

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Action Minutes

Page 1

December 19, 2016

**TOWN COUNCIL – REGULAR MEETING
COUNCIL CHAMBERS – SOUTH WINDSOR TOWN HALL**

1. Call Meeting to Order

Mayor Delnicki called the Regular Meeting to order at 7:00 p.m.

4. Roll Call

Members Present: Mayor Thomas Delnicki
Deputy Mayor Carolyn Mirek
Councilor M. Saud Anwar
Councilor William Carroll
Councilor Edward Havens (left at 10:00 p.m.)
Councilor Lisa Maneeley
Councilor Liz Pendleton
Councilor Matthew Riley
Councilor Janice Snyder

Others Present: Matthew B. Galligan, Town Manager

7. Adoption of Minutes of Previous Meeting

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Regular Meeting Minutes of December 3, 2016.

Was made by Councilor Riley
Seconded by Councilor Snyder
The motion was approved, unanimously with amendments

13. Unfinished Business

A. Resolution Appointing Craig Zimmerman (D) to the Park & Recreation Commission

BE IT RESOLVED that the South Windsor Town Council hereby appoints Craig Zimmerman (D) to the Park & Recreation Commission for a term ending December 31, 2017 to fill the unexpired term of Robert O'Connor.

(Resolution Continued on Next Page)

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Action Minutes

Page 2

December 19, 2016

ITEM:

13. A. (Continued)

Was made by Councilor Havens
Seconded by Councilor Pendleton
The motion was approved, unanimously

Deputy Mayor Mirek made a motion to suspend the rules in order to take Item 14. K. out of order. Councilor Snyder seconded the motion and it was approved, unanimously.

14. New Business

K. Resolution Approving a Transfer of \$5,000 from the Contingency Account to the Wood Memorial Library Account

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$5,000 from the Contingency Account to the Wood Memorial Library Account to cover costs associated with Wood Memorial Library's budget.

Was made by Mayor Delnicki
Seconded by Councilor Snyder
The motion was approved, unanimously

C. Resolution Accepting the Resignation of Thomas Delnicki (R) from the South Windsor Town Council

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Thomas Delnicki (R) from the South Windsor Town Council, said resignation to be effective January 3, 2017; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Thomas Delnicki for the time he has dedicated to serving his community by his membership on the South Windsor Town Council.

Was made by Deputy Mayor Mirek
Seconded by Councilor Maneeley
The motion was approved, unanimously

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 3

December 19, 2016

ITEM:

14. New Business (*Continued*)

D. Resolution Appointing Cindy Beaulieu (R) to the South Windsor Town Council 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 appoints Cindy Beaulieu (R) to the South Windsor Town Council for a term ending November 13, 2017 to fill the unexpired term of Thomas Delnicki and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Mayor Delnicki
Seconded by Councilor Carroll

Councilor Pendleton stated that she will be voting no on this item because this process is taking place prior to a vacancy on the Council. Councilor Pendleton read Section 208 of the Town Charter, titled Vacancies. The Town Council does not have a vacancy presently. On January 3, 2017 there will be a vacancy and on January 3, 2017, the Council will take a vote on the replacement for the vacancy. The present Council sitting right now can not dictate what future Councils do and that is what will happen if the Council votes on this appointment tonight. The definition of vacancy is an unoccupied position or job of office. Councilor Pendleton stated that she understands that a legal opinion was sought from the Town Attorney prior to this item going on the agenda. The Town Attorney's opinion says that the Council should take care of this vacancy in accordance with Section 208. The Council can not make an appointment when there is presently not a vacancy. Another concern is that if this Council supports this vote then it will not be a legal vote and any future action taken by the Council is questionable.

Mr. Galligan, Town Manager explained that this is a process that was used when Matt Streeter was Mayor and left the Council. It was discussed how this would be handled and the Clerk of the Council sent it to the Town Attorney to review this issue to make sure that this process was correct. In the memorandum, the Town Attorney said the resolutions are fine from a legal standpoint. You could cite that the appointment is being made pursuant

(Resolution Continued on Next Page)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 4

December 19, 2016

ITEM:

14. D. (Continued)

to Charter Section 208 but that is not necessary to do that. The resolution tonight is a resolution showing the person that the party would like to put on the Council. The Council has to wait until the next meeting for the appointment to be final. Mr. Galligan felt that this resolution could move forward. This is a mechanism to make sure that the Council is not short a member.

Councilor Carroll explained that the Council is postponing consideration of the motion until the Town's next regularly schedule meeting so he feels the Council is not really voting tonight. The Council is putting up the motion and the second time it is read is when the Council votes.

Councilor Anwar made a motion to have the resolution read as follows:

WHEREAS, Thomas Delnicki's resignation from the Town Councils is effective January 3, 2017; and

WHEREAS, there will be a vacancy in the Town Council on January 3, 2017

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town council hereby appoints Cindy Beaulieu (R) to the South Windsor Town Council for a term ending November 13, 2017 to fill the unexpired term of Thomas Delnicki and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Answering questions from the Council, Mr. Galligan felt that this language would not change the resolution but would just be stating the facts.

