

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Minutes**

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**February 5, 2018**

**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 (left at 7:38 p.m.)  
Councilor Carolyn Mirek  
Council Liz Pendleton  
Councilor Matthew Riley

Members Absent: Councilor Janice Snyder

Others Present: Matthew B. Galligan, Town Manager  
Morris Borea, Town Attorney (arrived at 7:30 p.m.)

After Roll Call was complete, Mayor Anwar presented Ariana Patterson with a proclamation recognizing her as the first high school student in the State of Connecticut to earn a Certification as a Master Naturalist.

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

Mr. Galligan reported on the following:

*Polling Location Review Committee*

A report was included in the Town Council's packets. The only response so far is from Sue Larsen. The Council can put this item on a future agenda if they wish to discuss this report further.

*South Windsor Rating*

The Council has received a copy of the rating for South Windsor. South Windsor maintained AA+ rating and retained the highest note rating that you can get for notes. Bonds were floated the other day. Mr. Galligan reported on the notes that were floated.

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**ITEM:**

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

PPA Resolution

There is a resolution on the agenda tonight to transfer the PPA to South Energy Investments, LLC. The Council has received a list of tasks that have been completed to date, those that are on-going, and those that could be completed any day. South Energy Investments, LLC has paid \$75,000 to Eversource for the interconnection study, which is non-refundable. The PPA will be transferred at the time of closing, only if all of the financing is secure. The document will be held in escrow until all conditions are satisfied.

Coyote Presence

Mr. Galligan informed the Council that he would be working on this issue with State Representative Delnicki. Many years ago the Town was told by DEEP that this is not a police item and these are wild animals and the Town has no jurisdiction. State Representative Delnicki will be having someone from DEEP come and speak to the Council about coyotes on February 21<sup>st</sup>.

Tax Stabilization

The Auditors have reviewed this item and feel it is a good program but informed the Town that it cannot be a separate fund. The Town Council can budget for it, but for financial reporting purposes, it will show up as an assigned dollar amount within your fund balance.

Crumbling Foundations

A meeting has been scheduled with the Committee. State Representative Delnicki has put a lot of new bills in again to see if some of the issues can be taken care of through insurance agencies. Ms. Pamela Toohey, the Homeowner Advocate from the Department of Housing, will be coming to the Crumbling Foundations Meeting to discuss crumbling foundations and how the Department of Housing will be able to help residents.

**(Communications and Reports from Town Manager Continued on Next Page)**

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**ITEM:**

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

**Roundtable Discussion**

On January 29<sup>th</sup>, a roundtable discussion was held with various boards and commissions. A report will be issued with some of the items that were discussed such as quorums, meeting agendas, and meeting minutes. At the next discussion, chairs from both political parties should attend to have discussions regarding how to get people to volunteer their services. A final report will be submitted to the Town Council, and discussions will continue with boards and commissions.

**Citizen Survey**

The draft survey has been distributed to boards and commissions for comments. Once comments come in, the survey will be rewritten and sent to the Council for final review. After the final review, the survey will be sent out to the community.

**State Task Force**

Mr. Galligan informed the Council that CCM has appointed him to serve on the Special Education Cost Model Task Force, which he has been appointed as Chairperson. The first meeting was on January 29<sup>th</sup> to set parameters and by-laws. The committee will look at captive or cooperative programming.

**Renewal Energy Plan Tour**

Mr. Galligan stated that he had taken a tour of the Quantum Biopower renewable energy plant in Southington. It is a unique program, and the Town will continue to monitor this program and research ways that South Windsor can benefit from this technology.

Councilor Riley voiced concern stating that although the bond premiums that go into the capital non-recurring account get used for appropriate uses, they seem to avoid capital projects.

Answering questions from Councilor Riley, Mr. Galligan explained that that the purpose of the Tax Stabilization Fund is to set aside revenue during years of strong growth in a fund which does not lapse at the end of the municipal fiscal year, which monies would then be available when revenue is stagnant or in decline and may be expended to prevent large tax increases and protect against the reduction of service in future years.

**(Communications and Reports from Town Manager Continued on Next Page)**

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**ITEM:**

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

Councilor Riley requested that the Town Manager check with all of the boards and commissions to ensure that they have received the Citizen Survey for review so that each board and commission will have the ability to weigh in on it before it is finalized. The survey will help guide the Town in the direction that the residents would like the Town to go.

Mr. Galligan explained to the Council that there might be a couple different mechanisms used to send out the survey to residents.

Councilor Pendleton requested that the Temporary Committee to research the feasibility of redistricting and relocating polling places be dissolved through a resolution at the next Town Council meeting.

Councilor Mirek reported that the Mass Transit and Highway Advisory Commission had made recommendations for certain questions to be put on the Citizen Survey. Councilor Mirek requested that the Town Manager send to the Council the rate of return of the survey. Councilor Mirek also thanked the Town Manager for helping to set up a meeting regarding coyotes because the residents should be educated.

Deputy Mayor Paterna stated that State Representative Jeff Currey has been involved with the crumbling foundations also. The Crumbling Foundation Committee will be searching for a new person to be the Superintendent of the Captive Insurance, and it is being reviewed to expand the service area.

Answering questions from Deputy Mayor Paterna, Mr. Galligan explained that the Chief of Police is discussing the transportation of people who overdose in South Windsor to Manchester Hospital with the Chief of Police in Manchester.

Councilor Hockenberry suggested that surrounding Town's be invited to the discussion regarding coyotes and also stated that residents that do not have computers could use the Library computer to fill out the Citizen Survey.

**(Communications and Reports from Town Manager Continued on Next Page)**

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**ITEM:**

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

Mr. Galligan stated that he would like to report to the Council before further round table discussions are held. Mr. Galligan also reported on the budget stating that the Governor put out the Fiscal Year 2019 cuts. ECS funding went down approximately \$192,000 for South Windsor, and there is no Pequot money for the Town. Mr. Galligan explained that he and the Finance Director would be reviewing the budget to see how these items will affect the budget.

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

Mr. Don Gonsalves, 40 Bayberry Trail came before the Town Council and stated that the recent revaluation was incorrect, homes are undervalued by about 20%. Mr. Gonsalves stated he would like a comparison done of the appraised value and what the selling prices are. The seniors in Town are being misinformed about the value of their homes. This Council is not helping the citizens of this Town, especially the seniors.

Mrs. Mindy Lewis, 681 Chapel Road explained that she was present representing the Community Outreach Coordinator for South Windsor Alliance for Progress (SWAP). There are two events coming up this month that SWAP is co-sponsoring. The first event is in honor of African American History Month and will be held at the Book Club Bookstore on Sullivan Avenue on Saturday, February 17, 2018 at 2:00 p.m. The other event is called Healthy Aging on Tuesday, February 27, 2018, at 6:30 p.m. at the South Windsor Public Library, Friends Room.

After Public Input was complete, Mayor Anwar questioned the Council if there was consensus from the Council to allow Mrs. Jennifer Siskind to speak regarding prohibiting natural gas waste and oil waste from natural gas extraction activities or oil extraction activities within the Town before the Public Hearing began. Council members gave consensus.

Mrs. Jennifer Siskind came before the Council and gave a presentation (**Exhibit A**) regarding Fracking Waste in Connecticut. Mrs. Siskind explained that she has worked four years to keep fracking waste out of Connecticut. A bill was passed in 2014 that required DEEP to submit regulations on how to handle fracking waste in Connecticut. When waste comes into Connecticut, it is usually by truck and will go to Bristol, Meriden, or Bridgeport. The waste is highly contaminated with both

**(Discussion Continued on Next Page)**

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**ITEM:**

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

vertical and horizontal drilling coming into contact with hazardous materials. She discussed different health issues that can occur because of the fracking chemicals. There has been research done regarding the health issues. Mr. Siskind reviewed the different types of fracking waste. It is impossible for DEEP to track fracking waste from the point of origin to where it is dumped. All three treatment facilities in Connecticut have EPA violations. There is a potential chain of radioactive and chemical contamination in Connecticut. Mrs. Siskind reviewed the areas where there are local fracking waste bans. There are 34 Towns that have passed waste bans in Connecticut.

At 8:00 p.m. Mayor Anwar recessed the Regular Meeting in order to hold a public hearing. The Regular Meeting reconvened at 8:01 p.m.

Mrs. Siskind stated that a copy of this presentation could be sent to the Council. She then went on to inform the Council that state law mandates DEEP to regulate this waste, but their regulations cannot possibly prevent contamination in Connecticut. The State uses a 900 series test which is used for radioactivity in fresh water which is not appropriate for testing with other materials. It is being recommended to Town's to pass the language as proposed in the Fracking Ordinance for South Windsor. This is the most comprehensive language that can be passed. It is hopeful that Legislators vote in the same protections. Mrs. Siskind explained that Pennsylvania is not tracking the materials from site to site, so there is no way for Connecticut to know where this waste is coming from.

At 8:15 p.m. Mayor Anwar recessed the Regular Meeting in order to hold a public hearing. The Regular Meeting reconvened at 8:21 p.m.

Answering questions from the Council, Mrs. Siskind explained that DEEP would have to write the regulations. Compliance would be through DEEP, but DEEP does not have enough staff to regulate. The taxpayers pay for remediation when contamination occurs. Mrs. Siskind explained that the ordinance cannot ban transport of waste, but it bans transfer, storage, treatment, sale, acquisition, and application of this waste on the road or real property.

