

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Action Minutes**

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**March 7, 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 (arrived at 9:15 p.m.)  
Councilor Edward Havens  
Councilor Lisa Maneeley  
Councilor Liz Pendleton (arrived at 7:36 p.m.)  
Councilor Matthew Riley  
Councilor Janice Snyder

Also Present: 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 February 16, 2016.

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

**12. Consent Agenda**

Councilor Pendleton and Councilor Riley made a motion to approve Agenda Items 13. A. through 13. B.; and 14. A. through 14. D. as the Consent Agenda. Councilor Maneeley seconded the motion; and it was approved, unanimously.

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**ITEM:**

**13. Unfinished Business**

- \* A. Resolution Reappointing William Flagg (D) an Alternate to the Planning & Zoning Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints William Flagg (D) an Alternate to the Planning & Zoning Commission for a term ending November 30, 2019.

**(Approved by Consent Agenda)**

- \* B. Resolution Appointing Daniel Seypura (R) a Full Member to the Inland Wetlands Agency/Conservation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Daniel Seypura (R) a full member to the Inland Wetlands Agency/Conservation Commission for a term ending December 1, 2016 to fill the unexpired term of Carol Heffler.

**(Approved by Consent Agenda)**

**14. New Business**

- \* A. Resolution Reappointing Peter DeMallie (U) to the Central Regional (Tourism) District 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 reappoints Peter DeMallie (U) to the Central Regional (Tourism) District for a term ending September 1, 2018 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

**(Approved by Consent Agenda)**

- \* B. Resolution Appointing Teri Parrott (R) to the Demolition Delay Committee and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

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**ITEM:**

**14. B. (Continued)**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Peter DeMallie (U) to the Central Regional (Tourism) District for a term ending September 1, 2018 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

**(Approved by Consent Agenda)**

**\* C. Resolution Appointing Kathy Hale (D) to the Mass Transit and Highway Advisory 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 Kathy Hale (D) to the Mass Transit and Highway Advisory Commission and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

**(Approved by Consent Agenda)**

Councilor Havens made a motion to suspend the rules in order to go to Item 14. N. on the agenda. Councilor Anwar seconded the motion; and it was approved, unanimously.

**N. Resolution Establishing a Temporary Committee to Address the Disaster of Crumbling Foundations in South Windsor**

WHEREAS, it is in the best interest of the Town of South Windsor and its citizens to actively identify homes with foundation problems; and

WHEREAS, it is also in the best interest of the Town and its citizens to work together to protect current homes and home owners as well as future homes and home owners from the challenges of crumbling basements; and

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**ITEM:**

**14. N. (Continued)**

WHEREAS, the Lieutenant Governor at the request of the Governor has created a State of Connecticut Task Force to address this challenge at the level of the State, and this includes the Department of Consumer Protection along with members of the Attorney General's Office and Legislators to study and develop a plan to address this disaster; and

WHEREAS, the challenges at the level of the local community in South Windsor are very substantial, that there is an acute need to have a committee based in South Windsor to help identify the true impact and the collective effect to the Town and help in studying solutions to the disaster locally; and

WHEREAS, it is determined that it is in the best interests of the Town that a temporary committee to address the disaster of crumbling foundations in South Windsor be formed pursuant to the following:

1. The committee shall consist of eleven (11) members who shall be appointed by the Town Council. The members of the committee shall include at least two (2) members of the Town Council, the Chief Building Official of the Building Department, a representative from the Assessor's Department, a representative from the Planning Department, a representative from the Human Services Department, and five (5) additional members of the public representing the community members who have been impacted by the crumbling basements; and
2. The committee shall select a Chairperson, Vice-Chairperson and Secretary at its first meeting following the start of the next month; and
3. The committee shall be established for a minimum of three-years from this day (March 7, 2016) unless extended by the Town Council' and
4. The committee shall have the following duties and responsibilities:
  - a. Help educate the community on the current status of the disaster within the Town of South Windsor

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**ITEM:**

**14. N. (Continued)**

- b. Develop a plan to help prevent a similar disaster from occurring in the future.
  - c. Educate South Windsor residents about individuals, groups and some businesses who are preying on the victims of the disaster.
  - d. Identify appropriate Federal and State incentive and grant programs that provide opportunities for helping the victims of the disaster.
  - e. Develop a resource and support system within the Town to help the victims at the various levels of the impact of the disaster.
  - f. Help develop an understanding on the reduction in value of the homes impacted by the disaster.
  - g. The committee shall serve in an advisory capacity only and its recommendations shall not bind the Town to take any specific action or require that it appropriate any funds; and
5. All of the meetings and records of the committee shall be in compliance with applicable State Statutes; and
6. A status report shall be provided by the committee to the Town Council on a quarterly basis or as may be directed by the Town Council.

