

**TOWN COUNCIL**  
**TOWN OF SOUTH WINDSOR**

**Action Minutes**

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**February 6, 2017**

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

**1. Call Meeting to Order**

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

**4. Roll Call**

Members Present: Mayor Carolyn Mirek  
Deputy Mayor Janice Snyder  
Councilor M. Saud Anwar  
Councilor Cindy Beaulieu (arrived at 9:33 p.m.)  
Councilor William Carroll  
Councilor Edward Havens  
Councilor Lisa Maneeley  
Councilor Liz Pendleton  
Councilor Matthew Riley (arrived at 7:11 p.m.)

Others Present: Matthew B. Galligan, Town Manager  
Morris Borea, Town Attorney

**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 January 3, 2017.

Was made by Councilor Anwar  
Seconded by Councilor Snyder

Councilor Riley stated that on page 20 under the roll call, he is listed twice and Councilor Carroll is missing; and under Executive Session it should be noted that he recused himself from the first discussion.

Councilor Anwar stated that under Roll Call and after Cindy Beaulieu's name, it should read appointed not appointment; and under Item 13. C. Carolyn Mirek is referred to as Mayor prior to being appointed as Mayor and should read Deputy Mayor.

Mayor Mirek called for a vote on the amended minutes, they were approved, unanimously.

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**ITEM:**

**12. Consent Agenda**

Councilor Carroll made a motion to approve Agenda Items 13. A (\*) through 13. K. (\*) as the Consent Agenda. Councilor Anwar seconded the motion; and it was approved, unanimously.

**13. Unfinished Business**

**\* A. Resolution Appointing Beena Pandit (U) to the Human Relations Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Beena Pandit (U) to the Human Relations Commission for a term ending November 30, 2019 to fill a Vacancy.

**(Approved by Consent Agenda)**

**\* B. Resolution Reappointing Jonathan Foster (R) to the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Jonathan Foster (R) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

**\* C. Resolution Reappointing James Futtner (R) to the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints James Futtner (R) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

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**ITEM:**

**13. Unfinished Business**

**\*D. Resolution Reappointing Philip Koboski (R) to the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Philip Koboski (R) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

**\* E. Resolution Reappointing Tim Shepard (R) to the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Tim Shepard (R) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

**\* F. Resolution Reappointing Elizabeth Warren (R) to the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Elizabeth Warren (R) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

**\* G. Resolution Reappointing Carolyn Carey (R) to the Human Relations Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Carolyn Carey (R) to the Human Relations Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

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**ITEM:**

**13. Unfinished Business**

**\* H. Resolution Reappointing Arthur Sladyk (R) to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Arthur Sladyk (R) to the Patriotic Commission for a term ending December 31, 2019.

**(Approved by Consent Agenda)**

**\* I. Resolution Reappointing Leigh Lovering (R) to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Leigh Lovering (R) to the Patriotic Commission for a term ending December 31, 2019.

**(Approved by Consent Agenda)**

**\* J. Resolution Reappointing Audrey Delnicki (R) to the Inland Wetlands Agency/Conservation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Audrey Delnicki (R) to the Inland Wetlands Agency/Conservation Commission for a term ending December 1, 2020.

**(Approved by Consent Agenda)**

**\* K. Resolution Reappointing Tim Shepard (R) to the Demolition Delay Committee**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Tim Shepard (R) to the Demolition Delay Committee for a term ending December 31, 2018.

**(Approved by Consent Agenda)**

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**14. New Business**

**A. Resolution Requesting the Town Council to Approve a Referendum Date of March 21, 2017 for Planning, Design, Acquisition, Construction, Equipping and Furnishing of New Philip R. Smith and Eli Terry Elementary Schools and Related Costs**

WHEREAS, the 2011-2014 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 on October 29, 2013; and

WHEREAS, the Board of Education approved on October 13, 2016 *the Educational Specifications* for the construction of two new K-5 elementary schools to be built on the campuses of Eli Terry Elementary School and Philip R. Smith Elementary School; and

WHEREAS, on October 13, 2016 the Board of Education approved the final total project cost estimate for Eli Terry Elementary School at \$37,400,000 and Philip R. Smith Elementary School at \$32,500,000, resulting in the total Phase II cost of \$69,900,000; and

WHEREAS, it is reasonably expected that an estimated \$23,000,000 of the total Phase II cost shall be reimbursed by the State of Connecticut; and

WHEREAS, an overview of Phase II of the Plan was presented to the Town Council on December 19, 2016; and

WHEREAS, it is the desire of the Board of Education to bring the referendum question forward to the South Windsor Community on March 21, 2017

NOW, THEREFORE, BE IT RESOLVED that the Town Council approves a referendum date of March 21, 2017 with polling time of 6:00 a.m. to 8:00 p.m.

