

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

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December 18, 2017

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

1. Call Meeting to Order

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

4. Roll Call

Members Present: Mayor M. Saud Anwar
Deputy Mayor Andy Paterna
Councilor Jeffrey Glickman
Councilor Mary Justine Hockenberry
Councilor Lisa Maneeley
Council Liz Pendleton
Councilor Janice Snyder

Members Absent: Councilor Carolyn Mirek
Councilor Matthew Riley

Others Present: Matthew B. Galligan, Town Manager
Morris Borea, Town Attorney (arrived at 8:40 p.m.)

After roll call was complete, Mayor Anwar and the Council recognized Ali Martin, Owen Pelletier and Jackson Reed who were the winners of CCM's #LoCool Government Contest. Mr. Ron Thomas from CCM came forward to present Certificate of Merits to other students from South Windsor who submitted material into the contest.

Deputy Mayor Paterna made a motion to suspend the rules in order to move to agenda Item 15. D. Councilor Pendleton seconded the motion; and it was approved, unanimously.

15. New Business

- D. Resolution Accepting the Naming of Public Lands and Buildings Sub-Committee's Recommendation to Name the Town Hall Annex/Emergency Operations Center in Honor of Edward Havens, Sr.**

(Resolution Continued on Next Page)

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ITEM:

15. D. (Continued)

WHEREAS, the Naming of Public Lands and Buildings Sub-Committee met on Thursday, November 30, 2017 and discussed naming the Town Hall Annex/EOC in honor of Edward Havens, Sr.; and

WHEREAS, Edward Havens, Sr. has served the South Windsor community in many capacities for more than 50 years which includes over 40 years on the South Windsor Town Council where he served not only as a member, but also as Mayor and Deputy Mayor; and

WHEREAS, the Sub-Committee voted unanimously to recommend to the Town Council that the Town Hall Annex/EOC Center be named in honor of Edward Havens, Sr.

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby accepts the Naming of Public Lands and Buildings Sub-Committee recommendation to name the Town Hall Annex/EOC after Edward Havens, Sr.; and

BE IT FURTHER RESOLVED that the building will be called "The Edward F. Havens, Sr. South Windsor Annex".

Was made by Mayor Anwar
Seconded by Councilor Pendleton

Mayor Anwar stated that it is an honor to read this resolution for a man who has given so much to his community. Mayor Anwar explained that Mr. Havens not only gave his time but also gave oil to those who needed it but could not afford it. He did this without saying a word to anyone.

Councilor Snyder stated the Mr. Havens set the standard for those following. Councilor Snyder thanked Mr. Havens for what he has done for the community, and then read a letter into the record from State Representative Tom Delnicki, as shown in attached, **Exhibit A**.

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15. D. (Continued)

Deputy Mayor Paterna stated that Mr. Havens was first elected to the Council in 1971. Mr. Havens was also involved with other organizations such as the Channel 3 Kids Camp, past President and a member of the Board of Directors at the Channel 3 Kids Camp, co-founder and past President of the South Windsor Chamber of Commerce, received the Rotary Clubs highest award – the Paul Harris Award, received the Board of Education's Award for community service – the Eugene Policelli Award, selected Business Person of the Year by the Chamber of Commerce; and has donated to the Little League, Recreation Department, and the South Windsor Food and Fuel Bank without ever hesitating when it was needed.

Councilor Maneeley stated that Mr. Havens donated the necessary fund to hold the Annual Easter Egg Hunt which is something that a lot of children have enjoyed over the years.

Councilor Pendleton stated that Mr. Havens is a man of wisdom and fought to get the Town Hall Annex purchased for the Town. Thank you for your guidance on the Town Council and thank you for your hard work for this community.

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

Mr. Ed Havens came before the Town Council thanking them for this honor. Mr. Havens also thanked his family and the citizens of South Windsor for their support. The Council has been a part of his life for a long time, and he stated he loved every minute of it.

5. Communications and Reports from Town Manager

Mr. Galligan reported on the following:

- The Medicare issue at the Capitol for low-income seniors is being reviewed.
- Was appointed by CCM to serve on a Committee for Special Education Funding.

(Town Manager's Report Continued on Next Page)

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5. Communications and Reports from Town Manager (Continued)

- Have met with residents who have concerns about putting lights at the High School stadium field. Mr. Galligan explained that process that would have to happen in order to have lights on the field which would be a time-consuming process.
- There has been a coyote problem in the Foster Street area of South Windsor. The public should take precautions to keep their animals safe. Even with fencing, their animals can be in danger. The Town is monitoring this situation.
- There are two ordinances that the Council will be reviewing. One is a Fracking Ordinance, and the other is a Construction Noise Ordinance.
- A roundtable under strategic planning will be held in January 2018 to talk about issues regarding Board and Commissions.
- The Council received a draft copy of the citizens' survey. Some of the questions are old and will be changed. If the Council would like to see any certain question on the survey, they should be emailed to Ashley.
- There is a website under CRCOG where individuals who feel they may have a crumbling foundation can go and apply for funds to test your foundation.
- There was a referendum process completed for the sale of a small piece of property at Evergreen Walk to the developer. The money generated from this small parcel is to be turned over to the State of Connecticut, Department of Transportation. It is the Town's wish that those funds remain with the Town of South Windsor for an economic development incentive.

