

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

RECEIVED SEP 26 2022

*Erin L. Anthony TC*  
12:15 pm

**Minutes**

**Monday, September 19, 2022  
7:00 p.m.**

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

**1. Call Meeting to Order**

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

**2. Pledge of Allegiance**

**3. Roll Call**

Members Present:

- Mayor Elizabeth Pendleton
- Deputy Mayor Steven King Jr.
- Councilor Jamie Gamble
- Councilor Cesar Lopez
- Councilor Marek Kozikowski
- Councilor Andrew Paterna
- Councilor Erica Evans
- Councilor Philip Koboski
- Councilor Karen Lydecker

Others Present:

- Michael Maniscalco, Town Manager
- Vanessa Perry, Assistant Town Manager/Director of H.R.
- Scott Roberts, Assistant Town Manager/CIO/Emergency Mgmt.

**4. Mayor's Remarks**

**A. Mary Huda, Assessor presentation on Personal Property Assessment**

Mary Huda, Town Assessor provided an overview of Personal Property Declarations that were recently mailed to South Windsor businesses. Ms. Huda informed the Council that declaration forms are available online and that staff in the Assessor's Office will be available to assist those who have any questions. Answering questions from the Council, Ms. Huda explained that the declaration forms can also be filed online and further explained that by State statute, there is 25% penalty imposed on personal property not filed prior to the November 1, 2022 deadline.

**B. Walter Summers, Fire Marshal presentation on Ready.gov**

Walter Summers, Town Fire Marshal presented on Emergency Preparedness for the Community which covered topics such as Winter Safety, Hurricane Resources, Resources

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for Residences, and Winter Fire Safety. A link for the presentation video can be found on the Emergency Management page at <https://www.southwindsor-ct.gov/emergency-management>

**5. Adoption of Agenda**

Councilor Philip Koboski made a motion to adopt the September 19, 2022 agenda. Councilor Erica Evans seconded the motion which passed by unanimous voice vote. **MOTION CARRIES.**

**6. Communications and Reports from the Town Manager**

Town Manager, Michael Maniscalco announced that Town Hall and Library parking lots will be paved during the month of October. This work to be funded by the Capital Improvements Budget.

Mr. Maniscalco notified the Council that the State of Connecticut has asked all municipalities to submit mass gathering information which will allow the State to do online monitoring to ensure the safety of the events.

Mr. Maniscalco reported that the Water Pollution Control Authority will be issuing sewer use bills of \$425 during the last week of September. This \$10 increase from last year is the first increase in three years and the bill will cover the use of sewer for the year.

Mr. Maniscalco recognized retired staff for their years of service, welcomed new employees, and thanked all staff responsible for coordinating and setting up the Employee Recognition Picnic that took place this September.

Mr. Maniscalco reported that the Town was awarded a STEAP Grant of around \$415,000 which will go towards work to be completed on Kennedy Road.

Lastly, Mr. Maniscalco welcomed South Windsor High School Senior and Girl Scout, Aditi Malpur to present her Gold Award Project. Ms. Malpur presented her Recycling Project which purpose is to help inform the public of which items can or cannot be recycled using an informative sticker that can be placed on recycling bins. Ms. Malpur has distributed these stickers to residents throughout Town and will continue to do so to help educate the public.

**7. Public Input for Items on the Agenda**

None

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**8. Adoption of Minutes of Previous Meetings**

**A. Approval of August 29, 2022 Town Council Special Meeting Minutes**

Councilor Philip Koboski made a motion for the adoption of the following resolution:

**BE IT RESOLVED**, that the South Windsor Town Council hereby approves the Minutes of the Special Town Council Meeting of August 29, 2022.

The motion was seconded by Councilor Andrew Paterna which was passed by a roll call vote of 7 ayes (Mayor Pendleton, Deputy Mayor King, Councilors Koboski, Lopez, Paterna, Kozikowski, and Gamble), 0 nays, and 2 abstentions (Councilors Evans and Lydecker). **MOTION CARRIES.**

**B. Approval of September 6, 2022 Regular Town Council Meeting Minutes**

Councilor Philip Koboski made a motion for the adoption of the following resolution:

**BE IT RESOLVED**, that the South Windsor Town Council hereby approves the Minutes of the Regular Town Council Meeting of September 6, 2022 with the following correction: amendment to 8. Adoption of Minutes from July 18, 2022, should be changed from Councilor Kozikowski to Deputy Mayor King who seconded the motion.

The motion was seconded Councilor Erica Evans which was passed by a roll call vote of 8 ayes (Mayor Pendleton, Deputy Mayor King, Councilors Evans, Koboski, Lopez, Paterna, Kozikowski, and Gamble), 0 nays, and 1 abstention (Councilor Lydecker). **MOTION CARRIES.**

**9. Communication from Liaisons, Officers, and Boards Directly Responsible to Council**

Councilor Erica Evans updated the Council with the work that the Park and Recreation Commission has completed throughout the summer. Councilor Evans reported that the Human Relations Commission will be at the Farmers Market this weekend for the celebration of International Day of Peace. Councilor Evans also reported on activities provided by the South Windsor Alliance for Families including Peace wheels for Peace, and Eat Dinner With Your Family Night.

Councilor Andrew Paterna reminded the Council that the Economic Development Commission voted unanimously in favor of the Tax Assessment Agreement for 150 Sullivan LLC.

