

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Minutes**

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**November 21, 2016**

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

**1. Call Meeting to Order**

Mayor Delnicki called the Regular Meeting to order at 7:01 p.m.

**4. Roll Call**

Members Present: Mayor Thomas Delnicki  
Deputy Mayor Carolyn Mirek  
Councilor M. Saud Anwar  
Councilor William Carroll  
Councilor Edward Havens (left at 10:14 p.m.)  
Councilor Liz Pendleton  
Councilor Matthew Riley  
Councilor Janice Snyder

Members Absent: Councilor Lisa Maneeley

Others Present: Matthew B. Galligan, Town Manager

**5. Public Input**

Ms. Kathy Brady, Executive Director of the South Windsor Chamber of Commerce came before the Town Council to introduce herself and explained her visions for the future of the Town of South Windsor. Her main role at the South Windsor Chamber of Commerce is to represent and focus on the existing membership which currently consists of 265 members. There are many more businesses in South Windsor so Ms. Brady will be looking to increase the membership.

Mayor Delnicki stated that he knows quite a few people are here to voice their opinion on the casino proposal and informed the public that no Council member has seen the plan because it is DCK's proposal and is confidential.

The following individuals came before the Town Council to speak in opposition of the proposal of a casino in South Windsor:

Mr. Tim Wentzel, 630 Governors Highway  
Mr. Cody Guanieri, 39 Quarry Brook Drive

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**ITEM:**

**5. Public Input**

Ms. Ritu Goeli, 80 Cornerstone Drive  
Robert and Rhonda Bagshaw, 8 Saddleback Drive  
Mr. Jared Lewis, 681 Chapel Road  
Mrs. Elizabeth McGuire, 89 Heritage Drive  
Mr. Steve Lytle, 239 Avery Street  
Ms. Ann Lytle, 239 Avery Street  
Mr. Suma Basanth, 83 LeFoll Boulevard  
Mr. Bala Annegowda, 8 Drake Court  
Mr. Taseen Anwar, 93 Rockledge Drive  
Mr. Victor Berman, 16 Lavender Lane  
Mrs. DeVal Shah, 48 Perrin Lane  
Mr. John Mitchell, 40 Windy Hill Drive  
Mrs. Winifred Wilson, 40 Riverview Drive  
Mrs. Cindy Beaulieu, 19 Cody Circle  
Mr. Andy Paterna, 301 Strawberry Lane  
Mrs. Kathy Kerrigan, 18 Main Street  
Mr. Rick Love, 863 Main Street  
Mr. Steve Wagner, 181 Tumblebrook Drive  
Mrs. Betty Warren, 494 Abbe Road  
Mr. Ahsan Haque, 24 Wedgewood Lane  
Mrs. Daryl Ramsey, 1688 Main Street  
Mr. Zach Placzek, 27 Hitchcock Way  
Mr. Toby Lewis, 32 Linda Lane

Mr. Don Gonsalves, 40 Bayberry Trail came forward and explained that he had submitted a petition to the Council and does not know the status of this petition. The public is only allowed to speak at the beginning and end of the meeting and is not allowed to speak during an item on the agenda. There are times when the public knows a lot more about an agenda item than the presenter or the Council. There is an agenda item tonight which talks about tax relief and Mr. Gonsalves explained that he does not know what is going to be said and will not be allowed to speak during that item.

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**ITEM:**

**5. Public Input**

Mr. Andy Paterna, 301 Strawberry Lane stated that in the last three to four years, South Windsor has lost 33 acres of farmland on Graham Road to development, four acres on Pleasant Valley Road, and 40 acres on Barber Hill Road and would hate to see the Town contribute to loss of farmland on a proposal tonight for the 11 acres on Nevers Road. Mr. Paterna urged the Council to speak to SWALPAC regarding this proposal.

Mr. Steve Wagner, 181 Tumblebrook Drive stated that he feels anything the Town can do to help homeowners with crumbling foundations is very important and should support Item 14. K.

Mrs. Betty Warren, 494 Abbe Road came forward to speak in opposition of anything being done with the 11 acres on Nevers Road. This property is currently leased by a farmer through 2018 and she is dismayed about reducing any farmland in South Windsor. Farming is part of South Windsor's heritage.

At 8:00 p.m. Mayor Delnicki recessed the Regular Meeting in order to hold a Public Hearing. The Regular Meeting reconvened at 8:06 p.m.

**6. Environmental Health & Safety Message**

Councilor Anwar stated that November is Lung Cancer Awareness Month which is the number one cause in death for men and women. If an individual is at a high risk of having lung cancer, there are screening tools that are available now. It is also Diabetes Awareness Month. Better control of diabetes leads to improved quality of life.

Deputy Mayor Mirek informed the public and Council that November is also Hospice Positive Care Month as well as Thank a Caregiver Month.

Mr. Walter Summers, Fire Marshal came forward to announce the results of the employee's annual United Way Campaign. There were 50 employees who participated this year raising a total of \$4,806.00. Mr. Summers requested that people not use the deep fryers on their decks or on a flammable surface.