Was made by Councilor Maneeley  
Seconded by Councilor Anwar

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**ITEM:**

**14. A. (Continued)**

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

- B. Resolution Appropriating \$69,900,000 for Planning, Design, Acquisition, Construction, Equipping and Furnishing of New Philip R. Smith and Eli Terry Elementary Schools and Related Costs and Authorizing the Issuance of \$69,900,000 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.**

Was made by Councilor Havens  
Seconded by Deputy Mayor Snyder

Councilor Pendleton made a friendly amendment to add "contingent upon the passing of the elementary school referendum".

Mr. Galligan explained that the bonds cannot be floated unless the referendum passes.

Councilor Pendleton withdrew her friendly amendment.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

**C. Resolution Approving Ballot Question for Referendum of Town Electors**

BE IT RESOLVED that the Resolution entitled "Resolution Appropriating \$69,900,000 for Planning, Design, Acquisition, Construction, Equipping and Furnishing of New Philip R. Smith and Eli Terry Elementary Schools and Related Costs and Authorizing the Issuance of \$69,900,000 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 21, 2017, and that the warning of said referendum state the question to be voted upon as follows:

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**ITEM:**

**14. C. (Continued)**

"Shall the resolution approving an appropriation and bond authorization in the amount of \$69,900,000, of which it is expected that an estimated \$23,000,000 shall be reimbursed by the State of Connecticut, for planning, design, acquisition, construction, equipping and furnishing of new Philip R. Smith and Eli Terry Elementary Schools, adopted by the Town Council on February 6, 2017, be approved?"

The ballot label for said question will read as follows:

"Shall the resolution appropriating and authorizing bonds in the amount of \$69,900,000, of which it is expected that an estimated \$23,000,000 shall be reimbursed by the State of Connecticut, for planning, design, acquisition, construction, equipping and furnishing of new Philip R. Smith and Eli Terry Elementary Schools be approved? YES NO"

Was made by Deputy Mayor Snyder  
Seconded by Councilor Anwar

Councilor Pendleton questioned how sure the Board of Education is of getting the reimbursement of \$23,000,000 from the State of Connecticut? Chairman Joy from the Board of Education explained that the reimbursement rates for submission of projects up until June 30, 2016 has been set. Chairman Joy said he feels very good that what was being submitted will be approved. Dr. Carter continues to meet with the Department of Administrative Services and the message the Board has received from the State is that they are very excited about this project.

Dr. Carter, Superintendent of Schools explained that knowing there is concern about the reimbursement rate, a meeting was requested with the State of Connecticut, Department of Administrative Services. They have been very encouraging and view our project favorably. The Board of Education has been very conservative and has used the lowest reimbursement rate.

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**ITEM:**

**14. C. (Continued)**

Councilor Maneeley asked if in the last referendum, did the question state the reimbursement amount from the State of Connecticut? Mr. Galligan explained that Attorney Panico had explained that the Town could use the dollar amount or the percentage and in order to be consistent from the last referendum, he felt that dollar amount should be used.

Councilor Maneeley requested that the Town Attorney review rules of what can and cannot be done now that the referendum is going to be held.

Town Attorney Morris Borea explained that now the Town Council has set a referendum date, no public funds or public expenditures can be used to advocate for or against the referendum. Public officials should refrain from making any comments, however as private citizens you can make any comments you would like as long as you make it clear you are speaking as a private citizen and you are not using any public funds.

Answering questions from the Council, Chairman Joy stated that the Board of Education is committed to the Phase III plan. Phase II is the path to Phase III.