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**10.    Reports from Committees**

Councilor Erica Evans reported that the Mobile Recording Committee met and looked into the recording devices which would be offered to boards and commissions in an effort to broaden their exposure. Councilor Jamie Gamble suggested getting a second device and there was a discussion on the price and utilization of the recording devices for different boards and commissions.

Councilor Andrew Paterna reported that the Park and Recreation Facilities Planning Committee is making plans for a temporary home at the old Orchard Hill Elementary School and that the Committee plans to host a public forum to present on the two potential permanent sites for the new Park and Recreation Facility.

**11.    Consent Agenda**

**A.   First Reading**

None

**B.   Second Reading**

Councilor Erica Evans made a motion to approve item 11.B.1 through 11.B.2 as a Second Reading on the Consent Agenda.

**1.    Resolution Appointing David Basile (D) to Mass Transit and Highway Advisory Commission**

**BE IT RESOLVED**, that the South Windsor Town Council hereby appoints David Basile as a member of the Mass Transit and Highway Advisory Commission for a term ending November 30, 2025.

**2.    Resolution Appointing Elizabeth McGuire(D) to Zoning Board of Appeals**

**BE IT RESOLVED**, that the South Windsor Town Council hereby appoints Elizabeth McGuire as a member of the Zoning Board of Appeals for a term ending November 30, 2025.

Deputy Mayor King seconded the motion which passed by unanimous voice vote. **MOTION CARRIES.**

**C.   Miscellaneous**

None

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**12. Unfinished Business**

**A. Resolution Approving Tax Assessment Agreement with 150 Sullivan LLC**

Councilor Andrew Paterna made a motion for the adoption of the following resolution:

**WHEREAS**, a Request for Tax Abatement has been received from 150 Sullivan LLC for property located at 150 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

**WHEREAS**, at the Economic Development Commission meeting held on July 27, 2022, the Commission reviewed and recommended that a tax assessment agreement be offered to 150 Sullivan LLC; and

**WHEREAS**, the Town Manager recommends; pursuant to said program, that a tax assessment agreement be offered to 150 Sullivan LLC as an incentive to invest an estimated \$2,250,000 in total cost to construct 3 commercial buildings in 3 phases 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 150 Sullivan LLC reducing the amount of the estimated real property assessment by 10% for the first year; 10% for the second year; 7% for the third year; 7% for the fourth year; 6% for the fifth year; 5% for the sixth year; 5% for the seventh year with an estimated assessment reduction of approximately 787,500 total over the seven (7) years, commencing with the Grand List following the date the Certificate of Occupancy is issued for the Real Property; provided, however, that if such assessment is changed by any future Town revaluation, the new assessed value of the Real Property shall be reduced by the percentage applicable to the year within the seven (7) year period such assessment is changed; and

**BE IT FURTHER RESOLVED** that the South Windsor Town Council's offer to 150 Sullivan LLC is conditioned upon 150 Sullivan LLC (1) meeting the estimated \$2,250,000 construction cost figure and agreeing to the estimated assessment figure; and (2) continuing to pay the real estate taxes on the facility for

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a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if 150 Sullivan LLC fails to meet either of these conditions, 150 Sullivan LLC 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 the execution of a written agreement by 150 Sullivan LLC reflecting the terms set forth in the resolution and such other terms as the Town may require.

Councilor Erica Evans seconded the motion which passed by unanimous voice vote.  
**MOTION CARRIES.**

Philip Tartsinis, Developer of 150 Sullivan LLC, further explained the project as seen on **Exhibits A and A.1**, and how the tax assessment benefit would be passed along to small businesses as tenants at the location. Answering questions from the Council, Mr. Tartsinis stated that the site plan was first approved in 2018 and this site will be marketed to general retail and restaurants.

**13. New Business**

**A. Resolution Appointing Amanda Poma as Clerk of the Council**

Deputy Mayor King made a motion for the adoption of the following resolution:

**BE IT RESOLVED**, that the South Windsor Town Council hereby appoints Amanda Poma as Clerk of the Council for a term ending November 5, 2024 to fill the unexpired term of Scott Nolan

**BE IT FURTHER RESOLVED**, that the South Windsor Town Council approves a salary of \$54,000 and benefits associated with the Non-Bargaining Unit Members Fringe Benefit Description for Fiscal Year 2021/2022 – 2023/2024.

Councilor Jamie Gamble seconded the motion which passed by unanimous voice vote. **MOTION CARRIES.**

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**13. New Business (Continued)**

- B. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on Updates to the Health Department Ordinance Chapter 50 Articles 5-10**

Councilor Jamie Gamble made a motion for the adoption of the following resolution:

**BE IT RESOLVED**, that the South Windsor Town Council hereby sets October 3, 2022 at 8:00pm 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 proposed updates to the Health Department Ordinance Chapter 50 Articles 5-10.

Councilor Erica Evans seconded the motion which passed by unanimous voice vote.  
**MOTION CARRIES.**

- C. Discussion Item: Opt out of Public Act 21-29 relating to requirements for allowance of accessory apartments in single family zones.**

Michele Lipe, Town Planner along with Bart Pacekonis and Stephanie Dexter, members of the Planning and Zoning Commission, presented on Public Act 21-29 which relates to accessory apartments in single family homes. Ms. Lipe explained that the Commission has voted to opt-out of State requirements due to their decision to modify certain provisions for the best interest of the Town. Ms. Lipe presented a Memo summarizing the Public Act, which can be read in attached **Exhibit B**. Mr. Pacekonis, Chairperson of the Planning and Zoning Commission, spoke in favor of the provisions as they would benefit the Town of South Windsor.

