

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Minutes**

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**January 4, 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 7:02 p.m.

**4. Roll Call**

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

Members Absent: Deputy Mayor Carolyn Mirek  
Councilor Liz Pendleton

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

**5. Public Input**

Mr. Don Gonsalves, 40 Bayberry Trail came forward and requested that the Town Council allow him to speak during Item 14. B.

Mr. Mike Berghuis, 18 Mountain View Road came before the Council and stated at the previous Town Council meeting there was discussion regarding farmland and he wanted to inform the Council that the Town lost a couple of people from the farming community, Sherman Collins and Edith Welles. Mr. Berghuis stated he is happy the Town is looking to preserve farmland in South Windsor.

**6. Environmental Health & Safety Message**

Mr. Walter Summers, Fire Marshal and Lieutenant Greg Roberts came before the Town Council to remind the Council and public of a couple fire safety points that are very important. This weekend was a tragic weekend for the City of Bridgeport. Their first fire of the year was at a condominium complex which left over 100 people homeless and the second fire a three year old lost his life. Mr. Summers

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#### ITEM:

#### 6. Environmental Health & Safety Message (Continued)

reminded residents that smoke alarms in their homes should be tested monthly and the batteries should be changed once a year. Smoke alarms whether they are battery

or electric are only good for 10 years and then need replacing. The other important thing is to have carbon monoxide detectors in your homes. There is a program where South Windsor partnered with Red Cross; residents can get free smoke alarms.

Lieutenant Greg Roberts stated that the Red Cross does a great job. Lieutenant Roberts reminded residents to never leave food cooking unattended. Also never place anything on top of the stove that is not used for cooking. If anyone has a fire, leave your home and call 911 because the most dangerous part of the fire is the smoke.

Mr. Summers informed the Council and residents that all of the smoke detectors in the condominium units in South Windsor have been changed over the last four or five years. The most important thing to do is maintain them and change the batteries.

Answering questions from the Council, Mr. Summers explained that the lifespan of a carbon monoxide detector is either five or seven years. There is a new product out that has a 10 year lifespan. Any time someone has any question about a safety concern in your home, please call 911. Lieutenant Roberts stated that if there is a gas smell you should also call 911, not the routine phone of the Fire Department. Mr. Summers explained that any time someone runs a fossil fuel device in a contained area attached to your home, there is always a chance of getting carbon monoxide in your dwelling. When residents are warming up their vehicles in the morning, they should open their garage and back their cars out of the garage.

Councilor Anwar informed the residents and Council that January is Radon Gas Recognition Month. This is a silent killer and residents should have the radon levels checked in their homes.

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**ITEM:**

**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 December 21, 2015.

Was made by Councilor Maneeley  
Seconded by Councilor Snyder

Councilor Anwar explained that he was not at the December 21, 2015 Town Council meeting and in the minutes it is written that he made a statement, he would like that eliminated.

The Council unanimously approved the amended minutes.

**8. Public Petitions**

None

**9. Communications from Officers and Boards Directly Responsible to Council**

None

**10. Reports from Standing Committees**

Mayor Delnicki told the Council that the Audit Committee has met to open the sealed bids for the Auditor proposals. The review process has begun and the Committee will meet once more to review the proposals and come up with a recommendation for the Council.

Mayor Delnicki also stated that the Town Attorney contract will come up in July. The Personnel Committee should meet to develop a course of action.

**11. Reports of Temporary Committees**

None

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**ITEM:**

**12. Consent Agenda**

Councilor Carroll made a motion to approve Agenda Items 13. A. (\*) through 13. C. (\*); as the Consent Agenda. Councilor Snyder seconded the motion; and it was approved, unanimously.

**13. Unfinished Business**

**\*A. Resolution Appointing Kevin Greer (R) to the Planning & Zoning Commission**

BE IT RESOLVED that the South Windsor Tow Council hereby appoints Kevin Greer (R) to the Planning & Zoning Commission for a term ending November 13, 2017 to fill the unexpired term of Lavina Wilson.

