

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

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April 16, 2018

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

1. Call Meeting to Order

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

4. Roll Call

Members Present: Deputy Mayor Andy Paterna
Councilor Jeffrey Glickman
Councilor Mary Justine Hockenberry
Councilor Lisa Maneeley
Councilor Carolyn Mirek
Council Liz Pendleton
Councilor Matthew Riley
Councilor Janice Snyder

Members Absent: Mayor M. Saud Anwar

Others Present: Matthew B. Galligan, Town Manager

5. Communications and Reports from Town Manager

Mr. Galligan reported on the following:

Budget

There is a Public Hearing tonight for the General Government budget. At the Joint Budget Work Session with the Board of Education, Mr. Galligan recommended using the Capital Non-Recurring Account for the portable classrooms which will help reduce the Board's budget by \$385,000. Any reimbursement from this project would be put into the Capital Projects fund. In order to reduce the budget to a 2.25% increase in the revaluation, the Superintendent and Mr. Galligan would be looking to cut another \$140,000 from the budget.

Studio Project

Over the past few months, we have been working on the Fuel Cell and Studio project. Eversource has agreed to allow the transfer of the Power Purchase Agreement to a South Energy Investment, LLC who will be taking over the liability issues. As of April 12th, all documentations, including letters of support, have been

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5. Communications and Reports from Town Manager (Continued)

Studio Project (Continued)

delivered to PURA. Meetings will be set up with Pacific Adventures and Maztec Corporation after documents are received. Timeframes will then be established.

Upcoming Conferences

Mr. Galligan stated he would be in Santa Fe, New Mexico from May 9th to May 12th as a member of the CIRMA Board of Directors for a Liability and Workers Compensation Insurance Conference. In that same time frame, a final meeting regarding the studio project will be held in Albuquerque, New Mexico.

Upcoming Conferences

Mr. Galligan stated he would also be gone from May 19th to May 23rd in Las Vegas for the International Council of Shopping Centers Conference. There are approximately 36,000 retail and business people who attend this conference which is one of the largest economic development conferences held in the United States. There are meetings already set up with various retail establishments that are looking to come east.

Town Attorney

Mr. Galligan stated that since the Mayor is absent from this meeting, this issue should be discussed in May.

4th R Program

There have been concerns about the 4th R Program. The program has been a huge success, and this has created an issue when trying to get additional children to participate. It is unfortunate and reminds me of our school reading program. The reading program was so successful that the Town had to create a lottery system for participants as space and staff were limited. A meeting has been scheduled with Town staff, the Superintendent to review the 4th R Programs space needs and staffing. It is very difficult to hire individuals who want to work early hours in the morning, go home, and then come back for the afternoon. After the meeting, a recommendation will be brought back to the Council.

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ITEM:

5. Communications and Reports from Town Manager (Continued)

Crumbling Foundations Core Sample Storage

Representative Currey asked if the Town had a place to store core samples for people with crumbling foundations. The core samples determine the funding mechanism for the homeowner. Representative Currey has been informed that the Town has made approximately 1,200 square feet of space in the recreation facility to store the core samples until a funding mechanism is secured. The Town will have to work up an inventory program to maintain integrity, but the Town is working very hard to take care of the needs of the residents who are affected. Ashley Booth has put on the website, an application for interested candidates to sit on the Board of Directors for the Captive Insurance Program. If anyone is looking to be a part of that program, they should fill out an application. Individuals should be aware when they do their taxes; they should look to see if there is the ability to get any credits.

Councilor Riley stated that the Recreation Department did a great job communicating to the public regarding the issues with the 4th R Program. Councilor Riley questioned if the Town Attorney Search Committee had completed their work and made a recommendation, which was reflected on the agenda on April 2, 2018? Mr. Galligan stated that is correct.

Answering further questions, Mr. Galligan explained that any time a Committee prepares a draft, that is not public until the final product is done. When the final product is done it becomes admissible to FOI. When the Town Attorney interviews are being done, those meetings are confidential. Once the process is complete and a letter is sent out to the individual being hired, then everything is public information. A Council member has asked me to get an outside legal opinion on this issue, and Mr. Galligan stated he has a call into an independent attorney, but he feels it is public information at this time.

Councilor Riley asked if the purpose for the Council to discuss this further is to review the process that the Committee went through. Mr. Galligan stated that there are questions by members of the Council because they are concerned that the Committee was not formed correctly. The Mayor formed this Committee and asked certain Council members to be a part of this Committee. At the next meeting, the process should be reviewed and compared to what has been done in the past.

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ITEM:

5. Communications and Reports from Town Manager (Continued)

Councilor Mirek stated that she does not feel the appointment of the Town Attorney should be political. Councilor Mirek then said she would like to follow up on the meeting for crumbling foundations and questioned if the Town is waiting for the State. Mr. Galligan stated he would have Ashely set up a meeting in May before the State gets out of session. Councilor Mirek requested that residents who are affected by this should be informed of the meeting.