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town council hereby establishes a Temporary Committee to address the disaster of crumbling foundations in South Windsor, provide advice to the Town Council regarding ways to address the challenges of the crumbling foundations in South Windsor and make recommendations in accordance with the duties and responsibilities set forth herein.

Was made by Councilor Anwar  
Seconded by Pendleton

After a lengthy discussion by Council members, Councilor Anwar made a motion to call the question. It failed on a roll call vote of 3 to 5 with Councilor Anwar, Havens and Pendleton voting in favor to call the question; and Mayor Delnicki, Deputy Mayor Mirek, Councilors Maneeley, Riley and Snyder all voting in opposition of calling the question.

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**ITEM:**

**14. N. (Continued)**

After further discussion, Mayor Delnicki made a motion to table this resolution to the next regular meeting. It passed on a roll call vote of 6 to 2 with Mayor Delnicki, Deputy Mayor Mirek, Councilors Havens, Maneeley, Riley and Snyder voting in favor of tabling the resolution; and Councilors Anwar and Pendleton voting in opposition of tabling the resolution.

Councilor Pendleton made a motion to suspend the rules in order to go to Item 14. P. on the agenda. Councilor Anwar seconded the motion; and it was approved, unanimously

**P. Resolution Regarding Metropolitan District Commission (MDC) and concerns of the South Windsor Community**

Mayor Delnicki recused himself from this resolution because he is an employee of MDC.

WHEREAS, water is vital to our existence and that of plants, animals and our environment; and

WHEREAS, we are fortunate that in our State we have access to safe and clean drinking water and sanitation; and

WHEREAS, our water sources are subject to pollution from industrial, agricultural, sewage and storm water runoff; and

WHEREAS, there are significant costs incurred in maintaining adequate supplies of safe and clean drinking water, which costs are borne by customers; and South Windsor residents have been obligated by water companies to pay not only for the cost of safe water, but also for the cost of maintaining the water supply infrastructure; and

WHEREAS, there are approximately 1,800 South Windsor homes which depend upon Metropolitan District Commission (MDC) for their water; and MDC imposes a "surcharge" which had increased manifold over the past few years, and municipalities have engaged in litigation against MDC to ensure that such surcharges are reasonable; and

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**ITEM:**

**14. P. (Continued)**

WHEREAS, MDC customer fees should be directed at ensuring a reliable source of clean water and a stable water delivery infrastructure; and

WHEREAS, MDC has announced a plan to sell water to Niagara Bottling, at a discounted rate; and to divert valuable water supplies paid for by MDC customers to this bottling business venture which will be subsidized by MDC customers; and

WHEREAS, MDC's business venture with Niagara Bottling includes the construction of a 443,000 square-foot water bottling plant in Bloomfield and the diversion of up to 1.8 million gallons of water per day; and

WHEREAS, MDC has a legal obligation to put its customer needs first and foremost, rather than its desire to sell customer subsidized water to a private business

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council, on behalf of its MDC water customers, directs the Town Manager to contact the MDC Board urging them to develop a priority plan for customers in a situation of drought, where the residential customers are given priority over any for-profit venture, and the cost of water to any for-profit entity should not be less than what is being charged to the South Windsor residents; and

BE IT FURTHER RESOLVED that the South Windsor Town Council, on behalf of the MDC water customers, directs the Town Manager to contact the Governor and State Elected Officials to seek legislation prohibiting MDC from diverting customer subsidized water to a private business; prohibit MDC from depleting valuable water resources; ensure that MDC meets its customer obligations to ensure safe and clean drinking water; and maintain the water supply infrastructure.

Was made by Councilor Anwar  
Seconded by Councilor Pendleton

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**ITEM:**

**14. P. (Continued)**

After various questions and a lengthy discussion, Councilor Maneeley made a motion to table this resolution until the Town Council's next regularly scheduled meeting. Councilor Snyder seconded the motion and it passed on a roll call vote of 4 to 3 with Deputy Mayor Mirek, Councilors Maneeley, Riley and Snyder voting in favor of tabling the resolution; and Councilors Anwar, Havens and Pendleton voting in opposition of tabling the resolution.