Councilor Anwar questioned if the language in the resolution "which it is expected that an estimated \$23,000,000 shall be reimbursed by the State of Connecticut" could be changed to "it is highly likely that an estimated minimum of \$23,000,000 shall be reimbursed by the State of Connecticut"? Mr. Galligan explained that the Elections Commission would find that to be a violation. The language that has been proposed was used in the last referendum and had been verified by the Commission. Town Attorney Borea felt that after reviewing this and having discussions, it is felt that this is the best language that the Town could use. The Town does not want to over promise the residents of South Windsor. The Town does not have the facts to advocate for the stronger language.

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**ITEM:**

**14. C. (Continued)**

Answering further questions, Town Attorney Borea explained that the explanatory text will be finalized tomorrow. Attorney Borea stated that David Panico drafted the referendum and he reviewed it. If the Council would like to make a change to address Councilor Anwar's comment, the only change he would make is to use "reasonably expected" as opposed to "expected", but does not feel it is necessary. Deputy Mayor Snyder felt that the referendum language should be left as it is.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

**D. Resolution Authorizing the Town Attorney to Draft Explanatory Text**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes the Town Attorney to draft Explanatory Text pursuant to C.G.S. Sec. 9-369b(a) for the upcoming referendum regarding the planning, design, acquisition, construction, equipping and furnishing of new Philip R. Smith and Eli Terry Elementary Schools.

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

**E. Resolution Accepting the Resignation of Cindy Beaulieu (R) from the Park & Recreation Commission and the Economic Development Commission**

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Cindy Beaulieu (R) from the Park & Recreation Commission; and as an Alternate from the Economic Development Commission, said resignations to be effective immediately; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Cindy Beaulieu for the time she has dedicated to serving her community by her membership on the Park & Recreation Commission and Economic Development Commission.

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**ITEM:**

**14. E. (Continued)**

Was made by Councilor Carroll  
Seconded by Deputy Mayor Snyder

Councilor Riley thanked Cindy Beaulieu for the time and effort she has put into these Commissions. The community will now benefit with her service on the Town Council.

Deputy Mayor Snyder also thanked Councilor Beaulieu for her service to the Town and stated she is happy to have Councilor Beaulieu on the Town Council.

Mayor Mirek informed the Council that Councilor Beaulieu will continue as the Liaison to the Economic Development Commission.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

**F. Resolution Waiving Competitive Bidding for the Purchase of a Jacobsen AR-522, 100 Inch Mower**

WHEREAS, the Parks Division budget for Fiscal Year 2016/2017 includes funds to purchase a Toro Sidewinder 68 inch width cut mower which will be used by the department to maintain a much higher quality of cut on the Town's premier athletic fields and grounds, that is currently done with 61 inch mowers; and

WHEREAS, the Parks Division has researched other mowers and has determined that a used Jacobsen AR-522 with a 100 inch cut will produce a higher quality of cut as well as reduce mowing time and is a better alternative because it will best serve the Town's needs, fit into the budget, and will come with a full bumper to bumper warranty from the manufacturer for 120 days starting on its first day of actual use in the spring of 2017; and

WHEREAS, the Parks Division has received quotes for good condition, comparable mowers from three equipment suppliers for similar machines that were higher in price and did not carry the same warranty; and

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**ITEM:**

**14. F. (Continued)**

WHEREAS, the purchase of a piece of used equipment such as this is not conducive to the normal competitive bidding process; and

WHEREAS, the Town of South Windsor, Parks Division recommends waiving the competitive bid process for the purchase of a used Jacobsen AR-522, 100 inch mower

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby waives the competitive bidding process as described in Section 714 of the Town's Charter, for the purchase of a Jacobsen AR-522, 100 inch mower and has determined that waiving competitive bidding is in the Town's best interest; and

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to negotiate and execute any and all contracts and documents necessary for the purchase of a Jacobsen AR-522, 100 inch mower.

Was made by Councilor Riley  
Seconded by Councilor Carroll

Mr. John Caldwell, Parks Division came before the Town Council and explained that this machine by State bid price is about \$57,000 with a list price of approximately \$63,000. The Town currently cuts all of the athletic fields with the 16 foot mowers that the Town has which is not made for a real good quality cut.