- D. Discussion Item: Waiver for Competitive Bidding for Concrete Sidewalks at the Town Hall and other places in Town.**

Mr. Maniscalco presented on the waiver for competitive bidding for the concrete sidewalk project at the Town Hall. The Town's current contractor cannot do the work in the timeframe needed, and in an effort to keep the project within it's time line, it would be in the Town's best interest to use a concrete contractor that has completed other projects for the Town. Answering questions from the Council, Mr. Maniscalco stated that the contractor's pricing for this project is comparable to their pricing in the past. Mr. Jeffrey Doolittle, Town Engineer discussed the cost of the sidewalk project.

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**13. New Business (Continued)**

**E. Resolution Waiving the Competitive Bidding for Concrete Sidewalks at the Town Hall and other places in Town.**

Councilor Andrew Paterna made a motion for the adoption of the following resolution:

**WHEREAS**, the Town of South Windsor needs to install concrete sidewalks with curbing and bollards for the accessible parking spaces in front of the Town Hall and this needs to be done before the Town Hall driveway and parking lot is repaved, and

**WHEREAS**, the Town's current contractor cannot do this work in the time frame needed and due to the complexity of this work, and

**WHEREAS**, there is more concrete sidewalk installation and replacement work in South Windsor than our current sidewalk contractor can do, and

**WHEREAS**, Costa & Son, LLC is a local South Windsor contractor that has done other concrete sidewalk projects in and for the Town and has provided a proposal to install the needed concrete sidewalks with curbing and bollards at the Town Hall in the time frame needed, and

**WHEREAS**, Costa & Son, LLC is interested in being another on-call concrete sidewalk contractor for the Town

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council finds it is in the Town's best interest to waive competitive bidding for the installation of concrete sidewalks with curbing and bollards at the Town Hall and enter into an agreement with Costa & Son, LLC for this work.

**BE IT FURTHER RESOLVED**, that Costa & Son, LLC be accepted as another on-call concrete sidewalk contractor for the Town for the remainder of Calendar Year 2022.

**BE IT FURTHER RESOLVED**, that the Town Council authorizes the Town Manager to sign any agreement and other documents necessary to do this work.

Councilor Cesar Lopez seconded the motion which passed by unanimous voice vote.  
**MOTION CARRIES.**



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**13. New Business (Continued)**

**E. Resolution Waiving the Competitive Bidding for Concrete Sidewalks at the Town Hall and other places in Town. (Continued)**

There was a friendly amendment to the wording of the second paragraph of the resolution. Deputy Mayor King spoke in favor of the resolution. There was a discussion about the value in competitive bidding and Mr. Maniscalco is to put together a report providing an overview of projects that have gone out to bid in the past twelve months.

**F. Resolution Approving a Refund of Taxes to twenty-seven (27) South Windsor Taxpayers, the total of said refunds being \$16,687.58**

Councilor Marek Kozikowski made a motion for the adoption of the following resolution:

**BE IT RESOLVED**, that the South Windsor Town Council hereby approves a refund of property taxes to twenty seven (27) South Windsor Taxpayers, the total of said refunds being \$16,687.58 and as more fully described on attachment **Exhibit C**.

Deputy Mayor King seconded the motion which passed by unanimous voice vote.  
**MOTION CARRIES.**

**14. Passage of Ordinance**

None

**15. Public Input for Any Matter**

Mary Etter, Librarian at the South Windsor Public Library gave an overview of library projects including new carpeting, reupholstering, and the addition of a statue in honor of former Eli Terry Teacher Mrs. Barelli.

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**16. Communications from the Council**

Councilor Philip Koboski spoke of his experience at the Library event and shared stories of influential teachers, pointing out how they have an impact on children's lives.

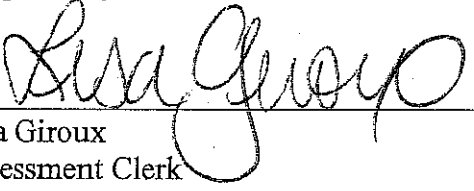
**17. Executive Session**

None

**18. Adjournment**

At 8:55 p.m., Councilor Karen Lydecker made a motion to adjourn the Regular Meeting. Deputy Mayor King seconded the motion, and it was approved unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
Lisa Giroux  
Assessment Clerk

**150 SULLIVAN LLC  
855 SULLIVAN AVENUE  
SOUTH WINDSOR, CONNECTICUT 06074  
TEL:860-644-4583, FAX 860-644-5598**

February 12, 2017

Town of South Windsor  
Michele Lipe  
1540 Sullivan Avenue  
South Windsor, CT 06074

RE: Development Narrative & Goals for 150 Sullivan Ave., S. Windsor, CT

Dear Michele

Thank you for the opportunity to present the development objectives, goals & vision in connection to the requested zone change from the current I-industrial to G.C. general commercial in regards to future development of 150 Sullivan Avenue, located on the corner of Sullivan Ave & Rye St. I'd also like to thank the South Windsor Planning & Zoning Commission for allowing a informal discussion of the "then" conceptual development plan for the commission's input, which was very valuable, greatly appreciated, and has been addressed in this latest conceptual plan.

