

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Action Minutes

Page 1

January 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 Lisa Maneeley
Councilor Liz Pendleton
Councilor Matthew Riley

Absent: Councilor Edward Havens
Councilor Janice Snyder

Also Present: Matthew B. Galligan, Town Manager
Keith Yagaloff, Town Attorney

7. Adoption of Minutes of Previous Meetings

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Regular Meeting Minutes of January 4, 2016.

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

12. Consent Agenda

Councilor Anwar made a motion to approve Agenda Items 13. A. (*) and 14. A. (*) through 14. B. (*); as the Consent Agenda. Councilor Maneeley seconded the motion; and it was approved, unanimously.

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 2

January 19, 2016

ITEM:

13. Unfinished Business

***A. Resolution Reappointing Arthur Utay (U) to the Demolition Delay Committee**

BE IT RESOLVED that the South Windsor Tow Council hereby reappoints Arthur Utay (U) to the Demolition Delay Committee for a term ending December 31, 2017.

(Approved by Consent Agenda)

14. New Business

***A. Resolution Reappointing Scott Andrusis to the Redevelopment Agency and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Tow Council hereby reappoints Scott Andrusis to the Redevelopment Agency for a term ending December 31, 2019 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

***B. Resolution Reappointing Barbara Barbour to the Redevelopment Agency and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Tow Council hereby reappoints Barbara Barbour to the Redevelopment Agency for a term ending December 31, 2020 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Action Minutes

Page 3

January 19, 2016

ITEM:

14. New Business (Continued)

C. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Establishment of a Proposed Ordinance Concerning Panhandling

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, February 1, 2016, at 8:00 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the establishment of a Proposed Ordinance Concerning Panhandling, as shown in attached **Exhibit A**.

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

D. Resolution Reappointing Blum, Shapiro & Company, P.C. as the Town Auditor

BE IT RESOLVED that the South Windsor Town Council hereby reappoints the firm of Blum, Shapiro & Company, P.C., of West Hartford, Connecticut, to audit the books and accounts of the Town of South Windsor, as provided in the General Statutes of the State of Connecticut; and

BE IT FURTHER RESOLVED that the fee for said auditing service by Blum, Shapiro & Company, P.C. will be \$53,400 for Fiscal year ending June 30, 2016; and \$54,000 for Fiscal year ending June 30, 2017, for a term expiring December 2017.

Was made by Councilor Pendleton
Seconded by Councilor Anwar

Councilor Riley stated that he would be recusing himself from this discussion.

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

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 4

January 19, 2016

ITEM:

14. New Business (Continued)

- E. Resolution Approving a Transfer of \$1,880.63 from the Sewer Fund Vehicle Equipment & Supplies Account to the Fleet Vehicle & Equipment Supplies Account**

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$1,880.63 from the Sewer Fund Vehicle Equipment & Supplies Account to the Fleet Vehicle & Equipment Supplies Account to cover costs associated with the reimbursement of fuel costs.

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

- F. Resolution Approving a Transfer of \$947.89 from the Sewer Fund Vehicle Equipment & Supplies Account to the Fleet Repair Maintenance Equipment Account**

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$947.89 from the Sewer Fund Vehicle Equipment & Supplies Account to the Fleet Repair Maintenance Equipment Account to cover costs associated with the reimbursement for vehicle repairs.

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

- G. Resolution Approving a Refund of Taxes to Eight (8) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to eight (8) South Windsor Taxpayers, the total of said refund being \$2,155.94 and as more fully described on attached **Exhibit B**.

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

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Action Minutes

Page 5

January 19, 2016

ITEM:

15. Passage of Ordinance

A. Resolution Adopting an Amendment to Ordinance #195, Blight and Nuisance Ordinance

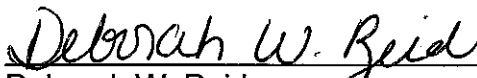
BE IT RESOLVED that the South Windsor Town Council hereby adopts an Amendment to Ordinance #195, Blight and Nuisance Ordinance, as shown in attached **Exhibit C**.