Mr. Galligan explained to the Council that the fuel cell would probably be put in immediately. Doosan is ready to put them in. Pacific Adventures has sent the Maztec Corporation an agreement on the studio. The Council will probably see a lot of work going on in a month from now.

Mr. Galligan stated that the goal for the 4th R Program is to accommodate as many people as possible. There is a meeting next week to discuss the space the Superintendent can offer the Town. After that meeting, there will be more answers regarding the program.

Mr. Galligan informed the Council that there would be a meeting with Quantum Biopower of Southington, CT to discuss the recycling of food waste into energy. All restaurants and schools in the area will be invited to come to ask questions about this facility.

Deputy Mayor Paterna explained to the Council that the issue with the Town Attorney search is regarding the process.

6. Public Input (Items Not on the Agenda)

Ms. Karen Lydecker, 107 LeFoll Boulevard came before the Town Council to voice her concerns regarding not having care for her children through the 4th R Program. This program does not have to follow Connecticut Statutes and could accommodate more children. She also stated that after speaking to other parents, there are many who would be willing to pay more for the program.

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

Ms. Cori Tracy, 207 Twin Circle Drive explained that she is not able to quit her job and busing to other districts for daycare is something South Windsor will not do. She hopes that the Town comes up with a solution that will serve all of the families who are affected.

Ms. Emily Tracey, 74 Judy Lane explained that she is in need of before and after school care and there is no busing out of district for daycare purposes. Ms. Tracey stated she hopes that a solution is found to allow more participation.

Mr. Jason Meade, 11 Vintage Lane stated he is interested in before and after care and would love for his children to get into the program. The schools will not bus out of the district, and he was unable to find daycare in the district. Mr. Meade requested that the Council help residents figure out this situation.

Mrs. Nancy Yario, 20 Andreis Trail informed the Council and public that April is Organ Donor Awareness Month. There are 1,500 people waiting for organs, and only 300 of them will get one. Mrs. Yario then stated that she had bought a house on Andreis Trail because of the open space around the house. The Bark Park was then built near her home, and she would like to have a solution regarding the noise and traffic near her home. Mrs. Yario requested an 8-24 report from the Planning & Zoning Commission.

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 March 19, 2018, April 2, 2018, and April 3, 2018; and Regular Meeting Minutes of April 2, 2018.

Was made by Councilor Snyder

Seconded by Councilor Maneeley

The motion was approved, unanimously with Councilor Mirek abstaining from voting on the April 2, 2018, and April 3, 2018, Public Hearing Minutes.

8. Public Petitions

None

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

Councilor Pendleton reported that the Wood Memorial Library has an intern who is helping out. She wrote a letter to Channel 3 for the project of Twenty Towns in Twenty Days, and this past week, Scott Haney was at Wood Memorial Library to interview the Director of Wood Memorial Library and had a tour of South Windsor.

10. Reports of Standing Committees

Deputy Mayor Paterna informed the Council that Sustainable Connecticut Committee had met twice since the resolution was passed. On April 30, 2018, at 7:00 p.m. in the Council Chambers there will be an Open Public Forum for Boards, Commissions, Committees, and residents to come and talk about how to make South Windsor more sustainable.

11. Reports of Temporary Committees

None

12. Public Participation

None

13. Consent Agenda

None

14. Unfinished Business

**A. Discussion Item: Referendum for \$15,000,000 for Infrastructure
(requested by Mayor Anwar)**

Mr. Galligan stated that he sent the Council a proforma from IBIC who is our financial advisor. Councilor Riley asked that if we looked at Pleasant Valley School to be put on, the Finance Director has requested the number from the Superintendent of Schools. The number that is used for Pleasant Valley will only be an estimate. Those numbers will be readjusted in the future to show the impact.

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Councilor Mirek made a motion to suspend the rules to go to Item 15. L. Councilor Snyder seconded the motion; and it was approved, unanimously.

15. New Business

L. Discussion Item: Reinstate and Modify Ordinance #158 – South Windsor Fire Department Tax Abatement (*requested by Town Manager, Matthew B. Galligan*)

Councilor Pendleton recused herself from this discussion.

Chief Cooney, from the Fire Department, came forward and explained that they would be requesting to reinstate Ordinance #158 and also requesting to have amendments made to this Ordinance. In past years, the federal tax law changed that allowed municipalities to offer up to \$1,000 abatement to volunteers. Some volunteer fire departments went to their agencies to get that approved, and South Windsor was one of the first to get it approved using a tiered approach. At some point, the Ordinance was deleted, but the Town was nice enough to continue the program. The proposed changes to the Ordinance is a reformation of what has been happening throughout the years.

