

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

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June 5, 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 7:02 p.m.

4. Roll Call

Members Present: Mayor Carolyn Mirek
Deputy Mayor Janice Snyder
Councilor M. Saud Anwar
Councilor Cindy Beaulieu
Councilor William Carroll
Councilor Lisa Maneeley
Councilor Liz Pendleton
Councilor Matthew Riley

Members Absent: Councilor Edward Havens

Others Present: Matthew B. Galligan, Town Manager
Morris Borea, Town Attorney (arrived at 7:11 p.m.)

14. Unfinished Business

A. Resolution Removing from the Table Item 15. H. of the Town Council's Regular Meeting of May 15, 2017 – Resolution Authorizing the Town Manager to Dissolve the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan

BE IT RESOLVED that the South Windsor Town Council hereby removes from the table, Item 15. H. of the Town Council's Regular Meeting of May 15, 2017 – Resolution Authorizing the Town Manager to Dissolve the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan.

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

At 8:28 p.m. Deputy Mayor Snyder made a motion to suspend the rules in order to go to Item 19. Executive Session. Councilor Maneeley seconded the motion; and it was approved, unanimously.

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19. Executive Session

Deputy Mayor Snyder made a motion to go into Executive Session and referenced Connecticut General Statutes 1-210 (b) (10) regarding tax returns, reports and statements and attorney client privilege communications. Councilor Maneeley seconded the motion.

Deputy Mayor Snyder amended the motion to reference Connecticut General Statutes 1-200 and 1-210 (b) (10) regarding tax returns, reports and statements and attorney client privilege communications. Councilor Maneeley seconded the amendment 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, Town Attorney Morris Borea, Attorney Allen Friedland, Director of Human Resources Vanessa Perry and Director of Finance Patricia Perry.

At 9:29 p.m. Deputy Mayor Snyder made a motion to adjourn the Executive Session. Councilor Carroll seconded the motion; and it was approved, unanimously.

14. Unfinished Business *(Continued)*

B. Resolution Authorizing the Town Manager to Dissolve the ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan

WHEREAS, on March 1, 2004 the South Windsor Town Council had adopted an ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan (hereinafter referred to as "RHS Plan") for the benefit of its non-bargaining unit member employees; and

WHEREAS, the Town Council has been made aware of the IRS Regulations that restrict the ability for employees to designate a beneficiary on their RHS Plan; and

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14. B. (Continued)

WHEREAS, the Town Council has determined that it is in the best interest of the Town and its employees to dissolve the RHS Plan and distribute all funds back to each employee, former employee, and retiree; and

WHEREAS, the dissolution of the RHS Plan will require the current Non-Bargaining Unit Member Fringe Benefit Description to be updated by removing the reference of the employees' sick leave payout to be paid into the employee's Retirement Health Savings Account and adding that the payout will be put into the employee's 457 account and also removing the requirement for employees to enroll into the RHS Plan

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes the Town Manager, and/or any other official designated by him, to execute the above referenced dissolution of the current RHS Plan; and

BE IT FURTHER RESOLVED that the Town Council hereby approves the revisions to the Fringe Benefit Description for Non-Bargaining Unit Members for Fiscal Year 2016/2017 through 2018/2019.

Was made by Deputy Mayor Snyder
Seconded by Councilor Maneeley

Deputy Mayor Snyder made a motion to amend the resolution to read as follows:

WHEREAS, on March 1, 2004 the South Windsor Town Council had adopted an ICMA Retirement Corporation's VantageCare Retirement Health Savings Plan (hereinafter referred to as "RHS Plan") for the benefit of its non-bargaining unit member employees, and a related ICMA "Integral Trust" (hereinafter referred to as "Plan Trust") for the purpose of setting aside funds to assist the Town of South Windsor with the payment of RHS Plan benefits; and