**(Approved by Consent Agenda)**

**\*B. Resolution Appointing Teri Parrot (R) an Alternate to the Planning & Zoning Commission**

BE IT RESOLVED that the South Windsor Tow Council hereby appoints Teri Parrot (R) an Alternate to the Planning & Zoning Commission for a term ending November 30, 2017 to fill a vacancy.

**(Approved by Consent Agenda)**

**\*C. Resolution Appointing Sandy Ramesh (R) to the Housing Authority**

BE IT RESOLVED that the South Windsor Tow Council hereby appoints Sandy Ramesh (R) to the Housing Authority for a term ending November 30, 2020 to fill the expired term of Joan Murphy.

**(Approved by Consent Agenda)**

**ITEM:**

**14. New Business**

**A. Resolution Reappointing Arthur Utay (U) to the Demolition Delay Committee 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 Arthur Utay (U) to the Demolition Delay Committee for a term ending December 31, 2017 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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

**B. Discussion Item – Pension Plan (*requested by Town Manager, Matthew B. Galligan*)**

Mr. Don Gonsalves, 40 Bayberry Trail came before the Town Council and stated that he does not feel the Town has a fair pension plan. The employees should get a pension plan that is no better or no worse than people in private industry. The management in Town has a contribution of 12.07% for the defined contribution plan which is four times what the private industry receives. All new hires receive 6% which is 2 times what private industry receives. South Windsor's pension plan is too generous and the seniors in Town can not afford it. The Town Council is responsible for adjusting the contribution.

Mr. Galligan came before the Council and gave the history of the Pension Plan for the employees of the South Windsor. The Town has worked hard during negotiations with the unions to reduce costs over time, and this is a process that takes time. Over the past couple of months, the Pension Committee has increased their liability but has increased the ARC in order to pay for that. These are the type of changes that S & P and Moody's look at and are making the Town more fiscally responsible. Everything the Town has done to the Pension plan has been based upon the market. There will be more changes to the Pension plan in the future, but it takes time. Recent changes have helped more money to come into the pension.

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**ITEM:**

**14. B. (Continued)**

Councilor Anwar stated that he has been serving since 2011 and the Town Manager has made this presentation every year during the budget. The Town Council has limitations and does not have the authority to change contracts that have already been signed.

Mr. Galligan explained that the contract is brought to the Council for approval and then once the Council approves it, the contract stays set for the number of years. If you want to reopen the contract, it has to be negotiated. They can say no or yes, but if you reopen it can be a nightmare. When a contract is being renewed, that is when Council can reject items that have been put into the contracts.

Answering further questions, Mr. Galligan explained that the Town has 178 employees. There are about 39 employees that are on the 401 plan along with the management employees. Mr. Galligan stated he would contact the Superintendent of Schools to get an update on the Board of Education unions.

Councilor Riley stated that he is happy that the Town is only offering defined contribution plans to new employees.

Mr. Galligan explained that he does believe for the last custodian that was hired through the Board of Education received a 401 plan. Mr. Galligan stated that it is a different environment working for government versus private. An issue that Mr. Galligan said the Council should be aware of is that the State Comptroller put out a statement explaining that they are trying to put together a pension plan for companies throughout Connecticut that do not offer pensions to employees.

Councilor Snyder felt that although salaries of private industry to government have become more comparable then in the past, private industries are structured a lot differently than government entities when talking about pension plans especially due to union negotiations. The Town Manager is taking the steps to make the necessary changes for the betterment of the Town.

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**ITEM:**

**14. B. (Continued)**

At 8:00 p.m. the Regular Meeting was recessed in order to call a Public Hearing to order. The Regular Meeting reconvened at 8:15 p.m.

Mayor Delnicki stated that the concept of binding arbitration is really what does not allow the Town to make changes quickly as suggested by Mr. Gonsalves. In the past the Town has made out worse after a binding arbitration decision than the Town would have if the Town had just settled with what was on the table. It takes a lengthy period of time to go through negotiations and the only way you would see that change is if changes happen at the State level.

Answering questions from Councilor Carroll, Mr. Galligan explained that all new employees are under the 401 plan which has been negotiated with all of the labor contracts.