Answering questions from the Council, Chief Cooney explained that the proposed changes to the pre-existing Ordinance have two additional benefits that the Volunteer Fire Department currently do not have. Presently, a member has to be enrolled in the program in South Windsor Volunteer Fire Department for two years before they are eligible to receive the tax abatement. At that point, the member would get \$250.00 tax abatement. After five years the member would get \$500.00 tax abatement, seven years the member would get \$750.00 tax abatement, and then ten years or more the member would get \$1,000.00 tax abatement. Currently, under the old Ordinance, if a member serves for at least 20 years and reaches a maximum age of 65, the member would continue that benefit for the rest of their life as long as they own property in Town. Most of our members that retire tend to move away, but there are a few that receive this benefit. The new proposal is to capture some of our members who have served 30 to 40 years but retire before the age of 65. The members will have had to serve at least 25 years in the service awards program. The service awards program a member has

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ITEM:

15. L. (Continued)

to qualify for on a yearly basis which consists of hours of service. At a minimum, a member has to provide service for 27 years, and then you have to qualify every year in the service awards program to qualify for the benefit. Another benefit that is being proposed is if someone gets hurt on the line of duty and not be able to perform as a firefighter, they would continue to receive the benefit each year on whatever level they were at.

Councilor Snyder questioned if the dollar amounts could be increased? This incentive is for abatements, not cash. Chief Cooney clarified that the maximum of \$1,000.00 is set by federal regulations, although the lower amounts are flexible. There is movement on the State level to increase these incentives.

At 8:00 p.m., Deputy Mayor Paterna recessed the Regular Meeting in order to call a Public Hearing to order. The Regular Meeting reconvened at 8:07 p.m. Deputy Mayor Paterna called for a short recess. The Regular Meeting reconvened at 8:13 p.m.

Councilor Hockenberry stated that she is in favor of these changes and feels it is very important to do this for our fire department.

Answering a question from Councilor Riley, Chief Cooney explained that the federal law was put in place 20 years ago. This process has been terminated a few times, but the Town has taken the intent of the original federal law and has continued the abatements the whole time. With the reinstatement of the Ordinance and the proposed changes, the process will just be formalized. To qualify in any given year, you need a minimum of 100 hours every year to be enrolled. Currently, the average yearly tax abatement given towards this program is \$50,000. There is an eligible number and an actual number because if someone pays less in taxes than what they are supposed to receive, they will only be given the amount they owe in taxes. The new proposal of having someone receive the benefit if they get hurt will only be if it is job-related as a firefighter. Presently there are 120 members with 75 firefighters.

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ITEM:

15. New Business (Continued)

A. Resolution Accepting the Resignation of Carolyn Mirek (R) from the Town Council

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Carolyn Mirek (R) from the Town Council, said resignation to be effective May 6, 2018; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Carolyn Mirek for the time she has dedicated to serving her community by her membership on the Town Council.

Was made by Councilor Snyder
Seconded by Councilor Maneeley

Councilor Snyder, Hockenberry, and Riley thanked Councilor Mirek for her years of service to the Town and wished her good luck in her future endeavors.

At 8:30 p.m., Deputy Mayor Paterna recessed the Regular Meeting in order to call a Public Hearing to order. The Regular Meeting reconvened at 8:45 p.m.

Councilor Maneeley, Glickman, Pendleton, and Deputy Mayor Paterna thanked Councilor Mirek for her service to the Town and wished her well in her future endeavors.

Councilor Mirek came forward and stated that this was a difficult decision for her. It has been her pleasure working on the Council, different boards, and commissions, and as Town Treasurer, however, personal and professional circumstances have made it difficult for her to devote the time and energy necessary to do this job going forward.

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

B. Resolution Accepting the Resignation of Audrey Delnicki (R) from the Board of Education

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ITEM:

15. B. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Audrey Delnicki (R) from the Board of Education, said resignation to be effective May 6, 2018; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Audrey Delnicki for the time she has dedicated to serving her community by her membership on the Board of Education.

Was made by Councilor Maneeley
Seconded by Councilor Snyder

Councilor Maneeley, Riley, and Snyder thanked Audrey Delnicki for her service on the Board of Education and is looking forward to working with her on the Town Council.

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

C. Resolution Accepting the Resignation of Maxine (Teri) Parrot from the Planning & Zoning Commission

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of Maxine (Teri) Parrott (R) from the Planning & Zoning Commission, said resignation to be effective immediately; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Maxine (Teri) Parrott for the time she has dedicated to serving her community by her membership on the Planning & Zoning Commission.

Was made by Councilor Mirek
Seconded by Councilor Maneeley

Councilor Mirek and Snyder thanked Teri Parrott for her service on the Planning & Zoning Commission and other Boards and Commissions.

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ITEM:

15. C. (Continued)

Councilor Pendleton made a friendly amendment stating that it should be stated that the resignation was effective April 10th.

Mr. Galligan explained that the Council is just accepting her resignation immediately. She wrote her resignation letter on the 10th of April.

Councilor Pendleton withdrew her friendly amendment.

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

D. Resolution Accepting the Resignation of Joseph Etter (R) from the Zoning Board of Appeals

BE IT RESOLVED that the South Windsor Town Council here accepts with regret, the resignation of Joseph Etter (R) from the Zoning Board of Appeals, said resignation to be effective May 4, 2018; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Joseph Etter for the time he has dedicated to serving his community by his membership on the Zoning Board of Appeals.