Over the past decades the vicinity of 150 Sullivan Avenue has been developed heavily with industrial, various commercial (mostly small businesses & proposed future commercial uses), a successful neighboring banquet & catering hall to the east, and a neighboring & commercial zoned property to the west. The proposed zone change & conceptual development plan shows a G.C development opportunity that will act as a "retail/office service center" for the nearby industrial uses, local residents (especially the Old Main Street, RT-5, and Rye St. residents/travelers), by complying specifically to the G.C. zone regulations pertaining to the site layout & use. The proposed building locations are in the front of the site, 50ft off the street line (as suggested) creating very high visibility/exposure for the occupying businesses helping insure their success, along with informing resident/travelers of the services being provided when stopped at the existing traffic signal.

In recent years the vicinity of 150 Sullivan Avenue has been expanded from 2 to 4 lanes of traffic (from Rye St to RT-5), along with a expanded/ improved intersection & traffic light that will provide convenient & safe access of the subject site based on the conceptual access plan. The main entrance for this site is proposed to be on Rye Street, along with a secondary "right in & right out only" entrance being proposed on Sullivan Avenue in the designated "access area" that was deeded to the Town of South Windsor





# *Town of South Windsor*

## Town Council Resolution

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074  
TELEPHONE (860) 337-6173

Resolution Approving Offer of a Tax Assessment Agreement  
with: 150 Sullivan LLC

**WHEREAS**, a Request for Tax Abatement has been received from 150 Sullivan LLC for property located at 150 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

**WHEREAS**, at the Economic Development Commission meeting held on July 27, 2022, the Commission reviewed and recommended that a tax assessment agreement be offered to 150 Sullivan LLC; and

**WHEREAS**, the Town Manager recommends, pursuant to said program, that a tax assessment agreement be offered to 150 Sullivan LLC as an incentive to invest an estimated \$2,250,000 in total cost to construct 3 commercial buildings in 3 phases 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 150 Sullivan LLC reducing the amount of the as-developed real property assessment by 10% for the first year; 10% for the second year; 7% for the third year; 7% for the fourth year; 6% for the fifth year; 5% for the sixth year; and 5% for the seventh year, commencing with the Grand List following the date the Certificate of Occupancy is issued for the Real Property; provided, however, that if such assessment is changed by any future Town revaluation, the new assessed value of the Real Property shall be reduced by the percentage applicable to the year within the seven (7) year period such assessment is changed; and

**BE IT FURTHER RESOLVED** that the South Windsor Town Council's offer to 150 Sullivan LLC is conditioned upon 150 Sullivan LLC (1) expending at least \$2,250,000 for the construction of the three (3) buildings on the Real Property, and agreeing to the as-developed assessment figure; and (2) continuing to pay the real estate taxes on the as-developed Real Property for a minimum of ten (10) years from the date the Certificate of Occupancy is issued; if 150 Sullivan LLC fails to meet either of these conditions, 150 Sullivan LLC 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 the execution of a written agreement by 150 Sullivan LLC reflecting the terms set forth in the resolution and such other terms as the Town may require.

**South Windsor  
Planning Department**

## Memo

To: Michael Maniscalco, Town Manager  
CC: Bart Pacekonis, PZC Chair  
From: Michele M. Lipe, AICP, Director of Planning *ml*  
Date: August 10, 2022  
Re: Materials for Town Council re: Accessory Apartments

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On behalf of the Planning and Zoning Commission, I am submitted a request for the Town Council to pass a resolution opting out of the recent Public Act 21-29 related to the requirements for the allowance of accessory apartments in single family zones.

Over the past 9 months, the Planning and Zoning evaluated the requirements of the law in comparison to their zoning regulations and as a result they recently adopted a new Accessory Apartment regulation they feel makes it easier to create accessory apartments, but still allows the PZC control. At that time, they voted to "opt out" of the requirements Public Act 21-29.

I have attached some back up materials for the Council consideration. They include:

- The PZC sponsored/approved Accessory Apartment text amendment;
- A table showing comparisons of the previous zoning regulations, state law requirements of Public act 21-29 and adopted regulations;
- An excerpt from the Public A 21-29 that addresses the requirements for a municipality to opt out of provision of the law;
- A draft resolution for consideration by the Town Council.

Please contact me with any questions you have.

Thank you.

Adopted 7-12-22

Effective: 9-1-22

**Remove Section 7.1 Accessory and In Law Apartments**

**Add Section 3.2.3 Accessory Apartments**

**3.2.3 Purpose**

The purpose of this section is to encourage the provision of moderately priced housing by allowing accessory apartments in all single-family residential zones.

**3.2.3.1 Criteria for Approval**

A. An application shall be made for a zoning permit for an attached accessory apartment prior to the issuance of a building permit and are subject to the following restrictions and conditions:

1. The primary dwelling unit or accessory apartment shall be owner-occupied. The Commission may waive this requirement in circumstances where the family situation changed (e.g. death of an owner). Upon resale of the property, the requirement of the house or unit being owner occupied would be in effect.
2. The usable floor area of the accessory apartment shall be no more than 30 percent of the usable floor area of the primary dwelling unit and/or shall be no more than 1,000 square feet (whichever is smaller). These areas shall be exclusive of garages, porches, or basements.
3. The accessory apartment shall have no more than two bedrooms.
4. When an accessory apartment is attached to a primary dwelling unit, the following shall apply:
  - a. The architectural treatment of the total structure shall be as to portray the character of a single-family dwelling unit.
5. Residential properties with accessory apartments are not allowed to be used as short-term rental properties. Conversion to a condominium is prohibited.

