

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

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February 4, 2019

**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 Mary Justine Hockenberry
Councilor Karen Lydecker
Councilor Liz Pendleton
Councilor Matthew Riley (arrived at 7:25 p.m.)
Councilor Janice Snyder

Members Absent: Councilor Audrey Delnicki
Councilor Lisa Maneeley

Others Present: Matthew B. Galligan, Town Manager
Morris Borea, Town Attorney (arrived at 7:15 p.m.)

5. Communications and Reports from Town Manager

Mr. Galligan reported on the following items:

- 460 Miller Road – Mediation was scheduled in Bridgeport Court. No agreement was reached. In Executive Session, this item will be discussed.
- Economic Development – A tax fixing agreement will be discussed in Executive Session.
- Budget – Town staff is working on the final numbers for the General Government budget. Preliminary numbers will be sent out to the Council but not having all of the final numbers from the Board of Education may change these preliminary numbers.
- The Governor's Budget will not be released until February 20th. CCM puts out a Town by Town impact which can be reviewed.

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5. Communications and Reports from Town Manager (Continued)

- The Council has received a CCM Legislative Update in the matter of regionalizing school districts with populations that are 40,000 or under. CCM has not taken a position on this matter yet. This issue could be a way to hold other discussions regarding the need for the State of Connecticut Educational System to be revamped in other ways regionally.
- Over the next couple of months, there is going to be numerous proposals on regionalization. These legislative ideas will be reviewed to see if there will be any effect on South Windsor.
- Thanked the Town Council for passing the recent resolution to help our federal employees. If there is another federal shutdown, the Town Council will have to pass another resolution.
- Mr. Tony Manfre, Superintendent of Pollution Control, has found a company to do textile recycling pick-up at residential homes at no cost to the Town. Two bags will be delivered to residential homes and textiles will be picked up at the same time as other recyclables. It is hopeful that this program will be running in a couple of months.
- To help educate the public regarding recyclables, Mr. Ray Favreau recommended that a list of recyclable items be placed in the Recreation Magazine that goes out to 12,000 residents.
- The Annual Fire Department Banquet is tomorrow night.
- The Hartford Foundation for Public Giving will be at the South Windsor Public Library tomorrow at 5:30 p.m. to have an open discussion about the Town.

Mayor Anwar recommended that South Windsor put stickers on the recycling bins as other communities do. Mr. Galligan explained that Town is in the process of having discussions about sending the stickers to each resident so they can affix the sticker on the inside lid of their recycling bins.

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5. Communications and Reports from Town Manager (Continued)

Mayor Anwar explained that he received an email from a resident who would like to have recycling pick-up every week and waste collection every other week, as Councilor Pendleton had mentioned. Mayor Anwar questioned if there would be a cost to the Town if the Town went in this direction? Mr. Galligan explained that Mr. Manfre is presently looking into this item.

Mayor Anwar stated that he likes the idea of the textile recycling pick-up at the homes. There will be a lot more discussions regarding the budget, and on February 20th, the Town will have a better understanding of the ECS funding.

Councilor Hockenberry questioned if there could be an opportunity to use the stickers on the bags that will go out for textile recycling? Mr. Galligan stated that it is a private company that will be doing the textile recycling and when the bags get picked up, they will be thrown away, along with the sticker. Mr. Galligan informed the Council that the Recreation Magazines are recyclable.

Councilor Pendleton requested that the Town Manager keep the Town Council updated regarding the anaerobic digester, curbside composting, and any new programs that the Town's present trash hauler may propose.

6. Public Input (Items Not on the Agenda)

Mr. Robert Dickinson, 19 Birch Road came before the Town Council to recommend that education regarding recycling be brought to the younger children of the community who, in turn, may educate their parents. Mr. Dickinson asked the Town Council to continue to pursue the ban on the use of plastic bags in our community. Mr. Dickinson then informed the Council that at the intersection of Oak Street and Kelly Road, there are cars going through the stop signs.