Was made by Councilor Riley
Seconded by Councilor Snyder

Councilor Snyder stated that she appreciates the work that Joe has done and thanked him for his service to the Town of South Windsor.

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

E. Resolution Appointing Audrey Delnicki (R) to the Town Council Effective May 7, 2018, and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

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ITEM:

15. E. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby appoints Audrey Delnicki (R) to the Town Council effective May 7, 2018, for a term ending November 11, 2019, to fill the unexpired term of Carolyn Mirek and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Riley
Seconded by Councilor Snyder

Councilor Riley stated he feels Audrey will be a terrific addition to the Town Council. She has a lot of knowledge of our community. Councilor Riley said he looks forward to working with her on the Town Council.

Councilor Mirek said she is very excited and grateful that Audrey has decided to step into this position and knows she will do an excellent job.

Councilor Glickman stated that the Republicans had chosen Audrey Delnicki to fill a vacancy, but at this time there is no vacancy. Councilor Glickman explained that he could not vote in favor of this appointment at this time because it would call into question the integrity of the entire Town Council. This appointment needs to be properly vetted. At the next meeting, after it is properly vetted, he would have no problem voting for it.

Deputy Mayor Paterna called for a vote on the motion; it failed on a roll call of 4 to 4 with Councilor Maneeley, Councilor Mirek, Councilor Riley, and Councilor Snyder voting in favor of approval; and Deputy Mayor Paterna, Councilor Glickman, Councilor Hockenberry, and Councilor Paterna voting in opposition of approval.

F. Resolution Appointing Arthur Adduci (R) to the Board of Education effective May 7, 2018, and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

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ITEM:

15. F. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby appoints Arthur Adduci (R) to the Board of Education effective May 7, 2018, for a term ending November 11, 2019, to fill the unexpired term of Audrey Delnicki and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Maneeley
Seconded by Councilor Riley

Councilor Maneeley welcomed Arthur Adduci to the Board of Education and thanked him for stepping into the position.

Councilor Glickman stated he would not be able to vote in favor of this because it calls into question the integrity of the Town Council.

Councilor Mirek questioned if the Town Council has done this before. Mr. Galligan explained that this had been done before and the resolution was approved by the Town Attorney. There are effective dates put into the resolution so that there are meetings where there is a vacancy.

Councilor Maneeley questioned why these appointments are being blocked. There will be a lapse of a Council member and Board member. These items should be discussed with each party before the meeting is held so that the appointments could go smoothly.

Deputy Mayor Paterna explained that according to the Town Charter, Section 208, you could not fill a vacancy that is not vacant, so we are appointing people to a seat that is not vacant until May 6th. This is about the process.

Councilor Riley voiced his disappointment with discussions not happening before the meeting. There is a lack of transparency and communication. Councilor Riley stated he does not share the procedural concern and feels the Democrats interpretation is inaccurate.

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ITEM:

15. F. (Continued)

Councilor Mirek stated that before the agenda is published, there is an agenda meeting, so the Mayor or his designee is fully aware of what is on the agenda. If four Council members had an issue about how an agenda item is written, it should have been communicated before the meeting.

Councilor Snyder felt that this is very surprising and then explained the process. This is the second meeting in a row where the Council says we are going to work together and we don't.

Councilor Hockenberry questioned if a procedure is not followed correctly, what are the ramifications?

Mr. Galligan explained that this was vetted by the Town Attorney to make sure it is correct. This is wasting time because there is other business that needs to get done. Should not have this diversity between both parties. Mr. Galligan stated this is a procedure that was given to you and he could not tell you how to vote. The Council is not in violation, and the process is done so that there is not an empty seat.

Councilor Riley reiterated that the interpretation that someone made is off the mark and requested that the Council members consider changing their position. If the Council cannot go back to the appointment of Audrey Delnicki, he would suggest that a special meeting is held in order to take action.

Councilor Mirek stated that if this process were not followed, there would be vacancies on every board and commission. This is why we have the protocol of reading the appointment twice.

Councilor Maneeley explained the same process is done at election time. It is done so there is no gap.

Councilor Mirek said she was told that she had to put in an effective date of May 6, but is willing to make a friendly amendment to make the resignation effective immediately.

At 9:30 p.m. Deputy Mayor Paterna called for a recess. The Regular Meeting was reconvened at 9:55 p.m.

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ITEM:

15. F. (Continued)

Deputy Mayor Paterna called for a vote on the motion; it passed on a roll call vote of 5 to 3 with Councilor Hockenberry, Councilor Maneeley, Councilor Mirek, Councilor Riley and Council Snyder voting in favor of the motion; and Deputy Mayor Paterna, Councilor Glickman, and Councilor Pendleton voting in opposition of the motion.

Councilor Snyder made a motion to suspend the rules to go to Item 15. J. on the agenda. Councilor Maneeley seconded the motion; and it was approved, unanimously.

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

Mr. Galligan explained that the Town would like to update items under Chapter 50 – Health and Sanitation Ordinance for the protection of the residents.