**(Discussion Continued on Next Page)**

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**ITEM:**

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

Town Attorney Borea stated that the ordinance covers water and the Town does have enforcement power.

At 8:30 p.m. Mayor Anwar recessed the Regular Meeting in order to hold a public hearing. The Regular Meeting reconvened at 8:51 p.m.

Mayor Anwar thanked Mrs. Siskind for raising awareness regarding fracking waste.

**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 January 16, 2018; and Regular Meeting Minutes (with an amendment) of January 16, 2018.

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

**8. Public Petitions**

None

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

Councilor Hockenberry stated that the Superintendent of Schools had presented her budget to the Board of Education. The Superintendents budget requests for a 3.97% increase which represents \$2,800,000. In the month of February, there are dates that the public can attend meetings regarding the budget.

Deputy Mayor Paterna stated that the Public Building Commission is currently receiving plans and diagrams for the Philip R Smith Elementary School and Eli Terry Elementary School.

**(Discussion Continued on Next Page)**

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**ITEM:**

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

Mayor Anwar introduced David Marsh who is the new Chairperson of the Economic Development Commission. Economic Development Commission is looking at the next steps for growth within South Windsor.

**10. Reports from Standing Committees**

Councilor Glickman stated that he had attended both the Insurance Control Commission meeting and Pension Committee meeting; and both seem to be on target.

Deputy Mayor Paterna reported that the Priest Farm project has received a grant for \$20,000 for architectural and structural engineer. A tree expert came to the property and tagged the valuable trees. The Parks & Recreation Department has started to do some clearing of the property.

**11. Reports of Temporary Committees**

None

**12. Public Participation (Items on the Agenda)**

None

**13. Consent Agenda**

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



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**ITEM:**

**14. Unfinished Business**

**\*A. Resolution Appointing Stephen Wagner (D) to the Water Pollution Control Authority**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Stephen Wagner (D) to the Water Pollution Control Authority for a term ending November 30, 2020 to fill the expired term of William Vees.

**(Approved by Consent Agenda)**

**\*B. Resolution Reappointing Carol Fletterick (D) to the Water Pollution Control Authority**

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

**(Approved by Consent Agenda)**

**\*C. Resolution Reappointing James Kupchunos (D) to the Zoning Board of Appeals**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints James Kupchunos (D) to the Zoning Board of Appeals for a term ending November 30, 2021.

**(Approved by Consent Agenda)**

**\*D. Resolution Reappointing Steven Carty (D) to the Zoning Board of Appeals**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Steven Carty (D) to the Zoning Board of Appeals for a term ending November 30, 2021.

**(Approved by Consent Agenda)**

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**ITEM:**

**14. Unfinished Business (*Continued*)**

**\*E. Resolution Reappointing Elizabeth McGuire (D) an Alternate to the Zoning Board of Appeals**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Elizabeth McGuire (D) an Alternate to the Zoning Board of Appeals for a term ending November 30, 2021.

**(Approved by Consent Agenda)**

**\*F. Resolution Appointing Cathy Gallagher (D) to the Library Board**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Cathy Gallagher (D) to the Library Board for a term ending November 30, 2021 to fill an expired term of Mindy Lewis.

**(Approved by Consent Agenda)**

**\*G. Resolution Appointing Mindy Lewis (D) to the Park & Recreation Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Mindy Lewis (D) to the Park & Recreation Commission for a term ending December 31, 2021 to fill the expired term of Craig Zimmerman.

**(Approved by Consent Agenda)**

**\*H. Resolution Appointing Ken Lewis (D) to the Patriotic Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Ken Lewis (D) to the Patriotic Commission for a term ending December 31, 2018 to fill the unexpired term of Robert Hornish.

**(Approved by Consent Agenda)**

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**ITEM:**

**14. Unfinished Business (Continued)**

**\*I. Resolution Reappointing Kent Carlson (D) to the Patriotic Commission**

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

**(Approved by Consent Agenda)**

**\*J. Resolution Reappointing James Throwe (D) an Alternate to the Patriotic Commission**

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

**(Approved by Consent Agenda)**

**\*K. Resolution Appointing Elizabeth Kuehnel (D) to the Personnel Board of Appeals**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Elizabeth Kuehnel (D) to the Personnel Board of Appeals for a term ending November 30, 2020 to fill an expired term of Roy Normen (R).

**(Approved by Consent Agenda)**

**\*L. Resolution Reappointing Edward O'Connell (D) to the Public Building Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Edward O'Connell (D) to the Public Building Commission for a term ending November 30, 2021.

**(Approved by Consent Agenda)**

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**ITEM:**

**14. Unfinished Business (Continued)**

**\*M. Resolution Appointing Barbara Kelly (D) to the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Barbara Kelly (D) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019 to fill an expired term of Wayne McKinney.

**(Approved by Consent Agenda)**

**\*N. Resolution Appointing Linda Jeski (D) a Full Member to the Board of Assessment Appeals**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Linda Jeski (D) a full member to the Board of Assessment Appeals for a term ending November 30, 2021 to fill the expired term of Darren DeMartino (R).

**(Approved by Consent Agenda)**

**\*O. Resolution Appointing Cesar Lopez (D) an Alternate to the Board of Assessment Appeals**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Cesar Lopez (D) an Alternate to the Board of Assessment Appeals for a term ending November 30, 2021 to fill an expired term of Linda Jeski.

**(Approved by Consent Agenda)**

**\*P. Resolution Reappointing Joseph Kennedy (D) to the Economic Development Commission**

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

**(Approved by Consent Agenda)**

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**ITEM:**

**14. Unfinished Business (Continued)**

**\*Q. Resolution Reappointing James Murray (D) to the Economic Development Commission**

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

**(Approved by Consent Agenda)**

**\*R. Resolution Appointing Victor Dorobantu (D) an Alternate to the Economic Development Commission**

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

**(Approved by Consent Agenda)**

**\*S. Resolution Reappointing Virginia Macro (D) to the Historic District Commission**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Virginia Macro (D) to the Historic District Commission for a term ending November 30, 2022.

**(Approved by Consent Agenda)**

**\*T. Resolution Reappointing Jan Tarr (D) to the Housing Authority**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Jan Tarr (D) to the Housing Authority for a term ending November 30, 2022.

**(Approved by Consent Agenda)**

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**ITEM:**

**14. Unfinished Business (Continued)**

**\*U. Resolution Appointing Mindy Lewis (D) an Alternate to the Historic District Commission**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Mindy Lewis (D) an Alternate to the Historic District Commission for a term ending November 30, 2021 to fill the expired term of Carolyn Taylor.

**(Approved by Consent Agenda)**

**15. New Business**

**A. Resolution Transferring the Power Purchase Agreement to South Windsor Energy Investments, LLC**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes the Town Manager, Matthew B. Galligan, to execute, on behalf of the Town, an agreement with South Energy Investments, LLC ("SEI"), which assigns the Town's Power Purchase Agreement to SEI, subject to such assignment being held in escrow until the Closing of SEI's financing for the Project, and on such terms and conditions which have been reviewed and approved by the Town Manager and legal counsel for the Town.

Was made by Councilor Mirek  
Seconded by Councilor Pendleton

Answering questions from the Council, Mr. Galligan explained that this resolution holds this agreement in escrow. If they get their financing in place, these funds will be used to pay the debt.

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

**B. Discussion Item: Tax Stabilization Fund (requested by Town Manager, Matthew B. Galligan)**

**(Discussion Continued on Next Page)**

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**ITEM:**

**15. B. (Continued)**

Mr. Galligan explained that this fund can only be used to reduce taxes. The Town can budget for it and set perimeters. Funds can be set aside during strong economic times to help prevent large tax increases and reduction of services during bad economic times. The fund cannot go under \$500,000 or exceed \$3,000,000. The minimum transfer amount would be \$50,000 and the maximum annual transfer would be \$500,000 in any one fiscal year. The Town Council can appropriate 10% of tax revenue arising from the first full year of new residential and commercial construction, additions to personal property and tax revenue arising from the expiration of tax abatement and tax fixing agreements. The Council can change the percentage being proposed. This fund will begin for the budget year of 2020.

Mayor Anwar stated that he would like language put into the ordinance ensuring that the funds be used for appropriate uses and not just to make sure there is a 0% tax increase in a certain year. Mr. Galligan stated that something could be put into the ordinance.

Councilor Riley suggested that it be considered to put percentages in the ordinance rather than dollar amounts.

Answering questions from the Council, Mr. Galligan explained that the Director of Finance would be the person to manage this fund. S & P endorses this concept and feels it is positive to put funds away for anticipated shortfalls in the future.

**C. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Establishment of an Ordinance Creating a Tax Stabilization Fund**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Tuesday, February 20, 2018, at 8:00 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the establishment of an Ordinance Creating a Tax Stabilization Fund.

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

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**ITEM:**

**15. New Business (Continued)**

**D. Discussion Item: Sustainable Connecticut Communities (*requested by Deputy Mayor Andrew Paterna (Alyssa Norwood to be present)*)**

Deputy Mayor Paterna explained that Sustainable Connecticut would help establish sustainable communities in Connecticut. This is a voluntary program where South Windsor could be put into a position to receive future grants.

Mrs. Alyssa Norwood came before the Council and explained that she is a coordinator of this program out of Eastern Connecticut State University. This program would give an opportunity to bring new money into Connecticut. It is a voluntary certification for municipalities and will help Towns implement sustainability. There is no cost to join the program. The initial step is to pass a resolution stating your intention to apply for certification. Actions can produce significant cost reductions for municipalities.

