

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Minutes**

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**January 19, 2016**

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

**1. Call Meeting to Order**

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

**4. Roll Call**

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

Absent: Councilor Edward Havens  
Councilor Janice Snyder

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

After roll call was complete, Mayor Delnicki recognized the Hartford Evergreen Lodge #88 with a proclamation.

The Hartford Evergreen Lodge member came forward and thanked the Town of South Windsor for giving the lodge this opportunity to make a donation to the Town to make the police force safe as well as the Town.

Chief Tim Edwards thanked the Hartford Evergreen Lodge #88.

**5. Public Input**

None

**6. Environmental Health & Safety Message**

Mayor Delnicki told the public to make sure they dress for the weather and keep warm.

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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 January 4, 2016.

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

**8. Public Petitions**

None

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

Mr. Alan Larson of 46 Jacques Lane and Chairperson Park & Recreation Commission came before the Council and explained that the Park & Recreation Commission has not received any funding for the past four years. There has been some success finishing smaller projects using capital funding awarded five years ago or earlier, however the balance of these funds is now depleted. With new budget deliberations approaching, the Park & Recreation Commission will be submitting a request to the Capital Projects Committee for the Fiscal Year 2016/2017 and ask that the Town Council consider this request.

**10. Reports from Standing Committees**

Mayor Delnicki informed the Council that Blum Shapiro and Company, PC will be coming to the Council meeting on February 1, 2016 to review the audit.

**11. Reports of Temporary Committees**

None

**12. Consent Agenda**

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

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**ITEM:**

**13. Unfinished Business**

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

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.

**(Approved by Consent Agenda)**

**14. New Business**

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

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

**(Approved by Consent Agenda)**

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

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

**(Approved by Consent Agenda)**

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**ITEM:**

**14. New Business (Continued)**

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

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

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

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

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

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

Was made by Councilor Pendleton  
Seconded by Councilor Anwar

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

Councilor Pendleton questioned that since the Auditor is coming to the Town Council meeting on February 1, 2016, can the Council wait to make a decision on this resolution until then.

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**ITEM:**

**14. D. (Continued)**

Mr. Galligan explained that the presentation is not on future audits, the presentation is regarding past financial statements. The Audit Committee went out for an RFP and received three proposals. One of the proposals had no experience in municipal government. The second one had some but Blum Shapiro is probably one of the leading municipal auditors. Mr. Galligan stated that he recommended to the Audit Committee that the Town should stay with Blum Shapiro who is the cheaper firm.

Mayor Delnicki explained that as a member of the Audit Committee the three proposals were reviewed and there was a discussion with Mr. Galligan. Mayor Delnicki stated that although he favors auditor rotation, there will be an entirely new audit team that will be coming in so the Town will have a fresh set of eyes looking at the books. The three bids that were received, Blum Shapiro was the best choice when it came with what they could deliver, the team, and they deal with a lot of municipal work.

Answering further questions, Mr. Galligan explained that there is not a large increase in what the Town is being charged. Mayor Delnicki stated that there is only a \$600.00 increase from 2016 to 2017. Mr. Galligan also informed the Council that any concerns that the Town had in the past began with a prior auditor and Blum Shapiro has worked on those concerns which have been rectified.

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

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

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

**(Resolution Continued on Next Page)**

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**ITEM:**

**14. E. (Continued)**

Was made by Deputy Mayor Mirek  
Seconded by Councilor Pendleton

Mr. Galligan explained that this resolution is to reimburse the Town side for expenses.

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

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

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

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

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

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

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

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**ITEM:**

**14. New Business *(Continued)***

**H. Discussion Item: LED Streetlights *(requested by Councilor Snyder and Councilor Anwar)***

Mr. Steven Wagner, Chairperson of the Energy Committee came before the Council to present an update on the LED Streetlights, as shown in attached **Exhibit B** and an updated pro-forma for Town lights, as shown in attached **Exhibit C**.

Answering questions from Councilor Anwar, Mr. Wagner explained that if Eversource owns the lights in the condominium complex, the program and the ability to buy the lights from Eversource and convert them to LED is not available.

Mr. Daylor from Ameresco stated that he would be happy to work with qualifying residents who live in condominium complexes. There would be separate agreements from that of the Town. To those communities that have expressed interest, when Ameresco comes under contract with the Town for the implementation, Ameresco will reach out to those condominium units to work out an agreement. Ameresco will recommend to the communities that are interested use the same fixtures as the Town.

Councilor Anwar stated he is glad to see that Ameresco will recommend the same fixtures to the condominium units because he feels there should be consistency throughout Town. Councilor Anwar stated that the Town has been paying for street lights on the State roads for a long time and Councilor Anwar questioned the Town Manger how he would work to get the State to work with the Town?

Mr. Galligan explained that he has written a letter to the State. Mr. Gantick has done a lot of research work on this issue and has questioned this issue. Mr. Galligan suggested that the Town consider abandoning the street lights on State roads. The lights are owned by the State and the State should be paying for them.

**(Resolution Continued on Next Page)**

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**ITEM:**

**14. H. (Continued)**

Councilor Anwar felt that the Town needs lights on State roads but needs to find a way to have the State pay for them. If the Town abandoned those street lights it would be South Windsor residents who would be affected.

Mr. Galligan then suggested the Council members contact State Representatives and Senator regarding this issue so they can discuss it with DOT.

Answering further questions from Councilor Maneeley, Mr. Wagner explained that the savings from this project will pay for the project in 4.3 years. The lights are expected to last 20-years. There is a 10-year warranty on the lights so if the light itself fails that will be covered by warranty.

Councilor Maneeley stated she does not feel it would be safe for residents if the State streetlights were abandoned.

Mr. Wagner felt that this project should be broken into two phases with the State streetlights being in Phase II. This will allow the State more time to consider taking over the lights. If the State will not take over the streetlights, the Council can make a decision whether to pay the \$79,000 per year to keep them the way they are or pay \$40,000 per year to convert them all in Phase II. The State is planning to switch over all streetlights on State roads to LED streetlights within five years.

Councilor Mirek felt that the Town should not have to pay \$20,000 abandonment fee. Overall this is a good project that will benefit the Town with a cost savings. The burden on Town staff will need to be considered. Mr. Galligan stated that in the beginning there will be burden on the staff, but once the program is complete there should not be as large of a burden.

Councilor Mirek informed the Council that Congress has extended the energy 30% tax credit for renewable energy through 2019. Mr. Wagner added that the Town doesn't pay taxes but if the Town leases something, the company the Town leases from gets the tax savings and it comes back to the Town in the form of a lower lease cost.

**(Resolution Continued on Next Page)**

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**ITEM:**

**14. H. (Continued)**

Councilor Riley voiced concern that Mr. Galligan has not receive any response from DOT regarding the streetlight and questioned if the Town would fight for money owed to us by the State. Mr. Galligan explained that there is a statute of limitations and there would probably be more spent in legal fees than what is owed to the Town. The Town needs to have discussions with DOT to try to work out a deal.