Mayor Delnicki stated that he would accept this as a friendly amendment.

Councilor Maneeley questioned what would be the harm to wait on this resolution until the next Town Council meeting. Mr. Galligan stated that he would assume that timing is everything. Budgets begin in January and if the Council waits then this person will not be involved with the budget until February.

(Resolution Continued on Next Meeting)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 5

December 19, 2016

ITEM:

14. D. (Continued)

Councilor Carroll reiterated that the Council is reading this resolution into the record and then a vote will be completed at the next meeting to appoint.

Councilor Riley stated that in filling any vacancy, it is clear that the Council is not filling a vacancy tonight. Councilor Riley said he does not have any problem with how the resolution is written. Councilor Anwar's suggestion is just clarifying the intent and he does not have a problem with that wording. The vacancy will not be filled until January 3, 2017.

Councilor Pendleton said she would still be voting no and stated that if the process was done legally according to Section 208, she would be in support of the resolution on January 3, 2017. At this time there is no vacancy and the Council would be voting on a vacancy tonight and making an appointment if this is approved. A new Council will begin on January 3, 2017 and this Council should not dictate what a future Council does.

Deputy Mayor Mirek said she would support this resolution.

Councilor Anwar stated that the Town Attorney said that Section 208 of the Town Charter could be cited and suggested that the language be added. Mayor Delnicki said he would not be opposed to that being added because it will provide historical context and legislative intent. It also will show that the Town Attorney weighed in on this resolution and stated that the process is legal. Mayor Delnicki said he would accept this as a friendly amendment.

Councilor Anwar stated that he would offer another friendly amendment of adding "pursuant to the Town Charter, Section 208" into the resolution. Mayor Delnicki felt that it should also be stated that this is based on the Town Attorney's opinion.

Councilor Snyder called for a point of order and requested that the resolution be read into the record.

(Resolution Continued on Next Page)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 6

December 19, 2016

ITEM:

14. D. (Continued)

Councilor Anwar read the friendly amendments into the record:

WHEREAS, Thomas Delnicki's resignation is to be effective January 3, 2017;
and

WHEREAS, there will be a vacancy in the South Windsor Town Council on
January 3, 2017

NOW, THEREFORE, BE IT RESOLVED pursuant to the Town Charter,
Section 208 and the Town Attorney's opinion, the South Windsor Town
Council hereby appoints Cindy Beaulieu (R) to the South Windsor Town
Council for a term ending November 13, 2017 to fill the unexpired term of
Thomas Delnicki and postpones consideration of this motion until the Town
Council's next regularly scheduled meeting.

Councilor Snyder called another point of order. The Council has the original resolution
and then there is an amendment. Will the Council vote on the amendment. Mayor
Delnicki stated that these amendments were friendly amendments. Mayor Delnicki said
he would accept these friendly amendments. Councilor Carroll stated he would not
accept the friendly amendments because he does not feel the language regarding the
Town Charter, Section 208 is necessary.

Mayor Delnicki called for a vote on the resolution as amended. It passed on a roll call
vote of 6 to 1 with 2 abstentions with Mayor Delnicki, Deputy Mayor Mirek, Councilor
Anwar, Councilor Havens, Councilor Maneeley, and Councilor Snyder voting in favor of
the amendment; Councilor Carroll voting in opposition of the amendment; and Councilor
Pendleton and Councilor Riley abstaining.

Mayor Delnicki called for a vote on the amended resolution. It passed on a roll call vote
of 8-0 with 1 abstention with Mayor Delnicki, Deputy Mayor Mirek, Councilor Anwar,
Councilor Carroll, Councilor Havens, Councilor Maneeley, Councilor Riley and
Councilor Snyder voting in favor of the amended resolution; and Councilor Pendleton
abstaining.

(Resolution Continued on Next Page)

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Action Minutes

Page 7

December 19, 2016

ITEM:

14. D. (Continued)

The amended resolution to read as follows:

WHEREAS, Thomas Delnicki's resignation is to be effective January 3, 2017;
and

WHEREAS, there will be a vacancy in the South Windsor Town Council on
January 3, 2017

NOW, THEREFORE, BE IT RESOLVED pursuant to the Town Charter,
Section 208 and the Town Attorney's opinion, the South Windsor Town
Council hereby appoints Cindy Beaulieu (R) to the South Windsor Town
Council for a term ending November 13, 2017 to fill the unexpired term of
Thomas Delnicki and postpones consideration of this motion until the Town
Council's next regularly scheduled meeting.