Councilor Havens felt it is important with retirement funds being so prevalent in the news today, that this Council continue to review this matter. A quality of a Town is the way that the employees are paid and the kind of employees that are hired.

**C. Resolution Approving a Refund of Taxes to Five (5) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to five (5) South Windsor Taxpayers, the total of said refund being \$260.05 and as more fully described on attached **Exhibit A**.

Was made by Councilor Snyder  
Seconded by Councilor Maneeley

Answering a question from the Council, Mr. Galligan explained that one of the tax refunds is going to an individual who lives in another Town. They had previously lived in South Windsor, but moved to another Town.

The motion was approved, unanimously

**ITEM:**

**15. Passage of Ordinance**

None

**16. Communications and Reports from Town Manager**

Town Attorney Yagaloff gave the Council the history of the property on Miller Road explaining that foreclosure proceedings were stalled twice by bankruptcy filings. The current individuals who are occupying the property are running a salvage business at this property. The Town was promised that they were going to remediate, but that never happened. The Judge just ordered a foreclosure date of May 1, 2016. The Town has issued fines and has sent numerous letters to the owners including Planning & Zoning violations, unregistered vehicles on the property, and blight. Some times in situations like this a Town can file with the court for injunctive relief which is an order from the court that tells the person to stop doing what they are doing, to prevent what they are doing, correct what they are doing, or to take remedial action. If they do not do any remediation you would have to go to the court and ask them to find them in contempt of the court orders. These are civil proceedings and if the person is in contempt of the court orders you could have monetary penalties and if they don't pay them you could find them in contempt but is the judges going to incarcerate someone for a blight issue. It is a very expensive proposition. This problem is a little over one year old and there have been active efforts by Town staff to remediate this problem. Without the ability for the Town to enter onto an occupied premises, the Town will just be spending a lot of money and resources on this issue.

Mr. Galligan explained that the reason to do an ordinance was because the Town has been in this situation before and it took 8 years to go through the courts and have an issue rectified, which also costs the Town a lot of money. The Town needs an ordinance which allows the Town to go onto a property to remedy a blighted situation.

Mayor Delnicki felt that this draft is a starting point to help address some of the larger blight issues. Town Attorney stated that the current Blight Ordinance addresses 98% of the properties, it is the 2% of blighted properties that the revised Blight Ordinance will address.

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**ITEM:**

**16. Communications and Reports from Town Manager (Continued)**

Answering questions from the Council, Town Attorney Yagaloff explained that if this amendment passes and it has to go to Superior Court, Superior Court will determine whether or not the Town Appeals Board had abused its discretion. It would be different situation then asking a Judge to issue an injunction. The Appeals Board would not determine if the remediation needs to occur, that would occur through the Town Manager and Town staff and then if the person wanted to appeal that determination, then it would go to the Appeals Board and then if they wanted they would appeal it to the Superior Court. At that point the Town would ask the Judge of the Superior Court to issue a stay pending the proceedings and there would be an affidavit from the Town Manager. There was feedback from Town staff who would like some changes to this amendment. The individuals who determine that a property has to be remediated by the Town have not been decided upon yet. A Judge of the Superior Court usually upholds a Town ordinance as long as it is constitutional and there was abusive discretion by the Town official who imposed the blight.

Mr. Galligan explained to the Council that if Town staff finds that a property owner is hostile, a police escort will go with Town staff to the property for safety purposes.

Councilor Anwar felt that the proposed ordinance is well written and he is looking forward to supporting it.

Town Attorney Yagaloff told the Council that he has received calls from other Town Attorney's interested in how South Windsor is approaching this issue. Mr. Galligan explained that CCM is putting together a tool kit for all municipalities to look at various blight ordinances.

Councilor Riley stated that he is happy in the enforcement section that there are appropriate protections for all parties but when there is a need for immediate action that can take place.

Councilor Carroll questioned if a property is viewed as a fire hazard, could the Fire Marshal take immediate action? Mr. Galligan explained that the Town will have to be careful how different situations are approached. Most blight situations are done by complaint. The Town has to realize its legal rights which could be very limited at this time.

