsor Town Council hereby amends the said prior Resolution and it is restated in its entirety as follows:

WHEREAS, Sustainable CT is a comprehensive, statewide, action-oriented voluntary certification program, built by and for municipalities, with the vision that: ***Sustainable CT communities strive to be thriving, resilient, collaborative, and forward-looking. They build community and local economy. They equitably promote the health and well-being of current and future residents. And they respect the finite capacity of the natural environment,*** and

WHEREAS, Sustainable CT is designed to boost local economies, help municipal operations become more efficient, reduce operating costs, and provide grants and additional support to municipalities; and

WHEREAS, the first meeting of the Sustainability Advisory Committee must be held within 90 days of passing this resolution, and the Sustainability Team shall meet as frequently as needed, but no less than quarterly, and will report quarterly to the Town Council

(Resolution Continued on Next Page)

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15. F. (Continued)

NOW, THEREFORE, BE IT RESOLVED that South Windsor Town Council hereby authorizes **South Windsor Director of Planning** to serve as South Windsor's Sustainable CT contact person for the Sustainable CT Municipal Certification process and authorizes this person to complete Municipal Registration on behalf of South Windsor; and

BE IT FURTHER RESOLVED that to focus attention and effort within South Windsor on matters of sustainability, and in order to promote the Town Council local initiatives and actions toward Sustainable CT Municipal Certification, South Windsor Town Council establishes a Permanent Sustainability Advisory Committee to consist of: **Director of Planning or designee, Director of Parks & Recreation or designee, Director of Public Works or designee, one member of the Agricultural Land Preservation Advisory Commission, one member of the Open Space Task Force, one member of the Energy Committee, one member of the Economic Development Commission, and two Town Councilors who will be appointed by the Mayor; and**

BE IT FURTHER RESOLVED that the Sustainability Committee shall also provide an annual report to the South Windsor Town Council on the progress of its activities toward Sustainable CT certification, with reports and presentations made publicly available; and

BE IT FURTHER RESOLVED that South Windsor embraces an on-going process of working toward greater sustainability, by selecting which actions it chooses to pursue, from the voluntary menu of actions provided by Sustainable CT.

G. Resolution Approving a Refund of Property Taxes to Twenty-Two (22) South Windsor Taxpayers
(Councilor Maneeley)

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to twenty-two (22) South Windsor Taxpayers, the total of said refunds being \$9,058.30.

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15. New Business (Continued)

H. Resolution Authorizing Town Manager, Matthew B. Galligan to Participate in a Small Cities Block Grant Application Process
(Councilor Hockenberry)

WHEREAS, Federal monies are available under the Connecticut Small Cities Community Development Block Grant Program, administered by the State of Connecticut, Department of Housing pursuant to Public Law 93-3 83, as amended; and

WHEREAS, pursuant to Chapter 127c, an Part VI of Chapter 130 of the Connecticut General Statutes, the Commissioner of Housing is authorized to disburse such Federal monies to local municipalities; and

WHEREAS, it is desirable and in the public interest that the Town of South Windsor make application to the State for \$800,000 in order to undertake a Small Cities Community Development Program and to execute an Assistance Agreement therefore, should one be offered

NOW, THEREFORE, BE IT RESOLVED BY THE South Windsor Town Council:

1. That it is cognizant of the conditions and prerequisites for State Assistance imposed by Part VI of Chapter 130 of The Connecticut General Statutes; and
2. That the filing of an application by the Town of South Windsor in an amount not to exceed \$800,000 is hereby approved, and that Matthew B. Galligan, the Town Manager of the Town of South Windsor is hereby authorized and directed to file such Application with the Commissioner of the Department of Housing, to provide such additional information, to execute such other documents as may be required by the Commissioner, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an Agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Town of South Windsor.

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15. New Business (Continued)

- I. Resolution Approving a Transfer of \$5,000.00 from the Contingency Account to the Wood Memorial Account**
(Councilor Riley)

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$5,000.00 from the Contingency Account to the Wood Memorial Library Account to cover costs associated with the Wood Memorial Library budget.