Mr. Luigi Sartori, Director of Health and Heather Oatis, Environmental Health Officer introduced themselves to the Town Council. Mr. Sartori explained to the Council that last year all of the fee structures were approved. There are proposed changes that are coming from the State of Connecticut, Department of Health and some other language that has been being reviewed under cosmetology, tattoo artist, pools, etc. Hartford has proposed a new food code which South Windsor has duplicated. The fees are steady, and the language will be up to date.

Answering questions from the Council, Mr. Sartori explained that the codes, sections and other items that are being changed are based on the State Public Health Codes or State Statutes.

Mr. Galligan stated that at the next meeting there would be a request to set a public hearing for these proposed changes to the Ordinance; and then at some point, the Council will vote on those changes.

G. Resolution Appointing Maxine (Teri) Parrott (R) to the Zoning Board of Appeals effective May 7, 2018, and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

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ITEM:

15. G. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby appoints Maxine (Teri) Parrott (R) to the Zoning Board of Appeals effective May 7, 2018, for a term ending November 30, 2019, to fill the unexpired term of Joseph Etter and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Mirek
Seconded by Councilor Snyder

Councilor Mirek felt that with Teri's experience, she will be an excellent addition to the Zoning Board of Appeals.

Deputy Mayor Paterna called for a vote on the motion; it passed on a roll call vote of 6 to 2 with Deputy Mayor Paterna, Councilor Hockenberry, Councilor Maneeley, Councilor Mirek, Councilor Snyder, and Councilor Riley voting in favor of approval; and Councilor Glickman, and Councilor Pendleton voting in opposition of approval.

H. Resolution Appointing Paul Coté (D) an Alternate to the Inland Wetland Agency/Conservation 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 Paul Coté (D) an alternate to the Inland Wetlands Agency/Conservation Commission for a term ending December 1, 2020, to fill the unexpired term of Stephen Wagner and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Glickman
Seconded by Councilor Pendleton

Answering questions from the Council, Deputy Mayor Paterna explained that a resignation from Stephen Wagner was received months ago.

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

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ITEM:

15. New Business (Continued)

I. Resolution Authorizing the Sale or Disposal of Surplus Vehicles

BE IT RESOLVED that the South Windsor Town Council hereby declares a 2003 Ford F550 Super Duty Dump Truck to be "Surplus Equipment", and authorizes Town Manager, Matthew B. Galligan to sell, or otherwise dispose of it.

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

Councilor Riley recused himself from Item 15. K.

K. Resolution Authorizing Town Manager, Matthew B. Galligan to Sign and Execute an Agreement for the Purchase of Development Rights for 49.7 (+ or -) Acres

WHEREAS, the South Windsor Town Council feels that the preservation of farmland and open space are very important; and

WHEREAS, the required public hearing was held on April 16, 2018, to amend Ordinance #212, an Ordinance Authorizing the Acquisition of Open Space; and

WHEREAS, an 8-24 Referral was sent to the Planning & Zoning Commission and at their Regular Meeting of April 10, 2018, they forwarded a favorable review, by unanimous consensus, of the purchase of development rights for 49.7 (+ or -) acres on the easterly side of Main Street and the southerly side of Pleasant Valley Road; and

WHEREAS, the purchase of development rights for this property have been endorsed by the Open Space Task Force, and the Agricultural Land Preservation and Advisory Commission

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ITEM:

15. K. (Continued)

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan to sign and execute an agreement, and any other necessary documentation, for the purchase of development rights for 49.7 (+ or -) acres on the easterly side of Main Street and southerly side of Pleasant Valley Road for the amount of \$245,500.

Was made by Deputy Mayor Paterna
Seconded by Councilor Snyder

Deputy Mayor Paterna informed the Council that he received six letters of support from residents in Town, as shown in attached **Exhibit A through Exhibit F**. This purchase amounts to \$4,800.80 per acres for the Town to preserve 50 acres. The Shepard family will not sell the land to anyone else other than another farmer. The land does not have to be farmed but will remain open space. The State of Connecticut is endorsing this by putting in \$464,000 and the Town puts in the \$245,500. This is the first piece of property that the Town is purchasing development rights on. Deputy Mayor Paterna urged the Council to support this resolution.

Answering questions from the Council, Mr. Galligan felt the language in the resolution is perfect as written. The Council knows the intent is to do this with the State of Connecticut. The Town is taking the place of the federal government. Deputy Mayor Paterna added that the Shepard family had filed an application through the State as well as the Town.

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

M. Discussion Item: Toll Brothers variance (requested by Town Manager, Matthew B. Galligan)

Mr. Galligan explained that he had received a letter from the Assistant Project Manager of the Toll Brothers project. The Toll Brothers would like to apply for a variance of certain provisions of the recently enacted Town Construction Ordinance. As you know the new Ordinance that was

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ITEM:

15. M. *(Continued)*

approved, there is a modification subject to Council approval to extend the daily working hours during the summer. Instead of the deadline of 5:00 p.m., it would be extended to 7:00 p.m. from May 7, 2018, to October 15, 2018. The types of activities that would be conducted consist of framing, roofing, siding, yard landscaping activities, and other light construction activities. Andrew LeGrant from Toll Brothers is here tonight. This will help to not prolong the construction time line.