Mr. Wagner stated that presently the State streetlights are on the Town's account. If there is a light that was put up five years ago on a Town road that is decided is not necessary, the Town will be charged 2/3rds of the value of that light because the light is not fourteen years old or older. Mr. Wagner explained that part of the Ameresco's commitment to the Town is to publicize this project. Mr. Daylor explained further that a community forum will be held which will show a variety of colors of the lights in a variety of settings, an explanation of the different technologies, and feedback from the community. A post can be put up on the Town's website. This will take place after the Town has made a commitment to this project.

Councilor Riley questioned the financing of this project. Mr. Daylor explained that our experience in today's market place is a rate around 2%. On a 10 year note with Bank of America or another like lender, unless there is a dramatic change in the market, that will be the Town's beginning rate. This project will qualify for a loan buy down program that is offered through PURA so there is an opportunity to lower the rate further.

Councilor Carroll asked if the Town would save additional funds if the Town waited a year to do this project. Mr. Wagner answered that Mr. Daylor does not see the light prices coming down any more. There will be competing costs for labor and installation going up. Every year the Town waits there is a savings that is lost. Mr. Daylor added that although most of the major manufacturers of quality products have essentially stabilized their product price points, they are increasing the benefits of those products with things such as coming with a quick electrical connection or a seven pin sensor connection rather than a three pin sensor connection.

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**ITEM:**

**14. H. (Continued)**

Councilor Carroll requested a historical pricing table from Ameresco.

Answering further questions, Mr. Daylor stated that the cobra head that is being recommended for South Windsor costs between \$150.00 to \$200.00 based on the wattage.

Mr. Wagner explained that it costs a lot more to buy from the utility because we are buying the pole and a more complicated fixture on the top. The total purchase price is being estimated to be \$730,000 from Eversource. The amount the Town pays for a pole depends on the age of the pole. The price has a premature abandonment charge built in.

Mr. Daylor told the Council that East Hartford had a lower rate than South Windsor because of the net effective rate and East Hartford had a shorter term.

There was a unanimous consensus of the Council that a letter be sent to the State informing them of the Town's position regarding State streetlights and abandonment charges. Mayor Delnicki felt it would also be important to lobby with Legislature. Mayor Delnicki stated that the Town utilizes the CCM contract with TransCanada for purchasing electrical and questioned the average energy escalation rate from TransCanada? Mr. Galligan answered that the TransCanada power is locked in for five years. Mr. Wagner informed the Council that there are other components that should be reviewed that also increase the rate.

Mayor Delnicki then asked if there is a way to do the project in phases so if there is a decrease in the price, the Town could pick up the savings in the second phase. Mr. Wagner answered that if the Town waits on half of the lights, then the Town will lose money on half of them.

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**ITEM:**

**14. H. (Continued)**

Mr. Daylor stated that the mark up on the fixtures vary by the type of equipment being purchased, but if usually is in the 8% to 10% range. Eversource is responsible for infrastructure in the ground. There is a manufacturer's 10-year warranty on the new light. The Town would have to pay for the labor. Ameresco has a one-year warranty on anything that the company touches, which would be materials and labor.

Council members discussed how to move forward,. Mr. Galligan suggested that at the February 1<sup>st</sup> Town Council meeting two resolutions be brought forward. One resolution to approve the project and a second resolution authorizing the Mayor to send a letter to DOT regarding this issue of the State lights.

Answering further questions, Mr. Daylor explained that this project has a 10-year payback. Savings through this project will cover all of the costs of this project in 4.3 years. By leveraging a 10-year note, there will be \$150,000 of additional cash flow on a yearly basis for other energy related projects.

Councilor Pendleton asked how this project benefits the community. Mr. Wagner explained that the savings from this project could be used to do a project at the Wapping School which will benefit all residents. In terms of safety, this project will not produce any additional safety measures because there are already streetlights throughout South Windsor.

Mr. Galligan felt that this project will help citizens financially because it will produce additional savings that can be used towards other projects rather than being taken out of the budget. The figures given to the Council are as accurate as they can be at this time.

**I. Discussion Item: Farmland Preservation *(requested by Councilor Anwar)***

Councilor Anwar explained that the goals for this discussion are to get an update from Andy Paterna on this issue, to get a consensus from Council members to allow the Mayor to write a letter to the State of Connecticut

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**ITEM:**

**14. I. (Continued)**

asking for assistance in the identification of farmland soils of local importance which will help enhance the efforts in identifying important lands to protect, and to have a guest, Katherine Winslow from the Connecticut Department of Agriculture, Resource Preservation Unit inform the Council and the community about the opportunity to look at how the burden of resources can be reduce on the Town as we try to preserve the farmland. There has been discussions regarding holding a separate session with Ms. Winslow for the Town Council, SWALPAC, Open Space Task Force, and Food Alliance and Park & Recreation Commission regarding this issue.

Mr. Andy Paterna from the Food Alliance came before the Council and stated that this discussion is about farmland preservation especially along the Main Street Greenway. Mr. Paterna requested that the Council consider having a survey done by the USDA which will designate certain areas of Town as important local farmland soils. This would require a letter from the Mayor. Having this designation allows the Town to seek some joint funding from either State or Federal dollars and does not commit the Town to anything. Mr. Paterna informed the Council that Ms. Katherine Winslow from the Department of Agriculture is here tonight to explain more about this.

Ms. Katherine Winslow came before the Council and explained that she brought a list of the Towns in the State of Connecticut that have locally important farmland soils designations, as shown in attached **Exhibit D**. This will give the Council an idea of what Towns have done this already. She also brought a map of the State showing which Towns have the locally important soils designation which would include all in the darker orange, the green and the lighter orange as shown in attached, **Exhibit E** and are actually pending locally important soils designation. The Towns that are in green have actually entered into a cooperative agreement with the State of Connecticut, Department of Agriculture for joint partnership, for joint State/Town acquisition of development rights. The cooperative agreement actually sets the stage, outlines what the responsibilities of the State would be and what the responsibilities of the Town would be, when trying to protect local farmland. It does not commit the Town to any particular farm or any particular dollar amount in any way but it sets the stage so if a farm application does come

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ITEM:

14. I. (Continued)

forward then both the State and Town would be ready with this joint agreement to know how to cooperate with each other to pursue it. Ms. Winslow explained that she is a Property Agent and works for the Farmland Preservation program which is part of the Bureau of Agricultural Development and Resource Preservation at the State Department of Agriculture in Hartford. There are two purchase of development rights programs, the Long Standing Farmland Preservation Program which has been around since 1978 and a newer program for smaller farms called The Community Farms Preservation Program. If the Town Council wishes, a Powerpoint presentation could be done to go through those programs more specifically. This locally important soils designation is a very useful planning tool for Towns and it also helps farmers qualify for the community farms preservation program as well as a federal agricultural conservation easement program that is administered by the US Department of Agriculture Natural Resources Conservation Service. Some of the neighboring Towns such as East Windsor and Ellington and a few of the Hartford County Towns have already done this. Vernon and Tolland in this area have applied for locally important farmland soils.