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**ITEM:**

**7. Adoption of Minutes of Previous Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Special Meeting Minutes of September 26, 2016; and Regular Meeting Minutes of October 17, 2016.

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

**8. Public Petitions**

None

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

none

**10. Reports from Standing Committees**

None

**11. Reports of Temporary Committees**

None

**12. Consent Agenda**

Councilor Carroll made a motion to approve Agenda Items 14. A. through 14. C. as the Consent Agenda. Councilor Snyder seconded the motion; and it was approved, unanimously.

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**ITEM:**

**14. New Business**

- \* A. Resolution Appointing Toby Lewis (R) to the Housing Authority and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Toby Lewis (R) to the Housing Authority for a term ending November 30, 2021 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

**(Approved by Consent Agenda)**

- \* B. Resolution Appointing Pat Soucy (R) to Full Member to the Water Pollution Control Authority and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Pat Soucy (R) a full member to the Water Pollution Control Authority for a term ending November 30, 2019 to fill the unexpired term of Richard Siedman and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

**(Approved by Consent Agenda)**

- \* C. Resolution Appointing Erik Dabrowski (R) an Alternate to the Water Pollution Control Authority and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Erik Dabrowski (R) an Alternate to the Water Pollution Control Authority for a term ending November 30, 2019 to fill the unexpired term of Pat Soucy and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

**(Approved by Consent Agenda)**

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

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**ITEM:**

**14. New Business (Continued)**

**L. Resolution Directing Town Manager, Matthew B. Galligan to Send a Letter Saying "No" to a Casino in South Windsor**

WHEREAS, there has recently been an interest shown in bringing a casino to the I-291 Corridor in South Windsor; and

WHEREAS, South Windsor residents have serious concerns about the impact the casino would have to the charter and the quality of life of residents in South Windsor

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby directs Town Manager, Matthew B. Galligan to send a letter to the relevant individuals and/or entities involved in the decision and interest in the casino coming to South Windsor to inform them that the South Windsor Town Council does not want a casino in the Town of South Windsor.

Was made by Councilor Anwar  
Seconded by Mayor Delnicki

Councilor Anwar stated that he is happy that people came out to discuss their concerns regarding a casino in South Windsor. A casino would bring in jobs and tax revenue but will also change the character of South Windsor. Councilor Anwar said it is important for the residents to understand where the Council stands on this issue and he hopes that the rest of the Council will support the resolution he has brought forward.

Mr. Galligan proposed that the Council table this item in order to hold an informational session regarding this project. The Council has a fiduciary obligation to get all information available before making a decision regarding this project. Tabling will enable the Council and the public to learn more about this project before prejudging it. There are five communities that are being looked at for this project and a location still needs to be selected. There may be a lot more public that may come out to speak on this project. The Town did not submit an RFP, that was done by DCK. The Economic Development Commission feels the Town should not prejudge an application

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**ITEM:**

**14. L. (Continued)**

before knowing everything about the project. The entire Council learned and discussed this project in Executive Session.

Councilor Havens explained that this is not an easy decision, but he has not heard anyone say they want a casino in South Windsor.

Councilor Snyder stated that she values the opinion of those who came out tonight but as elected officials we should not be reactive without receiving all the information and reviewing that information. There are approximately 26,000 people that live in Town and the percentage we heard from tonight is small compared to the amount of people in Town. The Council should hear from more public. This is a DCK project, not a Town project and no one has seen any information yet.

Mr. Galligan explained that when Evergreen Walk was developed, that project was not brought to the Council because it is a land use project. The developer needs to follow a process through the different Commissions/Boards as well as the Town regulations.

Councilor Snyder also informed the public that South Windsor has not been selected as the Town to construct a casino. There are five communities that are being looked at for this project and a location still needs to be selected.

Councilor Snyder made a motion to table Item. 14. L. Councilor Carroll seconded the motion; and it passed on a roll call vote of 6 to 2 with Councilor Anwar and Councilor Havens voting in opposition of tabling.

**13. Unfinished Business**

**A. Resolution Appointing Joshua Johnson (D) to the Mass Transit and Highway Advisory Board**

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**ITEM:**

**13. A. (Continued)**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Joshua Johnson (D) to the Mass Transit and Highway Advisory Board for a term ending November 30, 2019 to fill the expired term of Anthony Duarte.

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

**B. Discussion Item: Senior Citizens Tax Exemptions (postpones from the September 19, 2016 Town Council Meeting) (requested by Mayor Delnicki)**

Mayor Delnicki requested that Ms. Huda who is the Town Assessor come before the Town Council and review the changes to the Veterans' Exemption Ordinance.

**Veterans' Exemption**

Councilor Carroll and Councilor Pendleton recused themselves from discussions regarding the Veterans' Exemption.

Mrs. Mary Huda, Town Assessor came before the Town Council and reviewed the changes to the Ordinance for the Veterans' Exemption. She clarified that the changes are specifically for the income qualified portion of the benefit. The specific changes are to update the section pertaining to 90-4 and to update to the amount that the state has now allows which is going from a \$10,000 maximum to a \$20,000 maximum exempt amount.