Mrs. Mary Etter, Director of the South Windsor Public Library, explained that The Hartford Foundation for Public Giving is an open community discussion to gather information on how the Hartford Foundation can assist the Town on projects and to receive the public's vision. The Hartford Foundation for Giving wanted to make sure that everyone knew they could register prior to the program.

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

The South Windsor Public Library has a Winter POPS/Concerts. This year there are four series with each being on Saturday night. The Human Relations Commission is holding a South Windsor Photo Contest. The deadline has been extended to February 15, 2019. Mrs. Etter thanked the many people who have offered to assist the Library with their strategic process. There are four focus groups presently formed.

Mr. Toby Lewis, 32 Linda Lane requested that when the Town Council is meeting regarding the budget, the values of the community be put above any political issues. Mr. Lewis then stated that he feels the Town Council should not be regulating the age of smoking, it is an individual's choice.

7. Adoption of Minutes of Previous Meeting

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Public Hearing Minutes of January 22, 2019.

Was made by Councilor Pendleton

Seconded by Councilor Snyder

The motion passed on a roll call vote of 5 to 0 with Deputy Mayor Paterna abstaining.

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Regular Meeting Minutes of January 22, 2019.

Was made by Councilor Pendleton

Seconded by Councilor Snyder

Mayor Anwar made corrections on the minutes on page 4 and page 13.

Mayor Anwar called for a vote on the corrected minutes; it passed on a roll call vote of 5-0 with Deputy Mayor Paterna abstaining.

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ITEM:

7. Adoption of Minutes of Previous Meeting (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Special Meeting Minutes of January 28, 2019.

Was made by Deputy Mayor Paterna

Seconded by Councilor Pendleton

The motion passed on a roll call vote of 5-0 with Councilor Hockenberry abstaining.

8. Public Petitions

None

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

Councilor Snyder informed the Council that she and Councilor Riley had swapped Liaison roles between the Open Space Task Force and Zoning Board of Appeals. Councilor Snyder explained that she is now the Liaison to the Open Space Task Force who had a meeting tonight. Councilor Snyder reported that the Open Space Task Force is currently working on updating their Master Plan.

Councilor Pendleton requested that a letter is sent to Clerk of the Council regarding the Liaison change between Open Space and Zoning Board of Appeals.

10. Reports from Standing Committees

None

11. Reports of Temporary Committees

None

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ITEM:

12. Public Participation (Items on the Agenda)

Mr. Robert Dickinson, 19 Birch Road came forward to speak in favor of the amended Smoking Ordinance. The chance of addiction to alcohol, smoking, and many drugs goes down the later an individual begins any of these substances.

Mr. Steve Wagner, 181 Tumblebrook Drive, stated that he supports and urges the passing of the ordinance to change the age to purchase tobacco products to twenty-one. This should be happening at the Federal level, if not there, at the State level, but sometimes forward-thinking communities have to act first.

Mr. Bright Johnson, American Cancer Society stated that the American Cancer Society is in strong support of local ordinances passing across the State as well as the State doing the same.

13. Consent Agenda

Motion to approve Agenda Items 15. A. (*) through 15. D. (*) as the Consent Agenda.

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

15. New Business

***A. Resolution Reappointing Christine Shaher (R) to the Human Relations 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 reappoints Christine Shaher (R) to the Human Relations Commission for a term ending November 30, 2021, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

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ITEM:

15. New Business (Continued)

- *B. Resolution Reappointing Kathleen Daugherty (R) to the Personnel Board of Appeals and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Kathleen Daugherty (R) to the Personnel Board of Appeals for a term ending November 30, 2021, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

- *C. Resolution Reappointing Kevin Greer (R) to the Demolition Delay Committee and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Kevin Greer (R) to the Demolition Delay Committee for a term ending December 31, 2020, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

- *D. Resolution Reappointing Tim Shepard (R) to the Demolition Delay Committee and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting**

BE IT RESOLVED that the South Windsor Town Council hereby reappoints Tim Shepard (R) to the Demolition Delay Committee for a term ending December 31, 2020, and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

(Approved by Consent Agenda)

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14. Unfinished Business

A. Discussion Item: Hiring Process for the Position of Town Manager

Mrs. Vanessa Perry informed the Council that the closing date to receive applications had been extended to February 8, 2019. As of this afternoon, thirty-five applications have been submitted.