**E. Resolution Appointing Paul Mozzicato (R) to the Patriotic Commission
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 appoints
Paul Mozzicato (R) to the Patriotic Commission for a term ending December
31, 2017 to fill a vacancy of an unexpired term and postpones consideration
of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Carroll
Seconded by Councilor Snyder
The motion was approved, unanimously

**F. Resolution Approving an Annual Salary Increase for the Registrars of
Voters for Calendar Years 2017 and 2018**

WHEREAS, The Registrar(s) of Voters are elected positions, serving a four-
year term; and

(Resolution Continued on Next Page)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 8

December 19, 2016

ITEM:

14. F. (Continued)

WHEREAS, The Registrar(s) of Voters rate of compensation is, by State Statute, to be paid by the municipality

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby stipulates that the annual compensation for the Registrar(s) of Voters shall be \$36,482 each effective January 1, 2017; and

BE IT FURTHER RESOLVED that their annual salary shall be increased to \$37,212 effective January 1, 2018 through December 31, 2018.

Was made by Councilor Anwar
Seconded by Councilor Pendleton
The motion was approved, unanimously

G. Resolution Endorsing the Plan of the South Windsor Agriculture, Arts & Nature Center Committee

WHEREAS, the South Windsor Town Council requested, through the creation of the South Windsor Agriculture, Arts & Nature Center Committee, a report regarding the future plans for the Priest Farm Property; and

WHEREAS, the Committee received grant funding from two organizations (\$20,000 from the State Office of Historic Preservation and \$4,000 from the South Windsor Community Foundation) which was used to hire a consulting team to assist in a thorough evaluation of the property; and

WHEREAS, the Consulting Team report has been completed and a presentation was shown to the Town Council on December 5, 2016; and

WHEREAS, at the May 2, 2016 Town Council Meeting, a resolution was approved to transfer \$20,000 to the Committee in order to secure the property from further vandalism; and

WHEREAS, there is a \$9,000 allotment (paid by Eversource Energy) for an easement to the Priest Farm Property; and

(Resolution Continued on Next Page)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 9

December 19, 2016

ITEM:

14. G. (Continued)

WHEREAS, the next step in the process is for the Committee to hold open public information meetings to discuss the long range plan of the property

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby endorses this project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council encourages the Committee to meet with community members; and to receive the \$9,000 form the Eversource easement payment to assist in the continuation of this project.

Was made by Councilor Snyder
Seconded by Mayor Delnicki
The motion was approved, unanimously

H. Resolution Endorsing the Recommendation of the Energy Committee and Authorizing Town Manager, Matthew B. Galligan to Request Eversource Energy to Expedite the Conversion of Cobra Head Streetlights

WHEREAS, the Energy Committee has been working on the conversion of streetlights to LED technology for approximately two years; and

WHEREAS, Eversource Energy recently informed the Town that the price for the net book value of the streetlight fixtures had increased which would mean the Town would have to do the project in phases; and

WHEREAS, Eversource Energy stated that they would retrofit all cobra head streetlights to Led which will give South Windsor an annual savings of approximately \$55,000; and

WHEREAS, the Energy Committee has reviewed various LED retrofit/purchase options and is recommending that the Town Council authorize Town Manager, Matthew B. Galligan to request Eversource Energy to retrofit all cobra head streetlights with LED technology

(Resolution Continued on Next Page)

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 10

December 19, 2016

ITEM:

14. H. (Continued)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby endorses the recommendation of the Energy Committee and authorizes Town Manager, Matthew B. Galligan to request Eversource Energy to expedite the conversion of cobra head streetlights to LED technology by the third quarter of 2017.

Was made by Deputy Mayor Mirek
Seconded by Councilor Snyder
The motion was approved, unanimously

I. Resolution Referring the Proposed Project of Kevin's Kourt to the Planning & Zoning Commission Pursuant to Section 8-24 of the Connecticut General Statutes

WHEREAS, any plan to use Town funds and to do improvements to property owned by the Town 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 project of Kevin's Kourt to the South Windsor Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes.

Was made by Councilor Pendleton
Seconded by Councilor Anwar
The motion was approved, unanimously

J. Resolution Approving a Transfer of \$10,000 from the Contingency Account to the Kevin's Kourt Project

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$10,000 from the Contingency Account to the Kevin's Kourt Project to cover costs associated with the development of Kevin's Kourt.

Was made by Councilor Riley
Seconded by Councilor Snyder
The motion was approved, unanimously

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Action Minutes

Page 11

December 19, 2016

ITEM:

14. New Business (Continued)

L. Resolution Approving a Refund of Taxes to Eighteen (18) South Windsor Taxpayers

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to eighteen (18) South Windsor Taxpayers, the total of said refund being \$9,682.56 and as more fully described on attached **Exhibit A.**

Was made by Councilor Maneeley
Seconded by Councilor Pendleton
The motion was approved, unanimously

At 11:00 p.m. Deputy Mayor Mirek made a motion to extend the meeting. Councilor Carroll seconded the motion; and the motion failed with Councilor Pendleton stating no.

Respectfully submitted,

Deborah W. Reid, Clerk of the Council