Answering questions from the Council, Mrs. Huda explained that it is all income qualified.

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**ITEM:**

**13. B. (Continued)**

**Senior Citizens Tax Exemption**

Mayor Delnicki stated that the local factor shall be set annually by the Town Council. Mayor Delnicki questioned what changes could be made to the Senior Exemption that would be in line with the OPM numbers and what would the actual effect be for a senior citizen?

Mrs. Huda explained that the Council should have received the updated state qualifying limits. The state did not make any cost of living changes for 2016. The current local factor is at 1.3. The Council is not mandated or restricted in that factor. You could keep it at the same amount or go to a 1.4 or 1.5. The Council would be increasing about \$17,000 per .1 of the factor. This is a budgetary decision going forward. The Council has the ability to raise that factor. There are other Towns that have the local factor and Ms. Huda said she could get that information for the Council.

Mayor Delnicki requested that Mrs. Huda reviewed what other Towns are doing and make a recommendation to the Council. Mrs. Huda explained that she would do that and also informed the Council that there is a Part B to this also depending on how much the Council would like to get into the local option.

Answering further questions, Mrs. Huda explained that Part B is if the Town only exceeds the state income qualifying limits by \$4,000 or less, the Town grants a flat rate of \$195.00. There are twenty-three people who qualify for that benefit. Again, that \$4,000 is set by local ordinance. The \$195.00 is also set by local ordinance. These factors are all within the Town Councils purview to update or keep the same.

Councilor Carroll stated that the state is staying status quo but the cost of living is going up. Councilor Carroll felt that the Town should be reviewing this issue. Mrs. Huda stated that the state has been reimbursing this program and it has been fully funded up to this point, but may be subject to change.

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**ITEM:**

**13. B. (Continued)**

Answering questions from Councilor Pendleton, Mrs. Huda explained that this program benefits individuals over 65. This is a bi-annual filing process and the Assessor's Office works with Human Services to identify individuals who qualify for this program.

Councilor Havens stated that if the law provides that South Windsor has the ability to do this, then it should be done.

Councilor Anwar said there will be an impact on the Town's taxes because of the crumbling foundations. Our budget is decreasing and Councilor Anwar questioned how this would affect the taxpayers? Mrs. Huda explained that regarding the 2016 grand list, the Town had 23 homeowners that came to the office for reassessment, of those, 21 submitted engineering report which is required. An inspection was done on the 21 homes and the Town has prepared a reduced assessment on those 21 homes using the CRCOG recommended depreciation guidelines. It is estimated to be \$2,214,005 of assessed dollars which is a tax loss of \$82,671 at our current mill rate. A draft letter is being done which will inform those residents.

Mr. Galligan added that the Town does have other assessments coming in from Eversource for the new Barbour Hill Substation so that will be an offset. The first time we did the senior exemption, the impact was \$137,000.

Councilor Anwar requested the total dollar amount that will impact the taxpayers if the changes for the seniors and veterans move forward. Mrs. Huda stated that she has not projected a factor at this time but the Town's total benefit currently to the 300 homeowners for the senior's exemption is \$396,000. The state portion comes back to the Town which totals \$174,000. For the 105 homeowners that are in the local option for veterans, the total tax benefit is \$17,000.

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**ITEM:**

**13. B. (Continued)**

Councilor Anwar stated so for those two programs the total impact is roughly \$321,000. Councilor Anwar said he is supportive of helping the seniors in Town and is worried about the impact of the crumbling foundations to the Town. The Town should find a way to help Individuals who are classified as the working poor also.

**14. New Business (Continued)**

**D. Resolution Designating the South Windsor Board of Education as the Building Committee for the Ellsworth Roof Replacement**

WHEREAS, the South Windsor Town Council approved the Ellsworth School Roof Replacement Project as part of the Capital Projects Budget at its May 16, 2016 meeting

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby designates the South Windsor Board of Education as the Building Committee for State Project Number TMP-132-PFQZ, Ellsworth Roof Replacement Project; and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes the Board of Education to proceed with preparation of the necessary schematic drawings and outline specifications for the project; and authorizes South Windsor's Superintendent of Schools to file application for a School Construction Project Grant.

Was made by Councilor Snyder  
Seconded by Councilor Carroll

Councilor Snyder stated that this was discussed at Capital Projects last year and she trusts that the Board of Education will do a wonderful job overseeing this project.

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**ITEM:**

**14. D. (Continued)**

Answering questions from Councilor Anwar, Mr. Galligan explained that the money will come from the Capital Projects plus any reimbursements they may receive.

Mr. Patrick Hankard, Director of Facilities for the South Windsor schools came before the Council and explained that the project is estimated to be \$490,000. That estimate assumes all new slate materials. The Town will be responsible for \$260,000 and the State will pay \$229,877.