Answering questions from the Council, Ms. Winslow explained that the US Department of Agriculture Natural Resources Conservation Service is responsible for mapping all soil types nationally. The prime farmland soils and the secondary Statewide important farmland soils are the two types of soils that are focused on for the long standing farmland preservation program. The third level is locally important farmland soils which can be economically important at the local level. Ms. Winslow handed out a list of locally important farmland soils in the Town of Ellington, as shown in **Exhibit F**. The highest elected official of the Town would make the request to the USDA who would send the Town a list of the soil types in Town that would be considered locally important soils and they would provide a map of the Town that shows the quality. This is a helpful planning document and is no cost to the Town.

Mr. Galligan stated that he feels only a few hours of staff time would be necessary for this project.

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**ITEM:**

**14. I. (Continued)**

Mayor Delnicki felt that this would be a good opportunity for the Town and it would give local farms the ability to qualify for grant opportunities.

Councilor Anwar requested more information regarding the informational session. Ms. Winslow explained that an information session could be held with a variety of Commissions to inform them about this program. Farms are often invited to a workshop. The State program looks at the quantity of prime and statewide important farmland soils, primarily the quantity of cropland, the total size of the farm relative to the amount of cropland, the marketing of the products produced, the amount of active farmland soils and active farmland within a two mile radius or three mile radius of a subject farm. Some Towns identify specific focus areas, corridors and agricultural clusters to promote preservation so surrounding land uses are consistent and compatible with the farm.

Councilor Anwar felt that SWALPAC, Open Space Task Force, Park & Recreation Commission and Town Council members should be part of the information session to learn about the process of purchasing development rights. This can help the Town achieve the goal of strengthening the Town's preservation capacity.

Town Attorney Yagaloff informed the Council that his office has done a few closings for farms. The great thing is that the State is strict. They want the seller to be compliant with the regulations and have to make sure the way everything is done is uniform. It is a pretty significant closing because you have the Towns representative, the seller's representative, buyer's representative and then you have the State which is monitoring all of the documentation and they have to get approval on the federal level on some of the documentation so it is complicated process but it is straight forward. The benefits are tremendous and the farmer gets to continue the farming operation

Councilor Anwar stated he feels the Town is moving in the right direction and is hopeful the Town Council gives consensus for the Mayor to write a letter to USDA.

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**ITEM:**

**14. I. (Continued)**

Councilor Pendleton questioned how the soils are tested? Ms. Winslow explained that the soils types are already mapped for the whole Town. This process designates which soils would be designated as locally important farmland soils. It is up to the Town if they would like to enter into this process. If you look at the map (**Exhibit E**), you will see Towns in different colors. Orange is the locally important farmland soils designation. Green are Towns that have actually taken additional steps such as establishing an Agricultural Commission, have an agricultural lands preservation fund, have inventory, farmland resources and designated priorities as well as concluded the process by entering a cooperative agreement with the State of Connecticut, Department of Agriculture for joint partnership.

Councilor Carroll stated he feels that the Planning & Zoning Commission should be included in the information session because that is part of their 10-year plan.

Answering further questions, Ms. Winslow explained to Councilor Riley that when development rights are purchased, the deed of conveyance gets recorded on land records and the prime farmland soils, Statewide important farmland soils are preserved and available for agricultural use and only agricultural use. There are programs available to help the viability of agriculture.

Town Attorney Yagaloff added that a permit would not be issued for a use that is restricted. If something was done in violation of the Town's Ordinances, the Town has remedies for that because they would be in violation of the Planning & Zoning regulations. The development rights agreements are very specific and the State is very strict.

Ms. Winslow also stated that the owners must maintain a conservation plan with the US Department of Agriculture Natural Resources Conservation Service which outlines the agricultural practices. There are farms that may go fallow due to death or illnesses but there is a strong demand for farms. Even when a farm is fallow there is still a value to the Town, the State and the Federal Government.

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**ITEM:**

**14. I. (Continued)**

Council members unanimously gave consensus to Mayor Delnicki to send a letter to USDA.

Mr. Paterna stated that the Town could partner with the Connecticut Farmland Trust who would go out once per year to inspect properties to make sure the uses in the deed are being adhered to. Mr. Paterna also stated that the Main Street Greenway is South Windsor prime agricultural cluster. Since discussions have begun regarding the purchase of development rights, three families in Town have approached members of SWALPAC and Open Space Task Force interested in this concept. Mr. Paterna then said he would be able to help coordinate the information session.

**15. Passage of Ordinance**

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

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

Was made by Councilor Riley  
Seconded by Councilor Carroll

Answering questions from Councilor Anwar, Mr. Galligan explained that the Town Charter requires that no Ordinance take effect until after 10 days of adoption. After those 10 days, the Town can begin the process on blighted properties.

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

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

Mr. Galligan informed the Town Council that Attorney David Panico is reviewing to see if the open space funds from the bond referendum can be used to purchase development rights. Mr. Galligan said he would report back to the Council as soon as he receives that opinion.

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**ITEM:**

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

Mr. Galligan stated that he would be meeting with Moody's and S & P on January 20, 2016 to review our financials and discuss floating bonds for Orchard Hill School and some other bonds and notes.

At the February 1, 2016 Town Council Meeting, Mr. Chuck Warrinton who is a Project Manager with Colliers International will give the Council an update on the Orchard Hill School project.

Mr. Galligan explained that he has set up a meeting with Phil Koboski who is the new Chairman for the Public Building Commission.

The Town will realize a shortfall of about \$141,000 in municipal aid. CCM is pursuing this issue to try to get the money back.

Ms. Ashley Summers will forward the Council any information that the Town receives from CRCOG about the concrete issue. All information will be put on the Town's website so the public can stay informed.

A YouTube link was posted on the website from CCM. This video will educate residents of the State of Connecticut about the hardship that the State puts on local leader when creating budgets and giving unfunded mandates.

The Complete Streets program will be worked on through the South Windsor Walk & Wheel Ways because the Sidewalk Committee at this point has disbanded.

The Public Works Department has been putting up Share the Road Signs throughout Town.

The Council received a letter from Blum, Shapiro & Company, PC regarding the Town's audit. There was one comment on the entire audit and that comment was mainly because the department was short staffed. The Auditor will be at the Town Council's February 1, 2016 meeting to discuss the audit.

Councilor Riley requested the current uses and identified funding sources for the EOC/Town Hall Annex.

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**ITEM:**

**17. Public Input**

None

**18. Communications and Petitions from Council**

The Council had a Moment of Silence for Mrs. Grigorian who had passed away a few days ago.

Answering questions from Deputy Mayor Mirek, Mr. Galligan explained that Eversource was probably responsible for putting a gravel road between Bramblebrae and Bourbon Street. Eversource will construct these roads in order to allow their trucks access to the lines or a project they are working on. Mr. Galligan stated he would check on this issue.

Deputy Mayor Mirek the informed the Council and public that the South Windsor Public Library will be hosting a Launch Party for South Windsor Voices II for their second book on Sunday, January 24<sup>th</sup> at 2:00 p.m. in the Friends Room at the South Windsor Library. If anyone would like more information, they should contact Mary Etter at (860) 644-1541.