15. New Business (Continued)

E. Resolution Accepting the Resignation of Bruce Snow (R) from the Mass Transit and Highway Advisory Commission

BE IT RESOLVED that the South Windsor Town Council hereby accepts the resignation of Bruce Snow (R) from the Mass Transit and Highway Advisory Commission; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Bruce Snow for the time he has dedicated to serving his community by his membership on the Mass Transit and Highway Advisory Commission.

Was made by Councilor Snyder
Seconded by Mayor Anwar

Councilor Hockenberry and Mayor Anwar thanked Mr. Snow for his years of service and his expertise that he has given to the Town of South Windsor.

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

F. Discussion Item: South Windsor Land and Space Strategic Planning Needs (*requested by Mayor Anwar*)

Mayor Anwar explained that South Windsor's desirability has increased and he feels it is worthwhile for discussions to be held to plan for the Town's future growth in all of the different areas such as preservation, industrial, etc.

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15. F. (Continued)

Mr. Galligan informed the Council that on March 7, 2019, at the Emergency Operation Center, there is a meeting scheduled between Economic Development Commission, Town Council, and Planning & Zoning Commission to review a proposal for strategic planning for economic development with the Buxton Company. On March 27, 2019, at the Fire Department Headquarters, there will be a roundtable discussion between the Redevelopment Agency, Economic Development Commission, Town Council, and the Planning & Zoning Commission to review plans for the future development of the Town and the different services that should be expanded upon. These meetings will help the land to be used correctly.

Councilor Riley felt it is a good idea to make sure the use of land in South Windsor is optimized in the best way possible.

Answering questions from the Council, Mr. Galligan stated that the Town needs to start marketing itself because it is a good community with a lot of services. Councilor Riley stated that the Town should coordinate with the State of Connecticut in this endeavor because the State has formed a Committee to work on the same issue.

Deputy Mayor Paterna stated that there are some Commissions that are working on their master plans. All of these Commissions should be brought together to work on a plan for the overall land use in South Windsor and not land use for each individual Commission. Councilor Snyder added that she would like to see a map of the whole Town to see the use for all of the land in South Windsor. Mayor Anwar felt that there should be an expansion of who will be sitting in on those meetings that the Town Manager discussed. It is important to use the expertise of each Commission/Board.

Councilor Snyder questioned if a facilitator will be brought in for the meetings? Mr. Galligan said that he and Mrs. Lipe had discussed this and it would have to be decided upon after there are enough participants.

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ITEM:

16. Passage of Ordinance

A. Resolution Approving an Amendment to Ordinance #114, Article III, Division 2, Section 70-111 to Section 70-116

BE IT RESOLVED that the South Windsor Town Council hereby approves an amendment to Ordinance #114, Article III, Division 2, Section 70-111 to Section 70-116, as shown in attached **Exhibit A**.

Was made by Councilor Lydecker
Seconded by Mayor Anwar

Councilor Lydecker stated that she supports this amendment and is glad South Windsor is trying to protect the health and innocence of our children so they are not targeted by these companies.

Answering questions from the Council, Mr. Galligan stated that he does not have any concerns with the wording of this ordinance or the enforcement of this ordinance. The Town has worked with State agencies on other issues such as the age to purchase alcohol. If the State does change the age to purchase tobacco products to twenty-one, it would not have any impact, and the stricter law would probably be applied to a circumstance.

Mayor Anwar thanked everyone for all of the conversations that have been held regarding this issue. The Town Council wants our community to maximize their health and today we can say we have done our best to protect our community and children.

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

17. Public Input/Participation (Any Matter)

Mr. Robert Dickinson, 19 Birch Road came forward and explained that there are communities that use their power line right of ways to develop linear parks. South Windsor has areas where this could be done.