Answering questions from the Council, Mr. Galligan explained that the Town is considering to do a citizen survey on-line. Mr. Galligan stated that South Windsor being put on the watch list by Moody's was not a result of anything that the previous Council had done. South Windsor was put on this list when it was being cut 6 million dollars in State funding during the budget process along with sixty other communities. The Town met with Moody's and is providing them with information to show them that the Town is financially stable and will be receiving a report from them shortly.

(Town Manager's Report Continued on Next Page)

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ITEM:

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

Answering further questions, Mr. Galligan explained that a strip of land at Evergreen Walk was not included in the prior deed removal. The strip of property is located on Buckland Road near LA Fitness. It is a road easement strip.

Mayor Anwar stated that he feels the roundtable discussion is a very good idea. There are some Commissions and Boards that are functioning in a very good manner, and there are others that need improvement. There may be an opportunity to have some Boards and Commissions have an equal number of members on them. This would eliminate members being bumped off when a different party is in the majority. Mayor Anwar then clarified that Rating Agencies look to how a town may respond to a negative situation that is created. The State budget will have impacts on communities and will especially have impacts on the Town's budget. The Town needs to strategize how to move forward in the future.

Answering further questions, Mr. Galligan explained that the Town had not done an educational session to the public regarding the coyotes. Coyotes follow their food source.

6. Public Input (Items Not on the Agenda) *(Continued)*

None

7. Adoption of Minutes

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Public Hearing Minutes of December 4, 2017; and Regular Meeting Minutes of December 4, 2017.

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

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Deputy Mayor Paterna made a motion to suspend the rules in order to move to agenda Item 15. C. Councilor Hockenberry seconded the motion; and it was approved, unanimously.

15. New Business

C. Resolution Approving the CT Center for Digital Investigations Inter-Local Agreement

WHEREAS, the South Windsor Police Department would like to enter into a cooperative arrangement to combat cyber-crime and increase investigative capabilities through the use of digital forensics, which arrangement will be known as the CT Center for Digital Investigations (the "Center"); and

WHEREAS, the necessary public hearing was held on Monday, December 4, 2017

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby approves the CT Center for Digital Investigations Inter-Local Agreement; and

BE IT FURTHER RESOLVED that the Town Council hereby directs Town Manager Matthew B. Galligan to sign and execute said agreement on behalf of the Town of South Windsor

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

8. Public Petitions

None

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

Councilor Snyder reported that at the Planning & Zoning Commission meeting, a new 55+ development was approved called Evergreen Crossings which is behind Old Navy. This development will have 130 units consisting of four studio apartments, 61 one-bedroom apartments, 62 two-bedroom apartments, and four three-bedroom apartments. The development will be using all of the Town's public services. The estimated current property tax on this property is \$60,000. After construction is completed, the potential tax will be \$713,567 which represents an increase of \$653,000 of taxes annually.

Deputy Mayor Paterna reported that the Public Building Commission has been working on the plans and designs which are underway for the two new schools. This stage is overall design, and the next step will be detailed plans with the specific materials to be used, artistic renderings, etc. P.R. Smith will be demolished for construction of the new school, whereas Eli Terry students will stay on site while the new school is being constructed. The Superintendent hosted an open meeting with neighbors of both of those schools so they could share their concerns and ask any questions. Deputy Mayor Paterna stated he would be asking the Chairman of the Public Building Commission to come on a quarterly basis to report to the Council.

10. Reports from Standing Committee

Mrs. Athena Loukellis from the Energy Committee reported that the Energy Committee that the Town of South Windsor, in partnership with Eversource is promoting a program called Home Energy Solutions. This program will lower energy costs while improving energy efficiency. Residents pay \$149.00 to receive a complete energy assessment. The average household receives about \$1,000 worth of energy savings with a complete energy audit. In the past three months, there have been 97 residents take advantage of this program. The vendors are vetted through Eversource as well as the Energy Committee. The vendors that come to residential homes to do the audit have committed to donate \$25.00 to the South Windsor Food and Fuel Bank. The other item that Mrs. Loukellis stated she would like to report is that the Town of South Windsor has qualified for a \$10,000 grant which the Energy Committee would like to install lights on the Town Hall campus.

(Reports from Standing Committees Continued on Next Page)

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ITEM:

10. Reports from Standing Committee (Continued)

Deputy Mayor Paterna reported that the agenda item tonight on the Council agenda talks about a conservation easement that is being provided to Eversource Energy on the Priest Farm. The Town will be receiving \$9,000 for that easement. Deputy Mayor Paterna requested that the \$9,000 be put back into the Priest Farm Property project. Deputy Mayor Paterna then explained that there had been plans completed of the house, and the sub-committee will be reviewing these plans to see how the work should be divided to get some of the renovations complete. The sub-committee would like to have the renovation of the house complete first and would like to have a residential farmer live on the property as well as farm the property.