- J. Resolution Approving a Transfer of \$4,000.00 from the Contingency Account to the Cemetery Association Account**
(Deputy Mayor Paterna)

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$4,000.00 from the Contingency Account to the Cemetery Association Account to cover costs associated with the Cemetery Association budget.

- K. Discussion Item: Referendum for \$15,000,000 for Infrastructure**
(requested by Mayor Anwar)

16. Passage of Ordinance

- A. Resolution Adopting the Establishment of an Ordinance – Solicitation of Charitable Funds on Behalf of Veterans**
(Councilor Pendleton)

BE IT RESOLVED that the South Windsor Town Council hereby adopts the establishment of an Ordinance – Solicitation of Charitable Funds on behalf of Veterans, as shown in attached **Exhibit B**.

17. Public Input/Participation (Any Matter)

18. Communications and Petitions from Council

[Per Town Council Rules, this segment of the meeting shall not exceed twenty (20) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

19. Executive Session

20. Adjournment

DRAFT
AMENDS ORDINANCE #212

AN ORDINANCE AUTHORIZING THE ACQUISITION OF OPEN
SPACE/***PURCHASE OF DEVELOPMENT RIGHTS***

Pursuant to the November 8, 2005 Resolution Appropriating Funds For Acquisition of Open Space and consistent with the Town's Plan of Conservation and Development and its Open Space Master Plan, the Town shall acquire and hold as open space the real properties identified below. The properties shall be acquired in accordance with the Town's Charter and Code of Ordinances and the General Statutes regarding the acquisition of real property and open space, and pursuant to the terms of any purchase and sale agreement and costs and expenses approved therefor by the Town Council. Consistent herewith, the Town Manager is authorized to enter into any Town Council approved purchase and sale agreement and to execute all documents necessary to facilitate the acquisition of the real properties identified below.

1. 491 King Street, South Windsor, Connecticut
2. 559 Avery Street, South Windsor, Connecticut
3. R002A Collins Lane (corner of Sand Hill Road and Nevers Road)

and/or Development Rights:

1. ***R043, R044, 726, and R048 Main Street, and R011 Pleasant Valley Road***

Changes are bold and in italic

TOWN OF SOUTH WINDSOR ORDINANCE

Chapter. Solicitation of Charitable Funds on behalf of Veterans.

Section 1: Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Veteran means any person honorably discharged from, or released under honorable conditions for active service in, the armed forces.

Person means a natural person or any firm, corporation, association, club, society or other organization.

Charitable means and includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal. Provided the primary purpose of the person on whose behalf any solicitation is made is the promotion of the public good on a non-profit basis. Being qualified to register pursuant to Sections 501 (c) 3, 19 and/or 23 of the Internal Revenue Code as it may be amended from time to time shall be definitive proof of a charitable intent, otherwise the burden is on said person to establish contributions will be used for charitable purposes.

Contribution means any grant, promise or pledge of money, credit, property, financial assistance, or other thing of value received as a result of a fund-raising activity.

Solicit or *solicitation* means the request directly of money, credit, property, financial assistance or other items of value on the plea or representation that such money, credit, property, financial assistance or other items will be used for a charitable purpose.

Section 2: Approval.

It shall be unlawful for any person to solicit contributions on behalf of and/or to benefit Veterans, as defined herein, without filing an application for a Permit to Solicit Donations with the South Windsor Police Department (SWPD) and obtaining an approved Permit from the SWPD in compliance with the provisions of this chapter.

Section 3: Application for Approval.