B. A detached accessory apartment application shall require the submission of a site plan to the Planning and Zoning Commission, must comply with above criteria A1 – A5, and is subject to the following restrictions and conditions:

1. Shall be located no closer than 30 feet from the property line;
2. Landscaping treatments may be required to provide a visual barrier along the property line to any adjacent residence located within 50 feet.

**3.2.3.2 Reaffirmation of owner**

All owners of dwelling units with approved accessory apartments shall reaffirm every 4 years to the Planning Department that 1 of the dwelling units is occupied by an owner of the property. This shall be done via a form letter that will be mailed by the Planning Department to the principal dwelling unit address. The Planning Department will generally provide such forms in summer of even-numbered years to all accessory apartment principal units.

### 3.2.3.3 Conversion of existing In-Law Apartments and Accessory Apartments

- A. Upon expiration of the five-year permit period of a lawful in-law apartment, the apartment would be considered an accessory apartment and subject to these regulations.
- B. Any in-law apartment or accessory apartment that was approved to be larger than 1,000 sf shall be considered a legal non-conforming accessory apartment.



Remove from Section 10.3 Definitions *In-Law Apartments*

Modify Section 3.1 Residential Zone Requirements

(a) 3.1.1 Permitted Uses, Impervious Coverage and Other Provisions

Uses within residential zones shall be governed by Table 3.1.1A. For uses requiring a Special Exception, see Section 8.4 Special Exception Standards and Procedures.

Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions						
Permitted SE = Special Exception Blank = Not Permitted	Zone				Impervious Coverage	Other Provision
Use	RR	AA-40	A	MP		

(i) Residential

Accessory Apartments	P	P	P			See Section 3.2.3
Agri-Tourism	SE		SE*			*Limited to A-40 zones. See Section 5.9
Assisted Living Facilities	SE	SE	SE	SE		See Article 7 Special Regulations.
Bed and Breakfast (for not more than 6 guests)	SE		SE		10%	Provided that such use is served by public sewer and water facilities. Meals served shall be limited to breakfast.
Elderly Housing	SE	SE	SE		40%	See Article 7 Special Regulations.
Duplex Dwelling	SE					See Article 7 Special Regulations
Household Pets	P	P	P	P		Excludes kennels
Horses and ponies for personal use, to include large domestic animal pets (3 or fewer)	P	P	P			See Article 7 Special Regulations.
Horses and ponies for personal use, to include large domestic animal pets (more than 3)	SE	SE	SE			See Article 7 Special Regulations.
Multifamily Dwelling				SE		Accessory uses to dwellings as determined and approved by the Commission and which are intended and designed for the maintenance or operation of the property and/or the use of its residents are permitted.

(a) 6.4.3 Minimum Number of Parking Spaces

In all districts, the minimum number of parking spaces shall be provided in accordance with the following schedules:

(i) Table 6.4.3A Minimum Required Parking Spaces – Residential Uses

Residential Use	Minimum Required Parking Spaces
One and Two-Family Dwellings including Accessory Apartments	2 spaces per primary dwelling unit; 1 space per bedroom in accessory apartment
Multi-family Dwellings <sup>(1)</sup>	2 spaces per dwelling unit
Multi-family Dwellings / SAMUD-OZ <sup>(2)</sup>	1.7 spaces per dwelling unit, however, if shared parking, 1.75 spaces per two-bedroom dwelling unit, 1.25 spaces per one-bedroom dwelling unit, and 1.0 space per studio / efficiency dwelling unit.
Assisted Living <sup>(3)</sup>	1 space per 2 dwelling units
Bed and Breakfast	1 space per guest bedroom
Home Occupations, Home Offices	1 space per 160 square feet, or fraction thereof, of building floor area devoted to such use.
Elderly Housing	1 space per living unit plus 1 per employee
Independent Living	1.25 spaces per dwelling unit
<p><sup>(1)</sup> The Commission reserves the right to require up to 2½ spaces per dwelling unit. In addition to the minimum number of parking spaces required for passenger vehicles, the Commission may require a special area containing at least 1 parking space for every 10 dwelling units for the storage of recreational vehicles, boat trailers, and the like. This area may also be used for the parking of visitors' vehicles.</p> <p><sup>(2)</sup> The site plan shall demonstrate reserve parking equal to the primary parking in the event that additional parking is needed. (Shared parking facilities may be used to satisfy this requirement.)</p> <p><sup>(3)</sup> See Section 5.10 Specific requirements for a Sullivan Avenue Mix-Use Development in the GC Zone.</p>	

## Remove from Section 10.3 Definitions *In-Law Apartments*

## Modify Section 3.1 Residential Zone Requirements

### (a) 3.1.1 Permitted Uses, Impervious Coverage and Other Provisions

Uses within residential zones shall be governed by Table 3.1.1A. For uses requiring a Special Exception, see Section 8.4 Special Exception Standards and Procedures.