11. Reports of Temporary Committees

None

12. Public Participation (Items on the Agenda)

Mr. Robert Dickinson, 19 Birch Road came forward and expressed support regarding a fracking ordinance.

13. Consent Agenda

Councilor Snyder and Councilor Pendleton made a motion to approve Agenda Items 14. A. (*) through 14. S. (*); and 15. A. (*) through 15. B. (*) as the Consent Agenda. Deputy Mayor Paterna seconded the motion; and it was approved, unanimously.

14. Unfinished Business

*** A. Resolution Reappointing Mike LeBlanc (R) an Alternate to the Planning & Zoning Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Mike LeBlanc (R) an Alternate to the Planning & Zoning Commission for a term ending December 1, 2021

(Approved by Consent Agenda)

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ITEM:

14. Unfinished Business (Continued)

*** B. Resolution Reappointing Paul Burnham (R) to the Economic Development Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Paul Burnham (R) to the Economic Development Commission for a term ending November 30, 2021.

(Approved by Consent Agenda)

*** C. Resolution Reappointing Shailesh Verma (R) an Alternate to the Economic Development Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Shailesh Verma (R) an Alternate to the Economic Development Commission for a term ending November 30, 2021.

(Approved by Consent Agenda)

*** D. Resolution Reappointing Janet Utay (U) an Alternate to the Historic District Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Janet Utay (U) an Alternate to the Historic District Commission for a term ending November 30, 2022.

(Approved by Consent Agenda)

*** E. Resolution Reappointing Elizabeth Warren (R) to the Inland Wetlands Agency/Conservation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Elizabeth Warren (R) to the Inland Wetlands Agency/Conservation Commission for a term ending December 1, 2021.

(Approved by Consent Agenda)

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ITEM:

14. Unfinished Business (Continued)

*** F. Resolution Reappointing Katherine Chiappetta (R) to the Library Board**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Katherine Chiappetta (R) to the Library Board for a term ending November 30, 2021.

(Approved by Consent Agenda)

*** G. Resolution Reappointing Robert Dickinson (R) to the Mass Transit and Highway Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Robert Dickinson (R) to the Mass Transit and Highway Advisory Commission for a term ending November 30, 2021.

(Approved by Consent Agenda)

*** H. Resolution Reappointing Bruce Snow (R) to the Mass Transit and Highway Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Bruce Snow (R) to the Mass Transit and Highway Advisory Commission for a term ending November 30, 2021.

(Approved by Consent Agenda)

*** I. Resolution Reappointing Renee Powell (R) to the Park & Recreation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Renee Powell (R) to the Park and Recreation Commission for a term ending December 31, 2021.

(Approved by Consent Agenda)

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ITEM:

14. Unfinished Business (Continued)

- * J. Resolution Reappointing Michael Kelly (R) to the Park and Recreation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Michael Kelly (R) to the Park and Recreation Commission for a term ending December 31, 2021.

(Approved by Consent Agenda)

- * K. Resolution Reappointing William Nowak (R) to the Park and Recreation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints William Nowak (R) to the Park and Recreation Commission for a term ending December 31, 2021.

(Approved by Consent Agenda)

- * L. Resolution Reappointing Herbert Asplund (R) to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Herbert Asplund (R) to the Patriotic Commission for a term ending December 31, 2020.

(Approved by Consent Agenda)

- * M. Resolution Reappointing Gene Botteron (R) to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Gene Botteron (R) to the Patriotic Commission for a term ending December 31, 2020.

(Approved by Consent Agenda)

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ITEM:

14. Unfinished Business (Continued)

- * N. Resolution Reappointing Paul Mozzicato (R) to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Paul Mozzicato (R) to the Patriotic Commission for a term ending December 31, 2020.

(Approved by Consent Agenda)

- * O. Resolution Reappointing Edward Gawlinski (R) an Alternate to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Edward Gawlinski (R) an Alternate to the Patriotic Commission for a term ending December 31, 2020.

(Approved by Consent Agenda)

- * P. Resolution Reappointing Matthew Beaulieu (R) to the Public Building Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Matthew Beaulieu (R) to the Public Building Commission for a term ending November 30, 2021.

(Approved by Consent Agenda)

- * Q. Resolution Reappointing Erik Dabrowski (R) to the Water Pollution Control Authority**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Erik Dabrowski (R) to the Water Pollution Control Authority for a term ending November 30, 2021.

(Approved by Consent Agenda)

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ITEM:

14. Unfinished Business (Continued)

- * R. Resolution Appointing David Marsh (D) a Full Member to the Economic Development Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints David Marsh (D) a full member to the Economic Development Commission for a term ending November 30, 2021 to fill the expired term of Dwight Johnson.

