

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Action Minutes**

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**March 21, 2016**

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

**1. Call Meeting to Order**

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

**4. Roll Call**

Members Present: Mayor Thomas Delnicki  
Deputy Mayor Carolyn Mirek  
Councilor M. Saud Anwar  
Councilor William Carroll  
Councilor Edward Havens  
Councilor Lisa Maneeley  
Councilor Liz Pendleton  
Councilor Matthew Riley  
Councilor Janice Snyder

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

Deputy Mayor Mirek made a motion to suspend the rules in order to go to Item 13. H. on the agenda. Councilor Anwar seconded the motion; and it was approved, unanimously.

**13. Unfinished Business**

**H. 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 address homes and foundation problems due to defective concrete; and

WHEREAS, it is the best interest of the Town and its citizens to work together to protect existing homes and homeowners and future homes and homeowners from the challenges caused by crumbling foundations and basements; and

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**ITEM:**

**13. H. (Continued)**

WHEREAS, the challenges at the level of the local community in South Windsor are very substantial, there is an acute need to have a committee based in South Windsor to help identify the true impact of 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 four (4) members who shall be appointed by the Town Council. One member shall be the Town Manager, who will serve as Chairperson of the committee. One member shall be the Mayor or his/her designee who shall serve as the Vice-Chairperson of the committee. One additional member of the Town Council shall serve as Secretary of the committee and shall be a Town Councilor not of the same political party as the Mayor. One member of the committee shall be a member of the community who has been impacted by the crumbling foundations. The Chairperson, Vice-Chairperson and Secretary shall be elected at the first meeting of the committee. The Town Attorney shall serve in an advisory capacity of the committee.
2. The committee shall appoint five additional members from the community who have been impacted by the crumbling foundations and basements, who shall serve as advisory members.
3. The committee shall utilize resources from Town Staff, under the direction of the Town Manager, as needed to accomplish the committee goals.
4. The committee shall be established for a period of three years from the date of the approval of this resolution, unless extended by the Town Council.
5. The committee shall have the following duties and responsibilities:

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**ITEM:**

**13. H. (Continued)**

- a. Lobby at the State and if needed, the Federal level, on behalf of the residents and business owners of the Town of South Windsor who have experienced financial losses due to crumbling foundations and basements.
  - b. Assist in educating South Windsor residents about the current status of the disaster within the Town of South Windsor.
  - c. Develop a plan to help prevent a similar disaster from occurring in the future.
  - d. Educate South Windsor residents about which methods are most effective in dealing with the foundation and basement issues, and about which methods are ineffective or less effective, as well as provide South Windsor residents with information to avoid businesses who are preying upon the victims of the disaster.
  - e. Identify appropriate Federal and State incentive and grant programs that provide opportunities for helping those affected by the disaster.
  - f. Develop a resource and support system with the Town to help those affected at the various levels of the impact of 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.
6. All of the meetings and records of the committee shall be in compliance with applicable State Statutes, the Town Charter and Town Ordinances.
  7. 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 FURTHER RESOLVED that the South Windsor Town Council hereby establishes said 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 and basements in South Windsor, and make recommendations in accordance with the duties and responsibilities set forth herein.

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**ITEM:**

**13. H. (Continued)**

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

Deputy Mayor Mirek made a motion to suspend the rules in order to go to Item 13. F. on the agenda. Councilor Maneeley seconded the motion; and it was approved, unanimously.

Mayor Delnicki recused himself from this item.

**F. Resolution Regarding Metropolitan District Commission (MDC) and Concerns of South Windsor Community**

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:**

**13. F. (Continued)**

WHEREAS, MDC customer fees should be directed at ensuring a reliable source of clean water and 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 customers 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 Havens

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**ITEM:**

**13. F. (Continued)**

Councilor Maneeley raised a point of order stating that Item 13. E. needed to be voted on prior to further action on Item 13. F.

**E. Resolution Removing from the Table a Resolution Regarding Metropolitan District Commission (MDC) and Concerns of the South Windsor Community (*Resolution Tabled at the March 7, 2016 Regular Meeting*)**

BE IT RESOLVED that the South Windsor Town Council hereby removes from the table a resolution regarding Metropolitan District Commission (MDC) and concerns of the South Windsor community.

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

Council members resumed with Item 13. F.

After presentations from members of the MDC and a lengthy discussion, Councilor Anwar withdrew this resolution.

**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: Public Hearing Minutes of March 7, 2016; Special Meeting Minutes of March 16, 2016; and Regular Meeting Minutes of March 7, 2016.

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

Verbatim Minutes were requested for the Regular Meeting of March 7, 2016, Item 14. N.

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**ITEM:**

**12. Consent Agenda**

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

**\* A. Resolution Reappointing Peter DeMallie (U) to the Central Regional (Tourism) District**

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.

**(Approved by Consent Agenda)**

**\* B. Resolution Appointing Teri Parrott (R) to the Demolition Delay Committee**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Teri Parrott (R) to the Demolition Delay Committee for a term ending December 31, 2016 to fill the unexpired term of Lavina Wilson.

**(Approved by Consent Agenda)**

**\* C. Resolution Appointing Kathy Hale (D) to the Mass Transit and Highway Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Kathy Hale (D) to the Mass Transit and Highway Advisory Commission for a term ending November 30, 2017 to fill the unexpired term of Mary Justine Hockenberry.