Mayor Delnicki informed the Council that he attended an Eagle Scout ceremony for Ryan Rosenbaum. There was a Grand Opening for Nixs at Evergreen Walk. A Ribbon Cutting Ceremony for Block Advantage. Ms. Kathi Wright from Stewart Staffing Solutions and Recruitment Group was honored by the South Windsor Chamber of Commerce as the Volunteer of the Year. Mayor Delnicki thanked Andy Paterna for the information he had sent pertaining to South Windsor ambulances having Narcan Kits available for emergency calls. Representative Currey, Senator Larsen and Representative Aman have all been asked to select a date to come to a Council meeting to discuss the concrete issue.

**19. Executive Session**

None

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**ITEM:**

**20. Adjournment**

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

Respectfully submitted,

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Deborah W. Reid  
Clerk of the Council

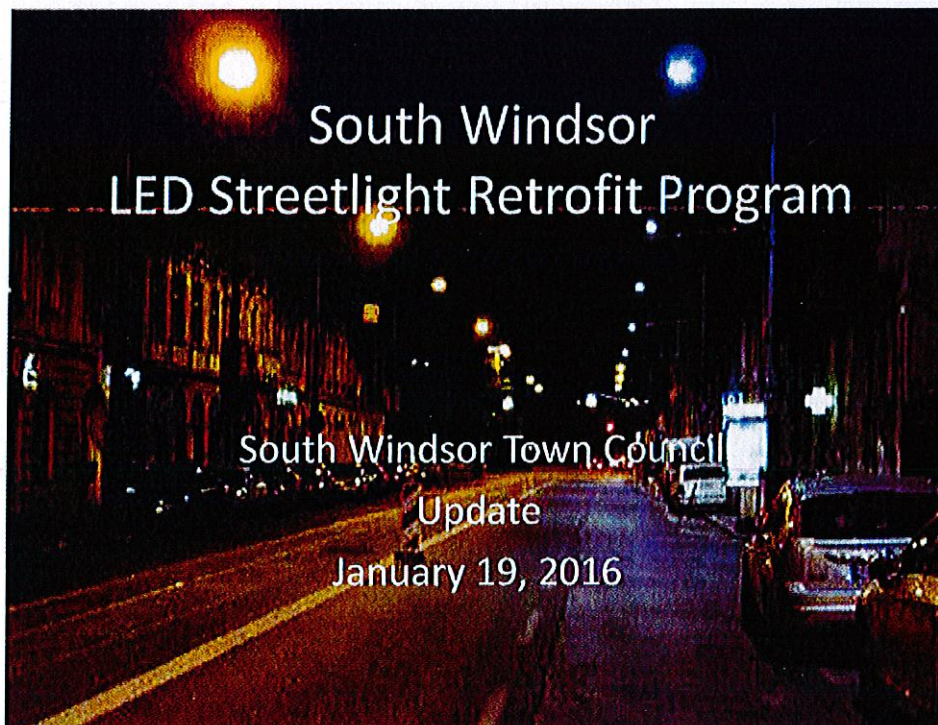
## TAX REFUNDS

Page 1

Exhibit A

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

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



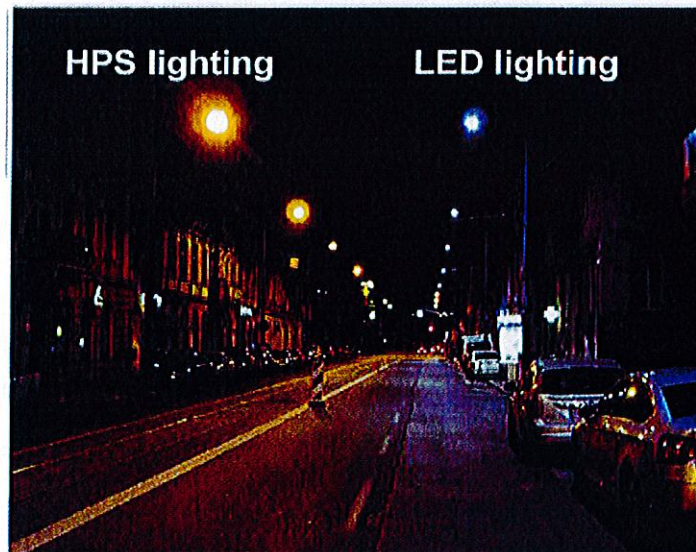
## Energy Committee

- Deputy Mayor Carolyn Mirek
- Councilor Edward Havens
- Councilor Janice Snyder
- Richard Stahr – Board of Education
- Michael Gantick, Director of Public Works
- Pat Hankard, Director of Facility Operations, S.W. Public Schools
- Larry Brown, Resident
- Hank Cullinane, Resident
- Richard Grigorian, Resident
- Athena Loukellis, Resident
- Sherman Tarr, Resident, Vice-Chairperson
- Stephen Wagner – Resident, Chairperson

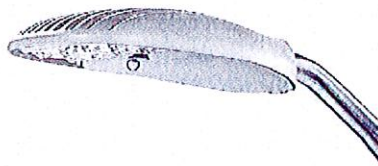
## Current Streetlights High Pressure Sodium (HPS)



## What will retrofit look like?



## Cobra Head Retrofit

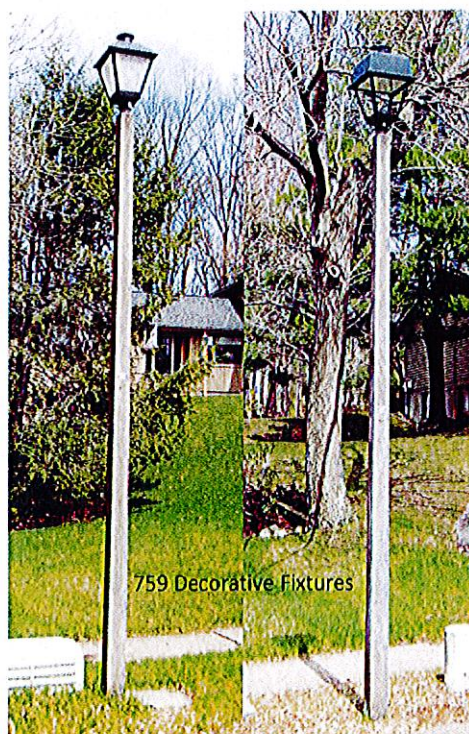


1671 Cobra Head Fixtures  
20 Flood Lights

Retain existing bracket  
Replace head and photocell  
with LED

## Decorative Fixture Retrofit

- Underground wiring
- Buy pole and fixture
- Install LED conversion kits



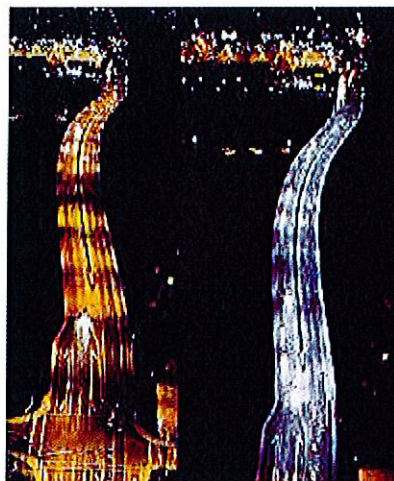
759 Decorative Fixtures

## How LED Retrofit Affects Costs

- Savings
  - Ownership of streetlights  
→ 49% lower rate category
  - LEDs use 50-70% less energy for same light levels on street
  - Often able to reduce lumens due to better control of light
  - 20 year vs. 6 year life
  - Incentives partially offset purchase price
- Costs
  - Purchase of Eversource streetlights
  - Purchase and retrofit of LED streetlights
  - Financing
  - Streetlight management
  - Maintenance contract
  - Insurance
  - Streetlights removed from grand list