(Approved by Consent Agenda)

- * S. Resolution Appointing Craig Zimmerman (D) to the Public Building Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Craig Zimmerman (D) to the Public Building Commission for a term ending November 30, 2021 to fill the expired term of Kathy Daugherty (R).

(Approved by Consent Agenda)

15. New Business (Continued)

- *A. Resolution Reappointing Cile Decker (D) 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 Cile Decker (D) to the Redevelopment Agency for a term ending December 31, 2021 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

- *B. Resolution Reappointing William Keohane (R) to the Redevelopment Agency and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

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ITEM:

15. *B. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby reappoints William Keohane (R) to the Redevelopment Agency for a term ending December 31, 2022 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

14. Unfinished Business (Continued)

T. Resolution Appointing Councilor Mirek to the Insurance Control Commission

BE IT RESOLVED that the South Windsor Town Council hereby appoints Councilor Mirek to the Insurance Control Commission for a term ending November 11, 2019.

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

U. Resolution Appointing Councilor Glickman to the Pension Committee

BE IT RESOLVED that the South Windsor Town Council hereby appoints Councilor Glickman to the Pension Committee for a term ending November 11, 2019.

Was made by Deputy Mayor Paterna
Seconded by Mayor Anwar
The motion was approved, unanimously

V. Resolution Appointing Councilor Riley to the Pension Committee

BE IT RESOLVED that the South Windsor Town Council hereby appoints Councilor Riley to the Pension Committee for a term ending November 11, 2019.

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ITEM:

14. Unfinished Business (Continued)

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

W. Resolution Appointing Mayor Anwar to the Ethics Committee

BE IT RESOLVED that the South Windsor Town Council hereby appoints Mayor Anwar to the Ethics Committee for a term ending November 11, 2019.

Was made by Councilor Glickman
Seconded by Deputy Mayor Paterna
The motion was approved, unanimously

X. Resolution Appointing Councilor Maneeley to the Ethics Committee

BE IT RESOLVED that the South Windsor Town Council hereby appoints Councilor Maneeley to the Ethics Committee for a term ending November 11, 2019.

Was made by Councilor Snyder
Seconded by Deputy Mayor Paterna
The motion was approved, unanimously

Y. Resolution Appointing Councilor Pendleton to the Ethics Committee

BE IT RESOLVED that the South Windsor Town Council hereby appoints Councilor Pendleton to the Ethics Committee for a term ending November 11, 2019.

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

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ITEM:

15. New Business Continued

E. Resolution Authorizing the Town Manager to Execute an Agreement with Eversource Energy

WHEREAS, at the April 18, 2016 Town Council meeting, the Town Council approved the granting of a permanent easement to Eversource Energy in order to give them the ability to access their right of way on the Priest Property; and

WHEREAS, an appraisal of the easement was performed, and the value of the easement was determined to be \$9,000; and

WHEREAS, the required public hearing was held on March 21, 2016; and

WHEREAS, an 8-24 referral was sent to the Planning & Zoning Commission and a favorable recommendation was received on November 30, 2017

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to enter into and execute an agreement for the granting of a permanent easement to Eversource Energy for access to their right of way on the Priest Property for the appraised fee of \$9,000; and

BE IT FURTHER RESOLVED that the \$9,000 be placed in an account to be used towards the Priest Farm project located at 1406 Sullivan Avenue.

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

F. Resolution Establishing a Temporary Sub-Committee to Review Issues Associated with the Water Pollution Control Authority

WHEREAS, there have been concerns voiced regarding budgeted expenditures, sewer use rates, and reserve funds; and

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ITEM:

15. F. (Continued)

WHEREAS, a water-based volume method for sewer billing was evaluated, and should be reviewed again

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby establishes a Temporary Sub-Committee to address issues associated with the Water Pollution Control Facility; and

BE IT FURTHER RESOLVED that the Sub-Committee will consist of Town Manager, Matthew B. Galligan as the Chairperson, two members of the South Windsor Town Council, two members of the Water Pollution Control Authority, two members of the public and any individuals that the Chairperson feels would be necessary.

Was made by Deputy Mayor Paterna
Seconded by Councilor Glickman

Mayor Anwar explained that there are some seniors that are paying the same amount as a family. A sub-committee should be established to review this issue. The system should be on a water volume based method. A committee was established in the past, but this goal was never achieved.

Answering questions from Council members, Mayor Anwar explained that other Towns have been able to establish a mechanism to fairly charge individuals for sewer use.

Mayor Anwar asked Councilor Snyder if she would like to serve on the sub-committee. Councilor Snyder said she would.