**F. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Proposed General Government Budget for Fiscal Year 2016/2017**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, March 21, 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 proposed General Government Budget for Fiscal Year 2016/2017.

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

**G. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Proposed Board of Education Budget for Fiscal Year 2016/2017**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Wednesday, March 23, 2016, at 8:00 p.m.** Timothy Edwards Middle School, Room Alt. #6, 100 Arnold Way, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the proposed Board of Education Budget for Fiscal Year 2016/2017.

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

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**ITEM:**

**14. New Business (Continued)**

**H. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Town of South Windsor Granting a Permanent Easement to Eversource Energy**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, March 21, 2016, at 8:15 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 Town of South Windsor granting a permanent easement to Eversource Energy for access to their existing right of way on the Priest Property.

Was made by Deputy Mayor Mirek  
Seconded by Councilor Anwar

Councilor Anwar made a friendly amendment to the time of the public hearing making it 8:30 p.m. rather than 8:15 p.m. Councilor Mirek agreed to the friendly amendment.

Mayor Delnicki called for a vote on the motion with the friendly amendment; it was approved, unanimously.

The motion to read as follows:

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, March 21, 2016, at 8:30 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the Town of South Windsor granting a permanent easement to Eversource Energy for access to their existing right of way on the Priest Property.

**I. Resolution Authorizing the Transfer of \$16,000 from the Voting Machine Capital Project Account to the ADA/Fire Code Update Capital Project Account**

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**ITEM:**

**14. I. (Continued)**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes the transfer of \$16,000 from the completed Voting Machine Capital Project account to the ADA/Fire Code Update Capital Project account, to cover the cost of the Town Hall front door ADA upgrade.

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

**J. Resolution Approving a Refund of Taxes to Twenty-Two (22) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to twenty-two (22) South Windsor Taxpayers, the total of said refund being \$5,493.41 and as more fully described on attached **Exhibit A**.

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

**K. Resolution Waiving Competitive Bidding for the Construction of a Berm at the Fairgrounds at Rye Street Park (Barton Property)**

WHEREAS, part of the intended natural buffer of existing trees south of the Barton property entrance along Brookfield Street unexpectedly failed to survive; and

WHEREAS, it was decided by the Barton Property staff that a man-made earthen berm with new tree plantings be put in its place; and

WHEREAS, neighbors that are affected by this have been assured that corrective measures are being planned; and

WHEREAS, the estimated contracted cost for this project is \$40,612; and

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**ITEM:**

**14. K. (Continued)**

WHEREAS, Environmental Services, Inc. has volunteered to partner with the Town in order to resolve this buffer issue; and

WHEREAS, the estimated cost if the Town partners with Environmental Services, Inc. for this project is \$11,750; and

WHEREAS, the partnership with Environmental Services, Inc. will save the Town an estimated \$28,862

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 construction of a berm at the Fairgrounds at Rye Street Park (Barton Property), and authorizes the Town of South Windsor to partner with Environmental Services, Inc. to correct this buffer issue.

Was made by Councilor Carroll  
Seconded by Mayor Delnicki

Town Attorney Yagaloff informed the Town Council that the following should be included in the resolution: WHEREAS, bids would be against the best interest of the Town. Councilor Carroll accepted this change as a friendly amendment; and Mayor Delnicki also accepted this change as a friendly amendment.

The amended resolution to read as follows:

WHEREAS, part of the intended natural buffer of existing trees south of the Barton property entrance along Brookfield Street unexpectedly failed to survive; and

WHEREAS, it was decided by the Barton Property staff that a man-made earthen berm with new tree plantings be put in its place; and

WHEREAS, neighbors that are affected by this have been assured that corrective measures are being planned; and

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**ITEM:**

**14. K. (Continued)**

WHEREAS, the estimated contracted cost for this project is \$40,612; and

WHEREAS, Environmental Services, Inc. has volunteered to partner with the Town in order to resolve this buffer issue; and

WHEREAS, the estimated cost if the Town partners with Environmental Services, Inc. for this project is \$11,750; and

WHEREAS, the partnership with Environmental Services, Inc. will save the Town an estimated \$28,862; and

**WHEREAS, sealed bids would be against the best interest of the Town**

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 construction of a berm at the Fairgrounds at Rye Street Park (Barton Property), and authorizes the Town of South Windsor to partner with Environmental Services, Inc. to correct this buffer issue.