Mayor Anwar stated this is a recognition process for sustainability. It is hopeful that the entire Council would be supportive of this program and support a resolution in the next Town Council meeting.

Councilor Mirek said she is excited about this program, and it is in alignment with our strategic plan.

Mrs. Michele Lipe, Director of Planning, stated that there are a lot of the items on the list that the Town has already been working on. This will help South Windsor learn from other Towns as well as other Towns learning from South Windsor.

Mayor Anwar felt that the Town Manager should be the Sustainability Officer. A Sustainable Team should be established at the next meeting. Deputy Mayor Paterna added that it could be the Town Manager or his designee.

Mrs. Norwood stated that there are regional meetings throughout Connecticut.



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**ITEM:**

**15. New Business (Continued)**

**E. Resolution Approving an Annual Salary for Deborah W. Reid, Clerk of the Council for Fiscal Year 2017/2018**

BE IT RESOLVED that the South Windsor Town Council hereby approves an annual salary increase of 2% for Fiscal Year 2017/2018 for Deborah W. Reid, Clerk of the Council, said annual salary rate will be retroactive from July 1, 2017.

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

**F. Resolution Approving the Appropriation of \$350,000 from the Capital and Non-Recurring Expenditures Account**

BE IT RESOLVED that the South Windsor Town Council hereby conducted the required Public Hearing at 8:00 p.m., on February 5, 2018, and hereby approves the appropriation of \$350,000 from the Capital and Non-Recurring Expenditures Account to the Capital Projects Account, as follows:

\$165,000 for Improvements to Ridge Road  
\$185,000 for Improvements to Edwin Road

Was made by Councilor Glickman  
Seconded by Councilor Pendleton

Answering questions from the Council, Mr. Galligan explained that the limits for the Capital and Non-Recurring account are set by State Statute.

Councilor Riley stated that he is still concerned with the fact that the Capital Projects Committee has been eliminated from determining when these projects would get done. Mr. Galligan explained that a past Council instructed him to get these projects done.

**(Resolution Continued on Next Page)**

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**ITEM:**

**15. F. (Continued)**

Councilor Hockenberry stated that she has spoken to an individual who has been waiting for this project to get done and Councilor Hockenberry said she is in favor of this.

Councilor Mirek explained that she is in favor of these projects and feel they have to get done.

Mayor Anwar stated that past Councils have promised that these projects would get done, but have not had the resources to complete the projects.

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

**G. Discussion Item: Bonding (requested by Town Manager, Matthew B. Galligan)**

This item had been discussed during the Town Manager's Report.

**H. Resolution Appointing Wayne Kilburn (R) an Alternate to the Economic Development Commission 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 Wayne Kilburn (R) an Alternate to the Economic Development Commission for a term ending November 30, 2021 to switch positions with Shaliesh Verma and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Mirek

Seconded by Mayor Anwar

The motion was approved, unanimously

**I. Resolution Appointing Shaliesh Verma (R) a Full Member to the Economic Development Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

**(Resolution Continued on Next Page)**

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**ITEM:**

**15. I. (Continued)**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Shaliesh Verma (R) a full member to the Economic Development Commission for a term ending November 30, 2019 to switch positions with Wayne Kilburn and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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

**J. Resolution Accepting the Resignation of Andrew Paterna (D) from the Agricultural Land Preservation Advisory Commission**

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Andrew Paterna (D) from the Agricultural Land Preservation Advisory Commission, said resignation to be effective immediately; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Andrew Paterna for the time he has dedicated to serving his community by his membership on the Agricultural Land Preservation Advisory Commission.

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

**K. Resolution Appointing Edward Kasheta, Jr. (D) to the Agricultural Land Preservation Advisory Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

**(Resolution Continued on Next Page)**

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**ITEM:**

**15. K. (Continued)**

BE IT RESOLVED that the South Windsor Town Council hereby appoints Edward Kasheta, Jr. (D) to the Agricultural Land Preservation Advisory Commission for a term ending November 30, 2019 to fill the unexpired term of Andrew Paterna and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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

**L. Resolution Appointing Kenneth J. Young (D) an Alternate to the Planning & Zoning Commission 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 Kenneth J. Young (D) an Alternate to the Planning & Zoning Commission for a term ending December 1, 2019 to fill the unexpired term of a vacancy, (previously William Flagg), and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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

**M. Resolution Approving a Refund of Property Taxes to One Hundred Forty-Three (143) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to one hundred forty-three (143) South Windsor Taxpayers, the total of said refunds being \$287,089.32.

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

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Minutes**

**Page 21**

**February 5, 2018**

**ITEM:**

**15. Passage of Ordinance**

**A. Resolution Adopting the Establishment of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities within the Town**

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby adopts the establishment of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities within the Town, as shown in attached **Exhibit B**.

Was made by Councilor Hockenberry  
Seconded by Councilor Pendleton

Council members discussed changing the title as suggested by Mr. Dickinson during Public Participation. Town Attorney Borea explained that changing the title of the ordinance does not have an operative effect. Any concerns expressed by Mr. Dickinson are covered in the ordinance itself.

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

**B. Resolution Adopting the Establishment of a Construction Ordinance**

BE IT RESOLVED that the South Windsor Town Council hereby adopts the establishment of a Construction Ordinance, as shown in attached **Exhibit C**.

Was made by Councilor Mirek  
Seconded by Mayor Anwar

Answering questions from the Council, Mr. Galligan explained that blasting is regulated by the Fire Marshal and the Fire Marshal said that Toll Brothers did follow the regulations when they were blasting, but the Town could set our own format if that is wanted.

Town Attorney Borea explained to the Council that the ordinance covers activity such as power equipment, not noise.

**(Resolution Continued on Next Page)**

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

**Minutes**

**Page 22**

**February 5, 2018**

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**ITEM:**

**16. B. (Continued)**

Councilor Riley stated that he is not in favor of creating an ordinance for one developer.

Mayor Anwar called for a motion on the vote; it passed on a roll call vote of 6 to 1 with Councilor Riley in opposition.

**17. Public Input/Participation (Any Matter)**

Mrs. Mary Etter, Director of the South Windsor Public Library, came forward and announced that the Library is co-sponsoring a passport application fair with the South Windsor Post Office on Saturday, February 10, 2018, at South Windsor Public Library from 10:00 a.m. to 2:00 p.m. The other event is a flu clinic which is being sponsored by South Windsor and Windsor at the LP Wilson Center in Windsor on Saturday, February 10, 2018, from 10:00 a.m. to 12:00 p.m.

Deputy Mayor Paterna announced that the South Windsor High School will be holding the Hall of Fame Event on March 3, 2018, at Maneeley's. Tickets are \$40.00.

Mayor Anwar announced that on February 27, 2018, at 6:30 p.m. at the South Windsor Public Library, there will be a conversation regarding healthy aging in South Windsor.

**18. Communications and Petitions from Council**

Councilor Riley requested that at the first meeting in March a discussion item be put on the agenda regarding the Priest Property being used for a winery.

**19. Executive Session**

None

**TOWN COUNCIL  
TOWN OF SOUTH WINDSOR**

**Minutes**

**Page 23**

**February 5, 2018**

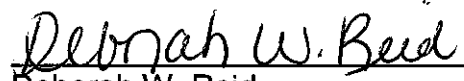
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**ITEM:**

**20. Adjournment**

At 10:28 p.m. Councilor Pendleton made a motion to adjourn the Regular Meeting. Councilor Glickman seconded the motion; and it was approved, unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
Deborah W. Reid  
Clerk of the Council