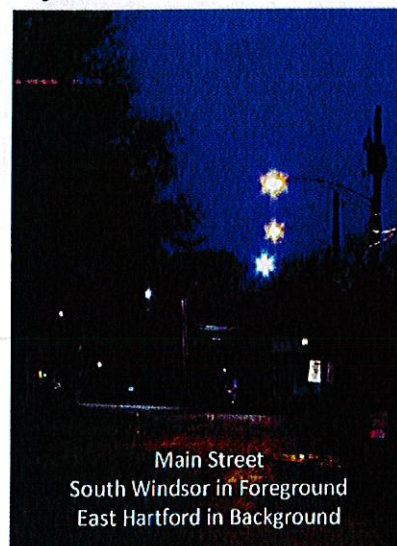
## Other benefits

- Improved color rendition
  - Some choice of lighting color
- More uniform light distribution
- Reduced spillover
- Tons of CO<sub>2</sub> saved annually
- “Dark Sky” compliance



## Nearby Projects

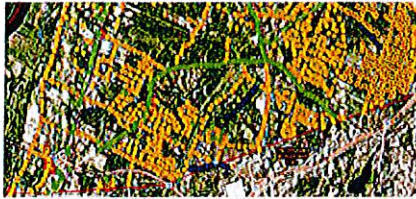
- Connecticut
  - East Hartford
  - Stamford
  - Cromwell
  - Plainville
- Massachusetts
  - Fall River
  - Somerville
  - Framingham
  - Ashland
  - Easton
  - Woburn



## Project History

Energy Committee Established	July 14, 2014
CCM Webinar & Presentation to Council	October-November 2014
RFP Issued	February 13, 2015
Energy Committee evaluates proposals	March-April 2015
Presentation to Council	April 27, 2017
Energy Committee recommends contractor - AMERESCO	April 28, 2015
Public Hearing and Resolutions for Phase 1 lease/purchase up to \$1.5M. Savings to be dedicated to energy projects.	May 4, 2015
AMERESCO audits physical inventory	July-August 2015
Discussions with Eversource clarify rules and \$806,000 cost for purchase	July-Nov 2015
Letter to DOT requesting transfer of lights on state roads to DOT accounts	November 18, 2015
AMERESCO updates business case for lights on Town roads	January 15, 2015
Presentation of updated business case to Council	Today

## Audit Results



- **2,450 total lights found during audit**
- **2,414 total lights from Eversource 12/23/2014 inventory**
- **2,443 total lights from Eversource 4/30/2015 Net Book Value**

### Resolution

- 2,082 lights included that matched inventory
- 36 additional lights found during audit
- **2,118 total lights included in project**
- 308 lights found on state roads
- 18 lights that couldn't be located
- 6 lights that town believes don't belong to the town
- **332 total lights excluded from project**

## Proposed Strategy

- Phase 1
  - Buy all 2118 lights on Town roads from Eversource
  - Install samples of different color lights
  - Convert all lights on Town roads to LED by about July 2016
  - Notify DOT and Eversource of intent to discontinue lighting on state roads
- Possible Phase 2
  - If state takes over 308 lights on state roads, no Phase 2
  - If not, and Council decides to discontinue lighting on state roads, no Phase 2
    - Charge for premature abandonment of lights < 14 yrs old
  - If not, and Council decides to retain some or all lights on state roads, Phase 2 to purchase and convert these lights to LED
    - Currently costing \$79,000/year to operate.
    - LED electric bill would be \$19,000 if we retrofit them all.
    - Plus we would have to finance and maintain them.

## An Alternative (not recommended) Wait for Eversource Convert to LED

- Eversource plans to convert all their streetlights to LEDs over about 5 years
- They are running small demo projects in several towns
- So far, PURA has only established rates for cobra head lights (above ground wiring)
- Savings for Town would be smaller:
  - No savings until conversion (3-4 lost years),
  - Town owned LED lights would have paid for themselves by then
  - Eventual savings on generation charges
  - Smaller savings on fixed, per fixture charges
  - Town avoids finance, insurance, maintenance, tax costs
- Rough estimate of savings of this alternative follow

## Initial Cost Estimates

Project Planning Phase (sunk cost, pay out of year 1 savings)	\$ 72,465
Purchase of Town Road Streetlights from Eversource*	\$ 738,584
Installation of LED Streetlights*	\$ 952,721
Incentives*	(\$ 213,746)
Net purchase to be financed	\$ 1,477,559
Annually:	
Electric bill*	\$ 67,906
Maintenance	\$ 23,152
Annual lease/purchase cost @ 2%*	\$ 165,042
Lost revenue*	\$29,553
Insurance	\$10,000

\* Some uncertainty pending final resolution of inventory with Eversource

## Exhibit B

## Effect on Eversource Bill

	Street Light Costs	Savings on Street Light Costs	Costs with Eversource LEDs	Savings with Eversource LEDs
Current Bill	\$433,000	-	-	-
After discontinuing lights on state roads	\$354,000	\$79,000	\$347,000	\$86,000
After purchasing streetlights from Eversource	\$174,000	\$259,000	N/A	N/A
After Installing LED fixtures	\$91,000	\$342,000	\$328,000	\$105,000
With financing, insurance, maintenance and tax impact:				
1 <sup>st</sup> full year incl. planning cost	\$371,000	\$75,000	\$429,000	\$17,000
2 <sup>nd</sup> full year	\$301,000	\$159,000	\$368,000	\$91,000
6 <sup>th</sup> full year	\$313,000	\$205,000	\$392,000	\$125,000
10 <sup>th</sup> full year	\$327,000	\$256,000	\$441,000	\$141,000
11 <sup>th</sup> full year	\$166,000	\$434,000	\$454,000	\$145,000

4.31 year simple payback

## Next Steps

Resolution authorizing Manager to	February 1, 2016
<ul style="list-style-type: none"> <li>Contract Eversource to buy lights on Town roads</li> <li>Terminate Town payment for lights on state roads effective FY 2017</li> <li>Apply for incentives</li> <li>Contract AMERESCO to implement LED lights on Town roads</li> <li>Obtain lease/purchase financing up to \$1.5 million</li> </ul>	
Complete all agreements	March-April 2016
Demo for public comment (focus on color options)	April 2016
Implementation	June-Sept 2016
Realize savings	FY 2017
<ul style="list-style-type: none"> <li>Some savings when lights acquired from Eversource</li> <li>LED savings after Eversource inspection and signoff</li> </ul>	