WHEREAS, the Town Council has been made aware of the strict requirements imposed on employer-sponsored medical reimbursement plans such as the RHS Plan under the Internal Revenue Code, and applicable IRS rulings and

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14. B. (Continued)

regulations in order that the RHS Plan benefits paid remain nontaxable to employees, former employees and retirees; and

WHEREAS, the RHS Plan and the Plan Trust maintained for the RHS Plan unconditionally reserve to the Town of South Windsor the exclusive right to amend, modify and terminate the RHS Plan and the Plan Trust; and

WHEREAS, the Town Council has determined that it is necessary and appropriate to terminate the RHS Plan effective July 3, 2017, and to dissolve the Plan Trust by distributing to each employee, former employee, and retiree with a remaining RHS Plan account a single lump sum from the Plan Trust equal to their then remaining RHS Plan account value, subject to withholding of all applicable taxes; and

WHEREAS, the dissolution of the RHS Plan will require the current Non-Bargaining Unit Member Fringe Benefit Description to be updated by removing the reference of the employees' sick leave payout to be paid into the employee's Retirement Health Savings Account, and also removing the requirement for employees to enroll into the RHS Plan

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby terminates the RHS Plan effective July 3, 2017, and directs the Town Manager, and/or any other official designated by him, to adopt and execute any and all amendments to the RHS Plan, and the Plan Trust as the Town Manager shall determine necessary and appropriate to complete the termination of the RHS Plan and dissolution of the Plan Trust; and

BE IT FURTHER RESOLVED that all assets of the Plan Trust remaining after the completion of all payments to employees, former employees, and retirees upon termination of the RHS Plan shall revert back to the Town; and

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14. B. (Continued)

BE IT FURTHER RESOLVED that the Town Manager, and/or any other official designated by him be and each of them are hereby authorized, empowered, and directed to adopt such administrative rules and procedures for terminating the RHS Plan and dissolving the Plan Trust as they shall determine necessary and appropriate; and

BE IT FURTHER RESOLVED that the Town Council hereby approves the revisions to the Fringe Benefit Description for Non-Bargaining Unit Members for Fiscal Year 2016/2017 through 2018/2019 as proposed in the premises to these Paragraph H. resolutions.

Councilor Carroll seconded the amended resolution; and the motion passed 7 to 0 with Councilor Anwar abstaining.

13. Consent Agenda

Councilor Carroll made a motion to approve Agenda Items 15. A (*) through 15. D. (*) as the Consent Agenda. Councilor Riley seconded the motion; and it was approved, unanimously.

15. Unfinished Business

*** A. Resolution Appointing Nadine Hassan-Caron (R) to the Historic District 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 Nadine Hassan-Caron (R) to the Historic District Commission for a term ending November 30, 2021 to fill the expired term of Walter Fitzpatrick and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

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ITEM:

15. New Business (Continued)

- * B. Resolution Appointing Renee Powell (R) to the Park & Recreation 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 Renee Powell (R) to the Park & Recreation Commission for a term ending December 31, 2017 to fill the unexpired term of Cindy Beaulieu and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

- * C. Resolution Appointing Edward Gawlinski (R) an Alternate 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 Edward Gawlinski (R) an Alternate to the Patriotic Commission for a term ending December 31, 2017 to fill the unexpired term of Teri Dickey-Gagnat and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

- * D. Resolution Appointing Roy Normen (R) to the Personnel Board of Appeals 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 Roy Normen (R) to the Personnel Board of Appeals for a term ending November 30, 2017 to fill the unexpired term of Teri Dickey-Gagnat and postpones consideration of this motion until the Town council's next regularly scheduled meeting.