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

G. Resolution Approving an Amendment to the 2016/2017 through 2018/2019 Job Classification and Fringe Benefit Description Plan for Non-Bargaining Unit Employees

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ITEM:

15. G. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan, to amend the 2016/2017 through 2018/2019 "Job Classification and Fringe Benefit Description Plan for Non-Bargaining Unit Employees of the Town of South Windsor" by eliminating the positions of **Executive Secretary to the Town Manager** (Pay Grade 2), **Police Department Executive Secretary** (Pay Grade 2), **Senior Services Coordinator** (Pay Grade 6), **Social Services Coordinator** (Pay Grade 6), and **Director of Adult & Senior Services** (Pay Grade 10); and

BE IT FURTHER RESOLVED that the South Windsor Town Council authorizes Town Manager, Matthew B. Galligan to further amend the Plan by adding seven (7) new positions to the "Job Classification and Fringe Benefit Description Plan for Non-Bargaining Unit Employees of the Town of South Windsor" for Fiscal Year 2016/2017 through 2018/2019, those of **Confidential Secretary** (Pay Grade 1), **Executive Assistant** (Pay Grade 2), **Senior Assessment Technician** (Pay Grade 2), **Assistant Superintendent of Streets** (Pay Grade 7), **Director of Human Services** (Pay Grade 10), **Assistant Town Manager/Director of Human Resources** (Pay Grade 12), and **Assistant Town Manager/CIO/Emergency Management** (Pay Grade 12).

Was made by Mayor Anwar
Seconded by Councilor Snyder

The Town Council had requested that a succession plan be established, and it was felt that the current employees could take on more responsibility which would free up the Town Manager to do more economic development. This proposal is more cost-effective than hiring additional employees.

Answering questions from the Council, Mr. Galligan explained that the first paragraph is eliminating positions. These positions are currently filled, but the titles will be changed. The position of the Director of Human Resources will remain an open position and would not be filled at this time. This

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ITEM:

15. G. (Continued)

position is being left unfilled so that in the future if the Town Manager does not want to have an Assistant Town Manager, the position of Director of Human Resources will still be able to be filled.

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

H. Discussion Item: Sullivan Avenue/Buckland Road/Ellington Road/Oakland Road Intersection (Complete Streets) (requested by Mayor Anwar)

Mayor Anwar explained that he had requested that the Town Engineer send a written update on this item, as shown in attached **Exhibit B**. The idea of improving this intersection was to have the Town be a more walkable community. Individuals from the Town Hall or Library should be able to easily walk to the Town Center area. This is one of the busiest intersections and the proposed plan would create a more pedestrian friendly intersection. At this time, 90% of the work has been done and are looking at the spring of 2018 for things to move forward.

Answering questions, Mr. Galligan felt it would be helpful if a letter were drafted to South Windsor's Legislators getting them involved to help expedite this project.

Mayor Anwar asked the Council members for consensus to have a letter drafted and sent to the Town's Legislators; Councilors gave their consensus.

I. Discussion Item: Anti-Fracking Ordinance (requested by Mayor Anwar and Town Manager, Matthew B. Galligan)

Town Attorney Borea explained that he had received a request to take a look at the model ordinance that has been presented to a number of other municipalities in Connecticut. The Food and Water Watch is an organization that had originally drafted the model ordinance. After reviewing it and other ordinances from different municipalities, Attorney Borea stated that he drafted a new ordinance, as shown in attached **Exhibit C**.

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ITEM:

15. I. (Continued)

Mayor Anwar stated that he feels it is worthwhile for the Town to have something in place for protection. At the next meeting, the Town Council will set a public hearing to establish an ordinance.

Councilor Pendleton requested that Town staff review this ordinance. Mr. Galligan stated he would have them review it and then send any changes to the Town Attorney to have him incorporate them into the ordinance.

Mayor Anwar asked for consensus to set a public hearing at the next Town Council meeting for this item. Councilor members gave consensus. Mayor Anwar also requested the Town Attorney to see if the Food and Water Watch Organization would be available to do a presentation at the January 16, 2018, Town Council Meeting.

J. Discussion Item: Construction Ordinance (requested by Town Manager, Matthew B. Galligan)

Mr. Galligan explained that he had town staff review the ordinance. The Police Department incorporated the penalties. This ordinance is an operational ordinance in the residential districts. If someone is in the industrial area and there are not a lot of residents around, the noise being disbursed may be allowed to continue, but in a residential district that is surrounded by houses, there will be limitations put on the hours. Mr. Galligan stated that he does not feel this ordinance is ready to move forward but should be reviewed further to make sure all of the necessary changes are in the ordinance. The Council can review the ordinance further at their next meeting before it is sent to public hearing.

Attorney Borea stated that he had incorporated the proposed changes that he received from the staff and the ordinance has been drafted as shown in attached **Exhibit D**. The penalty provisions have been revised with the proper statutory citations under enforcement. Attorney Borea informed the Council that they would have to review the hours when no work would be allowed. Attorney Borea stated that he put a provision called "plainly audible" into the ordinance. Plainly audible is a somewhat subjective

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15. J. (Continued)

Standard that says if someone can clearly hear something from a certain distance, then that action is too loud. This ordinance is not just focused on noise, it limits the use of various equipment.

Mayor Anwar stated that the Town wants to have the construction done in a timely fashion, but at the same time, the Town does not want the neighbors to be negatively impacted. Mrs. Lipe had mentioned that during the summer months, the Town should extend the time to 6:00 p.m. rather than 5:00 p.m. The plainly audible provision may cause some enforcement issues and may be a little bit more aggressive than what the Town needs.