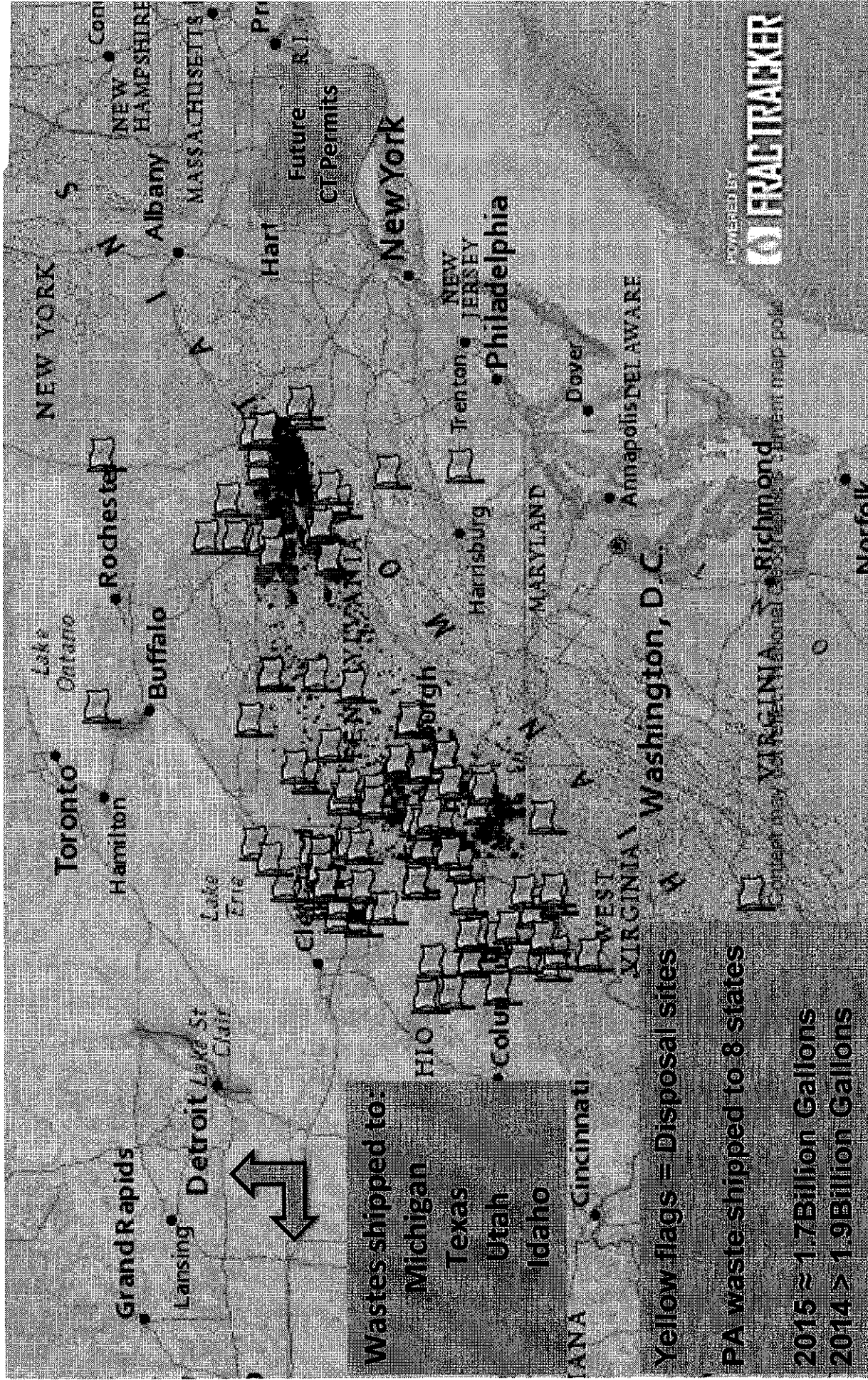
# Fracking Waste in Connecticut

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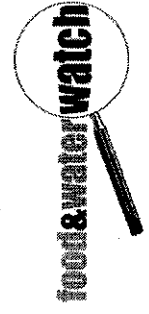
Protecting Towns from Future State Regulations & Loopholes  
Jen Siskind, Local Coordinator, [jsiskind@fwlocal.org](mailto:jsiskind@fwlocal.org)

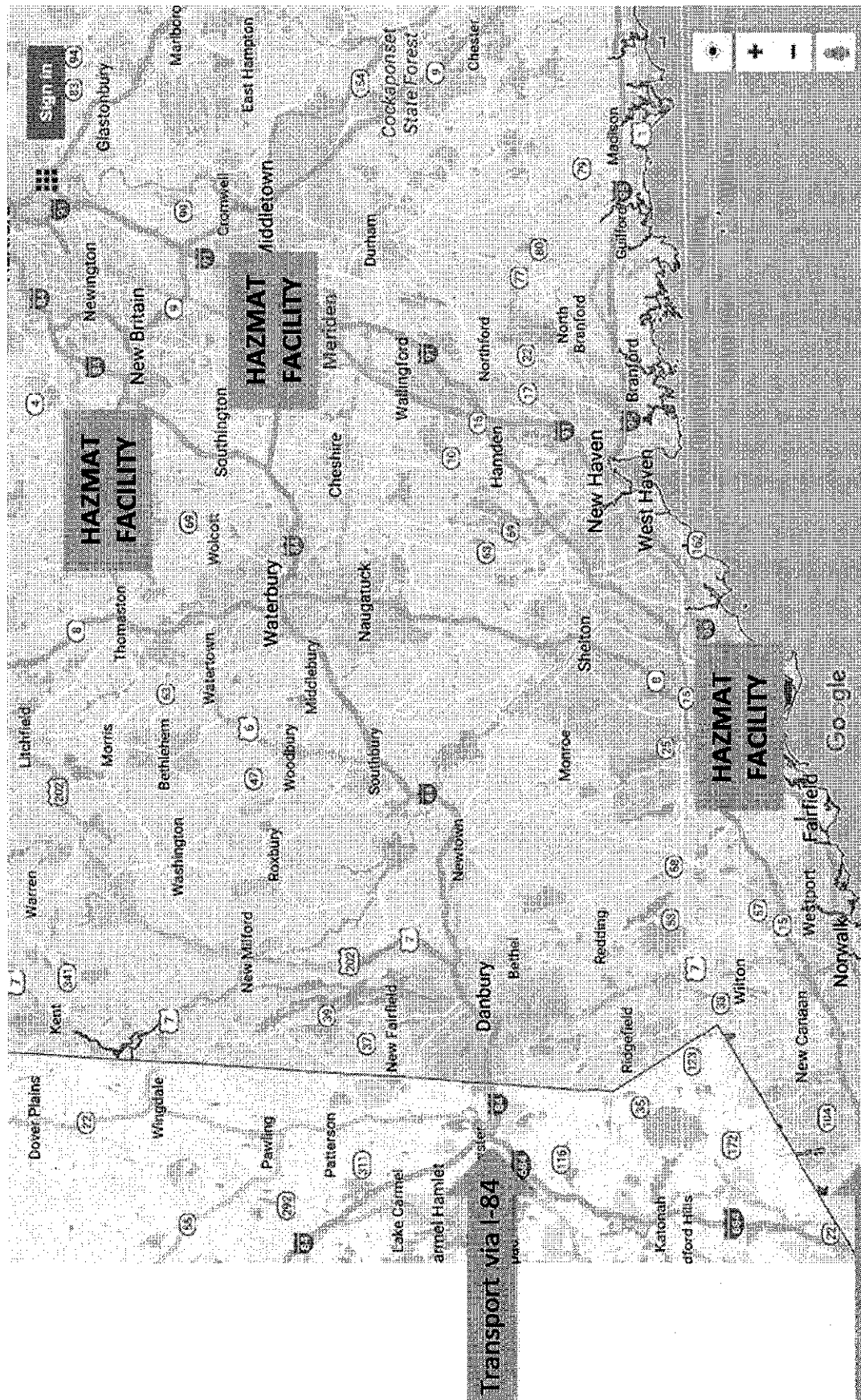






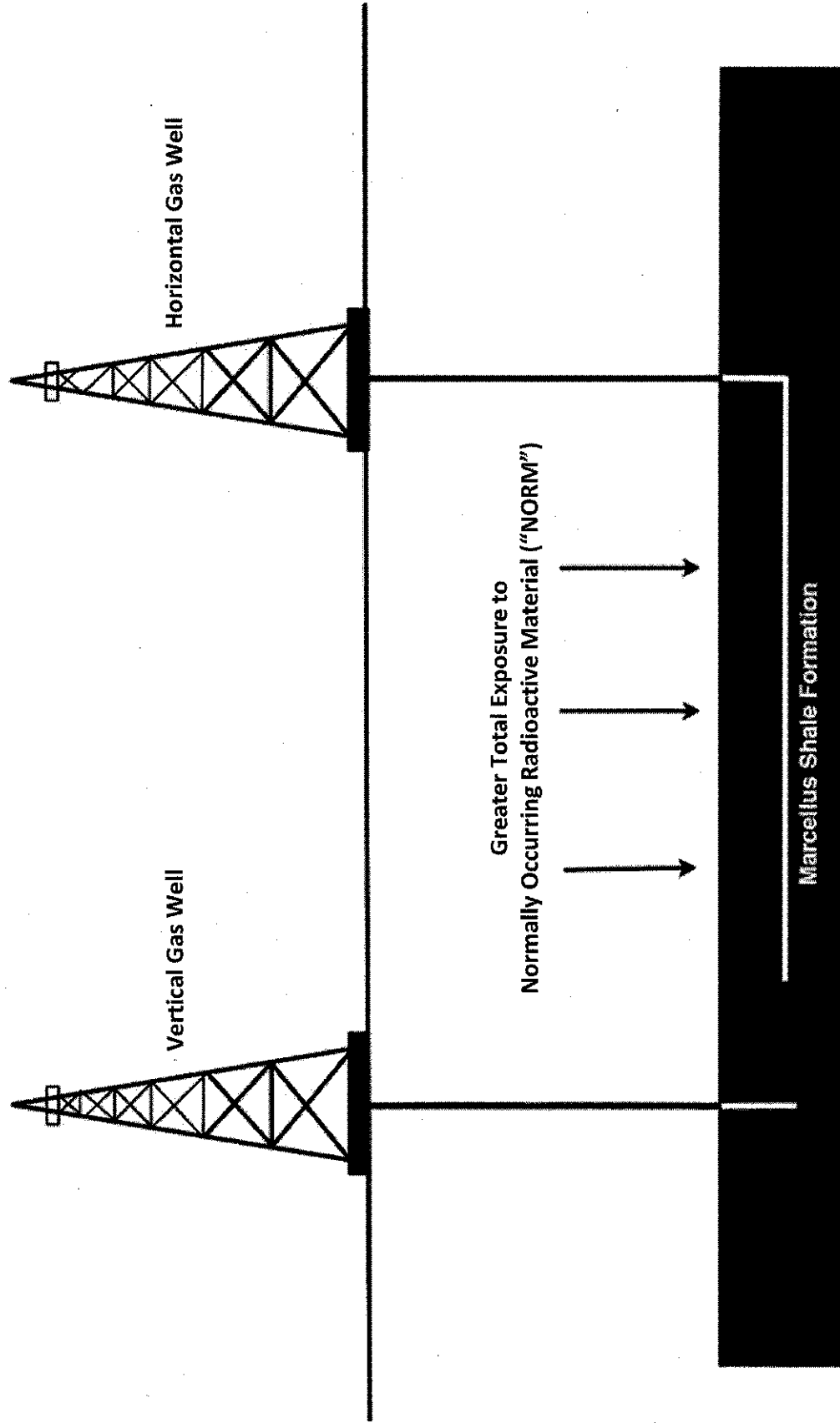
Base map courtesy FracTracker  
<https://www.fractracker.org/2015/09/pa-waste-8-states/>