Table 3.1.1A - Permitted Uses, Impervious Coverage and Other Provisions						
Permitted SE = Special Exception Blank = Not Permitted	Residential Zone				Impervious Coverage	Additional Provision
	RR - Rural Residential	AA - A-40 - A-20 - A-20 Residential	A - Single-Family	MF - Multifamily		
Use	RR	AA-40	A	MF		

#### (i) Residential

Accessory Apartments	P	P	P			See Section 3.2.3
Agri-Tourism	SE		SE*			*Limited to A-40 zones. See Section 3.9
Assisted Living Facilities	SE	SE	SE	SE		See Article 7 Special Regulations.
Bed and Breakfast (for not more than 6 guests)	SE		SE		10%	Provided that such use is served by public sewer and water facilities. Meals served shall be limited to breakfast.
Elderly Housing	SE	SE	SE		40%	See Article 7 Special Regulations.
Duplex Dwelling	SE					See Article 7 Special Regulations
Household Pets	P	P	P	P		Excludes kennels
Horses and ponies for personal use, to include large domestic animal pets (3 or fewer)	P	P	P			See Article 7 Special Regulations.
Horses and ponies for personal use, to include large domestic animal pets (more than 3)	SE	SE	SE			See Article 7 Special Regulations.
Multifamily Dwelling				SE		Accessory uses to dwellings as determined and approved by the Commission and which are intended and designed for the maintenance or operation of the property and/or the use of its residents are permitted.

(a) 6.4.3 Minimum Number of Parking Spaces

In all districts, the minimum number of parking spaces shall be provided in accordance with the following schedules:

(i) Table 6.4.3A Minimum Required Parking Spaces – Residential Uses

Use/Requirement	Minimum Required Parking Spaces
One and Two-Family Dwellings including Accessory Apartments	2 spaces per primary dwelling unit; 1 space per bedroom in accessory apartment
Multi-family Dwellings <sup>(1)</sup>	2 spaces per dwelling unit
Multi-family Dwellings / SAMUD-OZ <sup>(2)</sup>	1.7 spaces per dwelling unit, however, if shared parking, 1.75 spaces per two-bedroom dwelling unit, 1.25 spaces per one-bedroom dwelling unit, and 1.0 space per studio / efficiency dwelling unit
Assisted Living <sup>(3)</sup>	1 space per 2 dwelling units
Bed and Breakfast	1 space per guest bedroom
Home Occupations, Home Offices	1 space per 160 square feet, or fraction thereof, of building floor area devoted to such use
Elderly Housing	1 space per living unit plus 1 per employee
Independent Living	1.25 spaces per dwelling unit
<p><sup>(1)</sup> The Commission reserves the right to require up to 2½ spaces per dwelling unit. In addition to the minimum number of parking spaces required for passenger vehicles, the Commission may require a special area containing at least 1 parking space for every 10 dwelling units for the storage of recreational vehicles, boat trailers, and the like. This area may also be used for the parking of visitors' vehicles.</p> <p><sup>(2)</sup> The site plan shall demonstrate reserve parking equal to the primary parking in the event that additional parking is needed. (Shared parking facilities may be used to satisfy this requirement.)</p> <p><sup>(3)</sup> See Section 5.10 Specific requirements for a Sullivan Avenue Mix-Use Development in the GC Zone</p>	

## Accessory Dwelling Units – SW Regs Compared to PA 21-29

South Windsor Zoning Regulation		State Law PA 21-29 – effective 1/1/22	Adopted Accessory Apartment regulation
In- Law Apartment (48 active in law apts)	Accessory Apartment (18 approved since 1990)		Section 7.1 Accessory Apartments
Permit valid for 5 years with staff level renewal. Once no longer utilized as an in law apartment, building must be converted back to single family living space	Special Exception approval file don the land records makes the apartment permanent. Re-affirmation that owner lives in apartment or primary house required every four years.	Permit allowed as of right (Either staff or commission approval)	Eliminated In-Law Apartments; allow Accessory Apartments as of right
Permitted as of right in residential zones with staff level approval; request of accessory structure requires PZC public hearing	Permitted by special exception (attached and detached) in single family residential zones with specific criteria – age of structure, number of units surrounding, within 1000 feet	Permitted as of right in all single family residential zones – permit must be processed within 65 days	Attached Accessory Apartments permitted as of right through a zoning permit. PZC site plan approval for Detached Accessory Apartments
Owner must live in primary structure or apartment	Owner must live in primary structure or apartment	ADU can not be restricted to homeowner or relative of occupant of primary structure	Owner must live in primary structure or apartment
Staff approval for attached in-law apts; public hearing for detached structures	Public hearing required; special exception approval for attached and/or detached structures	Approval process shall not require a public hearing or special exception – decision must be made in 65 days	No public hearing required; site plans will be processed within 65 days
Any additions must be in compliance with zoning; correction of non-conformity is not required	Any additions must be in compliance with zoning; correction of non-conformity is not required	Permission to construct does not require correcting of a non-conformity	Any additions must be in compliance with zoning; correction of non-conformity is not required
In-law apartment require internal connection (no prohibition/ requirement for outside door); must demonstrate how they return back to single family living space. Two spaces per dwelling unit	Accessory Apartment – no prohibition/ requirement for outside door. Must maintain appearance of single family dwelling, primary structure built prior to 1990 Two spaces per dwelling unit	Regulations shall not require ADU's to have an exterior door, be connected to the primary structure or have more than one parking space	Accessory Apartment - no prohibition/ requirement for outside door. Must maintain appearance of single family dwelling, One spaces per bedroom in accessory dwelling unit