## Conclusions

### LED Streetlight Retrofit

- Can reduce energy costs by about \$342,000/year
- After financing and other costs, net savings about \$159,000 starting Year 2
- During 10-year financing, about \$1,900,000 savings
- 20-year savings about \$7,000,000
- Council dedicated savings to finance other energy programs

### LED Streetlights

- Can reduce carbon emissions by 60%
- Provide whiter, better distributed light
- Require significantly less maintenance
- Can be done this calendar year

## Backup Slides

## Future Energy Projects

	<b>Est Cost</b>
PD HVAC Heat Pumps, Cooling Tower and Control Replacement	\$ 210,000
Wapping School Reneovation HVAC Design	\$ 100,000
Town Hall Ventilation/VAV Upgrades	\$ 300,000
Library Roof	\$ 400,000
Community Center Heat Pumps, Boilers and Controls	\$ 200,000
Town Hall Lower level Split System and Controls Replacement	\$ 50,000
Fire House #1 & #2 Boilers and Controls	\$ 200,000
Community Center Roof	\$ 300,000
Town Hall Windows	\$ 150,000

### Renewable

- Solar Virtual Net Metering
- Town Solar Installations

## Recent Rate Changes

	1/1/2015	7/1/2015	Change	1/1/2016	Change
Distribution (incl. Equipment)	Various	Various	13%	Various	2%
Delivery / kWh	0.02318	0.02563	11%	0.03163	23%
Generation / kWh	0.12750	0.08457	-34%	0.09762	15%
<b>Total</b>			<b>-6%</b>		<b>7%</b>
Based on original inventory:					
Distribution (incl. Equipment)	\$241,131	\$273,170	13%	\$278,233	2%
Delivery	\$32,840	\$36,311	11%	\$44,812	23%
Generation	\$180,636	\$119,815	-34%	\$138,303	15%
<b>Total</b>	<b>\$454,607</b>	<b>\$429,296</b>	<b>-6%</b>	<b>\$461,348</b>	<b>7%</b>

11/8/2016 - 10:48 AM



## Town of South Windsor LED Street Lighting Conversion - Pro-Forma for Town Lights ONLY

<b>Initial Project Costs:</b>	
Purchase of All Street Lights - 2,443 lights	\$ 808,790
Cost of State Road and other Excluded Lights - 332 lights	\$ 70,206
Purchase of Town ONLY Street Lights - 2,118 lights	\$ 738,584
Project Planning Phase	\$ 72,465
Implementation costs	\$ 952,721
<b>Total Initial Project Costs</b>	<b>\$ 1,763,770</b>
<b>Estimated Incentives</b>	
Project Planning paid under audit contract	\$ 213,746
	\$ 72,465
<b>Net Project Costs to Be Financed</b>	<b>\$ 1,477,559</b>

<b>Financial Assumptions</b>	
Term of Project (yrs)	10.0 yrs
Term of Financing (yrs)	10.0 yrs
Estimated Financing Rate	2.00%
Payments per Year (frequency)	4
Discount Rate	2.00%
Average Energy escalation rate (per year)	3.00%
<b>Project Simple Payback</b>	<b>4.31</b>

2,082 lights included that matched inventory  
 36 additional lights found during audit  
**2,118 total lights included in project**  
 308 lights found on state roads  
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 6 lights that town believes don't belong to the town  
 332 total lights excluded from project  
**2,450 total lights found during audit**  
**2,414 total lights from Eversource 12/23/2014 inventory**  
**2,443 total lights from Eversource 4/30/2015 Net Book Value**

Pro-forma	Initial Values	Year											Totals
	1	2	3	4	5	6	7	8	9	10	11		
1 Existing Street Lighting Costs - All <sup>1</sup>	\$ 433,491	\$ 449,890	\$ 473,687	\$ 487,898	\$ 502,535	\$ 517,611	\$ 533,139	\$ 549,133	\$ 565,607	\$ 582,575	\$ 600,053	\$ 5,118,570	
2 Existing Street Lighting Costs - State Roads and Others <sup>1</sup>	\$ 79,153	\$ 83,973	\$ 86,493	\$ 89,087	\$ 91,760	\$ 94,513	\$ 97,348	\$ 100,269	\$ 103,277	\$ 106,375	\$ 109,566	\$ 934,622	
3 Existing Street Lighting Costs - Town Only (1-2)	\$ 354,338	\$ 375,917	\$ 387,194	\$ 398,810	\$ 410,775	\$ 423,098	\$ 435,791	\$ 448,865	\$ 462,330	\$ 476,200	\$ 490,486	\$ 4,183,948	
4 Proposed Street Lighting Costs - Town Only <sup>2</sup>	\$ 91,038	\$ 93,790	\$ 96,603	\$ 99,501	\$ 102,486	\$ 105,561	\$ 111,990	\$ 115,349	\$ 118,810	\$ 122,374	\$ 126,045	\$ 1,075,193	
5 Annual Town ONLY Street Lighting Cost Savings - (3-4)	\$ 263,280	\$ 279,314	\$ 287,693	\$ 296,324	\$ 305,214	\$ 314,370	\$ 323,801	\$ 333,515	\$ 343,521	\$ 353,826	\$ 357,902	\$ 3,108,755	
6 Total Annual Street Lighting Cost Savings - (1-4) <sup>3</sup>	\$ 342,433	\$ 352,706	\$ 363,287	\$ 374,186	\$ 385,411	\$ 396,974	\$ 421,149	\$ 433,784	\$ 446,797	\$ 460,201	\$ 474,007	\$ 4,043,377	
7 Payments for financing equipment <sup>4</sup>	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 165,042	\$ 1,850,420	
8 Reduction in Tax Revenue <sup>5</sup>	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 29,553	\$ 295,532	
9 Increase in Insurance <sup>6</sup>	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 100,000	
10 Net annual benefits (6-7-8-9)	\$ 148,111	\$ 153,692	\$ 169,590	\$ 180,816	\$ 192,378	\$ 204,288	\$ 216,554	\$ 229,189	\$ 242,202	\$ 255,606	\$ 269,454	\$ 1,997,426	
11 Cumulative cash flow	\$ 1,997,426												
12 Net Present Value of cash flow	\$ 1,776,719												
13 Interest Rate													
14 Discount Rate													

### Notes:

- This Proforma Cash Flow reflects an estimated financing rate of 2%. The actual rate will increase or decrease based on market conditions and customer credit rating at the time of funding.
- Savings are based on current utility rate structures and usage information provided for purposes of this project.
- Total Existing Street Lighting Costs are based on the Eversource inventory dated 12/23/2014. The 36 additional lights found during the audit were added to this inventory and their annual costs were estimated. The rates in the inventory were updated to the current Eversource Rate 116.
- Existing State Road and Other Street Lighting Costs are based on the 308 state road lights found during the audit as well as the 24 additional lights the Town believes don't belong to the Town.
- Proposed Street Lighting Costs are based on the reduction in energy for the 2,118 lights included in the project and switching them from Rate 116 to Rate 117. These costs also include an annual maintenance contract budget for the new lights.
- Total Annual Street Lighting Cost Savings include the savings associated with replacing and retrofitting the existing Town owned lights as well as the savings associated with discontinuing the State Owned and other lights.
- Financing payments are based on equal payments over the life of the loan assuming quarterly payments in arrears.
- Reduction in Tax Revenue is the estimated tax revenue loss due to the Town taking ownership of the street lights from Eversource.
- Increase in Insurance is the estimated cost for the Town to insure the Town owned street lights and poles.