FWW added notes: NY Up to 200,000 gallons injected

PA Avg. 4,000,000 - 5,000,000 gallons injected



**Figure 1: Comparison of Exposure to NORM in Marcellus Shale for Vertical Wells and Horizontal Wells**

National Council on Radiation Protection  
 E. Ivan White, Senior Staff Scientist  
 Consideration of Radiation of Hazardous Waste  
 Produced from Horizontal Hydrofracking



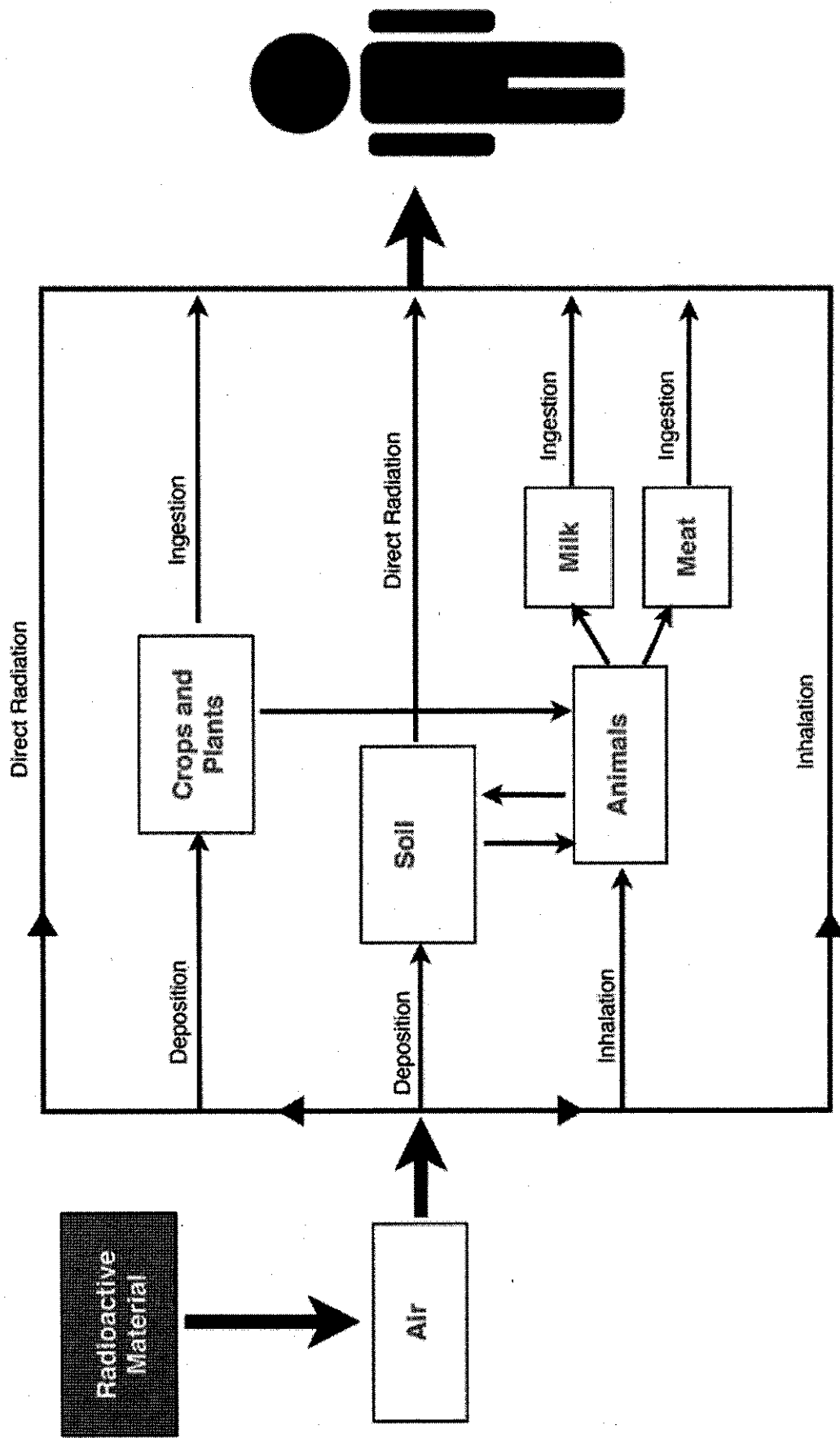


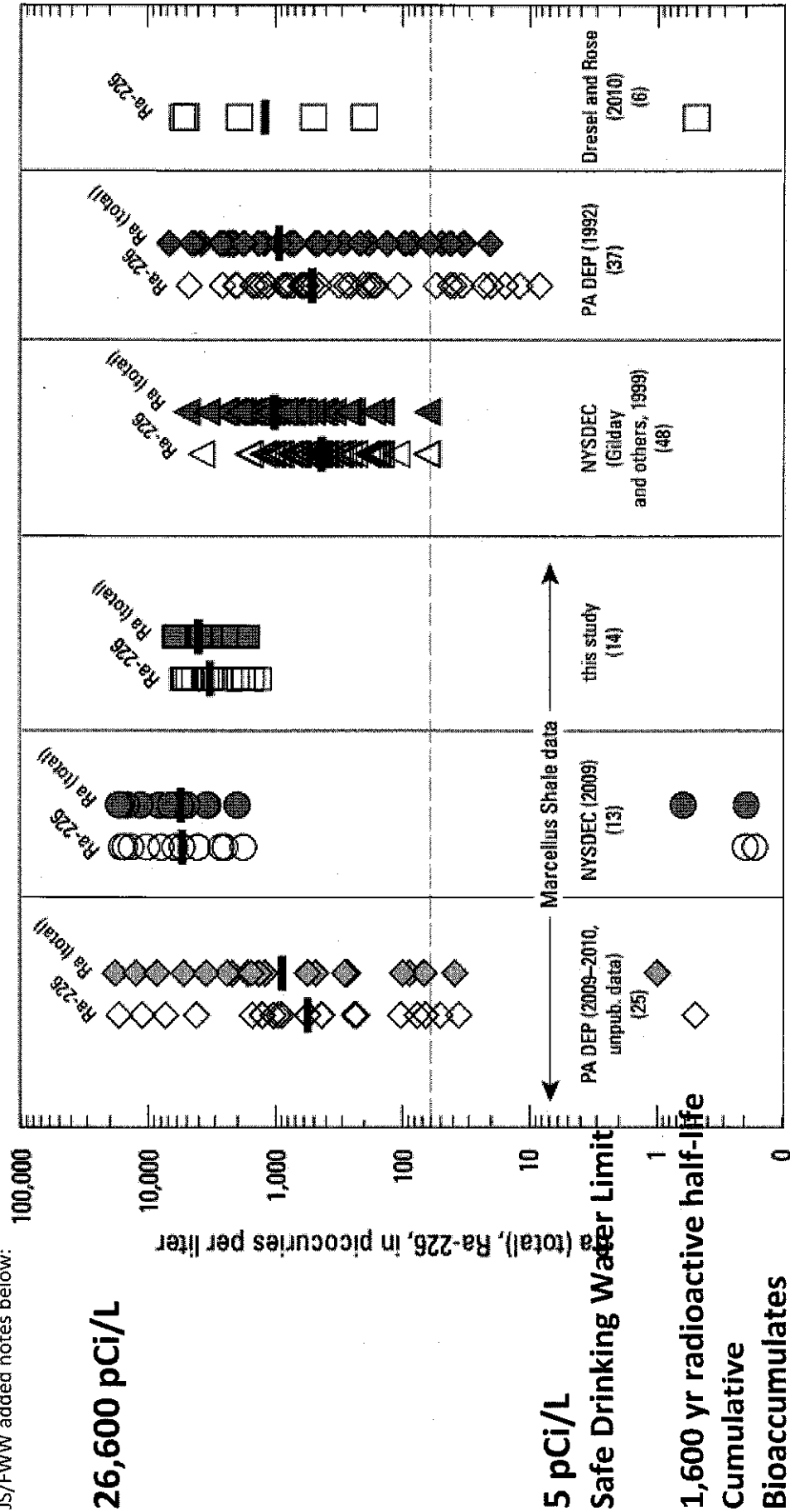
Figure 2: Pathways for Radiation Migration Through Air





JS/FWW added notes below:

26,600 pCi/L



**Figure 4.** Measured activities for total radium (Ra-226 + Ra-228) and Ra-226 for each of the data sources used in the study. The three datasets for produced water from Marcellus Shale wells are shown on the left; the remaining three datasets are for non-Marcellus Shale wells. The number of points in each dataset is shown in parentheses, and the median values are plotted as heavy black lines. For reference, the dashed line shows the industrial effluent discharge limit (60 pCi/L) for Ra-226 (U.S. Nuclear Regulatory Commission, <http://www.nrc.gov/reading-rm/doc-collections/cfr/part020/appb/Radium-226.htm>).