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**ITEM:**

**16. Communications and Reports from Town Manager (Continued)**

Town Attorney Yagaloff explained that the current ordinance states that the blight has to be visible from the road which is a limitation but the new ordinance defines blight differently allowing a blighted condition to apply to the whole structure/property.

Councilor Havens felt that action on Miller Road should begin as soon as this ordinance is approved.

Mayor Delnicki stated that this proposed ordinance is a step in the right direction and will take care of the blight problem on Miller Road.

Mr. Galligan reported that the bids came in under budget from Orchard Hill and he feels the Council should get an update on that project. A letter from the Mayor requesting an update should be sent to the Public Building Commission. The Council received the financial report. The budget is about \$32,000,000 with a lot of debt service, but the staff under spent the budget by \$925,000 which made up the \$1,000,000 of the fund balance from last years budget. Fund balance only decreased by \$175,000 but our net worth went up over \$387,000. The Sewer Fund has a fund balance and also the Recreation Fund has a \$922,000 fund balance. Those monies are committed to those funds. The health insurance fund is up \$4,000,000.

Councilor Riley stated that at the last meeting he had inquired about current sources and uses for the Town Hall Annex/EOC, is that forthcoming? Mr. Galligan explained that he had to talk to the DECD who is running it and had a pro forma. That information will be forwarded to the Council.

Mayor Delnicki questioned if the open space bond money could be used to purchase development rights? Mr. Galligan answered that he believes the Town is able to do that. The second resolution that was done may allow that to happen. Mr. Galligan said he would look into that.

Mayor Delnicki then questioned if impacts of budget cuts at the State level have been announced? Mr. Galligan explained that they have not been announced yet. Mr. Galligan explained that ECHS funding is short by \$438,000.

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#### **ITEM:**

#### **16. Communications and Reports from Town Manager (Continued)**

Mayor Delnicki stated that he read in the paper that as of January 1<sup>st</sup>, a couple of Police Departments will not be using their body cameras any longer because of the Connecticut State Police rules regarding preservation of the video that is derived from it. Mr. Galligan explained that the Town of South Windsor's system is an automatic recording system that goes into the archives, so there are no issues for South Windsor.

#### **17. Public Input**

Mr. Don Gonsalves, 40 Bayberry Trail came forward and stated that in the Audit Report it says "the authority to establish and amend contributions to the pension is by the Town Council". The Town Council has the authority to change the requirements.

Mr. Galligan explained that the Town Council has the right to change it but the binding arbitration laws say you can't change it without negotiating it. The Town Council can not just change something in a union contract.

Mr. Gonsalves stated that the Town of South Windsor does not have a fair system.

#### **18. Communications and Petitions from Council**

Councilor Anwar wished everyone a Happy New Year.

Mayor Delnicki said he contacted State Representative Aman regarding an issue of motor vehicle registration suspensions due to erroneous reporting of both taxes and insurance coverage. Mayor Delnicki questioned the Town Manager if he could contact CCM to find out how this can be resolved. Mr. Galligan stated he would call CCM.

#### **19. Executive Session**

None

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**ITEM:**

**20. Adjournment**

At 9:02 p.m. Councilor Havens made a motion to adjourn the Regular Meeting. Councilor Maneeley seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid  
Clerk of the Council

## TAX REFUNDS

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Exhibit A

Ferwerda, Peter A or Janet M 155 Windermere Ave #702 Ellington, CT 06029 (Vehicle traded in - Plate 412PW) 14-507527	57.36	Steele, Karen 45 Clinton Drive South Windsor, CT 06074 (Sold 10/14) MV14-522118	197.69
Teixeira, Joseph R & Shirley L 47 Old Farm Road South Windsor, CT 06074 (Overpaid)	5.00	Ryan, Robert A or Gail M 6 Murray Road South Windsor, CT 06074 (Vehicle sold 3/2015 - 4NINRS) 14-520260	71.25
Miller, Bruce A & Janet B 119 Quarry Brook Drive South Windsor, CT 06074 (Overpayment) RE14-6665	14.57		

**Mrs. Bonnie F. Rabin, Collector of Revenue    Total Refunds: \$260.05    Date: 1/4/2016**