## Towns with Official Locally Important Farmland Soils Designation (1/15/2016)

Ashford (2007)  
Bethany (2012)  
Bethlehem (2015)  
Bolton (2015)  
Bozrah (2012)  
Brooklyn (2013)  
Canterbury (2009)  
Canton (2012)  
Chaplin (2007)  
Chester (2015)  
Clinton (2014)  
Colchester (2012)  
Columbia (2012)  
Cornwall (2014)  
Coventry (2012)  
Cromwell (2012)  
Deep River (2014)  
Durham (2014)  
Eastford (2007)  
East Haddam (2012)  
East Hampton (2015)  
East Lyme (2012)  
East Windsor (2012)  
Ellington (2012)  
Enfield (2014)  
Essex (2014)  
Granby (2012)  
Haddam (2014)  
Hampton (2012)  
Hebron (2015)  
Killingly (2012)  
Killingworth (2015)  
Lebanon (2007)  
Lisbon (2012)  
Madison (2013)  
Mansfield (2012)

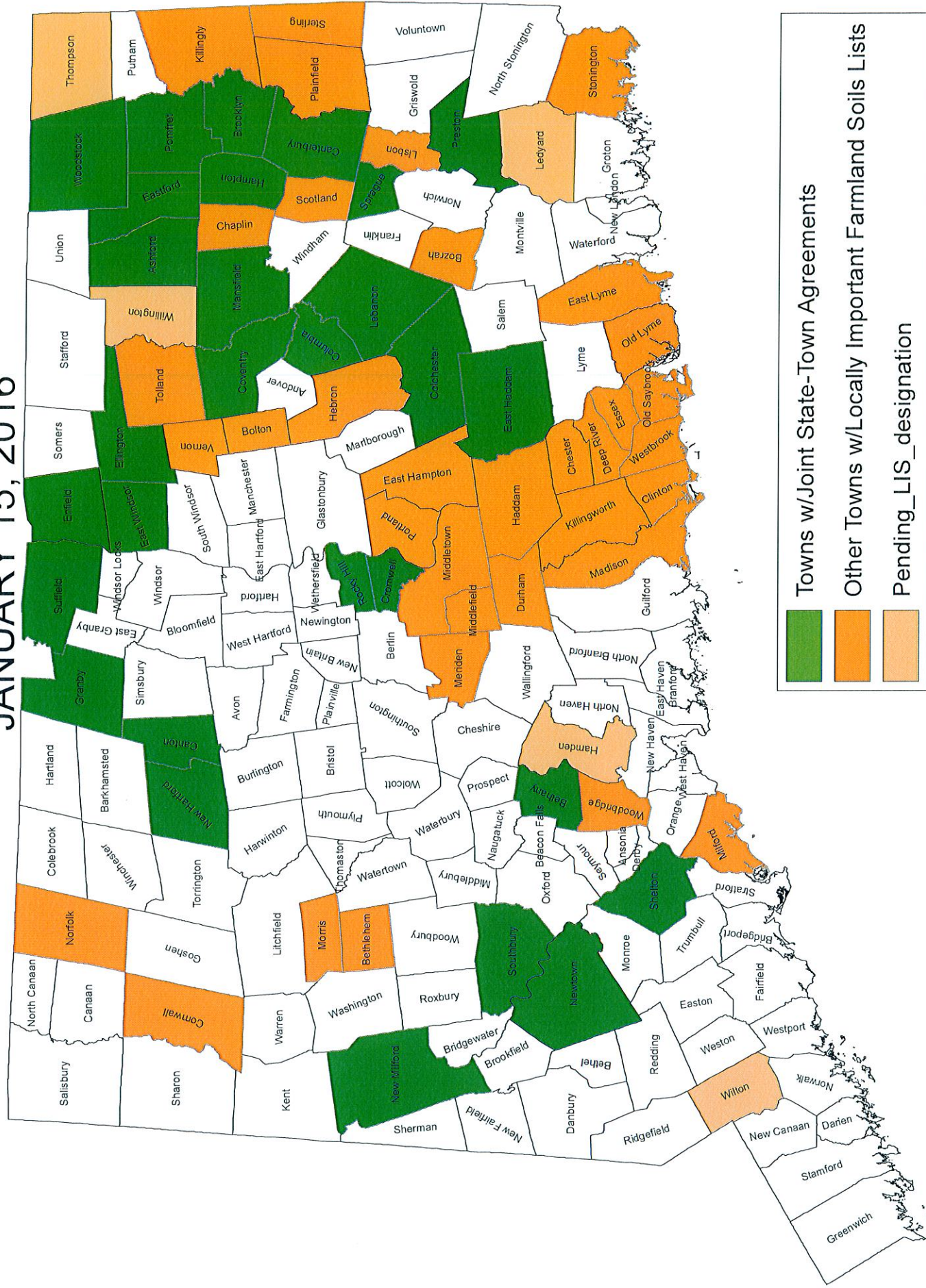
Meriden (2012)  
Middlefield (2014)  
Middletown (2014)  
Milford (2010)  
Morris (2013)  
New Hartford (2013)  
New Milford (2008)  
Newtown (2014)  
Norfolk (2010)  
Old Lyme (2015)  
Old Saybrook (2014)  
Plainfield (2016)  
Pomfret (2013)  
Portland (2015)  
Preston (2014)  
Rocky Hill (2013)  
Scotland (2012)  
Shelton (2013)  
Southbury (2012)  
Sprague (2012)  
Sterling (2012)  
Stonington (2014)  
Suffield (2013)  
Tolland (2014)  
Vernon (2015)  
Westbrook (2013)  
Woodbridge (2014)  
Woodstock (2012)

### **Pending**

Ledyard  
Hamden  
Thompson  
Willington  
Wilton



JANUARY 15, 2016





U.S. Department of Agriculture  
**Natural Resources Conservation**

**CONNECTICUT**

## **Local Important Farmland**

for

Town of Ellington, Connecticut

The Town of Ellington, Connecticut, has concern for certain additional farmlands for production of food, feed, fiber, and forage, even though these lands are not identified as having national or statewide importance. According to the Code of Federal Regulations, title 7 part 657, these lands have been identified by the local agency concerned as *Local Important Farmland* and approved by the signatories below.