Regulations allow at 900 sf or 40% of the combined units, whatever is smaller. Waiver provision available	Regulations allow at 700 sf or 40% of the combined units, whatever is smaller for attached units. Waiver provision available Detached apts shall have a minimum of 500 sf and max of 8-00 sf	Regulations must allow at least 1,000 sf or 30% of the size of the primary structure, whatever is smaller	Regulations allow 1,000 sf or 30% of the size of the primary structure, whatever is smaller
		ADU can not have more restrictive setbacks, coverage ratios, etc	Detached Accessory apartment are required to be a minimum of 30 front side property lines and provide landscaping screening
In- Law apts are not required to be affordable – have a five-year permit	Accessory apts are not required to be affordable	ADU can not be required to be affordable	ADU are not required to be affordable
Do not allow short term rentals	Do not allow short term rentals	Municipalities may regulate the use of ADU's as short-term rentals	Do not allow short term rentals; do not allow conversion to condominiums
Must demonstrate adequate water and sewage available. Septic systems designed to accommodate number of bedrooms permitted. Currently charge sewer capacity charge for any new bedrooms	Must demonstrate adequate water and sewage available. Septic systems designed to accommodate number of bedrooms permitted. Currently charge sewer capacity charge for any new bedrooms	ADU shall not be required to be served by separate utilities and shared septic systems are not to be considered "community wastewater systems for regulatory purposes. Can not charge new sewer capacity charges	Must demonstrate adequate water and sewage available. Septic systems designed to accommodate number of bedrooms permitted. Currently charge sewer capacity charge for any new bedrooms
		New units created under this law do not add to total housing units (that CGS 8-30G uses to determine the 10% required affordable units	Accessory apartments are not required to meet the requirements of CGS 8-30G

Note: PA 21-29 became effective on 1/1/22.

PZC has Modified the Accessory Apartment zoning regulations and opted out of the law after holding a public hearing and approving with a 2/3 majority vote

Town Council by 1/1/23 Hold vote on the opt out provision AND 2/3 majority vote of Town Council must approve the vote

Planning Dept. 9/8/21; revised 7/22/22

***Substitute House Bill No. 6107***

~~vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality no later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.~~

Sec. 7. Subsection (k) of section 8-30g of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or

***Substitute House Bill No. 6107***

additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

~~(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds~~



RESOLUTION to "opt out" of the Accessory Apartment provision of Section 6 of Public Act 21-29

WHEREAS, the State of Connecticut recently adopted Public Act 21-29 which modified Section 8-2 of the General Statutes to establish specific provisions regarding zoning regulations for accessory apartments; and

WHEREAS, the adopted law does not allow the town to create standards any greater than those set forth in single family residences as it relates to bulk zoning requirements including setbacks, landscaping and does not permit required ownership; and

WHEREAS, unless a municipality affirmatively votes to opt out therefrom, local zoning regulations would be required to adhere to the PA 21-29 provisions regarding accessory apartments; and

WHEREAS, no municipality may opt out of the accessory apartment provisions of section 8-2 of the CT General Statutes, as amended by PA 21-29, on or after January 1, 2023; and

WHEREAS, the Planning and Zoning Commission of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the PA 21-29 provisions regarding accessory apartments; and

WHEREAS, the Planning and Zoning Commission desires to retain local zoning control over the regulation of accessory apartments by opting out of the provisions of PA 21-29 regarding accessory apartments; and

WHEREAS, in an effort to meet the spirit of the law the Planning and Zoning Commission recently adopted new Accessory Apartment zoning regulations to allow accessory apartments through issuance of a zoning permit, simplifying the process to create an accessory unit; and

WHEREAS, the Planning and Zoning Commission held a public hearing 4/26/22 and 7/12/22 and voted unanimously to opt out of the accessory apartment provisions of Section 8-2, as amended by the applicable provisions of PA 21-29; and

WHEREAS, the South Windsor Town Council hereby recognizes the recent regulations changes made by the PZC that make creating an accessory apartment easier by reducing application costs and creating greater flexibility in future uses of existing apartments created; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council opts out of the accessory apartment provisions of Section 8-2, of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

**Resolution waiving the competitive bidding for Concrete Sidewalks at the Town Hall and other places in Town.**

**WHEREAS**, the Town of South Windsor needs to install concrete sidewalks with curbing and bollards for the accessible parking spaces in front of the Town Hall and this needs to be done before the Town Hall driveway and parking lot is repaved, and

**WHEREAS**, the Town's current concrete sidewalk contractor cannot do this work in the time frame needed and due to the complexity of this work, and

**WHEREAS**, there is more concrete sidewalk installation and replacement work in South Windsor than our current sidewalk contractor can do, and

**WHEREAS** Costa & Son, LLC is a local South Windsor contractor that has done other concrete sidewalk projects in and for the Town and has provided a proposal to install the needed concrete sidewalks with curbing and bollards at the Town Hall in the time frame needed, and

**WHEREAS** Costa & Son, LLC is interested in being another on-call concrete sidewalk contractor for the Town.

**NOW THEREFORE BE IT RESOLVED** that the Town Council finds it is in the Town's best interest to waive competitive bidding for the installation of concrete sidewalks with curbing and bollards at the Town Hall and enter into an agreement with Costa & Son, LLC for this work.

**BE IT FURTHER RESOLVED**, that Costa & Son, LLC be accepted as another on-call concrete sidewalk contractor for the Town for the remainder of Calendar Year 2022.

**BE IT FURTHER RESOLVED**, that the Town Council authorizes the Town Manager to sign any agreement and other documents necessary to do this work.