Town Attorney Borea stated that he had put the plainly audible provision in as an option. Attorney Borea reiterated that the ordinance limits the operation of certain equipment which means that the activity has been limited. The ordinance was drafted with flexibility in case the Town needs to give somebody relief. Changing of the summer hours makes sense.

Mayor Anwar requested that this ordinance exempt work on the inside of homes.

K. Discussion Item: Evaluating the Opportunity to Establish a Tax Fixing Agreement for Crumbling Foundations *(requested by Mayor Anwar)*

Mayor Anwar informed the Council and public that the State has some funds to start fixing homes with crumbling foundations. There are only limited funds which may address 5% to 10% of the needs so a lot of the homes may not get the funding and support necessary. At the previous Town Council meeting, Council members discussed the ability for the Town to give tax abatements to homeowners who reconstruct their foundations but have since found out that current legislation in the State of Connecticut does not allow the Town to do this. Mayor Anwar felt that it would be in the best interest of the Town to reach out to State Representatives to ask them to review and change State Legislation which would allow the Town to give incentives to homeowners who fix their foundations.

(Discussion Continued on Next Page)

**TOWN COUNCIL
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ITEM:

15. K. (Continued)

Councilor members discussed putting a limit on the amount of time someone could take advantage of this incentive. Town Attorney Borea explained that the problem would be that a homeowner only pays taxes on what their property is worth. The incentive could be to give the incentive for the next five years if they decide to fix their foundation. If they don't fix the foundation, then they don't get the tax break after their foundation is fixed.

Council members felt a letter should be drafted to the Town's State Representatives asking for some modifications in legislation in the future.

16. Passage of Ordinance

None

17. Public Input/Participation (Any Matter)

Mr. Robert Dickinson, 19 Birch Road came forward to inform the Council that he had attended the State Representatives Information Session the other night and believes there is a program for low-interest loans for people to repair their foundations either in existence or being set up. It will probably have a time limit on it so it will be an incentive for people to take care of it now or at least while that is in effect. On the fracking issue, the fracking waste is an unknown content. Federal law permits them to keep it a secret as to what is in that fracking waste and what they pump into the well in the first place, so it is unknown what is in there and how dangerous it is.

18. Communications and Petitions from Council

Deputy Mayor Paterna thanked the American Legion, Post #133 for hosting Wreaths Across America on Saturday, December 16, 2017.

(Communications and Petitions from Council Continued on Next Page)

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ITEM:

18. Communications and Petitions from Council (Continued)

Councilor Hockenberry informed the Council and public that History made Alive will be sponsored by the Historical Society on January 11, 2018 at Wood Memorial Library at 7:00 p.m. Councilor Hockenberry then thanked Town staff for taking time out of their busy schedule on Friday, December 15th to give a tour and explain to the new Council members the function of each department in Town.

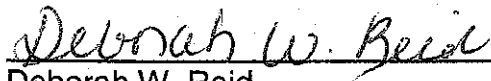
19. Executive Session

None

20. Adjournment

At 9:25 p.m. Councilor Maneeley made a motion to adjourn the Regular Meeting. Councilor Pendleton seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

Reid, Deborah

From: Tom Delnicki <tomdelnicki@aol.com>
Sent: Sunday, December 17, 2017 11:15 AM
To: Galligan, Matthew; carolynforct@gmail.com; Snyder, Janice; Reid, Deborah
Cc: Anwar, M. Saud; Delnicki, Thomas; saud.anwar@gmail.com
Subject: Town Council Meeting 12/18/17 - Agenda Item 15 D - Please read this into the record

Please read this into the record as I may not be able to attend Monday's Meeting...

To the South Windsor Town Council,

I would like to make it known to all that I am in support of Resolution 15 D which names the Town Hall Annex/ Emergency Operations Center in honor of Ed Havens.

Having served on the Town Council for a number of years I was witness to Ed working tirelessly in support of the purchase of this building by the Town of South Windsor. The purchase was not without controversy but this did not deter his efforts. Ed worked in a bipartisan effort with Mayor Matt Streeter to secure the building for town use in 2006 thru a Lease/Purchase agreement. I believe had it not been for Ed this agreement would not have come to pass.

The effort of Ed Havens over the course of several years was the key to the Town securing this building and eventually turning it into a Town Hall Annex and Emergency Operations Center. It is very appropriate to name this building "The Edward F. Havens, Sr. South Windsor Annex".

Tom Delnicki
Past Mayor of South Windsor

MEMORANDUM

To: Town Council
CC: Matthew Galligan, Town Manager
From: Jeffrey Doolittle, Town Engineer *JDO*
Date: 11/30/17
RE: Update on Sidewalks and Pedestrian Crossing Signal at
Ellington/Sullivan/Oakland/Buckland Intersection

The Town and our consultants have developed plans that are 90% complete to construct sidewalks along the east side of Sullivan Avenue and the west side of Buckland Road from the Town Library to Deming Street. These sidewalks will connect the Town buildings with the commercial businesses and residential units in the center of Town. The traffic signals at 3 intersections will be modified for pedestrian ramps, signals and crosswalks. Two small scale prints of the design for sidewalks and pedestrian crosswalks from the Town Library to the intersection of Ellington Road, Sullivan Avenue, Oakland Road, and Buckland Road are attached.