Answering questions from Councilor Anwar, Mr. Caldwell explained that this mower will do all of these fields and will do it much faster and the quality of cut is what is used on professional athletic fields. The new mower will allow the Town to cut less than 1 inch and as high as 4 inches. This will not reduce the frequency of cuts but is a quality issue. This mower will cost a little less than what was put into the budget.

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**ITEM:**

**14. F. (Continued)**

Answering further questions from Councilor Carroll, Mr. Caldwell explained that the new mower has rollers behind every deck, there are five decks, and the rollers are what creates the stripes.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

**G. Resolution Approving a Transfer of \$14,400 from the Contingency Account to the Environmental Health Operating Material Account**

BE IT RESOLVED that the South Windsor Town Council hereby approves the transfer of \$14,400 from the Contingency Account to the Environmental Health Operating Material Account to cover costs associated with an emergency health issue.

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

**H. Resolution Approving Offer of a Tax Assessment Agreement with Geissler's Supermarket**

Councilor Riley recused himself from this resolution.

WHEREAS, a Request for Tax Abatement has been received from Geissler's Supermarket, the owner of the property at 965 Sullivan Avenue, South Windsor, CT; and

WHEREAS, the Town of South Windsor's Tax Partnership Program, established pursuant to Connecticut General Statutes Section 12-65b, is intended to encourage the development and expansion of quality businesses in Town through tax and other economic incentives, and is designed to retain and attract businesses that will generate substantial additional tax revenues and employment opportunities for the Town while providing quality goods and services; and

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**ITEM:**

**14. H. (Continued)**

WHEREAS, the Town Manager recommends, pursuant to said program, that a tax assessment agreement be offered to Geissler's Supermarket as an incentive to invest an estimated \$413,159.00 in total costs, including land and building improvements for expansion in South Windsor (the land and building improvements collectively referred to as the "Real Property")

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council is pleased to offer a tax assessment agreement between the Town and Geissler's Supermarket reducing the amount of the estimated real property assessment of the Real Property by 50% for a period of five (5) years with an estimated tax benefit reduction of \$5,400.00 annually, commencing with the Grand List following the date the Certificate of Occupancy is issued; provided, however, that if such assessment is changed by any future Town revaluation, the new assessment value of the Real Property shall be reduced by the percentage applicable to the year within the five (5) year period such assessment is changed; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer to Geissler's Supermarket is conditioned upon Geissler's Supermarket (1) meeting the estimated \$413,159.00 construction cost figure and agreeing to the estimated assessment figure; and (2) continuing to pay the real estate taxes on the Facility for a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if Geissler's Supermarket fails to meet either of these conditions, Geissler's Supermarket shall refund the Town of South Windsor all of the tax benefit reductions it has received; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer is contingent upon Geissler's Supermarket execution of a written agreement reflecting the terms set forth in the resolution and such other terms as the Town may require.

Was made by Councilor Beaulieu  
Seconded by Councilor Anwar

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**ITEM:**

**14. H. (Continued)**

Councilor Beaulieu explained that she has reservations at times about tax abatements but in this case, Geissler's is a long standing supermarket in Town and is an excellent opportunity for a local store to grow and maybe provide more jobs. Councilor Beaulieu stated she would support this resolution.

Councilor Havens stated that Geissler's is a home town business and it is encouraging they want to invest in South Windsor.

Councilor Carroll said he is also encouraged that Geissler's wants to invest in our community and is hopeful there will be improvements to the building.

Councilor Anwar stated he would be supporting this resolution and is hopeful to see growth in that area of Town.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

**I. Resolution Approving Offer of a Tax Assessment Agreement with Commercial Storefront (Phase I)**

WHEREAS, a Request for Tax Abatement has been received from Commercial Storefront (Phase I), the owner of the property at 470 Governors Highway, South Windsor, CT; and

WHEREAS, the Town of South Windsor's Tax Partnership Program, established pursuant to Connecticut General Statutes Section 12-65b, is intended to encourage the development and expansion of quality businesses in Town through tax and other economic incentives, and is designed to retain and attract businesses that will generate substantial additional tax revenues and employment opportunities for the Town while providing quality goods and services; and