Mr. Andrew LeGrant came forward and stated that two hours during the day would make a difference in the project. None of the other Towns that we work in limit our working hours to 5:00 p.m. This would not involve massive site work such as roads going in, mass infrastructure, or underground utilities. This will be our sub-contractors performing residential work such as roofers and siders as Mr. Galligan alluded to. It will not be every home or every day, but as needed.

Answering questions from the Council, Mr. LeGrant explained the extended hours would only apply to work being performed Monday through Friday: Foundation work and excavation work may also be included.

Councilor Glickman stated that it appears that the Council will be giving a blanket variance from 5:00 p.m. to 7:00 p.m. Mr. LeGrant put many limitations on this variance, and Councilor Glickman questioned if the limitations would be enforceable? Mr. Galligan explained that they would be if they are put into the resolution. Councilor Glickman requested that the limitations be put into the resolution when it comes before the Council.

Answering further questions, Mr. LeGrant stated that the sub-contractors would be made aware of the extended hours and the sign could be amended if this variance is approved.

Councilor Snyder requested that the abutters be notified of this variance.

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Item:

15. New Business (Continued)

**N. Discussion Item: 85 Nutmeg Road – Five (5) Year Tax Abatement
(requested by Town Manager, Matthew B. Galligan)**

Mr. Galligan explained that approximately five years ago, Dr. Constantinos Constantinou purchased the property known as the Hi-G building located at 85 Nutmeg Road. At that time he was granted a five-year abatement. It took the State almost five years to get them the money to start cleaning up some of the issues. Dr. Constantinos Constantinou has never had the opportunity to utilize the tax abatement and is now asking that the tax abatement starts at this time. Mr. Galligan stated that he would recommend that the Town Council grant this request.

Councilor Pendleton requested that the Town Manager send the tax abatement agreement to the Council.

Councilor Riley questioned if the owner benefitted from the original tax abatement? Mr. Galligan explained that the owner did not benefit from the original tax abatement. Mr. Galligan explained further that they are just getting their financing now and were unable to use the tax abatement. Mr. Galligan stated he would send the tax abatement agreement and the Town Council resolution to the Council members.

Councilor Snyder asked if the agreement shows the dollar amount. Mr. Galligan stated that it shows everything in the agreement. The value was estimated at \$1.00 because no one would touch this property. After they do improvements, the value will increase.

16. Passage of Ordinance

None

17. Public Input/Participation (Any Matter)

Mr. Craig Zimmerman, 5A Amato Drive, stated that there was a comment about the Park & Recreation Departments having \$3,000,000 in their budget. Mr. Zimmerman stated that 80% to 90% of those funds are user fees. The Town taxes are not paying \$3,000,000 for recreation. Mr. Zimmerman also invited the

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ITEM:

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

individual who had stated that at the last Board of Education meeting that there was inaccurate information stated, to the next Board of Education meeting to discuss the inaccuracies.

18. Communications and Petitions from Council

Councilor Pendleton said she would like to make the citizens aware that the Council received an email concerning the Fuel Bank for our citizens that need fuel assistance. MDC Water Company is now participating with the Operation Fuel so if any citizens that are MDC customers need fuel assistance, they can go to the Community Center.

Councilor Riley requested that someone on the majority make a motion to reconsider Item 15. E.

Councilor Glickman stated that the current attorney's opinion says the Council should take care of this vacancy in accordance with Section 208 of the Town Charter. The Council cannot make an appointment when there is presently not a vacancy. If this Council goes forward with this appointment, any action the Council takes in the future will be questionable.

Mr. Galligan explained that the Town Attorney reviewed the resolution for tonight and said it would be appropriate. The Charter says the Town Council shall appoint the same party for a vacancy of the person resigning.

Deputy Mayor Paterna stated that there is validity in all the opinions that have been stated tonight, especially on what the Town Manager has said. He would support the reconsideration of Item 15. E. and bring it back up for discussion.

Deputy Mayor Paterna made a motion to reconsider Item 15. E. Councilor Hockenberry seconded the motion.

Deputy Mayor Paterna felt there should be a discussion on Item. 15. E.

Councilor Riley thanked the Deputy Mayor Paterna for bringing this item back for discussion. The Town Attorney has reviewed this item and said it was an acceptable process.

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ITEM:

18. Communications and Petitions from Council *(Continued)*

Deputy Mayor Paterna stated that he is not relying just on the Town Attorney's opinion, but also on the Town Manager's opinion who have been working with this Town Attorney for a long time. The work of the Council at this time is to get the budget done and to have one less Council member may not make sense at this time.

Councilor Hockenberry stated she respects everyone's opinion. This has been a difficult decision tonight but she feels her number one priority on the Council is to pass a budget. A full Council is necessary to pass a budget as well as a full Board of Education.