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

20. Adjournment

At 10:00 p.m. Councilor Maneeley made a motion to adjourn the Regular Meeting. Councilor Anwar seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

DIVISION 3. – AGGRESSIVE OR HAZARDOUS PANHANDLING

Sec. 70-56. - Definitions

- (a) A person acts “recklessly” with respect to a result or to a circumstance described by Sec. 70-57 when the person is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

Sec. 70-57. – Unlawful Aggressive or Hazardous Activity

It shall be unlawful for any person to engage in one or more of the following activities:

- (a) Recklessly approaching, speaking to, or following a person in a manner which would cause a reasonable person to fear bodily harm.
- (b) Recklessly approaching, speaking to, or following a person in a manner which would cause a reasonable person to fear the commission of a criminal act upon such person's property.
- (c) Touching another person without that person's consent.
- (d) Recklessly blocking or interfering with the safe passage of a person or vehicle in a way likely to cause bodily harm or property damage.
- (e) Directing abusive or profane language toward any person.
- (f) Standing on any roadway or roadway median, including the areas immediately adjacent thereto, previously designated by the Town, through its legal traffic authority, as a place where standing is hazardous to the safe travel of persons or traffic. Prior to enforcing the provisions of this subsection (f), a police officer shall first notify the person that the Town has designated such roadway or roadway median as a place where standing is hazardous to the safe travel of persons or traffic, and the police officer shall give such person an opportunity to leave the roadway or roadway median.

Sec. 70-58. – Hazardous roadways or roadway medians

The Town of South Windsor, through its legal traffic authority, may designate roadways or roadway medians, including the areas immediately adjacent to said roadway or median, as a place where the presence of pedestrians is hazardous to the safe travel of persons or traffic. The Chief of Police, acting as the Town's legal traffic authority, shall designate roadways or roadway medians, including the areas immediately adjacent to said roadway or median, as to which pedestrian use should be restricted in the interest of public safety. Upon designation of such roadway or median, the Chief of Police shall submit the same to the Town Clerk and to the Clerk of Town Council, and said

designations shall be posted at the Town Hall and on the Town Website. Posting of the same shall be deemed as sufficient notice to the public of said designations.

Sec. 70-59. -- Penalties and Appeal

A person who violates any provision of Sec. 70-57 shall be fined not more than \$90.00, or imprisoned for not more than one day, or both. A person who has been issued a notice of violation may demand a hearing as to the roadway or median designation which was the subject of the violation, if within 15 days after receipt of the issuance of the notice of violation, the individual makes a written demand for a hearing by mailing the demand to the Chief of Police by certified mail, return receipt requested. The hearing shall be conducted by a Board consisting of the Chief of Police or his/her designee, the Town Manager or his/her designee, and the Director of Planning or his/her designee. A hearing, if any, shall be conducted on or before the 30th day after the date of the mailing, publication or service of the notice of violation. The failure of the individual to request a hearing shall constitute a waiver of the right thereto. A decision of the Board shall be deemed to have been served on the date a copy thereof has been mailed to the owner by certified mail, return receipt requested, to the address set forth in the notice of violation or to any other address requested by the owner in writing. At the hearing, the individual may contest the propriety of the designation of the roadway or roadway median at issue, including the areas immediately adjacent to said roadway or median, as a place where the presence of pedestrians is hazardous to the safe travel of persons or traffic. The Board shall consider the individual's arguments and shall thereafter render its written decision by a majority of those present and voting having applied the criteria set forth in this Ordinance. The individual's remedies as to the notice of violation shall be those available to the individual through the Superior Court.