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

**E. Resolution Pursuant to Section 8-24 of the Connecticut General Statutes Referring Proposed Improvements of Eleven Acres of Park Land on Nevers Road to the South Windsor Planning & Zoning Commission**

WHEREAS, any plan to improve park lands owned by the Town must first be submitted to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby refers the proposed improvements of eleven acres of park land on Nevers Road (across from Ayers Road) to the South Windsor Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes.

Was made by Councilor Pendleton  
Seconded by Councilor Carroll

Mr. Galligan explained that there were businessmen who want to do a project. The fields will be left open for people to go and use as a park. There will be a small driveway constructed. The property could be used for the Farmers Market. The Town will not be contributing any funds towards this project. There is a proposal to do this project through the Neighborhood Assistance Act. This project would have to go through Town staff to make sure everything is being done correctly. Mr. Galligan informed the Council that he

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**ITEM:**

**14. E. (Continued)**

had met with the farmer who is farming the property currently and the farmer did say this would not be detrimental to him.

Answering questions from the Council, Mr. Galligan explained that there would be a driveway constructed as well as an area for parking. Grading will have to be completed in order to hold the Farmers Market at this location.

Councilor Pendleton stated that she understands there are two different legal opinions regarding this property as well as the history of this property. Mr. Galligan explained that Attorney Mike Markowicz had done a legal opinion. In that opinion it is explained that there were no restrictions put on the land records for the use of that property. Mr. Galligan said he does not know of a second legal opinion but would try to find that.

Councilor Pendleton made a motion to table Item 14. E. in order to get all of the historical documentation and would also like a new legal opinion from the Town Attorney because currently the Town has two conflicting opinions regarding the allowed uses for this property. Councilor Havens seconded the motion; and it failed on a roll call vote of 3 to 5 with Councilor Anwar, Councilor Havens and Councilor Pendleton voting in favor of the motion; and Mayor Delnicki, Deputy Mayor Mirek, Councilor Carroll, Councilor Riley and Councilor Snyder voting in opposition of the motion.

Councilor Anwar explained that there has been discussion regarding sports fields in this location in the past and the Council has said no because the neighbors have been opposed to fields in this location. Councilor Anwar said he would not be comfortable having this proposal go any further without a public discussion and having the neighbors involved.

Mr. Galligan informed the Council that the gentlemen who are involved with this proposal did have a discussion with the Mr. Morrison. Mr. Galligan then stated that the other neighbors will be contacted. The Park & Recreation Commission approved this proposal, but there are other Boards/Commissions to review this. If the Council approves this to go to the Planning & Zoning Commission for an 8-24 referral, then it will go there and then back to the Council.

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**ITEM:**

**14. E. (Continued)**

Answering questions from the Council, Mr. Galligan explained that when this proposal comes back to the Town Council there will be a plan and specifications. It will not cost the taxpayers any money. The businessmen's names will not be shared until they file an application.

Councilor Havens said when different proposals were discussed to be at this property, the neighbors were very much against the proposals because they wanted their peace and quiet. There is not a shortage of recreational fields in this Town.

Mr. Galligan said he would have to go through this process and then would notify the neighbors. There is a Councilor requesting the prior legal opinions from the Town Attorney and also requesting the current Town Attorney give a legal opinion.

Deputy Mayor Mirek stated that this is not the same project that was proposed previously.

Councilor Carroll commented that this property was purchased by the Town prior to the development being constructed. This is Town owned property and can be used however the Town pleases.

Councilor Pendleton stated that the land was purchased for a specific use and that is why she would like to get the historical information so everyone can be informed before a decision is made. Councilor Pendleton requested the Town Manager to read the letter from the Park & Recreation Commission. Mr. Galligan read the letter into the record, as shown in attached **Exhibit A**.

Councilor Pendleton requested that a plan be sent to the Council regarding this proposal.

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**ITEM:**

**14. E. (Continued)**

Councilor Anwar questioned if any of the Council members know who these businessmen are. Mr. Galligan explained that when an application is submitted, then all of the Council members will have that information. Councilor Anwar suggested that these businessmen be referred to as volunteers.

Mayor Delnicki called for a vote on the original motion; it passed on a roll call vote of 5 to 3 with Mayor Delnicki, Deputy Mayor Mirek, Councilor Carroll, Councilor Riley and Councilor Snyder voting in favor of the original motion; and Councilor Anwar, Councilor Havens and Councilor Pendleton voting in opposition of the original motion.

**F. Resolution Approving a Transfer of \$20,000 from the Contingency Account to the Sidewalk Account**

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$20,000 from the Contingency Account to the Sidewalk Account to cover costs associated with improvements to public sidewalks.

Was made by Councilor Riley  
Seconded by Councilor Carroll

Mr. Galligan explained that after all of our road improvements were completed, Mr. Gantick came to him and said that the Town needs to do some sidewalk repairs. There is no money in the budget and it has been estimated that \$15,000 to \$17,000 of immediate repairs should be completed. When the next budget is discussed, more funds should be put towards the sidewalks.