Councilor Glickman said it is not an easy decision, and our Town Attorney is not here. He stated he could only vote in a manner that is best for all of the Town. The integrity of the Council is powerful. Councilor Glickman stated he would feel better voting for this if Councilor Mirek were able to resign immediately. Councilor Glickman stated he could not.

Deputy Mayor Paterna called for a vote on the motion; it passed on a roll call vote 6 to 2 with Deputy Mayor Paterna, Councilor Hockenberry, Councilor Maneeley, Councilor Mirek, Councilor Riley, and Councilor Snyder voting in favor of approval; and Councilor Glickman, and Councilor Pendleton voting in opposition of approval.

Councilor Mirek stated that this is not how she had expected her last night on the Council to go and feels like she and another member of the Republican Town Committee were bullied by members of the Democratic Town Council members.

Deputy Mayor Paterna felt that there was a certain point of view that was stated that not everyone agreed with. This exact discussion took place in December of 2016. There was a change in the wording of the resolution to make it appropriate.

Councilor Riley thanked everyone for reconsidering this item.

Councilor Hockenberry thanked Audrey Delnicki for stepping up to be a part of the Council. Congratulations and hopefully from this point forward things can work bipartisan.

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ITEM:

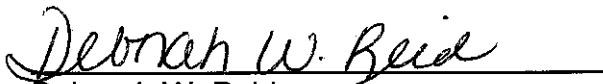
19. Executive Session

None

20. Adjournment

At 9:52 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

1



Exhibit A

development rights

2 messages

kathy kerrigan <khkerrigan@gmail.com>
To: Andrew Paterna.swtc@gmail.com

Sun, Apr 15, 2018 at 12:26 PM

April 14, 2018

To: Members of the South Windsor Town Council

RE: Open Space and Land Preservation
50 acres of Farmland between Main Street and Route 5

A 2012 survey showed that 77% of town residents agreed that "more land should be preserved as open space" and 70% agreed that "the Town should set aside funding to purchase land to preserve it as open space."

Public support for open space preservation continues to be strong within the community. It's important that we protect and invest in South Windsor's "green" character, using available funding to do so with care and discretion.

The proposal set before the council regarding the purchase of development rights for 50 acres of farmland between Main Street and Route 5 is not only in keeping with the wishes expressed by town residents – but it makes good "business" sense. This would be an effective, efficient use of our funds. A YES vote supports resident interest in preserving open space and keeping us green. Taking advantage of funding offered by the State of Connecticut to help us do that is a win-win for everyone.

Please help us Keep South Windsor Green and vote in favor of funding development rights for this piece of property.

Kathy Kerrigan
1838 Main Street
South Windsor



Exhibit B

Keep south windsor green

2 messages

Cristin Auten <cristin_cossette@yahoo.com>

Sun, Apr 15, 2018 at 9:34 AM

Reply-To: "cristin_cossette@yahoo.com" <cristin_cossette@yahoo.com>

To: "andrew.paterna.swtc@gmail.com" <andrew.paterna.swtc@gmail.com>

Good morning

I have received a few papers stuck in my door re: this effort. I live at 63 Pleasant Valley and the land you are referring to is directly behind my house.

We are 100% against the building on or development of that land as it would greatly change the feel of our quaint, private area of town. Not to mention, our school PV Elementary is already busting at the seams and we will already be forced to build portable classrooms for our current population. More houses and families will further complicate this issue in our area of town.

My husband and I would like to attend the public hearing April 16th, but the paper we received fails to provide a time or location for the meeting.

Can you please help us out and provide us with that info as well as the general opinion of the majority on this topic?

Thank you
Dan & Cristin Auten
63 Pleasant Valley

Sent from Yahoo Mail on Android

Andrew Paterna <andrew.paterna.swtc@gmail.com>

Sun, Apr 15, 2018 at 1:45 PM

To: "cristin_cossette@yahoo.com" <cristin_cossette@yahoo.com>

Hi Dan & Cristin.
thanks for your note.

Just to clarify this issue for you: the State of CT and the Town of South Windsor will be entering a partnership to 'purchase development rights' on this farmland located near your home. By making this purchase, the family will still own the land, and it MUST be kept as farmland or open space forever!

This is an effort to preserve land and not have it sold to contractors for future home construction. We will be saving this farmland through this option.

The majority of members of the Town Council are in support of this preservation effort.

There is a Town Council meeting tomorrow, Monday April 16. @ 7PM. and there will also be a public hearing @8PM for you to share your thoughts on this project.

The meeting is held at Town Hall in the Council Chambers.

Any other questions please contact me.

thank you

Andrew Paterna

Deputy Mayor, South Windsor

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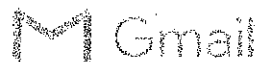


Exhibit C

3

Support for 50 acres of farmland (Main St/Route 5)

2 messages

Chris Soloperto <chris.soloperto@cox.net>

Sun, Apr 15, 2018 at 12:25 PM

To: Andrew.Paterna.swtc@gmail.com

My name is Christopher Soloperto and I live at 696 Main Street.