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18. Communications and Petitions from Council

None

19. Executive Session

At 7:55 p.m. Deputy Mayor Paterna made a motion to go into Executive Session to discuss pending litigation (460 Miller Road) pursuant to Connecticut General Statutes §1-210(b)(4) and §1-200(6)(E).; and to discuss a possible tax assessment agreement which would result in disclosure of public records or information contained therein which is exempt from disclosure at this time pursuant to Connecticut General Statutes §1-210(b) and §1-210(b)(5)(B). Councilor Snyder seconded the motion; and it was approved, unanimously.

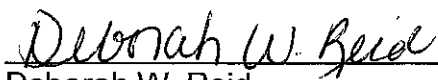
The following individuals went into Executive Session: Mayor Anwar, Deputy Mayor Paterna, Councilor Hockenberry, Councilor Lydecker, Councilor Pendleton, Councilor Riley, Councilor Snyder, Assistant Town Manager Vanessa Perry, Assistant Town Manager Scott Roberts, Town Attorney Morris Borea, and Town Manager Matthew B. Galligan.

At 8:46 p.m. Deputy Mayor Paterna made a motion to adjourn the Executive Session. Councilor Lydecker seconded the motion; and it was approved, unanimously.

20. Adjournment

At 8:46 p.m. Deputy Mayor Paterna made a motion to adjourn the Regular Meeting. Councilor Lydecker seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

Regulating the Sale of Tobacco Products to Persons Under 21 Years of Age

Be It Hereby Ordained by the Town Council that Article III, Division 2, Section 70-111 to Section 70-116 of the Town Ordinances is hereby amended and restated:

Sec. 70-111 Purpose: Legislative Authority.

Tobacco use is the foremost preventable cause of premature death in the United States, responsible for more than half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and

- (1) About ninety-five percent (95%) of all adult smokers began smoking before age twenty-one (21), and adolescence is a critical period when smokers move from experimental smoking to addictive, daily use;
- (2) There is strong evidence that those who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age;
- (3) Electronic nicotine delivery system use among adolescents has recently tripled, and use of these systems are associated with and clearly encourage the use of conventional tobacco products;
- (4) Raising the minimum legal sales age for all tobacco products to twenty-one (21) reduces access to these products by youth, as teens often acquire such products from social networks, including older friends: the vast majority of those providing nicotine and tobacco products for youth 17 and under are themselves between eighteen (18) and twenty (20) years old and are able to purchase legally.
- (5) Select findings from the 2017 Connecticut School Health Survey (known nationally as the Youth Tobacco Survey (YTS) reflect over one-third of Connecticut high school students (nearly 59,000) report having ever tried some form of tobacco, and current tobacco use is reported at 17.9%.
- (6) The YTS survey shows the vast majority of youth are using flavored tobacco products, e-cigarettes and vaping devices, and although cigarette smoking has decreased among Connecticut youth, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7%, and shows usage increasing with age. Studies have shown that this type of nicotine use by teens increases their risk of also using combustible tobacco.
- (7) When asked how they accessed these products, the majority of youth surveyed (59.3%) reported they obtained their e-cigarettes from a friend.

- (8) The legalization of recreational marijuana sales in Massachusetts will likely increase the sale of electronic cigarettes and vaping devices to be used to consume cannabis based products legally obtained in Massachusetts.
- (9) The Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco initiation among adolescents aged 15 to 17 by twenty-five percent (25%) and overall prevalence of tobacco use by twelve percent (12%). This report also projects that 4.2 million young people alive today would be protected from premature death related to tobacco use as a result of raising the minimum legal sales age for tobacco products to 21.

Accordingly, the purpose of this article is to promote the health, safety, and welfare of the residents of South Windsor. This article is adopted in accordance with the provisions of Section 7-148(c)(7)(H)(ii) and (ix) of the Connecticut General Statutes, as amended.

Sec. 70-112 Definitions.