Councilor Snyder told the Council that the request for sidewalk funding has been in the Capital Projects budget for approximately 3 years and funding needs to begin for the repair of sidewalks.

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**ITEM:**

**14. F. (Continued)**

Councilor Pendleton questioned how much money is in the sidewalk accounts at this time? Mr. Galligan answered that there is none. Councilor Pendleton stated she is deeply concerned that this has not been taken care of because it is a safety concern. During the budget, this needs to be a priority.

Deputy Mayor Mirek added that the Capital Projects reviewed the needs and this \$20,000 will only be a start for repairs of sidewalks. The worst situations should be taken care of with the \$20,000.

Councilor Havens felt that this is a good idea to start repairing the sidewalks.

Councilor Anwar said this is something that has been asked for in the past, but the Town did not have the resources. Councilor Anwar requested the priority locations? Mr. Galligan said he would have Mike Gantick send the list to the Council after it has gone out to bid. Councilor Anwar stated that the list is based on the severity of the problem.

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

**G. Resolution Approving a Transfer of \$4,000 from the Contingency Account to the Cemetery Account**

BE IT RESOLVED that the South Windsor Town Council hereby approves a transfer of \$4,000 from the Contingency Account to the Cemetery Account to cover costs associated with the maintenance of Center Cemetery on Main Street.

Was made by Councilor Anwar  
Seconded by Mayor Delnicki

Mr. Galligan explained to the Council that when the budget was first done there was a request of \$12,000. At that time the Town could only give \$8,000 towards the maintenance of Center Cemetery. It is an obligation for the Town

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**ITEM:**

**14. G. (Continued)**

to maintain cemeteries and Mr. Galligan recommended that the Town give Center Cemetery the remainder of the funds that were requested.

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

**H. Resolution Accepting a Street and Open Space within the Dzen Tree Farm Subdivision**

BE IT RESOLVED that the South Windsor Town Council hereby accepts the deed for a street and open space within the Dzen Tree Subdivision:

- Blue Spruce - 535 linear feet
- Phase II – open space - 7.61 acres
- Phase IV (E) – open space - 4.39 acres
- Phase IV (F) – open space - 2 acres

Was made by Councilor Carroll  
Seconded by Councilor Snyder

Mr. Galligan stated that the Town had traded off property with the Dzen Tree Subdivision so access could be provided.

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

**I. Resolution Accepting a Street within the Clark Estates II Subdivision**

BE IT RESOLVED that the South Windsor Town Council hereby accepts the deed for a street within the Clark Estates II Subdivision:

- Franks Way - 625 linear feet

Was made by Councilor Havens  
Seconded by Councilor Snyder

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**ITEM:**

**14. I. (Continued)**

Ms. Lipe told the Council that this is Franks Way which is part of the Town roads so the Town is taking ownership of this road.

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

**J. Resolution Accepting Open Space within the Beechwood Farms Subdivision**

BE IT RESOLVED that the South Windsor Town Council hereby accepts the deed for open space within the Beechwood Farms Subdivision:

- Lot 11 Quarry Brook Drive - 26,840 square feet  
(open space)
- Lot 12 Quarry Brook Drive - 28,187 square feet  
(open space)

Was made by Deputy Mayor Mirek

Seconded by Councilor Snyder

The motion was approved, unanimously

**K. Resolution Amending and Restating a Prior Resolution Concerning Building Permit Fee Waivers for Building Permits to Repair or Replace Defective Foundations**

WHEREAS, the Town of South Windsor has recognized the serious issue of defective foundations (also known as crumbling foundations); and

WHEREAS, the Town understands the enormous financial hardship being experienced by property owners facing costly repairs to defective foundations; and

WHEREAS, the Town wishes to waive permit fees related to the repair or replacement of defective foundations; and

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**ITEM:**

**14. K. (Continued)**

WHEREAS, the issuance of building permits and the collection of permit fees by the Town of South Windsor is regulated by state statute; and

WHEREAS, the Town building official is appointed pursuant to C.G.S. Sec. 29-260, and such official is authorized to enforce the state building code pursuant to Regulations of Connecticut State Agencies Sec. 29-252-1d; and

WHEREAS, the state building code specifically authorizes municipalities to establish a schedule of building fees (Regulations of Connecticut State Agencies Sec. 29-252-1d); and

WHEREAS, on June 6, 2016, the Council adopted a resolution regarding the waiver of permit fees for defective foundations which did not specifically address the issue of refunds for prior repairs of defective foundations; and

WHEREAS, the Council wishes to amend and restate the prior resolution to specifically address this issue

NOW, THEREFORE, BE IT RESOLVED that the Town's schedule of building permit fees shall include a waiver for permits submitted for the repair or replacement of defective concrete foundations, including basement walls, footings, and floors, and further, that in order to obtain such waiver, the applicant shall submit to the building official an application for a waiver either with the permit application, or at anytime within 5 years of the permit being issued, along with evidence of the defective concrete, to the satisfaction of the building official or the official's designee. Further in the event of a waiver being approved after a permit has issued, the building official or the designee may approve, in the official's sole discretion, a refund of any or all fees paid and related to the repair or replacement of defective concrete.