At 11:00 p.m. Councilor Pendleton made a motion to extend the meeting ten minutes. Councilor Anwar seconded the motion; the motion failed and the meeting adjourned at 11:00 p.m.

**19. Executive Session**

At 10:05 p.m. Mayor Delnicki made a motion to go into Executive Session to discuss potential litigation regarding DCK. Councilor Pendleton seconded the motion; and it was approved, unanimously.

The following individuals went into Executive Session: Mayor Delnicki, Deputy Mayor Mirek, Councilor Anwar, Councilor Carroll, Councilor Havens, Councilor Maneeley, Councilor Pendleton, Councilor Riley, Councilor Snyder, Town Attorney Yagaloff, and Town Manager Matthew Galligan (by phone).

At 11:15 p.m. Councilor Anwar made a motion to adjourn the Executive Session. Councilor Pendleton seconded the motion; and it was approved, unanimously.

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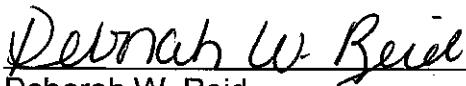
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**ITEM:**

**20. Adjournment**

At 11:15 p.m. Councilor Snyder made a motion to adjourn the Regular Meeting. Councilor Pendleton seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid  
Clerk of the Council

## TAX REFUNDS

Exhibit A

Ally Financial Louisville PPC, P.O. Box 9001951 Louisville, KY 40290-1951 (Sold 5/14) MV13-524168	111.86	CAB East, LLC P.O. Box 67000, Department 231601 Detroit, MI 48267-2316 (Sold 12/14) MV14-503213	368.33
Atluri, Sreenivas 6000 Eldorado #817 Frisco, TX 75033 (Out of state registration TX 8/15) MV14-501047	25.57	Atluri, Sreenivas 6000 Eldorado #817 Frisco, TX 75033 (Out of state registration TX 8/15) MV14-501046	83.31
Dhage, Laxmikanth 1199 Taft Street Irvine, CA 92620 (Out of state registration, CA 7/15) MV14-505980	66.50	Garbart, Keith & Michelle 11 Austin Circle South Windsor, CT (Overpayment) MV14-508483	5.72
Hyundai Lease Titling Trust P.O. Box 198069 Nashville, TN 37219 (Sold 10/13) MV13-511164	647.35	Hyundai Lease Titling Trust P.O. Box 198069 Nashville, TN 37219 (Sold 2/14) MV13-511129	371.08
Hyundai Lease Titling Trust P.O. Box 198069 Nashville, TN 37219 (Sold 5/14) MV13-511098	142.39	Hyundai Lease Titling Trust P.O. Box 198069 Nashville, TN 37219 (Sold 4/14) MV13-511119	151.27
Hyundai Lease Titling Trust P.O. Box 198069 Nashville, TN 37219 (Sold 5/14) MV13-851715	148.43	Hyundai Lease Titling Trust P.O. Box 198069 Nashville, TN 37219 (Sold 1/14) MV13-511149	312.84
JP Morgan Chase Bank P.O. Box 901098 Fort Worth, TX 76101 (WTT sent to Groton) MV14-511768	562.72	Liu, Tony S. 118 Gilbert Lane South Windsor, CT (Sold 8/15) MV14-513960	24.85
Marcotte, George J 981 Hixville Road Dartmouth, MA 02747 (Out of state registration, MA 8/15) MV14-514676	5.85	Marcotte, Nicolette 981 Hixville Road Dartmouth, MA 02747 (Vehicle registered in MA August 2015, 2011 Jeep) MV14-514679	49.69
Marcotte, George J & Stacey A 981 Hixville Road Dartmouth, MA 02747 (Vehicle registered in MA August 2015, 2009 Niss) MV14-514677	35.81	Max Finkelstein Inc 1 Half Moon Bay Drive Croton-on-Hudson, NY 10520 (Out of state registration) 14-515024	963.56
Mercedes-Benz Financial Services, Daimler Trust 13650 Heritage Parkway Fort Worth, TX 76177 (Bought out lease 11/14) MV14-505215	596.69	Patel, Ami D 714 Edgewater Ridge Ct Apex, NC 27523-6401 (Overpayment) MV14-517728	83.31
Peterson DL Trust 940 Ridgebrook Road C Sparks, MD 21152 (Sold 9/14) MV14-518240	474.65	Yetishefsky, Sara A 61 Hazel Street South Windsor, CT 06074-1448 (Total loss 9/14) MV14-5285237	261.63