**Associated with Adult and Childhood Leukemias**

US Geological Survey (USGS) Radium Content of Oil- and Gas-Field Produced Waters in the Northern Appalachian Basin (USA): Summary and Discussion of Data By E.L. Rowan,1 M.A. Engle,1 C.S. Kirby,2 and T.F. Kraemer1

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### Naturally-occurring Toxins

Radium 226 & 228	Causes breast, bone & liver cancers, Associated with leukemia Radioactive half-life of 1,600 years Decays into other radioactive material & lead
Arsenic	Associated with bladder, kidney & skin cancers
Lead	Children - Brain & nervous system damage, developmental delay Adults - High blood pressure & kidney damage
Barium	Abnormal heart rhythms
Strontium	Children - Impacts bone growth
Benzene	Causes Leukemia
Toluene	Nervous system, liver & kidney damage
Xylene	Memory, stomach upset, liver & kidney changes, impacts to fetus
Chromium 6	Dermal burns, vertigo, GI hemorrhage, liver & kidney damage
PAHs	Associated with skin, lung, bladder & gastrointestinal cancers
Bromides	React synergistically with chlorine added to disinfect drinking water creating brominated trihalomethane - highly carcinogenic

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649 Known chemicals in 2011

363 Reported here

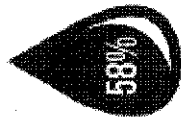
44% No information available  
on these chemicals

Soluble in water = Run-off & leaching  
Surface waters & aquifers  
Drinking water supplies  
Soil, property, farmland

Volatile = Vaporize = Travel thru Air  
Inhaled  
Settle on water & crops  
Settle on property  
Ingested  
Absorbed by skin

Colborn, et al 2011  
Physicians for Social Responsibility-LA  
[www.PSA-LA.org](http://www.PSA-LA.org)

FOR THE 56% OF  
FRACKING  
CHEMICALS WE  
CAN IDENTIFY



**SOLUBLE**  
IN WATER

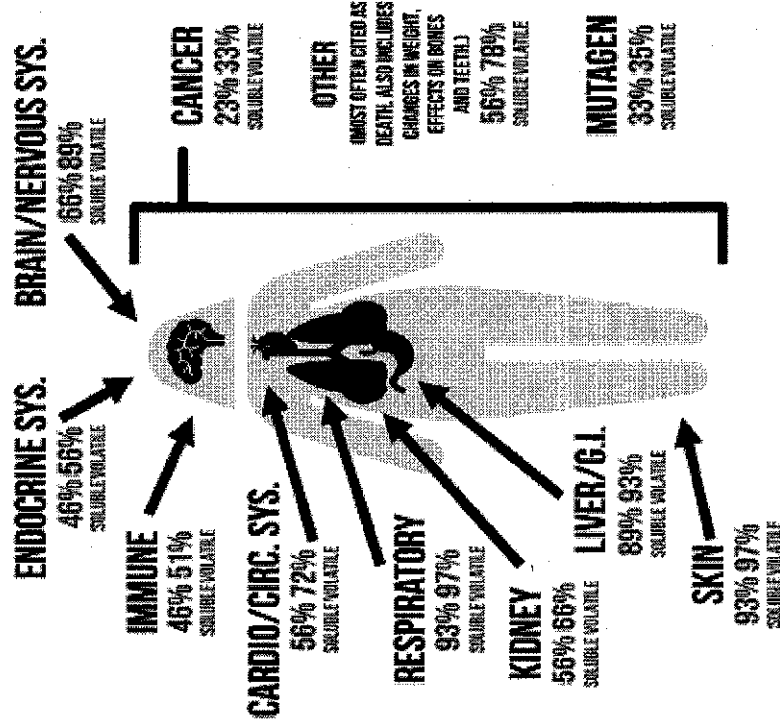


**VOLATILE**  
SMALLER PERCENTAGE,  
BUT BIGGER IMPACT. THESE  
CHEMICALS CAN BE  
INHALED, SWALLOWED,  
AND/OR ABSORBED  
THROUGH THE SKIN

ALL NAMES FROM  
THE 2011 REPORT—  
FRACKING TOXIC ANALYSIS:  
STOMACH, SEMI DECEASED  
CANCER, HEART, LIVER, LUNG,  
PLEASE, LUNG, AIDS, AIDS,  
BLOOD, WATER, DRUG, AIDS,  
BLOOD, CLOUD, AMES, FETTER,  
TON, QUESTION, CLOUD, AIDS,  
BLOOD, LUNG, AIDS, AIDS

# BODY SYSTEMS AFFECTED BY FRACKING CHEMICALS\*

SHOWN WITH % OF CHEMICALS AFFECTING EACH BODY SYSTEM  
(SOLUBLE CHEMICALS IN BLUE AND VOLATILE CHEMICALS IN RED)



food & water watch

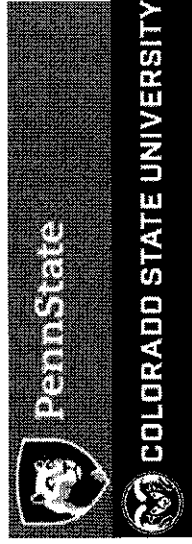


## Yale SCHOOL OF PUBLIC HEALTH

- 119 Carcinogens, known & suspected, can travel through air & water
- Toxins linked to developmental & reproductive health problems
- 1,157 known chemical additives

## Yale SCHOOL OF ENGINEERING & APPLIED SCIENCE

Elevated Levels of Diesel-like Chemicals Found in 65 Home Wells  
Tied to surface spills Trace amounts found 3-5 years later



## DARTMOUTH

High levels of radioactivity, carcinogens, endocrine disruptors, chlorides found  
12 miles from treatment facilities.

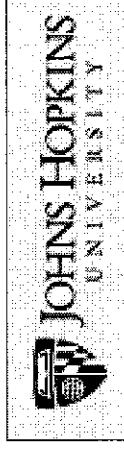


- Radioactive sediment in waterways in PA & ND
- Spills and post-treatment discharge causing contamination
- Iodide, Bromide + Chlorine = Carcinogenic Trihalomethane
- 6,648 spills in 4 states over 10 years - 50% storing & moving waste

Concerned Health Professionals of NY - Compendium 2016 4<sup>th</sup> Ed, 750+ Studies  
[concernedhealthny.org/compendium/](http://concernedhealthny.org/compendium/)



**Study: Fracking associated with migraines, fatigue, chronic nasal and sinus symptoms**



**Johns Hopkins study links fracking to premature births, high-risk pregnancies**

Researchers look at nearly 11,000 births in north-central Pennsylvania



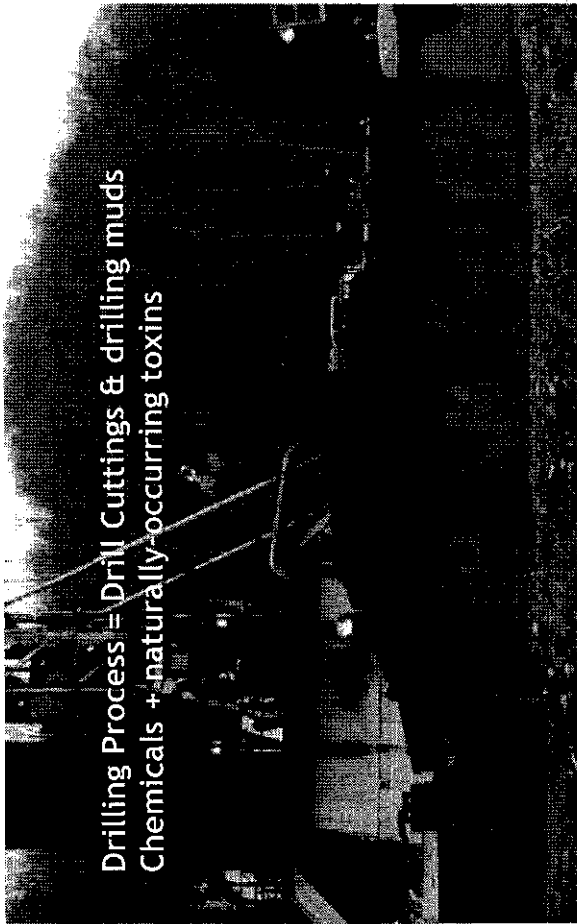
Increased Hospitalizations in  
Heavily-drilled PA Counties:

Cardiology  
Neurology  
Dermatology  
Neonatology  
Urology  
Oncology

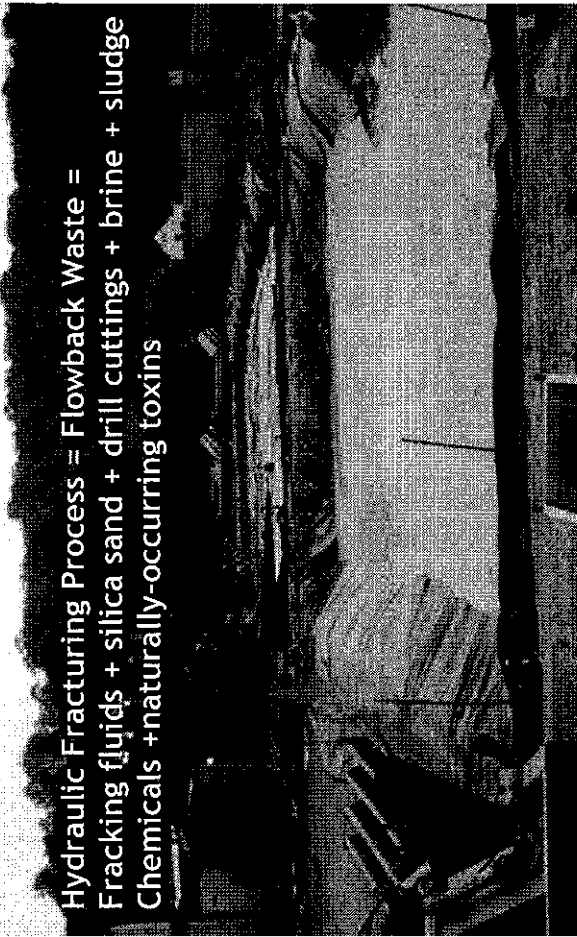
colorado school of  
**public health**

Age 5-24 Leukemia  
4.3 x likely live near  
dense drilling activity

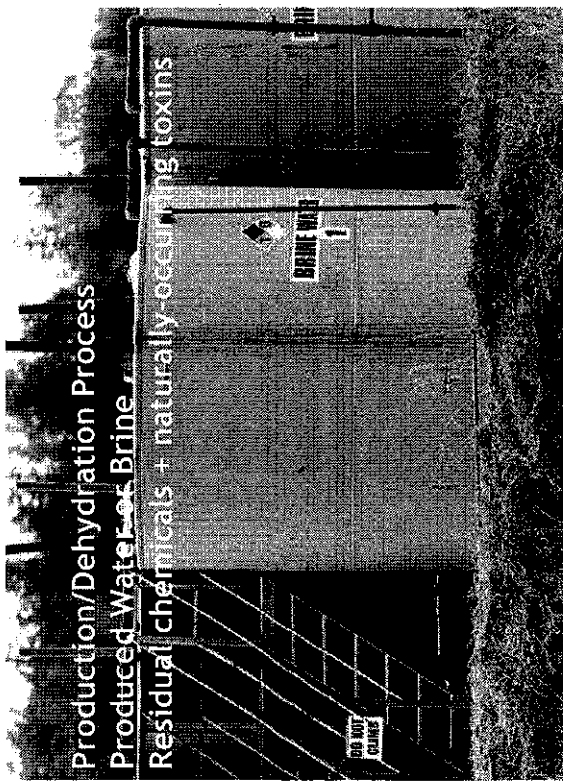
Drilling Process = Drill Cuttings & drilling muds  
Chemicals + naturally-occurring toxins



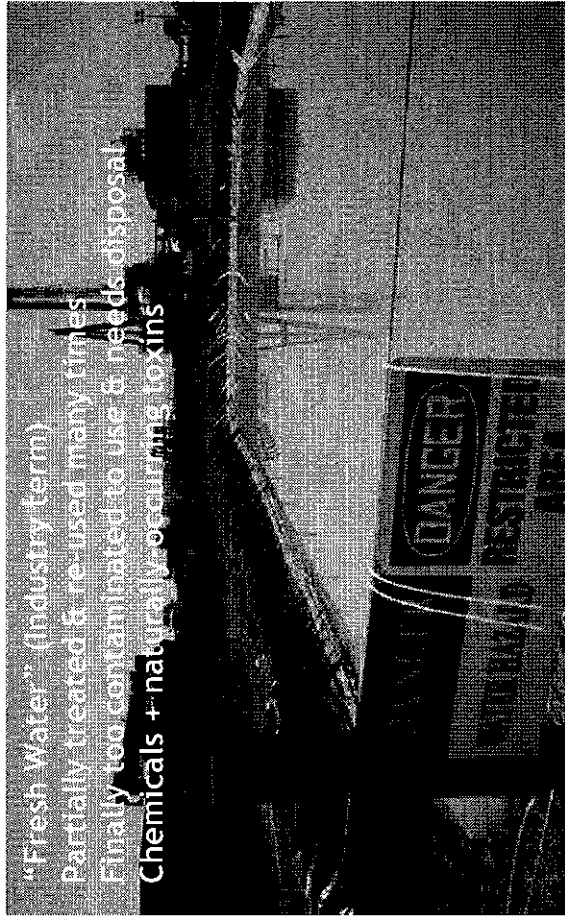
Hydraulic Fracturing Process = Flowback Waste =  
Fracking fluids + silica sand + drill cuttings + brine + sludge  
Chemicals + naturally-occurring toxins



Production/Dehydration Process  
Produced Water or Brine,  
Residual chemicals + naturally-occurring toxins



"Fresh Water" (industry term)  
Partially treated & re-used many times  
Finally too contaminated to use & needs disposal  
Chemicals + naturally-occurring toxins





- **Priority Topics**
- **HazWaste Treatment**
- **CT HazWaste Treatment Facility Compliance Overview**

Partially-treated effluent is discharged into the sewage systems of Bristol, Meriden & Bridgeport.

Depending of future regulations, there is risk of still contaminated & radioactive effluent to also be sent to additional Publicly Owned Treatment Works (POTW) in CT. See slide 19 for locations.

[illegible][illegible]

## Potential Chain of Radioactive & Chemical Contamination in CT

Transport*	Accidents, leaks, spills
Transfer Sites*	Run-off, leaching into soil, ground & surface water
Storage Sites*	
Hazardous Waste Facility*	Contaminated effluent discharged at HazMat & POTW
Partially-treated to POTW*	Sludge to incinerators
Trash to Energy Incinerator	Incinerator emissions & Disposal of incinerator ash
Beneficial Use (BUD) Permits**	<div>Liquids</div> <div>Sprayed on roads</div> <div>De-icer</div> <div>Dust control</div> <div> <div>Solids</div> <div>Construction fill</div> <div>Road base</div> <div>Brownfield capping</div> <div>De-watered salts</div> <div>Run-off, leaching into soil &amp; surface water</div> </div>

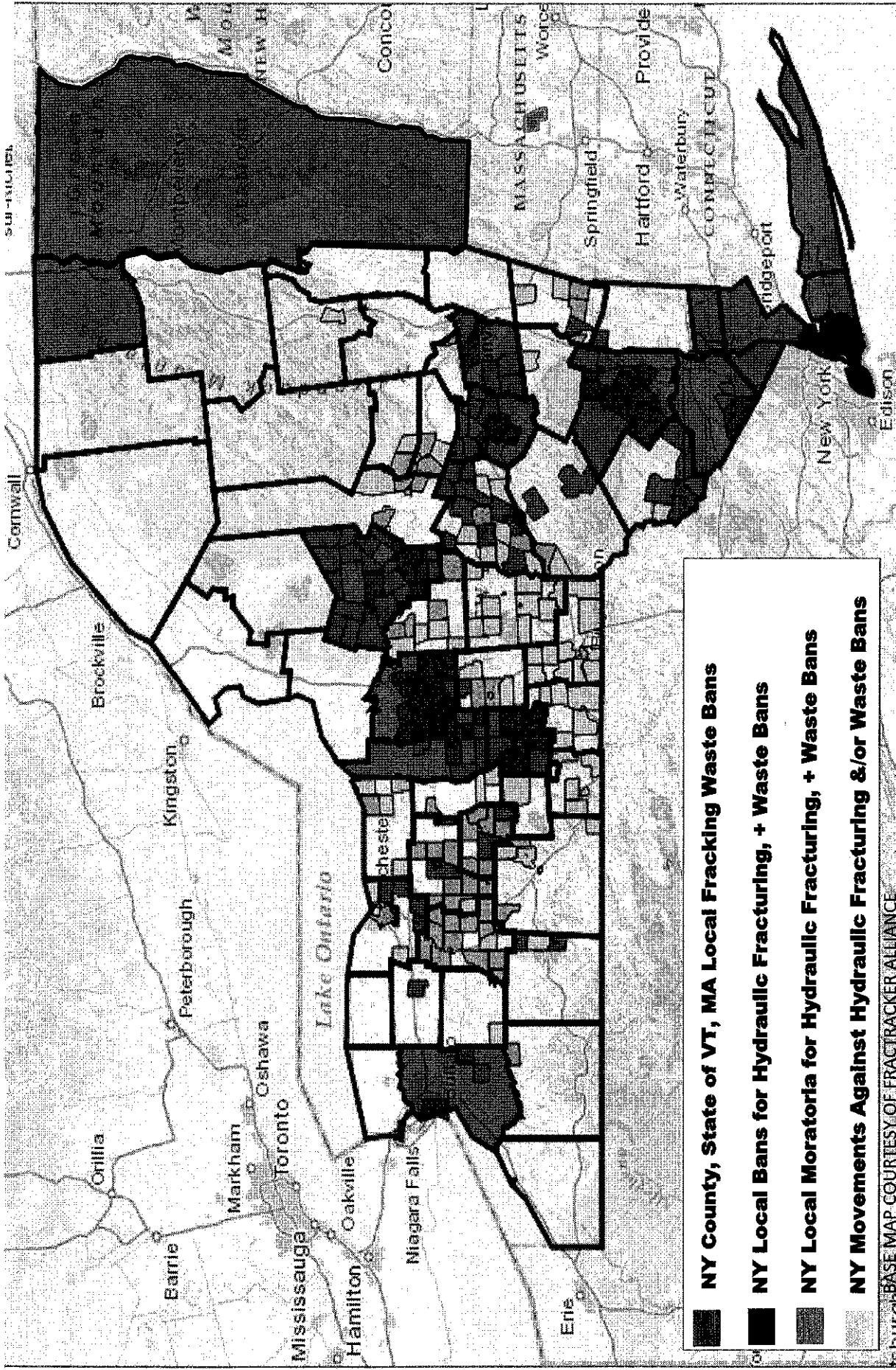
\* Contamination & remediation costs in other states with regulations