Was made by Councilor Pendleton  
Seconded by Mayor Delnicki

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**ITEM:**

**14. K. (Continued)**

Mayor Delnicki explained that this motion came from conversations that the Council had previously to allow individuals who had crumbling foundations prior to the first resolution being approved, to be able to have permit fees waived. South Windsor is setting a standard that other communities can follow.

Councilor Anwar said he is hopeful that this will be approved, how soon can people apply for this? Mr. Galligan explained that they could apply for reimbursement by tomorrow as long as this is approved tonight.

Councilor Anwar felt it is important for the Town to support individuals with crumbling foundations any way possible.

Deputy Mayor Mirek agreed that anything the Town can do to support our residents is fantastic and requested that this resolution be added to the Town's website.

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

**M. Resolution Approving a Refund of Taxes to Twenty-Eight (28) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to twenty-eight (28) South Windsor Taxpayers, the total of said refund being \$11,934.07 and as more fully described on attached **Exhibit B**.

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

**15. Passage of Ordinance**

None

**TOWN COUNCIL**  
**TOWN OF SOUTH WINDSOR**

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**November 21, 2016**

**ITEM:**

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

Mr. Galligan reported that the Town received an award for best budget presentation for the third year in a row. The Town will be applying for an award for its financials also. Next week, Mr. Galligan informed the Council that he would be in Georgia giving a presentation on Connecticut Prime.

Answering questions from the Council, Mr. Galligan explained that CREC will be paying for him to go to the conference. He also told the Council that the Town will be informed when the next round is to apply for a STEAP grant.

Councilor Riley questioned how the Town is doing collecting sewer fees? Mr. Galligan explained that about one year ago the Town put out a Request for Proposal for the collection of delinquent sewer fees. When a company was almost chosen, it was found that the Constables were doing those collections. WPCA decided to see how the Constables did with collections. There is a process that needs to be followed which has turned out to be overwhelming. Mr. Galligan recommends that the Town use an outside company. There is between \$600,000 to \$700,000 that is past due but some of that is interest. There will be a meeting set with WPCA to discuss this further.

Councilor Riley requested that the collection of delinquent sewer fees be added to the next Town Council agenda.

Answering questions from Councilor Pendleton, Mr. Galligan stated that there is a process when residents are having trouble paying their sewer fees, they can go to Human Services.

Mayor Delnicki felt that a correction action should be drafted with compassion for individuals who have certain circumstances.

Mr. Galligan explained that WPCA would be paying for the outside firm, but usually it is on the percentage collected.

Councilor Anwar felt that these collection firms usually do not have compassion. The Constables are community members who are doing a good job and do not

**(Discussion Continued on Next Page)**

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**November 21, 2016**

**ITEM:**

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

cost the Town money. Mr. Galligan explained that the Constables do get paid, but he would have to come back to the Council with the amount.

Councilor Riley stated that he agrees with Councilor Anwar that the Town has some good Constables that represent the Town well, but he is not sure they are equipped with the appropriate tools to effectively get the job done. Councilor Riley feels that the Manager should meet with the WPCA to discuss this.

**17. Public Input**

Mrs. Betty Warren, 494 Abbe Road and Vice Chairperson of SWALPAC came before the Council and questioned why SWALPAC was not consulted about the proposal on the 11 acres on Nevers Road. This property is active agriculture and is being leased.

Mr. Andy Paterna, 301 Strawberry Lane agreed with Mrs. Warren that SWALPAC should have been notified about the proposal on the 11 acres on Nevers Road. The Town Council always talks about transparency or open government, and so Mr. Paterna felt that the Town should start thinking about televising the Planning & Zoning Commission meetings so that if people can not make it to the meeting in person, they have the option to watch on television. Mr. Paterna stated he also feels that a public meeting should be held prior to the Planning & Zoning Commission discussing it so that the public is more informed about this proposal. The Planning & Zoning Commission's jurisdiction will not include making a decision if this proposal should go forward, they will be looking at how many parking spaces are allowed and those types of requirements.

Mrs. Kathy Hale, 54 Orchard Hill Drive came forward and voiced her concern about the project on Nevers Road and questioned how many parking spaces are being proposed? Mr. Galligan answered 60.

Mrs. Hale stated that there will be maintenance expenses that the Town will have to cover for this property. This proposal clearly impacts agriculture and SWALPAC should have been informed. Public outreach with this property is very important. It is distressing to hear that one of the local land owners who used to be an employee of the Town was the only one consulted.

**TOWN COUNCIL**  
**TOWN OF SOUTH WINDSOR**

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**November 21, 2016**

**ITEM:**

**18. Communications and Petitions from Council**

Councilor Snyder informed the Council and the public that the Wood Memorial Library will be hosting the Gingerbread House Festival which starts on November 25<sup>th</sup> and goes until December 10<sup>th</sup>. Wreaths Across America Ceremony will be held on December 17, 2016 at Veterans Memorial Park. Panera Bread had their Grand Opening on Saturday, November 19<sup>th</sup>. On Friday, November 18<sup>th</sup> they had an event where they raised \$2,500 which was donated to the South Windsor Community Foundation Education Fund.