Exhibit C

06 74



SWCT

JENNIFER R. HILINSKI SHIRLEY, CCMC, CCMO  
COLLECTOR OF REVENUE

## MEMO

**DATE:** August 30, 2022  
**FROM:** Carlene Andrulat  
**TO:** Katherine Senerth – Interim Clerk of the Council  
**SUBJECT:** Refund Batch #4 for Town Council – September 19, 2022  
Agenda  
**CC:** Michael Maniscalco, Town Manager  
Patricia Perry, Director of Finance  
**# OF PAGES:** 2

Please note that messages to and from the Town of South Windsor may be subject to public release in accordance with applicable laws.

I respectfully request the Town Council's consideration and approval of 27 refunds totaling \$16,687.58, as noted on the attached report. All refund requests received by August 26, 2022 are included.

Name	Bill	Prop Loc/Vehicle Info.	Reason	Over Paid
1760 ELLINGTON ROAD	2021-01-0000030	1760 ELLINGTON ROAD	Sec. 12-129 Refund of Excess Payments.	(4,039.84)
ALLY FINANCIAL	2020-03-0073294	2020/AW60847/1C4P/IMDX1LD531893	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(113.58)
ALLY FINANCIAL	2021-03-0073289	2020/AW60847/1C4P/IMDX1LD531893	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(97.38)
AUGUSTYN ERICA M	2021-03-0051200	2013/AP20808/SXVZU3LB4DG003686	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(24.28)
BISAILLON ROBERT	2020-03-0052088	2016/AV13377/SN1AR2MM0DG611296	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(75.57)
BISAILLON ROBERT	2020-03-0052086	2012/1/1N6ADOCWC6246844	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(27.26)
CHASE AUTO	2021-03-0061405	2018/AS23711/JM1G1WV211324295	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(579.25)
CHASE AUTO	2021-03-0061419	2019/AU29361/JF2SKAPCKH544285	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(113.18)
CHASE AUTO	2021-03-0061434	2019/AV84683/JM3KFB8M3K0534557	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(146.88)
CHASE AUTO	2021-03-0061467	2019/QLTR4/JM3TCBDY9K302574	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(817.96)
COMMERCIAL STOREFRONT SERVICES INC	2021-03-0055340	2012/A693414/LGDB312CG6CF142510	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(37.45)
DAVIES NORMAN E	2021-03-0055340	2009/203ZGT/5FNRL38289B041982	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(34.24)
DESIGN PROFESSIONALS INC	2021-03-0055625	2013/712VEJ/2C4RC18G1DR547868	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(39.09)
DEVIN DANIEL R	2021-03-0055673	2014/AC52684/JFADP3K2XEL178331	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(30.09)
DISTINCTIVE CRANE LLC	2020-04-0081073	2013/BA84630/W09055310DWG12043	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(3,909.05)
EKSTROM MICHAEL	2021-01-0006920	607 GRAHAM ROAD	Sec. 12-129 Refund of Excess Payments.	(2,973.66)
FLEMING IRENE A	2021-03-0057679	2014/AK31371/JVW2K7AJ7EM230801	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(17.40)
GAMARSH STANLEY N JR	2021-03-0058149	2016/928N/1HD1MALIXG8838950	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(117.63)
KLEIN STEFAN	2021-03-0062271	2018/AK26872/JF2S1ABCS1H445681	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(86.41)
KLEIN STEFAN	2021-03-0060395	2003/707CVH/1N6DD26T78C429381	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(16.42)
KLEIN STEFAN H	2021-03-0062275	2001/51925Y/JN8DR09Y81W576941	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(5.16)
LANGTON WILLIAM	2021-03-0062895	2009/735XP/CNMHCN46C79U346636	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(7.53)
LAWAW SHAWNTELL Z	2021-03-0063137	2016/AG97663/5GAKVKCD3G147186	Sec. 12-129 Refund of Excess Payments.	(400.00)
LERETA LLC	2021-01-0009947	102 COLONY ROAD	Sec. 12-129 Refund of Excess Payments.	(1,963.84)
PARISI FRANK M	2021-03-0067069	2017/AJ87383/AT1B1F1K5HU424005	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(36.65)
SUBRAMANIAN NAGAMATHAN	2021-03-0071746	2013/AB90120/SXYZW3LA5DG077054	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(53.24)
USB LEASING LT	2021-03-0073128	2018/BCHBND/1C4HJXEG71W166397	Sec. 12-71c Pro rata credit for property tax on motor vehicle when sold, totally damaged, stolen etc	(924.53)
Total of 27 refunds				(16,692.58)

Drafted by: *Carlene Andriulat*  
 Carlene Andriulat  
 Revenue Clerk

Approved by: *Jennifer Hillinski-Shirley*  
 Jennifer Hillinski-Shirley  
 Collector of Revenue

Date: 8/30/22

Date: 30 Aug 2022

**Senerth, Katherine**

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**From:** Andrulat, Carlene  
**Sent:** Tuesday, August 30, 2022 3:00 PM  
**To:** Senerth, Katherine  
**Cc:** Maniscalco, Michael; Perry, Patricia; TaxCollector  
**Subject:** Refund Batch 4 for Town Council  
**Attachments:** REfund Batch 4 scan.pdf

Good afternoon,

Attached please find refund batch 4 to be added to the Town Council agenda for the September 19, 2022 meeting. If you need anything else please let me know.

Best regards,

*Carlene Andrulat*

Revenue Clerk

Collector of Revenue  
Town of South Windsor  
1540 Sullivan Ave.  
South Windsor, CT 06074

Phone: (860)-644-2511 ext. 2284 | [Carlene.Andrulat@southwindsor-ct.gov](mailto:Carlene.Andrulat@southwindsor-ct.gov)