The Plum Gulley Brook Bridge on Buckland Road by Terry Office Park will be extended west to accommodate the new sidewalk. The Town has received approvals from the South Windsor Inland Wetlands Commission (in December 2016), CT DEEP (in July 2017) and from the ACOE (in November 2017) for the Plum Gulley Brook bridge extension.

We have received traffic signal permits from the CT DOT for the traffic signal modifications at the 2 intersections on Buckland Road at Deming Street and at Terry Office Park driveway. The plans for the signal modifications needed at the intersection of Buckland Rd, Sullivan Ave, Ellington Rd and Oakland Rd for pedestrian crosswalks are being done by the Town's Traffic Engineering Consultant and have taken longer than expected because CT DOT has reviewed these plans several times and have sent us several sets of comments to address. We are working to satisfy all the requirements of the CT DOT as it is a State owned signal and intersection and they need to approve the signal plans and issue an encroachment permit for this work.

We have reached out to 6 property owners along the sidewalk route and requested easements needed for the sidewalk.

Once we have received approval from ConnDOT and an encroachment permit for the traffic signal modifications and all the necessary easements the final bid package of plans and specifications for this project will be submitted to CRCOG and ConnDOT for final review and approval in the winter of 2017-18. The plan is to advertise this project for bids in the spring of 2018 for construction to start in the summer of 2018.

Please let me know if you need any other information.

**TOWN OF SOUTH WINDSOR
ORDINANCE PROHIBITING NATURAL GAS WASTE AND OIL WASTE
FROM NATURAL GAS EXTRACTION ACTIVITIES OR OIL
EXTRACTION ACTIVITIES WITHIN THE TOWN**

Sec. 1. Purpose.

The purpose of this Ordinance is to protect, the health, safety, welfare and property of the residents of the town of South Windsor pursuant to the provisions of Section 7-148 of the Connecticut General Statutes by prohibiting the waste associated with drilling and extraction of natural gas and oil from being used for any purpose on any road or real property in the Town of South Windsor.

Sec. 2. Definitions.

For the purposes of this Ordinance, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section, except where the context clearly indicates a different meaning:

- a) *"Application"* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of South Windsor.
- b) *"Hydraulic fracturing"* shall mean the fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
- c) *"Natural gas extraction activities"* shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- d) *"Natural gas waste"* shall mean: 1) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; 2) leachate from solid wastes associated with natural gas extraction activities; 3) any waste that is generated as a result of or in association with the underground storage of natural gas; 4) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and 5) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- e) *"Oil extraction activities"* shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.

any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor; agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town as a result of the submittal of this bid if selected."

Sec. 5. Penalties.

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the Town is empowered to:

- a) issue "Cease and Desist" orders demanding abatement of the violation;
- b) seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance;
- c) file a complaint with any other property authority;
- d) require remediation of any damage done to any land, road building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Town, the Town may recoup from the offending person(s), jointly and severally, all costs, including experts, consultants and reasonable attorney's fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance.
- e) Issue citations in the amount of \$250 per violation per day, or such other amount as is allowed by law, and seek any other remedies allowable under the law.

Sec. 6 Enforcement.

- a) The Town Manager, or a designee, is hereby empowered and authorized to, if appropriate, issue orders and other directives under this Ordinance and refer matters in connection therewith to the Town's Counsel.
- b) Town employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the Town's Manager, or a designee, may request that the State of Connecticut, Department of Energy and Environmental Protection pursue civil penalties allowable under the law.
- c) A citation hearing procedure is hereby established pursuant to C.G.S. § 7-152(a). The Town Manager shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section. The citation hearing procedure provisions of C.G.S. § 7-152c, Subsections (c) through (g), inclusive, are hereby adopted by reference as if fully set forth herein.

Sec. 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Ordinance or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this Ordinance are hereby declared to be severable.

Sec. 8. Conflicts with other Ordinances or Codes.

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the Town, the provision that establishes the higher standard for the protection of the health, safety, welfare and property of the residents of the Town shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the Town, which other ordinance or code establishes a lower standard for the protection of the health, safety, welfare and property of the residents of the Town, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

Sec. 9 Transportation.

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within the Town of South Windsor.

**THIS ORDINANCE WILL TAKE EFFECT IN ACCORDANCE
WITH THE TOWN CHARTER**

Construction Ordinance

§ 1-1. Legislative findings; purpose.