- (a) Any person seeking approval to solicit funds under this chapter must submit an application to the SWPD, on a form to be furnished by the South Windsor Patriotic

Commission, and on file in the Town Manager's Office and posted on the Town's website, which form shall provide the following information:

- (1) Organization name;
 - (2) Address and Telephone number;
 - (3) Identity of Solicitor(s);
 - (4) Veteran status of Solicitor(s);
 - (5) Whether paid Solicitor;
 - (6) Department of Consumer Protection (DCP) Registration Number;
 - (7) Veterans Group Benefiting from Solicitation; and
 - (8) Organization's minimum percentage donated to Veterans as filed with DCP
- (b) The Patriotic Commission shall adopt regulations as necessary to carry out its duties, including procedures and time limits for taking any action authorized by this chapter.
- (c) Upon receipt of an application required by this chapter, the SWPD shall refer said application to the Patriotic Commission which shall conduct such investigation of the applicant's organization as it deems necessary for the protection of the public good and report its findings and recommendation to approve or disapprove the application to the SWPD within 15 days of said referral.
- (d) If as a result of such investigation the application is approved by the SWPD, it shall issue said Permit which shall be displayed in accordance with this chapter. In the event of disapproval, the SWPD shall notify the applicant that the application is disapproved and that no approval will issue. Failure to disapprove or deny the application within 5 days of receiving the Patriotic Commission's recommendation shall result in the application being deemed approved.

Section 4: Transferability, Use, Duration and Display of Permit.

- (a) No permit issued under this chapter shall be used by any person other than the one to whom it is issued.
- (b) Permits shall be conspicuously displayed at the place where the activity is undertaken.
- (c) Permits shall not be interpreted to grant any person exclusive right to any location in the public streets, a stationary location, or permission to operate in any congested area where his operation might impede or inconvenience the public.
- (d) Permits shall be valid for one year from the date of issuance, unless revoked or suspended.

Section 5: Revocation.

Permits issued under this chapter may be revoked by the SWPD on its own initiative or by referral from the Patriotic Commission after notice and hearing for any one or more of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application.
- (b) Fraud, misrepresentation or false statement made in the course of solicitation.
- (c) For good cause shown, including violation(s) of this chapter.
- (d) Conviction of any crime or misdemeanor involving moral turpitude.
- (e) Conducting business in such a manner as to constitute a breach of the peace.

Section 6: Notice and Hearing.

Notice of a hearing for revocation of a Permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the person at the address shown on the application for approval or to the last known address of the person. Hearings will be conducted by the Patriotic Commission pursuant to regulations adopted by the Commission. The Commission will report its findings to the SWPD which will consider such findings in deciding whether to revoke said Permit.

Section 7: Penalties for offenses.

The first violation of any of the provisions of this chapter shall be punished by a fine not to exceed \$100. Each day any such violation shall continue or each act in violation of this Chapter shall constitute a separate offense. The second violation by any person or entity of any provision of this chapter shall be punished by a fine of \$175. Subsequent violations of any provision of this chapter shall be punished by a fine of \$250.

Section 8: Enforcement.

- (a) The Patriotic Commission is charged with enforcing the provisions of this Ordinance in conjunction with the South Windsor Police Department.
- (b) The Patriotic Commission shall investigate any complaints made against any persons concerning this Ordinance.
- (c) The Patriotic Commission and/or any person aggrieved by any act constituting a violation of this Chapter may complain to the South Windsor Police Department which may enforce these provisions, with or without complaint.
- (d) This Chapter shall be enforced by citations issued by the designated municipal officers or employees in accordance with Connecticut General Statute Sections 51-164m and/or 51-164p Violations of Municipal Ordinances (penalty greater than \$90.00 but not more than \$250.00).
- (e) The appeal of any such Infraction Ticket issued for Violation for Municipal Ordinances shall be via the Centralized Infraction Bureau and Connecticut Superior Court system pursuant to C.G.S. Sec. 51-164n.

Section 9: Severability.

All provisions of the Charter, Ordinances and/or any applicable law(s) which are more stringent than those set forth herein, remain valid and may be enforced in addition to the provisions of this Chapter. If any section, paragraph, sentence, clause or phrase of this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this ordinance or any part thereof.

**THIS ORDINANCE WILL TAKE EFFECT IN ACCORDANCE
WITH THE TOWN CHARTER**