TAX REFUNDS

Page 1

Exhibit B

Armstrong, Paul D 125 Pond Lane Manchester, CT 06042 (Overpayment – Official payments) MV14-500924	410.99	Beebe, Paul W 57 Edgewood Drive South Windsor, CT (Sold 1/15) 14-501660	87.33
Jackson, David Z & Susan P 46 Tumblebrook Drive South Windsor, CT (Trade in with new plates 11/2014) 14-511183	444.69	Johnston, Richard Lee & Linda A 55 Niederwerfer Road South Windsor, CT (Trade in with new plates 4/15) 14-511568	159.31
Michaud, Luc 70 Stanley Drive South Windsor, CT (BAA mileage condition adjmt) 14-515557	71.98	Sheenwari, Zabi U 949 Pleasant Valley Road South Windsor, CT 06074 (Overpayment) RE-7612	889.75
Stone, Pamela F 185 Benedict Drive South Windsor, CT (Sold 5/14)	31.96	Stutz, Barbara Susko 477 Griffin Road South Windsor, CT (Donated 10/14)	59.93

Mrs. Bonnie F. Rabin, Collector of Revenue Total Refunds: \$2,155.94 Date: 1/19/2016

Anti-Blight Ordinance

Town of South Windsor Anti-Blight Ordinance

Sec. 1. Purpose

It is hereby found that within the Town of South Windsor there exists dangerous and blighted properties which adversely affect the health, safety and welfare of the residents of the Town, which constitute a nuisance, and which affect the economic well-being of the Town.

Sec. 2. Scope of Provisions

This ordinance shall apply to all residential, nonresidential, and undeveloped premises now in existence or hereafter constructed, maintained, or modified in the Town of South Windsor, but shall exclude: agricultural lands as defined in Section 22-3(b) of the Connecticut General Statutes, land dedicated as public or semi-public open space or preserved in its natural state through conservation easements, or areas designated as inland wetlands and watercourses.

Sec. 3. Definitions

Blighted structure shall mean any building or structure or any part of a building or structure, including, but not limited to, a separate unit attached or connected thereto, as well as the land, parking areas and other improvements to the real property where the building or structure is located, in which at least one of the following conditions exist as determined by the Town Manager or Zoning Enforcement Officer:

- (a) Failure to maintain the building or structure (including the land, parking areas and other improvements to the real property where the building or structure is located); factors that may be considered to determine whether a property is being maintained include, but are not limited to, missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; improperly stored garbage, trash, debris or abandoned or junk vehicles located thereon; dilapidation such that the property is deteriorated to the extent that it would not receive a certificate of occupancy if applied for.
- (b) Attraction of illegal activity or attractive nuisance.
- (c) Fire hazard or fire damage that has not been corrected or repaired for a period of 60 days.
- (d) Existence or use that creates a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other

properties within the neighborhood as documented by neighborhood complaints or by the cancellation of insurance on other properties in the neighborhood.

(e) Premises, occupied by a structure intended for human occupancy, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables, and areas maintained in their original naturally wooded state, or a natural field state) is allowed to reach and remain at a height of twelve (12) inches or greater for a period of ten (10) days, or longer;

(f) Dead, decayed, diseased or damaged trees, or parts thereof, constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;

(g) One or more unregistered motor vehicles (including trailers) in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;

(h) Landscaping on any premises, including, but not limited to trees, shrubs, hedges, grass, and plants which physically hinder or interfere with the lawful use of abutting premises or block or interfere with the use of any public sidewalk and/or private street or right-of-way or any road sign.

Vacant property shall mean real property or a structure in or on which there has not been a person or entity in legal occupancy for a period of 60 days or more.

Dangerous structure shall mean any building or structure or any part of a building or structure, including, but not limited to, a separate unit attached or connected thereto, including, but not limited to, a separate unit attached or connected thereto, as well as the land, parking areas and other improvements to the real property where the building or structure is located, in which at least one of the following conditions exist as determined by the Town Manager or Enforcement Officer:

(a) Conditions that pose a serious or immediate danger to occupants, users or the public that puts their health, safety and welfare at risk.

(b) Interior or exterior bearing walls or other vertical structural members that list, lean or buckle to such an extent as to weaken the structural support they provide.

(c) Loads upon the floors or roofs that are improperly distributed or floors or roofs that have insufficient strength for their intended purpose.

(d) Damage caused by fire, wind or a natural cause to the extent that the structure no longer provides shelter from the elements and is dangerous to the health, safety and welfare of its occupants or users or the public.