**(Approved by Consent Agenda)**

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**ITEM:**

**12. Consent Agenda (Continued)**

**\* D. Resolution Appointing David Starr (D) an Alternate to the Economic Development Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints David Starr (D) an Alternate to the Economic Development Commission for a term ending November 30, 2019 to fill the expired term of Mary Justine Hockenberry.

**(Approved by Consent Agenda)**

**14. New Business**

**B. Resolution Approving Participation in CREC Captive Insurance Program**

WHEREAS, the Town of South Windsor maintains a self-insurance program for health insurance coverage of Town of South Windsor employees and South Windsor Board of Education employees; and

WHEREAS, it is determined that it is in the interests of the Town of South Windsor and the South Windsor Board of Education to procure a stop loss policy to mitigate the Town of South Windsor and South Windsor Board of Education's exposure to large loss claims, and that savings maybe achieved by procuring such stop loss coverage through its membership in a new Connecticut-domiciled captive insurer to be created by the Capitol Region Education Council (CREC) and a number of other participating municipal entities

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby approves the procurement of a stop loss policy to mitigate the Town of South Windsor and South Windsor Board of Education's exposure to large loss claims through a new Connecticut-domiciled captive insurer to be created by the Capitol Region Education Council (CREC) (the "Captive"); and

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**ITEM:**

**14. B. (Continued)**

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes Matthew B. Galligan, Town Manager of the Town of South Windsor, on behalf of the Town of South Windsor and South Windsor Board of Education, to contract with the Captive for the procurement of such insurance and to enter into a participation agreement, a membership agreement, or such other agreement as may be necessary to procure such insurance; and

BE IT FURTHER RESOLVED that Matthew B. Galligan, Town Manager is authorized to take any and all actions necessary or desirable to procure the insurance as described above.

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

**C. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Appropriation of \$164,726.66 of LoCIP Funds for the EOC/Town Hall Annex**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, April 4, 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 appropriation of \$164,726.66 of LoCIP funds for the security systems and construction of the driveway and sidewalks at the EOC/Town Hall Annex.

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

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**ITEM:**

**14. New Business (Continued)**

**D. Resolution Authorizing Town Manager, Matthew B. Galligan to Amend and Update the Management Defined Contribution Plan and Library Defined Contribution Plan**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to amend and update the Management Defined Contribution Plan and Library Defined Contribution Plan to reflect a retirement age of 60 rather than 62.

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

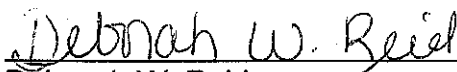
**E. Resolution Approving a Refund of Taxes to Seventeen (17) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to seventeen (17) South Windsor Taxpayers, the total of said refund being \$2,926.55 and as more fully described on attached **Exhibit A.**

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

Without having unanimous consent of the Council to extend the meeting past 11:00 p.m., the meeting adjourned.

Respectfully submitted,

  
\_\_\_\_\_  
Deborah W. Reid  
Clerk of the Council

## TAX REFUNDS

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Exhibit A

Case, Betsylynn 656 Chapel Road South Windsor, CT (Sold 5/15) 14-503662	24.48	Cross, Peter S 1909 W.39 <sup>th</sup> Street, Apartment B Austin, TX 78731 (Out of state registration TX 5/15) MV14-504977	71.99
Ellison, Shawn 23 Amato Dr, Apt. C South Windsor, CT (Sold 8/13) 13-506997	111.15	Landry, Chris M 3 Arrowwood Circle South Windsor, CT (Overpayment) MV14-513149	10.60
Marrero, Yajairo 22 Nancy Drive South Windsor, CT 06074-4246 (Total loss 8/14) MV13-515002	89.13	Nissan, Infiniti LT Tax Operations, P.O. Box 650214 Dallas, TX 75265-0214 (New owner 12/14) MV14-516815	196.95
Nissan, Infiniti LT Tax Operations, P.O. Box 650214 Dallas, TX 75265-0214 (New owner 12/14) MV14-516918	356.63	Nissan, Infiniti LT Tax Operations, P.O. Box 650214 Dallas, TX 75265-0214 (New owner 12/14) MV14-516757	389.88
Nissan, Infiniti LT Tax Operations, P.O. Box 650214 Dallas, TX 75265-0214 (Turned in lease 8/14) MV14-516882	464.79	Nissan, Infiniti LT Tax Operations, P.O. Box 650214 Dallas, TX 75265-0214 (Sold 12/14) MV14-516748	395.73
Nissan, Infiniti LT Tax Operations, P.O. Box 650214 Dallas, TX 75265-0214 (Sold 3/15) MV14-516841	217.05	Pichette, Robert W 352 Beelzebub Road South Windsor, CT 06074 (Replaced 11/14) MV14-518387	79.66
Rodriquez, Robinson A 430 Chapel Road, #016 South Windsor, CT (Sold 5/15) 14-519796	22.65	Simmons, Scott C 26 Sycamore Road South Windsor, CT 06074 (Correction veteran exemption) RE14-9157	109.62
Spiegel, Lawrence & Linda 23 Northview Drive South Windsor, CT (Paid in Waterbury) 14-521957	118.39	Vault Trust 9401 James Avenue S140 Bloomington, MI 55431 (Turned in 2/15) MV14-523921	240.44
Cross, Peter S 1909 W.39 <sup>th</sup> Street, Apartment B Austin, TX 78731 (Sold 4/15) MV14-504976	27.41		

**Mrs. Bonnie F. Rabin, Collector of Revenue Total Refunds: \$2,926.55 Date: 3/21/2016**