(Approved by Consent Agenda)

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15. New Business (Continued)

E. Resolution Authorizing the South Windsor Town Council to Remove Daniel Van Horn (R) from the Park & Recreation Commission

WHEREAS, under the Town Charter, Chapter 5, Section 502 (b), the South Windsor Town Council has the authority to remove any member of a Board, Commission, or Committee appointed by it if such member has absented himself/herself from all meetings of his/her Board, Commission, or Committee for a period of three consecutive months; and

WHEREAS, Mr. Daniel Van Horn (R) a Member of the Park & Recreation Commission has been absent from the Commission meetings for more than a period of three consecutive months

NOW, THEREFORE, BE IT RESOLVED that pursuant to Section 502 (b) of the Charter, the South Windsor Town Council hereby removes Mr. Daniel Van Horn as a member of the Park & Recreation Commission effective immediately.

Councilor Beaulieu explained that the Council will not be reading this resolution or acting on this resolution.

F. Resolution Authorizing Town Manager to Sign an Extension of the Refuse Disposal and the Curbside Collection of Refuse and Recyclables Contracts

WHEREAS, the Town's current contract with Murphy Road Recycling for refuse disposal services expires on November 12, 2017; and

WHEREAS, the Town has received pricing proposals from MIRA (formally CRRRA) and Murphy Road Recycling for refuse disposal services; and

WHEREAS, the proposal submitted by Murphy Road Recycling provides the greatest flexibility and will guarantee the net MSW cost less recyclable rebate that will not exceed MIRA's Tier 1 MSW cost

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15. F. (Continued)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to sign an extension of the Refuse Disposal and the Curbside Collection of Refuse and Recyclable Contracts through June 30, 2020.

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

H. Resolution Designating the South Windsor Board of Education as the Building Committee for the Pleasant Valley Oil Tank Removal Project

WHEREAS, the South Windsor Town Council approved the Pleasant Valley Oil Tank Removal Project as part of the Capital Projects Budget at its May 22, 2017 meeting

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby designates the South Windsor Board of Education as the Building Committee for the Pleasant Valley Oil Tank Removal Project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes the Board of Education to proceed with preparation of the necessary schematic drawings and outline specifications for the project; and authorizes South Windsor's Superintendent of Schools to file application for a School Construction Project Grant.

Was made by Councilor Maneeley
Seconded by Councilor Carroll

Councilor Pendleton made a friendly amendment to include "school" after Pleasant Valley. Councilor Maneeley and Councilor Carroll accepted the friendly amendment.

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ITEM:

15. H. (Continued)

The amended resolution to read as follows:

WHEREAS, the South Windsor Town Council approved the Pleasant Valley **School** Oil Tank Removal Project as part of the Capital Projects Budget at its May 22, 2017 meeting

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby designates the South Windsor Board of Education as the Building Committee for the Pleasant Valley **School** Oil Tank Removal Project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes the Board of Education to proceed with preparation of the necessary schematic drawings and outline specifications for the project; and authorizes South Windsor's Superintendent of Schools to file application for a School Construction Project Grant.

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

I. Resolution Designating the South Windsor Board of Education as the Building Committee for the Timothy Edwards Oil Tank Removal Project

WHEREAS, the South Windsor Town Council approved the Timothy Edwards Oil Tank Removal Project as part of the Capital Projects Budget at its May 22, 2017 meeting

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby designates the South Windsor Board of Education as the Building Committee for the Timothy Edwards Oil Tank Removal Project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes the Board of Education to proceed with preparation of the necessary schematic drawings and outline specifications for the project; and authorizes South Windsor's Superintendent of Schools to file application for a School Construction Project Grant.

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15. I. (Continued)

Was made by Councilor Pendleton
Seconded by Councilor Carroll

Deputy Mayor Snyder made a friendly amendment to include “Middle School” after Timothy Edwards. Councilor Pendleton and Councilor Carroll accepted the friendly amendment.

The resolution to read as follows:

WHEREAS, the South Windsor Town Council approved the Timothy Edwards **Middle School** Oil Tank Removal Project as part of the Capital Projects Budget at its May 22, 2017 meeting

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby designates the South Windsor Board of Education as the Building Committee for the Timothy Edwards **Middle School** Oil Tank Removal Project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes the Board of Education to proceed with preparation of the necessary schematic drawings and outline specifications for the project; and authorizes South Windsor’s Superintendent of Schools to file application for a School Construction Project Grant.