Deputy Mayor Mirek added that on Veterans Day there was a beautiful ceremony held at Veterans Memorial Park which was very well attended.

Councilor Carroll requested that the Ethics Committee review comments made by a Councilor in The Hartford Courant on November 16<sup>th</sup> because Councilor Carroll feels these comments were taken from an Executive Session. Councilor Anwar requested that the Ethics Committee also review comments made by the Town Manager in that same article should be reviewed.

Mr. Galligan informed the Council that the Town Attorney should be involved in this review to make sure the process is followed.

**19. Executive Session**

At 10:27 p.m. Mayor Delnicki made a motion to go into Executive Session to discuss a Personnel Matter (Town Manager's Evaluation), and to discuss negotiations concerning the possible purchase of property. Councilor Snyder seconded the motion; and it was approved, unanimously.

The following individuals went into Executive Session: Mayor Delnicki, Deputy Mayor Mirek, Councilor Anwar, Councilor Carroll, Councilor Havens, Councilor Pendleton, Councilor Riley, Councilor Snyder and Town Manager Matthew B. Galligan.

At 11:37 p.m. Councilor Riley made a motion to adjourn the Executive Session. Councilor Carroll seconded the motion; and it was approved, unanimously.

TOWN COUNCIL  
TOWN OF SOUTH WINDSOR

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November 21, 2016

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**ITEM:**

**20. Adjournment**

At 11:37 p.m. Councilor Riley made a motion to adjourn the Regular Meeting. Councilor Carroll seconded the motion; and it was approved, unanimously.

Respectfully submitted,

Deborah W. Reid  
Deborah W. Reid, Clerk of the Council





## Town of South Windsor

COMMUNITY CENTER

150 NEVERS ROAD • SOUTH WINDSOR, CT 06074-2786

[www.southwindsor.org](http://www.southwindsor.org)

September 14, 2016

Mayor Delnicki  
Members of the Town Council  
Town of South Windsor  
1540 Sullivan Avenue  
South Windsor CT. 06074

Dear Mayor Delnicki:

As stipulated in the Book of Ordinances Article II, Section 74-32(b) this letter serves as the Park and Recreation Commission's (PARC) official response to the Town Council's referral of the 11 Acre Multi-Use Greenspace Plan at Never Park.

The PARC endorses the proposed multi-use greenspace plan for the property as it will enhance recreational opportunities for our residents and provide needed and purposeful use of this previously unused portion of Nevers Park, other than for agricultural purposes. We agree with the town staff recommendations to utilize this location to support the growing need for large open space for activities such as pick up play, or even the Farmer's Market.

We additionally want to share the following suggestions for consideration and hopeful implementation in the development of the project to encourage maximum community use:

1. Other than the proposed 60 vehicle parking lot, the open grass areas should remain simply open grass areas to accommodate a variety of uses and not be designated as athletic fields. We are not recommending permanent installation of any specific sport game goals.
2. The size and location of the site is ideal for uses beyond those mentioned above and as such should not be restricted exclusively for those purposes. It should be available to accommodate future needs.
3. We also suggest that this site be connected to the existing stone dust trail system to the east and the community center to the south for pedestrian access.

Please advise if you have any questions. Thank you.

Sincerely,

*Al Larson*

Al Larson  
Park & Recreation Commission Chair

Cc: Ray Favreau, Director of Parks & Recreation ; John Caldwell, Parks Superintendent