(e) Dilapidated, decayed, unsafe, unsanitary or vermin-infested conditions that are likely to cause sickness or disease or injury to the occupants or users or the public.

Nuisance shall mean:

- (a) A *blighted structure* as defined herein where there exists any condition that is a danger to the health, safety and welfare of the public;
- (b) A *dangerous structure* as defined herein where there exists any condition that is a danger to the health, safety and welfare of the public; or
- (c) Any other vacant or improved real property where there exists any condition that is a danger to the health, safety and welfare of the public, including, but not limited to:
 - (1) The accumulation, exposure, deposit or burial of any foul, decayed, putrid or offensive substances, including, but not limited to debris, garbage, litter, sewage, animal carcasses or parts thereof or any other refuse or filth.
 - (2) Any condition that causes an unreasonably offensive odor, which unreasonably offensive odor may be smelled or detected on any property other than that from which the odor emanates.
 - (3) The storage of 6 or more tires outdoors except where such tires are stored incidental to the conduct of a business licensed by the Connecticut Department of Motor Vehicles or one that is lawfully engaged in the sale or recycling of tires on the premises where the tires are kept.
 - (4) The accumulation of debris in such manner as may adversely affect the health, safety and welfare of the public.

Debris shall mean material which is incapable of immediately performing the function for which it was designed including, but not limited to abandoned, discarded, or unused objects, junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, and garbage.

Sec. 4. Prohibitions

- (a) No owner, lessee, or occupant of real property located in the Town of South Windsor shall cause or allow real property to be blighted, dangerous, or a nuisance, as defined herein.

Sec. 5. Minimum Standards

- a) The provisions in this ordinance shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than are provided in this ordinance.

b) In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other code of the Town or State, the provision which establishes the higher standard for the promotion and protection of the health and safety, and property values of the people shall prevail.

c) This ordinance shall not affect violations of any other ordinances, code or regulation existing prior to the effective date of this code, and any such violations may be governed and continue to be punishable under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed

Sec. 6. Responsibility for Compliance

The owner, lessee, or occupant of premises subject to this ordinance, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this ordinance. Whenever the person, as herein defined, is a corporation or other legal entity, the officers thereof shall be jointly and severally responsible with that corporation or other legal entity.

Sec. 7. Enforcement

(a) Notice of violation. If the Town Manager or Enforcement Officer determines that there has been a violation of any provision of this ordinance, he or she shall issue a notice of violation, the form of which is set forth herein, by mailing said notice of violation to the owner of the subject property by certified mail, return receipt requested, to the address of said owner as recorded in the Tax Collector's office and by certified mail, return receipt requested, to the subject property for notice to a lessee or occupant. Service may also be made by in-hand or abode service by a duly authorized Connecticut Sheriff. The notice of violation shall contain sufficient details about the violation, to give the owner, lessee, or occupant adequate notice thereof. The notice of violation shall also contain sufficient details about the required repairs to give the owner, lessee, or occupant adequate notice thereof. The owner, lessee, or occupant shall be required to remove or correct the violation within 15 days after the receipt of the notice. The owner, lessee, or occupant may demand a hearing before the Blighted Property Appeals Board if, within said fifteen-day period, he or she makes a written demand therefore that is received by the official who issued the notice of violation within said fifteen-day period. Such request shall be mailed to the official who issued the notice of violation by certified mail, return receipt requested, or delivered using an overnight carrier. A hearing, if any, shall be conducted on or before the 30th day after the date of the mailing, publication or service of the notice of violation. The failure of the owner, lessee, or occupant to request a hearing shall constitute a waiver of the right thereto. The receipt of a timely, written request for a hearing will automatically stay any further enforcement of the demand set forth in the notice of violation until a decision of the Blighted Property Appeals Board has been made and served upon the owner, lessee, or occupant. A decision of the Blighted Property Appeals Board shall be deemed to have been served on the date a copy thereof has been mailed to the owner, lessee, or occupant by certified mail, return receipt requested, to the address set forth in the notice

of violation or to any other address requested by the owner, lessee, or occupant in writing.