- A. Demolition and/or construction activity in Residential areas during early morning or late evening hours is a detriment to the public health, comfort, convenience, safety, welfare, peace and quiet of persons within the Town of South Windsor.
- B. The need for regulation of such demolition and/or construction activity is a matter of legislative determination and public policy, and this chapter is adopted in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, peace and quiet of the Town of South Windsor and the people therein.
- D. Nothing in any portion of these regulations shall be construed in any manner as authorizing or legalizing the creation or maintenance of a nuisance. Compliance with these regulations is not a bar to a claim of a nuisance by any person. A violation of any portion of these regulations shall not be deemed to create a nuisance per se. This regulation shall not limit or supersede any specific zoning approval and/or condition of approval for any property.

§ 1-2. Definitions.

When used in this chapter, the terms below shall have the following meanings:

Construction: The assembly, erection, substantial repair, alteration, demolition, or site-preparation for public or private right-of-ways, buildings or structures, utilities or property.

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Holiday(s): New Year Day, Easter, Memorial Day, Labor Day, Christmas Day, and Thanksgiving Day.

Motor Vehicle: A vehicle as defined in the Connecticut General Statutes § 14-1(53), as amended, and Motorcycles as defined in the Connecticut General Statutes § 14-1 (54).

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the state or other legal entity of any kind.

Plainly audible: Any sound that can be detected by a person using his or her unaided hearing faculties. For example, but not limited to, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

Premises: Any building, structure, land, or other real property, including all parts thereof and appurtenances thereto owned or controlled by a person.

Property Line: The real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from public right-of-way.

Property Maintenance Equipment: All powered or manually operated tools and equipment used in the repair and upkeep of property, including, but not limited to, lawn mowers, riding tractors, wood chippers, power saws, and leaf blowers.

Public emergency sound signal: A device either stationary or mobile, producing audible signal associated with a set of circumstances involving actual or imminent danger to persons or damage to property, which demands immediate action.

Public facility maintenance: All activity related to the clearing, cleaning, repair and upkeep of public roads, sidewalks, sewers, water mains, utilities, and publicly owned property.

Residential District: Those areas that primarily consist of residential and multi-family dwellings so designated in the current Zoning Regulations and on the Zoning Map of the Town of South Windsor.

Sound: A transmission of energy through solid, liquid or gaseous media in the form of vibrations that constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including but not limited to, an auditory response when impinging on the ear.

§ 1-3. Standards.

A. Demolition and/or Construction Activity.

- 1) No person, firm, corporation or other entity shall operate or permit the operation of electric or fuel powered equipment, including but not limited to pile drivers, backhoes, pneumatic hammers, derricks, trucks of more than 10,000 pounds gross vehicle weight (GVW) on a construction site, and hoists required for construction, repair or demolition work between the hours of 5:00 p.m. and 7:00 A.M. Monday through Saturdays or at any time on Sundays and official state holidays.

B. Property Maintenance between the Hours of 9 p.m. and 7 a.m.

- 1) No person shall cause demolition, construction or maintenance noise that is plainly audible at a distance of 100 feet or more from the property line of the premises where said demolition, construction or maintenance work is being done, between the hours of 9 p.m. and 7 a.m.

§ 1-4. Exemptions.

The following shall be exempt from the provisions of this chapter:

- 1) Operation of domestic construction and property maintenance equipment between 7 a.m. and 9 p.m., except on Holidays.
- 2) Operation of engine-powered or motor-driven lawn care or maintenance equipment shall be exempted between the hours of 7:00 a.m. and 9:00 p.m. provided that exhausts are adequately muffled to prevent loud and/or explosive noises therefrom.
- 3) Operation of snow removal equipment at any time shall be exempted provided that such equipment shall be maintained in good repair so as to minimize noise, and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noises therefrom.
- 4) Operation of equipment of the Town or State constructing or maintaining public infrastructure.
- 5) Emergency work which is required for the protection or preservation of property or health, safety, life or limb of a person, including use of emergency or portable generators during periods of power outages.

§ 1-8. Enforcement.

- A. Any person aggrieved by any act constituting a violation of this Chapter may complain to the South Windsor Police Department and/or South Windsor Zoning Department staff, either or both of which shall enforce these provisions.
- B. The South Windsor Police Department and/or Zoning Department staff also is authorized to enforce this Chapter without any such complaint.
- C. This Chapter shall be enforced by citations issued by the designated municipal officers or employees.
- D. A citation hearing procedure is hereby established pursuant to C.G.S. Sec. 175c(a). The Town Manager shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section. The citation hearing procedure provisions of C.G.S. Sec. 7-152c, subsections (c) through (g), inclusive, are hereby adopted and incorporated by reference as if fully set forth herein.

§ 1-9. Severability

All provisions of the Charter, Ordinances and/or Zoning Regulations of the Town of South Windsor, which are more stringent than those set forth herein, remain valid and may be enforced in addition to the provisions of this Chapter. If any section, paragraph, sentence, clause or phrase of this ordinance or any part thereof, is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this ordinance or any part thereof.

**THIS ORDINANCE WILL TAKE EFFECT IN ACCORDANCE
WITH THE TOWN CHARTER**