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**ITEM:**

**14. I. (Continued)**

WHEREAS, the Town Manager recommends, pursuant to said program, that a tax assessment agreement be offered to Commercial Storefront as an incentive to invest an estimated \$179,000.00 in total costs, including land and building improvements for an expansion in South Windsor (the land and building improvements collectively referred to as the "Real Property")

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council is pleased to offer a tax assessment agreement between the Town and Commercial Storefront reducing the amount of the estimated real property assessment of the Real Property by 50% for a period of three (3) years with an estimated tax benefit reduction of \$2,340.00 annually, commencing with the Grand List following the date the Certificate of Occupancy is issued; provided, however, that if such assessment is changed by any future Town revaluation, the new assessment value of the Real Property shall be reduced by the percentage applicable to the year within the three (3) year period such assessment is changed; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer to Commercial Storefront is conditioned upon Commercial Storefront (1) meeting the estimated \$179,000 construction cost figure and agreeing to the estimated assessment figure; and (2) continuing to pay the real estate taxes on the Facility for a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if Commercial Storefront fails to meet either of these conditions, Commercial Storefront shall refund the Town of South Windsor all of the tax benefit reductions it has received; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer is contingent upon Commercial Storefront execution of a written agreement reflecting the terms set forth in the resolution and such other terms as the Town may require.

Was made by Councilor Pendleton  
Seconded by Councilor Anwar

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**ITEM:**

**14. I. (Continued)**

Councilor Havens stated he would support this resolution and said this is another example of a home town business.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

**J. Resolution Approving Offer of a Tax Assessment Agreement with Commercial Storefront (Phase II)**

WHEREAS, a Request for Tax Abatement has been received from Commercial Storefront (Phase II), the owner of the property at 470 Governors Highway, South Windsor, CT; and

WHEREAS, the Town of South Windsor's Tax Partnership Program, established pursuant to Connecticut General Statutes Section 12-65b, is intended to encourage the development and expansion of quality businesses in Town through tax and other economic incentives, and is designed to retain and attract businesses that will generate substantial additional tax revenues and employment opportunities for the Town while providing quality goods and services; and

WHEREAS, the Town Manager recommends, pursuant to said program, that a tax assessment agreement be offered to Commercial Storefront as an incentive to invest an estimated \$400,000.00 in total costs, including land and building improvements for an expansion in South Windsor (the land and building improvements collectively referred to as the "Real Property")

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council is pleased to offer a tax assessment agreement between the Town and Commercial Storefront reducing the amount of the estimated real property assessment of the Real Property by 50% for a period of three (3) years with an estimated tax benefit reduction of \$5,228.00 annually, commencing with the Grand List following the date the Certificate of Occupancy is issued; provided, however, that if such assessment is changed

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**ITEM:**

**14. J. (Continued)**

by any future Town revaluation, the new assessment value of the Real Property shall be reduced by the percentage applicable to the year within the three (3) year period such assessment is changed; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer to Commercial Storefront is conditioned upon Commercial Storefront (1) meeting the estimated \$400,000.00 construction cost figure and agreeing to the estimated assessment figure; and (2) continuing to pay the real estate taxes on the Facility for a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if Commercial Storefront fails to meet either of these conditions, Commercial Storefront shall refund the Town of South Windsor all of the tax benefit reductions it has received; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer is contingent upon Commercial Storefront execution of a written agreement reflecting the terms set forth in the resolution and such other terms as the Town may require.

Was made by Councilor Carroll  
Seconded by Councilor Anwar

Councilor Carroll stated he would support this resolution and would like to help businesses grow as much as possible.

Councilor Pendleton questioned if there would be any job opportunities with this expansion? Mr. Galligan stated that there may be two or three more jobs.

Councilor Pendleton explained that this company started out as a very small company in Town and has expanded.

Councilor Anwar thanked Paul Burnham and the Economic Development Commission for doing the work necessary for economic development and for coming and speaking to the Council.

Mayor Mirek called for a vote on the motion; it was approved, unanimously.