For the purpose of this title, the following definitions shall apply:

Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. *Tobacco product* also means electronic smoking devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale as proven cessation products by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Sale or sell means selling, giving, bartering, exchanging, delivering, or otherwise distributing tobacco products, unless the person is delivering or accepting delivery in such person's capacity as an employee. Sale or sell also includes offers to sell, barter, or exchange.

Retailer means any person or business that owns, operates, or manages any place at which tobacco products are sold. *Retailer* also includes any person or business that is required to purchase a dealer's license under CT Gen Stat § 12-287.

Sec. 70-113 Minimum Legal Sales Age.

No retailer or retailer's agent or employee shall give, sell, or otherwise distribute any tobacco product to any person under twenty-one (21) years of age.

The person selling any tobacco product must examine the identification card issued in accordance with the provisions of CT Gen Stat § 1-1h for anyone who appears to be under the age of 30 and verify proof of age demonstrating the recipient is at least twenty-one (21) years of age before selling any tobacco product.

- (1) That a person appeared to be over the age of twenty-one (21) shall not constitute a defense to a violation of this section. If a person fails to provide such proof of age, such retailer or retailer's agent or employee shall not sell any tobacco product to the person.

Sec. 70-114 Signage.

"The Sale of Tobacco or Nicotine Products or Devices to Persons Under 21 is Prohibited" signs shall be legibly printed in letters at least one-half inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages as needed to be consistent with other facility postings.

Selling tobacco products in any place that does not have a sign posted in a conspicuous place to a person under twenty-one (21) years of age is prohibited by law and punishable consistent with this division.

Sec. 70-115 Enforcement.

It shall be the duty of the town manager or his designee to enforce the provisions of this division.

Sec. 70-116 Penalties.

- (a) Any person who sells, gives or delivers to any minor under 21 years of age any tobacco product, unless the minor is delivering or accepting delivery in his capacity as an employee, in any form shall be fined not less than \$200.00 for the first offense, \$350.00 for a second offense within an 18-month period and not more than \$500.00 for each subsequent offense within a 18-month period.
- (b) Any person less than 21 years of age who purchases or misrepresents his age to purchase any tobacco product in any form shall be fined not more than \$50.00 for the first offense and not less than \$50.00 nor more than \$100.00 for each subsequent offense.
- (c) Any retailer who fails to post the signage required by this division shall be fined not less than \$200.00 for the first offense, \$350.00 for a second offense within a 6-month period and not more than \$500.00 for each subsequent offense with a 6-month period.

Sec. 70-117 Appeals.

- (a) Any person or retailer who violates this division shall be sent by the Town Manager, or his designee, by certified mail, electronic mail or by hand delivery, a written notice of the fine(s) being imposed pursuant to section 70-116 above, which notice shall specify the section which has been violated. Any person or retailer may appeal said notice of violation(s) by filing a written notice of appeal with the office of the town manager or his designee within ten days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the hearing officer or on such later date as established by the hearing officer.
- (b) In scheduling formal appeal hearings, the violator shall be notified by mail of the place and time of the hearing. Such notice shall be provided at least 15 days but not more than 30 days prior to the scheduled hearing date.
- (c) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
- (d) In considering an appeal, the hearing officer may consider all relevant facts and circumstances and may require personal appearance of the violator and the enforcement officer if the presence of said enforcement officer is requested in writing in accordance with Connecticut General Statutes Section 7-152c.
- (e) Any person aggrieved by the decision of the hearing officer may appeal to the superior court in accordance with Connecticut General Statute Section 7-152c.

Sec. 70-118. Appointment of hearing officer(s).

The town manager shall appoint one or more hearing officer(s) to hear each appeal pursuant to section 70-117. The hearing officer(s) shall be appointed within ten days of receipt of a notice of appeal. The officer(s) appointed shall not be a police officer, or employees or persons who issue citations or fines. Hearing officer(s) may be compensated by the town with funds appropriated for this purpose as recommended by the town manager.