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

J. Resolution Designating the South Windsor Board of Education as the Building Committee for the Wapping School Oil Tank Removal Project

WHEREAS, the South Windsor Town Council approved the Wapping School Oil Tank Removal Project as part of the Capital Projects Budget at its May 22, 2017 meeting

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15. J. (Continued)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby designates the South Windsor Board of Education as the Building Committee for the Wapping School Oil Tank Removal Project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes the Board of Education to proceed with preparation of the necessary schematic drawings and outline specifications for the project; and authorizes South Windsor's Superintendent of Schools to file application for a School Construction Project Grant.

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

K. Resolution Authorizing the Town Manager to Negotiate and Execute a Purchase and Sale Agreement for the Purchase of Open Space on the Corner of Sand Hill Road and Nevers Road (Collins Sledding Hill)

WHEREAS, the Town of South Windsor has undertaken negotiations for the purchase of approximately 18.1 acres of open space on the corner of Sand Hill Road and Nevers Road (Collins Sledding Hill) for a purchase price of \$600,000; and

WHEREAS, the purchase of this open space has been endorsed by the Open Space Task Force and through an 8-24 referral by the Planning & Zoning Commission; and

WHEREAS, the Town Council believes that said purchase is in the long-term best interest of the Town of South Windsor

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan, to execute a purchase and sale agreement for the purchase of approximately 18.1 acres of open space on the corner of Sand Hill Road and Nevers Road; and

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15. K. (Continued)

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes the Town Manager to execute all documents necessary to implement said purchase.

Was made by Councilor Carroll

Seconded by Councilor Maneeley

The motion passed on a roll call vote of 7 to 1 with Councilor Anwar voting in opposition.

Deputy Mayor Snyder made a motion to suspend the rules in order to go to Item 15. M.

The motion was seconded by Councilor Carroll and passed on a roll call vote of 6 to 2 with Councilor Anwar and Councilor Pendleton voting in opposition.

M. Resolution Forming a Temporary Committee to Review Possible Changes in Voting Districts and Polling Locations

WHEREAS, all polling locations are currently in our schools, involving hours before, during and after the school day; and

WHEREAS, the locations and hours of operation potentially create safety issues; and

WHEREAS, voting location changes will be necessary as Eli Terry and Philip R. Smith Elementary schools are demolished and rebuilt; and

WHEREAS, the cost of providing necessary personnel for the operation of five polling places, including police officer and poll workers, is substantial and potentially inefficient; and

WHEREAS, the Town Manager has begun to work with town staff and the Democratic and Republican Registrars to review possible alternatives to all current voting locations as well as any necessary redistricting; and

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15. M. (Continued)

WHEREAS, the Town Manager, during the Town Council Meeting of April 17, 2017, recommended a Temporary Committee of the Council be formed for the purpose of considering redistricting and relocating polling places; and

WHEREAS, the Town Manager has recommended membership include the Democratic and Republican Registrars, Democratic and Republican Town Committee Chairs, the Town Manager and three members of the Town Council (to be appointed by the Mayor)

NOW, THEREFORE, BE IT RESOLVED that a Temporary Committee be formed to research the feasibility of redistricting and relocating polling places, with membership as described above, and shall work immediately following the formation of the committee and be terminated upon its recommendation to the Town Council, unless otherwise extended by the Town Council.

Was made by Councilor Beaulieu
Seconded by Councilor Riley

Councilor Riley made a motion to extend the meeting past 11:00 p.m. for ten minutes. Councilor Maneeley seconded the motion. The motion failed and the meeting ended at 11:00 p.m.

Respectfully submitted,

Deborah W. Reid
Clerk of the Council