\*\* PADEP reversed policy for solid waste BUD permits 5 years after permitting

Oil & Gas Drilling & Extraction Wastes	Local Bans in 33 of 34 CT Towns (Washington, CT passed State of CT language)	Temporary Moratorium Pending CT Regulations*
Gas Drilling Muds	X	
Gas Drill Cuttings	X	
Gas Hydraulic Fracturing Flowback	X	X
Gas Flowback & Drill Cuttings Mix	X	X
Gas Flowback & Brine Mix	X	X
Gas Flowback & Used Frac Sand	X	X
Gas Brine Produced During Gas Flow	X	?
Gas Chemicals Used on Pad Surface	X	?
Gas Underground Storage Waste	X	
Gas Liquified Petroleum Gas Waste	X	
Oil Drilling Muds	X	
Oil Drill Cuttings	X	
Oil Hydraulic Fracturing Flowback	X	
Oil Flowback & Drill Cuttings Mix	X	
Oil Flowback & Brine Mix	X	
Oil Flowback & Used Frac Sand	X	
Oil Brine Produced During Oil Flow	X	
Oil Chemicals Used on Pad Surface	X	

\* Same definitions considered for ban in 2017. Passed House, died in Senate.  
House bill would have rolled back key protections passed into law in 2014.

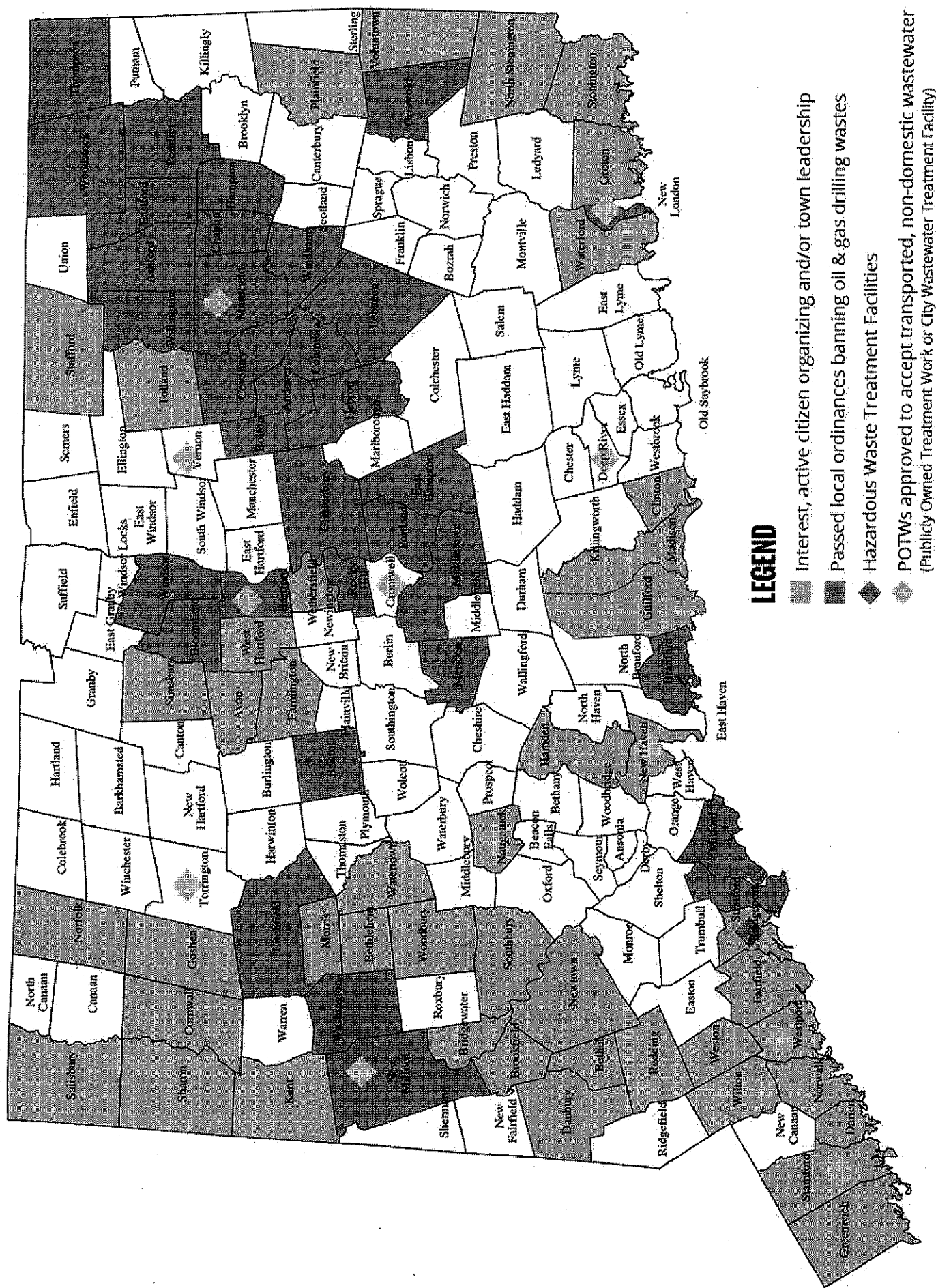




BASE MAP COURTESY OF FRACKTRACKER ALLIANCE







**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.
- f) *"Oil waste"* shall mean: 1) any liquid or solid waste or its constituents that is generated as a result of oil 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 oil extraction activities; and 3) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

### **Sec. 3. Prohibitions.**

- a) The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
- b) The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
- c) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
- d) The storage, disposal, sale, acquisition, handling, transfer, treatment and/or processing of natural gas waste or oil waste from natural gas extraction activities or oil extraction activities is prohibited within the Town.

### **Sec. 4. Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the Town.**

- a) All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
- b) All bids and contracts related to the purchase or acquisition of materials to be used to construct, or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.
- c) The following statement, which shall be a sworn statement under penalty or perjury shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town:

"We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or 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. The South Windsor Police Department and/or any other designee(s) of the Manager are also authorized to enforce this Chapter. In addition to any equitable relief available, this Chapter shall be enforced by citations issued by said designated officers or employees.
- 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 Districts 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.
- C. 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.

### § 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, President's Day, Martin Luther King Day, Columbus Day, Easter, Memorial Day, Fourth of July, Veteran's Day, Labor Day, Christmas Day, Thanksgiving Day and any other holidays designated by State statute.

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 (loaders, bulldozers, graders, compactors, etc) 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.

**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, State or utility companies 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.

**1-5. Variance.**

- A. Any person residing or doing business in the Town of South Windsor may apply to the Town Council or its designated representative for a variance for not more than one year from the provisions of this Chapter, provided that the applicant, at least forty-five (45) days prior to the date of said activity, provides the Town Manager with a written request for a variance to be acted on by the Town Council containing all of the following information:
  - 1) The location and nature of activity;
  - 2) The time period and hours of operation of said activity;
  - 3) The nature and intensity of the demolition and/or construction activity;
  - 4) Any other information required by the Town Manager.
- B. No variance from this Chapter shall be issued unless it has been demonstrated that:
  - 1) The proposed activity will not constitute a danger to the public health; and
  - 2) Compliance with this Chapter constitutes an unreasonable hardship on the applicant provided that such hardship is not the result of the applicant's own actions or inaction.
- C. The application for variance shall be reviewed and either approved or rejected at least five days prior to the proposed start of said activity. The approval or rejection shall be in writing and shall state the condition of approval, if any, or the reasons for rejection.
- D. Failure to rule on the application in the designated time shall constitute approval of the variance.
- E. The Council or its designated representative may impose reasonable conditions on the granting of any variance within its sole discretion.

**§ 1-6. Hindering compliance-Prohibited.**

- A. No person shall hinder or interfere with by force or otherwise, the performance by any duly authorized agent or employee of the Town of South Windsor of any duty to comply with or enforce the provisions of this Chapter.
- B. No person shall allow on any property or premises owned or leased by him any activity that violates or fails to comply with this Chapter, or the terms or conditions of any permit, variance or order issued pursuant to this Chapter.

**§ 1-7. Penalties for offenses.**

The first violation of any of the provisions of this chapter shall be punished by a fine not to exceed \$100. Each day any such violation shall continue or each act in violation of this Chapter shall constitute a separate offense. The second violation by any person or entity of any provision of this chapter shall be punished by a fine of \$175. Subsequent violations of any provision of this chapter shall be punished by a fine of \$250.

**1-8. Enforcement.**

- A. Any person aggrieved by any act constituting a violation of this Chapter may complain to the South Windsor Police Department which shall enforce these provisions, with or without complaint.
- B. This Chapter shall be enforced by citations issued by the designated municipal officers or employees in accordance with Connecticut General Statute Sections 51-164m and/or 51-164p Violations of Municipal Ordinances (penalty greater than \$90.00 but not more than \$250.00).
- C. The appeal of any such Infraction Ticket issued for Violation for Municipal Ordinances shall be via the Centralized Infraction Bureau and Connecticut Superior Court system pursuant to C.G.S. Sec. 51-164n.

**§ 1-9. Severability**

All provisions of the Charter, Ordinances and/or any applicable law(s) 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**