(b) Hearing. At the hearing, the owner, lessee, or occupant may contest the propriety of the issuance of the notice of violation. The Blighted Property Appeals Board shall consider the owner, lessee, or occupant's arguments and shall thereafter render its written decision by a majority of those present and voting having applied the criteria and definitions set forth in this ordinance. The Blighted Property Appeals Board may, but shall not be required to, issue or continue any stay for a period not to exceed 15 days.

(c) Decision. The decision of the Blighted Property Appeals Board shall be final and may be appealed to the Superior Court in accord with the applicable provisions of the Connecticut General Statutes.

Sec. 8. Other grounds for issuance of notice of violation

In addition to any of the other grounds set forth in this ordinance, a notice of violation may be issued if the Building Inspector determines that an occupied structure is damaged, decayed or deteriorated to the extent that it has become dangerous to the occupants thereof; he or she may issue a notice of violation containing an order, inter alia, that the structure be vacated and demolished.

Sec. 9. Penalties for offenses

a) Penalties:

- 1) Each violation of this ordinance shall be considered a separate municipal offense.
- 2) Each day any violation continues shall constitute a separate offense.
- 3) Each separate offense under this ordinance shall be punishable by a fine of one hundred dollars (\$100.00) payable to the Town of South Windsor.

b) Enforcement:

- 1) The Town Manager, Enforcement Officer, or any police officer in the Town of South Windsor is authorized to issue a citation or summons for a violation of this ordinance.
- 2) In addition thereto, the Town Manager is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including costs of remedial action, court and the reasonable attorney's fees incurred by the Town of South Windsor to enforce this ordinance. Further, the Town Manager or Enforcement Officer are authorized to take such immediate action as may be provided herein.

3) All fines, court costs, costs of remedial action, and attorney's fees, as ordered by the court, shall constitute a lien on the subject premises, provided the owner, lessee, or occupant of said premises has been notified of the violations as herein provided.

Sec. 10. Immediate Action

(a) Where the Town Manager or Enforcement Officer determine that there is a condition that causes an immediate danger to the health, safety or welfare of the users, occupants or owner of property or to health, safety or welfare of the residents of the town or that there is an immediate danger to other property, such officer shall cause the town or its agents or employees to make immediate repairs or to effect whatever other work may be necessary to eliminate the cause or causes of such danger and place a lien on the subject property for the cost of the repairs or other work.

(b) Where the Town Manager or Enforcement Officer determines that there is a condition that causes an immediate danger to the health, safety or welfare of the users, occupants or owner of property or to health, safety or welfare of the residents of the town or that there is an immediate danger to other property, such officer and his agents shall have the right to enter upon said property for the purpose of evaluating the extent and causes of the danger and for making repairs.

(c) As soon as is practicable under the circumstances, the officer entering property for a purpose set forth above shall take all reasonable efforts to contact the owner, lessee, or occupant of the subject property and give information concerning the need for immediate action.

Sec. 11. Special Consideration

Special consideration may be given to individuals who are elderly or disabled and who demonstrate that the issuance of a notice of violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. If the official who issued the notice of violation has reason to believe that these facts exist, he or she shall, as soon as is practicable but in no event more than five business days after the discovery of such alleged facts, convene a meeting of the Blighted Building Appeals Board for the purpose of determining whether to afford special consideration to the property owner. Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the town or its agents will perform the necessary work and place a lien on the property for the cost thereof as hereinabove set forth.

Sec. 12. Blighted Property Appeals Board

There shall be established a Blighted Property Appeals Board which shall consist of three members and two alternates who shall be appointed by the Mayor with the approval of the Town Council and all of whom shall be electors of the town. The first term of the members and alternates of the Board shall end on November 30, 2016. Thereafter, the members and alternates shall serve for four-year terms commencing on

December 1 and ending on November 30. Any vacancy in any term of office of a member or alternate shall be filled in accordance with the provisions of the Town Charter.