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**ITEM:**

**14. New Business (Continued)**

**K. Resolution Approving Offer of a Tax Assessment Agreement with John Fitch Distilling Co.**

WHEREAS, a Request for Tax Abatement has been received from John Fitch Distilling Co., the owner of the property at 51 Glendale Road, South Windsor, CT; and

WHEREAS, the Town of South Windsor's Tax Partnership Program, established pursuant to Connecticut General Statutes Section 12-65b, is intended to encourage the development and expansion of quality businesses in Town through tax and other economic incentives, and is designed to retain and attract businesses that will generate substantial additional tax revenues and employment opportunities for the Town while providing quality goods and services; and

WHEREAS, the Town Manager recommends, pursuant to said program, that a tax assessment agreement be offered to John Fitch Distilling Co. as an incentive to invest an estimated \$525,000.00 in total costs, including construction of a new building in South Windsor (the land and building improvements collectively referred to as the "Real Property")

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council is pleased to offer a tax assessment agreement between the Town and John Fitch Distilling Co. reducing the amount of the estimated real property assessment of the Real Property by 50% for a period of five (5) years with an estimated tax benefit reduction of \$6,861.00 annually, commencing with the Grand List following the date the Certificate of Occupancy is issued; provided, however, that if such assessment is changed by any future Town revaluation, the new assessment value of the Real Property shall be reduced by the percentage applicable to the year within the five (5) year period such assessment is changed; and

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**ITEM:**

**14. K. (Continued)**

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer to John Fitch Distilling Co. is conditioned upon John Fitch Distilling Co. (1) meeting the estimated \$525,000.00 construction cost figure and agreeing to the estimated assessment figure; and (2) continuing to pay the real estate taxes on the Facility for a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if John Fitch Distilling Co. fails to meet either of these conditions, John Fitch Distilling Co. shall refund the Town of South Windsor all of the tax benefit reductions it has received; and

BE IT FURTHER RESOLVED that the South Windsor Town Council's offer is contingent upon John Fitch Distilling Co. execution of a written agreement reflecting the terms set forth in the resolution and such other terms as the Town may require.

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

**L. Resolution Authorizing the Town Manager to Sign and Execute Two Easement Agreements with SBA Properties, LLC**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to sign and execute two Easement Agreements with SBA Properties, LLC for the tower erected near the South Windsor Police Department at 151 Sand Hill Road; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes Town Manager, Matthew B. Galligan to sign and execute any other necessary documentation on behalf of the Town of South Windsor.

Was made by Councilor Havens  
Seconded by Councilor Pendleton

Mr. Galligan explained that when the tower was built behind the police department it was constructed on a 5' x 5' pad. The Town got paid \$525,000

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**ITEM:**

**14. L. (Continued)**

up front for giving them the privilege of building this tower and buying our equipment and putting it on top. For the next 10-20 years the Town had a lease with them where they paid \$1,000 per month. After discussions were held, it was decided that the Town would like to get the payments up front. SBA came in at \$400,000 and the Town agreed to that. This money will go into the capital fund and be used towards the Town's communication needs.

Answering questions from the Council, Mr. Galligan explained that SBA is looking at new technology and this may help with dead spots in the community. The Town has regulations in the lease agreement that will protect the Town.

Mayor Mirek called for a vote of this motion; it was approved, unanimously.

**M. Resolution Authorizing the Town Manager to Submit an Application to the Clean Energy Finance Investment Authority**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to submit an application to the Clean Energy Finance Investment Authority for participation in the Phase 8 of the Solarize Connecticut Campaign.

Was made by Deputy Mayor Snyder  
Seconded by Councilor Anwar

Mr. Galligan explained that the Town was previously involved in Solarize South Windsor where solar was installed on residential rooftops. This is the next phase of this same project where the Town will help promote solar.

Mr. Steve Wagner, Chairman of the Energy Committee came before the Town Council. Mr. Wagner first informed the Council that the resolution would need to be amendment to say Connecticut Green Bank rather than Clean Energy Finance Investment Authority. This is a residential program which will provide an easy way for residents to arrange for the installation of solar on their homes or property. The Energy Committee will establish a

**(Resolution Continued on Next Page)**

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Action Minutes**

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**February 6, 2017**

**ITEM:**

**14. M. (Continued)**

subcommittee that will review proposals from approximately eight vendors for the necessary equipment. A single vendor will then be allowed to offer the same program to all of the residents in Town. A price for this service will be set in advance so the Town knows it is receiving the best possible price. This project has nothing to do with the project previously discussed by the Town Council on Barber Hill Road.