### **Local Important Farmland – Ellington**

<b>Map Symbol</b>	<b>Soil Name</b>
44B	Rainbow silt loam, 2 to 8 percent slopes, very stony
46B	Woodbridge fine sandy loam, 2 to 8 percent slopes, very stony
51B	Sutton fine sandy loam, 2 to 8 percent slopes, very stony
54B	Wapping very fine sandy loam, 2 to 8 percent slopes, very stony
58B	Watchaug fine sandy loam, 2 to 8 percent slopes, very stony
61B	Canton and Charlton soils, 3 to 8 percent slopes, very stony
61C	Canton and Charlton soils, 8 to 15 percent slopes, very stony
64B	Cheshire fine sandy loam, 3 to 8 percent slopes, very stony
64C	Cheshire fine sandy loam, 8 to 15 percent slopes, very stony
67B	Narragansett silt loam, 3 to 8 percent slopes, very stony
67C	Narragansett silt loam, 8 to 15 percent slopes, very stony
73C	Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky
83B	Broadbrook silt loam, 3 to 8 percent slopes, very stony
85B	Paxton and Montauk fine sandy loams, 3 to 8 percent slopes, very stony
85C	Paxton and Montauk fine sandy loams, 8 to 15 percent slopes, very stony
88B	Wethersfield loam, 3 to 8 percent slopes, very stony
88C	Wethersfield loam, 8 to 15 percent slopes, very stony

**Amends Ordinance # 195****Anti-Blight Ordinance****Town of South Windsor Anti-Blight Ordinance****Sec. 1. Purpose**

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

**Sec. 2. Scope of Provisions**

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

**Sec. 3. Definitions**

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

- (a) Failure to maintain the building or structure (including the land, parking areas and other improvements to the real property where the building or structure is located); factors that may be considered to determine whether a property is being maintained include, but are not limited to, missing or boarded windows or doors; collapsing or missing walls, roof or floor; siding that is seriously damaged or missing; fire damage; a foundation that is structurally faulty; improperly stored garbage, trash, debris or abandoned or junk vehicles located thereon; dilapidation such that the property is deteriorated to the extent that it would not receive a certificate of occupancy if applied for.
- (b) Attraction of illegal activity or attractive nuisance.
- (c) Fire hazard or fire damage that has not been corrected or repaired for a period of 60 days.
- (d) Existence or use that creates a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other properties within the neighborhood as documented by neighborhood complaints or by the cancellation of insurance on other properties in the neighborhood.
- (e) Premises, occupied by a structure intended for human occupancy, in which grass, weeds, or similar vegetation (excluding flowers, fruits, and vegetables, and areas maintained in their original naturally wooded state, or a natural field state) is allowed to reach and remain at a height of twelve (12) inches or greater for a period of ten (10) days, or longer;
- (f) Dead, decayed, diseased or damaged trees, or parts thereof, constituting a hazard or danger to adjacent premises or the occupants thereof or to public property or persons lawfully therein;
- (g) One or more unregistered motor vehicles (including trailers) in the public view, pursuant to Section 14-150a of the Connecticut General Statutes;

**Amends Ordinance # 195****Anti-Blight Ordinance**

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

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

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

- (a) Conditions that pose a serious or immediate danger to occupants, users or the public that puts their health, safety and welfare at risk.
- (b) Interior or exterior bearing walls or other vertical structural members that list, lean or buckle to such an extent as to weaken the structural support they provide.
- (c) Loads upon the floors or roofs that are improperly distributed or floors or roofs that have insufficient strength for their intended purpose.
- (d) Damage caused by fire, wind or a natural cause to the extent that the structure no longer provides shelter from the elements and is dangerous to the health, safety and welfare of its occupants or users or the public.
- (e) Dilapidated, decayed, unsafe, unsanitary or vermin-infested conditions that are likely to cause sickness or disease or injury to the occupants or users or the public.

**Nuisance** shall mean:

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

**Amends Ordinance # 195****Anti-Blight Ordinance**

(4) The accumulation of debris in such manner as may adversely affect the health, safety and welfare of the public.

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

**Sec. 4 Prohibitions**

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

**Sec. 5. Minimum Standards**

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

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

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

**Sec. 6. Responsibility for Compliance**

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

**Sec. 7 Enforcement**

(a) Notice of violation. If the Town Manager or Enforcement Officer determines that there has been a violation of any provision of this ordinance, he or she shall issue a notice of violation, the form of which is set forth herein, by mailing said notice of violation to the owner of the subject property by certified mail, return receipt requested, to the address of said owner as recorded in the Tax Collectors office and by certified mail, return receipt requested, to the subject property for notice to a lessee or occupant. Service may also be made by in-hand or abode service by a duly authorized Connecticut Sheriff. The notice of violation shall contain sufficient details about the violation, to give the owner, lessee, or occupant adequate notice thereof. The notice of violation shall also contain sufficient details about the required repairs to give the owner, lessee, or occupant adequate notice thereof. The owner, lessee, or occupant shall be required to remove or correct the violation within 15 days after the receipt of the notice. The owner, lessee, or occupant may demand a hearing before the Blighted Property Appeals Board if, within said fifteen-day period, he or she makes a written demand therefore

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that is received by the official who issued the notice of violation within said fifteen-day period. Such request shall be mailed to the official who issued the notice of violation by certified mail, return receipt requested, or delivered using an overnight carrier. A hearing, if any, shall be conducted on or before the 30th day after the date of the mailing, publication or service of the notice of violation. The failure of the owner, lessee, or occupant to request a hearing shall constitute a waiver of the right thereto. The receipt of a timely, written request for a hearing will automatically stay any further enforcement of the demand set forth in the notice of violation until a decision of the Blighted Property Appeals Board has been made and served upon the owner, lessee, or occupant. A decision of the Blighted Property Appeals Board shall be deemed to have been served on the date a copy thereof has been mailed to the owner, lessee, or occupant by certified mail, return receipt requested, to the address set forth in the notice of violation or to any other address requested by the owner, lessee, or occupant in writing.

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

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

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

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

**Sec. 9 Penalties for offenses**

a) Penalties:

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

b) Enforcement:

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

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Manager or Enforcement Officer are authorized to take such immediate action as may be provided herein.

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

**Sec. 10. Immediate Action**

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

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

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

**Sec. 11. Special Consideration**

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

**Sec. 12. Blighted Property Appeals Board**

There shall be established a Blighted Property Appeals Board which shall consist of three members and two alternates who shall be appointed by the Mayor with the approval of the Town Council and all of whom shall be electors of the town. The first term of the members and alternates of the Board shall end on November 30, 2016. Thereafter, the members and alternates shall serve for four-year terms commencing on December 1 and ending on November 30. Any vacancy in any term of office of a member or alternate shall be filled in accordance with the provisions of the Town Charter.

**Amends Ordinance # 195**

**Anti-Blight Ordinance**

Ordinance # 207 was adopted at the January 19, 2016 Regular Meeting of the South Windsor Town Council. This ordinance shall become effective ten (10) days after publication in a newspaper having circulation in South Windsor.

ATTEST: Lori Trahan, Town Clerk