**Human Services Department:** Tel: (860) 646-6361 • Fax: (860) 644-3951

**Recreation Department:** Tel: (860) 648-6355 • Hot Line: (860) 648-6349 • Fax: (860) 648-5048

## TAX REFUNDS

## Exhibit B

GAMBLE JAMES B 10 Peach Tree Ln S Windsor, CT 06074-3239 2005/882XZK/2G1WH52K859211029 Reason: VEHICLE SOLD 9/2013	\$ (125.19)	ANDERSON SUSAN D 41 SYCAMORE RD SOUTH WINDSOR, CT 06074-3529 2006/269XJZ/1FMEU74EX6UB45567 Reason: Paid bill twice	\$ (243.46)
STEWART BRYAN J 57 Devonshire Drive SOUTH WINDSOR, CT 06074 57 Devonshire Drive Reason: overpaid bill	\$ (2,983.87)	DASILVA ANCEL R 1101 EAGLES BROOK DR LOCUST GROVE, GA 30248-2485 2010/477KSO/4T1BK3EK9AU102126 Reason: oos GA 7/16	\$ (51.80)
MAFFUCCI CAROL ANN & Linda M & Robert J 793 Main ST South Windsor, CT 06074 653 Rye Street Reason: Overpaid Bill	\$ (72.16)	DASILVA ANCEL R 1101 EAGLES BROOK DRIVE LOCUST GROVE, GA 30248--0345 2005/129WOY/JTHBA30G455092551 Reason: oos GA 7/16	\$ (39.22)
PRIMAVERA CHRISTOPHER R 368 Felt Road SOUTH WINDSOR, CT 06074 2004/7AXFH2/ WAUVT64B94N083221 Reason: vehicle sold 7/2015	\$ (172.64)	Dixon Aaron W 2257 ELLINGTON RD SOUTH WINDSOR, CT 06074-2109 2011/521LEB/WA1CFAFP9BA005730 Reason: OOS RI 8/2016	\$ (46.99)
BISIGHINI SEAN D 107 Queensbury ST Boston, MA 02215 JF1GJAD66DH014935 Reason: Moved to MA 4/2015	\$ (194.14)	FAGUNDEZ SABRINA MARIANA 822 ELLINGTON RD SOUTH WINDSOR, CT 06074-3542 2004/974ZCW/1J4GL48K84W201693 Reason:	\$ (12.21)
JP MORGAN CHASE BANK NA P O Box 919098 FORD WORTH TX 26101 2012/5272ZBO/4S3BMBG67C3015083 Reason: vehicle sold 1/2015	\$ (278.07)	GENTILE BARBARA A 112 OAK STREET S WINDSOR, CT 06074 2007/9AWXG1/JTHCK262775012461 Reason: overpaid account	\$ (316.47)
JP MORGAN P O BOX 901098 FORT WORTH TX 76101 2013/536ZRS/JF1GJAH68DH007530 Reason: VEHICLE SOLD 8/2015	\$ (41.65)	GRIFFIN THOMAS F 454 AVERY ST SOUTH WINDSOR, CT 06074-3003 2004/4AATE2/1C3EL55R94N357448 Reason: vehicle sold 4/2016	\$ (37.37)
KUCHARSKI LOUIS T 166 WOOD POND RD S WINDSOR, CT 06074-1562 2000/461RUY/1J4GW48S3YC356540 Reason: vehicle sold 9/2014	\$ (106.33)	HONDA LEASE TRUST 600 KELLY WAY HOLYOKE, MA 01040-9681 2013/380YHW/2HGFB2F51DH562012 Reason: vehicle sold 6/16/2016	\$ (90.65)
SOUTHERN NEW ENGLAND REGION OF THE CHURCH OF GOD 1449 JOHN FITCH BLVD SOUTH WINDSOR, CT 06074 Reason: property is tax exempt	\$ (3,558.52)	HONDA LEASE TRUST 600 KELLY WAY HOLYOKE, MA 01040-9681 2013/593WBU/2HKRM4H36DH645925 Reason: vehicle sold 3/2016	\$ (244.20)
HONDA LEASE TRUST 600 KELLY WAY HOLYOKE, MA 01040-9681 2013/6ADBG2/1HGCR2F35DA276613 Reason: vehicle sold 4/25/16	\$ (175.75)	LAWLER KRISTEN XENELIS 122 KENT LN SOUTH WINDSOR, CT 06074-2243 2009/754XTD/2HNYD28209H528178 Reason: vehicle traded in 7/2016	\$ (80.66)
HONDA LEASE TRUST 600 KELLY WAY HOLYOKE, MA 01040-9681 2013/735RNP/2HGFB2F53DH548905 Reason: Vehicle sold 6/16/2016	\$ (90.65)	JONES KEVIN P 390 NIEDERWERFER RD SOUTH WINDSOR, CT 06074-1728 2003/845RMM/3N1CB51DX3L786129 Reason: total loss 11/2015	\$ (76.96)

## TAX REFUNDS

Exhibit B

JP MORGAN CHASE BANK NA P O Box 901098 Fort Worth, TX 76101-2098 2014/2AHJR4/JM1GJ1V61E1153308 Reason: Vehicle sold 7/2016	\$	(82.51)
KARAHALIOS ATHANASIOS P 371 Foster Street South Windsor, CT 06074 2008/219ZCE/WBAHL83518DT13723 Reason: Vehicle sold 8/2016	\$	(31.08)
KEATING HOLLY A P O Box 512 Windsor, CT 06095-0512 2012/429WFG/3VWDP7AJ5CM403824 Reason: Vehicle sold 12.2015	\$	(247.90)
KEILICH LAUREN CHRISTINE 239 Kent Lane South Windsor, CT 06074 2011/4APWD8/ WBAPK5G52BNN79812 Reason: Bill adjusted; interest was paid in error	\$	(9.98)
MACRAE RITY F 310 Pleasant Vly Condo South Windsor, CT 06074 310 Pleasant Vly Condo Reason: Paid taxes twice	\$	(64.50)
KERCE JESSICA JAYDEN 496 Oakland Road South Windsor, CT 06074 Reason paid Jan 2016 twice	\$	(2,459.14)

Mrs. Bonnie F Rabin, Collector of Revenue

Total Refunds: \$11,934.07

Date 11.21.16