Mr. Galligan explained to the Council that the reason the Town is vetting a vendor is because the last time all of the vendors had different products and services and it got very confusing to the residents.

Answering questions from Councilor Riley, Mr. Wagner explained that the vendor will offer the panels and installation. The installer will bid a specific product.

Mr. Galligan explained that the Energy Committee will put a bid out so that the Town will get the best possible price for this service. Other communities have done this and have gotten the best pricing and process.

Mr. Wagner explained further that the bidding process will take place in February with a kick off in March. A letter will go out with the Town's endorsement and will not cost the Town anything. Mr. Galligan added that this is in conjunction with the State of Connecticut.

Deputy Mayor Snyder made a friendly amendment to eliminate "Clean Energy Finance Investment Authority" and insert "Connecticut Green Bank". Councilor Anwar agreed to the friendly amendment.

Mayor Mirek called for a vote on the motion; it passed on a roll call vote of 8-0 with Councilor Riley abstaining.

The resolution to read as follows:

BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to submit an application to the Connecticut Green Bank for participation in the Phase 8 of the Solarize Connecticut Campaign.

**TOWN COUNCIL**  
**TOWN OF SOUTH WINDSOR**

**Action Minutes**

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**February 6, 2017**

**ITEM:**

**N. Resolution Approving a Refund of Taxes to Twenty-Five (25) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to twenty-five (25) South Windsor Taxpayers, the total of said refund being \$9,311.59 and as more fully described on attached **Exhibit B**.

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

**19. Executive Session**

At 9:53 p.m. Deputy Mayor Snyder made a motion to go into Executive Session to discuss possible purchase of real estate for the Town, a personnel issue, (Agreement between the Town of South Windsor Job Classification and Fringe Benefit Description for Non-Bargaining Unit Members); and potential claims and litigation (I-291 Corridor). Councilor Beaulieu seconded the motion; and it was approved, unanimously.

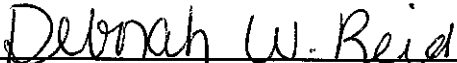
The following individuals went into Executive Session:

Mayor Mirek, Deputy Mayor Snyder, Councilor Anwar, Councilor Beaulieu, Councilor Carroll, Councilor Maneeley, Councilor Pendleton, Councilor Riley, Town Manager Matthew B. Galligan, and Director of Human Resources Vanessa Perry (personnel issue).

At 11:40 p.m. Deputy Mayor Snyder made a motion to adjourn the Executive Session. Councilor Carroll seconded the motion; and it was approved, unanimously.

At 11:40 p.m. Deputy Mayor Snyder made a motion to adjourn the Regular Meeting. Councilor Carroll seconded the motion; and it was approved, unanimously.

Respectfully submitted,

  
Deborah W. Reid, Clerk of the Council

RESOLUTION APPROPRIATING \$69,900,000 FOR PLANNING, DESIGN, ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF NEW PHILIP R. SMITH AND ELI TERRY ELEMENTARY SCHOOLS AND RELATED COSTS AND AUTHORIZING THE ISSUANCE OF \$69,900,000 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 \$69,900,000 is hereby appropriated by the Town of South Windsor, Connecticut (the "Town") for planning, design, acquisition, construction, equipping and furnishing of new Philip R. Smith and Eli Terry Elementary Schools 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 athletic 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, \$69,900,000 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.



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.