I'm writing in support of South Windsor's purchase of the development rights to the 50 acres of farmland between Main Street and Route 5.

My own particular interest in this project is a bit unique, as a portion of this land surrounds my own little slice of South Windsor on three sides. I feel very fortunate to have lived in a home surrounded by farmland for the past 17 years and I'd love to know that would remain unchanged for years to follow. I have a close-up view of modern day farming in South Windsor and I'm continuously fascinated as I watch all the work required to plant, grow and harvest the tobacco, corn and peppers farmed on this land.

"Looking Back, Historic Images of North Central Connecticut, Volume 4" is a book kept on our coffee table and includes old photographs and stories about South Windsor's past. The photos date back to the 1800's and early 1900's and focuses on the people, society, agriculture and industry of South Windsor (and neighboring towns). It's amazing to look back at history and see how people lived and worked. Certainly many familiar places seen in very unfamiliar ways.

This book includes a chapter on agriculture to recognize the importance farming has on life in the Connecticut River Valley. There are numerous old photos from the early 1900's that show South Windsor farmers in their tobacco fields with the large tobacco barns in the background. Some pictures include horse drawn wagons and early tractors moving fresh cut tobacco to the barns. Other pictures include farmers taking a break from harvesting tobacco by hand, which is how it's still done today.

My close-up view of modern day farming has taught me that you don't always need to look at old photos to learn from history, sometimes you can just pause for a moment and watch it happen. I hope that South Windsor takes this opportunity to protect the future of the town by preserving the history of the town.

Christopher Soloperto

696 Main Street

South Windsor, CT 06074

Andrew Paterna <andrew.paterna.swtc@gmail.com>

Sun, Apr 15, 2018 at 1:38 PM



Exhibit D

(4)

Fwd: Land acquisition

1 message

Fitness prof <fitnessprof@gmail.com>

To: Andrew.Paterna.swtc@gmail.com

Sat, Apr 14, 2018 at 12:09 PM

New Note.
AP

Begin forwarded message:

From: Fitness prof <fitnessprof@gmail.com>

Subject: Re: Land acquisition

Date: April 14, 2018 at 12:08:56 PM EDT

To: James Kerrigan <xinprajames@gmail.com>

hi Jim.

thanks very much for your note.

I will share your thoughts with the Town Council.

Andy Paterna

On Apr 14, 2018, at 11:54 AM, James Kerrigan <xinprajames@gmail.com> wrote:

This email is addressed to the entire South Windsor Town Council to convey my wholehearted support of the proposed land development rights acquisition.

This is a rare opportunity that will benefit the town for decades to come.

Yours truly,
James Kerrigan
1838 Main St
South Windsor, Ct

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Exhibit E

Open Space

2 messages

Stephen Straight <wordsongfarmer@cox.net>

Sat, Apr 14, 2018 at 7:44 AM

To: andrew.paterna.swtc@gmail.com

Dear Mr. Paterna.

While we can't attend Monday's meeting, we strongly urge the council and the town to support this proposal for open space between Main Street and Route 5. We would vote to support every open space proposal. Saving these parcels is absolutely crucial to keeping our town green, providing both farmland and natural habitat for dozens of species. Anyone who likes fresh, local food, anyone who likes birdsong, anyone who loves the town's parks, should agree.

Sincerely yours,

Steve Straight
Marian Maccarone

Abbe Road

Andrew Paterna <andrew.paterna.swtc@gmail.com>

Sat, Apr 14, 2018 at 8:43 AM

To: Stephen Straight <wordsongfarmer@cox.net>

Dear Mr. Straight and Ms. Maccarone.

Your support for this proposal is appreciated.

I hope this is only the beginning in our new partnership with the State of CT Dept of Agriculture.

Stay tuned for some new announcements in the near future with more good news!

Thank You.

Andrew Paterna
Deputy Mayor, South Windsor

[Quoted text hidden]

6



Exhibit F

development rights

2 messages

Macro, A.D. <AD.Macro@trincoll.edu>

Mon, Apr 16, 2018 at 10:07 AM

To: "andrew.paterna.swtc@gmail.com" <andrew.paterna.swtc@gmail.com>

Dear Councillor Paterna.

I admire and applaud your and your colleagues' initiative in promoting the Town of South Windsor's participation in the purchase of development rights to the 50 acres of farmland between Main Street and Route 5. It has my full support. May you have success and find good cause to pursue similar opportunities in the future.

Sincerely,
TonyM.

Anthony Macro,
1828 Main Street, P.O. Box 5,
East Windsor Hill,
CT 06028-0051
860 528-0838

Andrew Paterna <andrew.paterna.swtc@gmail.com>

Mon, Apr 16, 2018 at 10:08 AM

To: "Macro, A.D." <AD.Macro@trincoll.edu>

hi Tony.

thank you very much.

My hope is this is only the beginning!

Andy

[Quoted text hidden]