## TAX REFUNDS

Anthony, Peter T. Jr. & Virginia T. 59 Pine Tree Lane South Windsor, CT 06074 2012/Chrys/1C3CCBBXC�101167 Reason: BAA	\$ (131.87)	Raposo, Gil C. 375 Nevers Road South Windsor, CT 06074-1440 1977/KAWAS/KZ650B503197 Reason: Sold	\$ (10.17)
Carmon, Kristin P. 61 Rainbow Trail South Windsor, CT 06074-2953 2009/Toyot/5TDZK23C39S257683 Reason: sold 12/15	\$ (214.78)	Rippchen, Thomas J. 115 Norton Lane South Windsor, CT 06074 2008/KIA/KNAGE123985255352 Reason: Gifted to grandchild 8/16	\$ (12.58)
Fesko, Edward A. Jr. 412 Strong Road South Windsor, CT 06074-1905 2004/CADIL/1G6KDS4Y04U173223 Reason: Sold 7/16	\$ (21.31)	Portal-Correia Maria Gracinda 97 Cliffwood Drive South Windsor, CT 06074 Real estate/location 97 Cliffwood Drive Reason: Overpayment	\$ (4,876.26)
Fournier, Andrew T. 90 Garnet Lane South Windsor, CT 06074-1571 2007/HONDA/JH2RC440X7M100116 Reason: Vehicle sold 5/16	\$ (29.97)	Quirion, Anne L. or Joel 605 Nevers Road South Windsor, CT 06074 2013/JEEP/1C4BJWDGXD1522512 Reason: Replaced 12/14	\$ (561.26)
Goodin, Linda Adelaide 207 LeFoll Blvd. South Windsor, CT 06074-4270 2003/Toyot/2T1KR32E23C078525 Reason: over payment	\$ (132.83)	Shortt, Ellen C. Trustee 57 Eagle Run South Windsor, CT 06074 Real estate/location 57 Eagle Run Reason: Overpayment	\$ (7.40)
Hoffman, Eric Gary 370 Beelzebub Road South Windsor, CT 06074-2227 2012/Chevr/1GCPKSE7XCF167364 Reason: sold 11/15	\$ (615.49)	Spielman, Michelle 95 Grove Street, Apt. 45 Vernon, CT 06066 1993/OLDS/1G3AG55N606445383 Reason: Wrong tax Town	\$ (16.20)
HONDA Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 2013/HONDA/5J6RM4H30DL077760 Reason: Turned in lease 6/16	\$ (105.45)	Spielman, Michelle 95 Grove Street, Apt. 45 Vernon, CT 06066 1993/OLDS/1G3AG55N606445383 Reason: Wrong tax Town	\$ (20.85)
Hyundai Lease Titling TR 260 Interstate Circle Atlanta, GA 30348 2013/HYUN/SXYZUDLB7DG036154 Reason: SOLD 8/14	\$ (600.35)	Stamand, Stephen B. 75 LeFoll Blvd. South Windsor, CT 06074-4210 2011/CHEVR/3GCPKSE31BG126311 Reason: Traded 8/16	\$ (57.35)
JP Morgan Chase Bank P.O. Box 901098 Fort Worth, TX 76101-2098 2014/MAZDA/JM1GJ1W65E1139913 Reason: Out of state registration FL	\$ (289.52)	Vachhani, Aakar R. 107 Cornerstone Drive South Windsor, CT 06074 2008/VOLKSWAGEN/3VWRZ71K08M196680 Reason: sold 7/16	\$ (31.82)
Lerz, Ronald J. or Geraldine G. 56 Jessica Drive South Windsor, CT 06074-1522 2003/DODG/2D4GP24373R219500 Reason: overpayment	\$ (112.30)	Vachhani, Nirav N. 299 Clark Street South Windsor, CT 06074 2012/HONDA/19XFB2F82CE336032 Reason: BAA change	\$ (132.09)
Meagher, George L. II 39 Elizabeth Street South Windsor, CT 06074-3410 1J8GR48K47 Reason: sold	\$ (136.90)	VW Credit Leasing LTD 1401 Franklin Blvd. Libertyville, IL 60048-4460 2015/VOLKS/3VW3A7AJ0FM279396 Reason: Active duty	\$ (560.55)

Miscellaneous Steel and Rail LLC P.O. Box 572 South Windsor, CT 06074-0572 2008/FORD/1FDAF56RX8ED43060 Reason : Sold	\$ (383.06)	Waxenberg, Shannon Marie 34 Blue Spruce Road South Windsor, CT 06074-1663 2007/ACURA/5J8TB18547A023672 Reason: Traded 5/16	\$ (112.11)
Miscellaneous Steel and Rail LLC P.O. Box 572 South Windsor, CT 06074-0572 2008/FORD/1FDAF56RX8ED43060 Reason : Sold	\$ (139.12)		

Mrs. Bonnie Rabin, Collector of Revenue

Total  
2/6/2017 \$ (9,311.59)