

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

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March 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 Lisa Maneeley
Councilor Liz Pendleton
Councilor Matthew Riley
Councilor Janice Snyder

Members Absent: Councilor Audrey Delnicki

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

5. Communications and Reports from Town Manager

Mr. Galligan reported on the following items:

- The plastic bag ordinance is being worked on by Town staff with the Town Attorney. Once the ordinance is complete, it will be sent to Council members for comment.
- The Pleasant Valley land purchase is moving forward. In the contract, the Town Councils approval is needed before the contract is final.
- The Governor has presented a budget. Areas of concern are with the ECS funding which has been reduced from 12 billion dollars to 11 billion dollars. The other area of concern is the teacher's pension. A calculation was done which showed South Windsor paying \$258,000 the first year. The amount then doubles the following year, and it is not known who is responsible for this payment.
- On Election Day, a pedestrian ran their vehicle into the side of the Community Center. Mr. Major has gotten a hold of their insurance company who has agreed to fix the building.

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ITEM:

5. Communications and Reports from Town Manager (Continued)

- On Thursday, March 7, 2019, at 5:00 p.m. at the Emergency Operation Center, the Buxton Company will be coming to discuss economic development.
- On Wednesday, March 27, 2019, there will be a Roundtable discussion held with Board and Commissions.

Answering questions from the Council, Mr. Galligan explained that the details regarding the plastic bag ordinance are being worked on. There may be a promotional program where discounts may be given to customers who bring bags with them. Those items are being worked out which would be uniform for all vendors. In order to move forward with the land purchase of the 2.2 acres on Pleasant Valley Road, two appraisals will be necessary so that the Town can be reimbursed by the State in the future. The appraisals should be done next week, and then a resolution for approval of the purchase will be brought to the Council.

Councilor Snyder stated that she is anxious to get the second property secured and done as soon as possible. Mr. Galligan added that the Town has a deal, but it is subject to the appraisals. It is hopeful that this property will be bought by the next meeting or the first meeting in April.

Councilor Snyder requested that this item be placed on the next agenda for either an update or a resolution approving the contract and allowing the Town Manager to sign and execute the contract.

Mayor Anwar felt that the Town should not panic over the Governor's budget yet because most likely the budget will change. The State needs to take care of their obligations and should not shift that obligation onto the Towns. Mr. Galligan explained that CCM feels this as an opportunity to hold discussions.

Mayor Anwar also stated that he does not feel that shared services should include school districts.

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5. Communications and Reports from Town Manager (Continued)

Answering questions from Councilor Maneeley, Mr. Galligan stated that there are certain plastic bags that will be exempt from the plastic bag ordinance. Presently, the Town is drafting an ordinance that will pertain to plastic bags from stores. Mayor Anwar added that most of the other Towns are looking at the single-use bags. The bags that are used for garbage, newspapers, and cleaning up after animals, are exempt at this time.

Answering questions from Councilor Riley, Mr. Galligan explained that to help pay down the obligation of the State Teacher's Pensions, Governor Lamont's budget proposes for South Windsor to pay \$258,000 in the first year and in the second year that amount would double. If this does go through, the school districts that have higher salaries will be paying more. This will effect negotiations in the future. This will be discussed further to see how this would affect South Windsor. Mr. Galligan went on to explain that communities under 30,000 in population would be combined with other school districts to create one district. The State feels this will cut costs. CCM feels that there will be logistic issues with this plan. Mr. Galligan felt that the State should allow school districts to cooperatively purchase their health insurance. This would create better costs and coverage.

Councilor Riley stated that he agrees that the pension is a State obligation and should not be transferred to the Towns. As far as school regionalization, it may be good to talk about this in areas where it makes sense, but South Windsor is very proud of its school system and would like to continue to have control over it. Mr. Galligan thought that it should be a local option where each community can make that decision.

Mr. Galligan informed the Council that CCM is not in favor of the approach being used for the pension or regionalization and feels it would be best to sit as a collective group to discuss priorities. There are other ways to cut costs to make things better other than creating mandates.

Councilor Hockenberry stated that there are some items that can be done regionally and other items that cannot. Mr. Galligan added that if school districts wanted to join together to buy books on a regional basis, that is an example that would probably work.

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5. Communications and Reports from Town Manager (Continued)

Mayor Anwar stated that from the data he has seen, he does not feel that the regionalization of school districts will work. Mayor Anwar then questioned if the activity in the Police Department report is for January or the whole year. Mr. Galligan answered that those numbers in the report are only for January.

Mayor Anwar requested that the Police Department separate routine calls received/outgoing in their report.

Answering questions from Councilor Pendleton, Mr. Roberts explained that information regarding recycling could be added to Connect South Windsor which is an app used to give a variety of information to the public. Mr. Roberts proceeded to inform the public how they could download this app which links back to the Town website. Councilor Snyder informed the Council and the public that information regarding recycling is already on Connect South Windsor.

6. Public Input (Items Not on the Agenda)

Mrs. Mindy Lewis, 681 Chapel Road, the Community Outreach Coordinator for South Windsor Alliance for Progress announced that on Thursday, March 7, 2019, there will be an event called Women's History Month: Intersectional Feminism. This event will be held at the Book Club Bookstore and More, at 869 Sullivan Avenue beginning at 6:30 p.m. Professor Brittney Yancy is the Guest Speaker.

Mrs. Kathy Kennison from the South Windsor Irish Committee announced that the parade will be on Saturday, March 9, 2019, and will begin at 11 a.m. Mr. Bill Myers is the Town Marshal, and Mr. Jay Murtha is the Town Honoree.

Ms. Mihika Joshi, a student at Philip R. Smith School, came before the Council and thanked them on behalf of the future generations for banning plastic.

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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: Regular Meeting Minutes of February 19, 2019.

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

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meeting: Special Meeting Minutes of February 27, 2019.

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

8. Public Petitions

None

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

Councilor Snyder informed the Council that the South Windsor Public Library strategic planning is moving forward. They have been meeting with a variety of different groups.

10. Reports from Standing Committees

None

11. Reports of Temporary Committees

None

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ITEM:

12. Public Participation (Items on the Agenda)

None

13. Consent Agenda

None

14. Unfinished Business

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

Mayor Anwar stated that an Executive Session would be held tonight to have further discussions regarding this issue. Council members have spent a minimum of approximately 15 hours each going through this process.

B. Discussion Item: Update Regarding on-Line Permitting (Heather Oatis, Drew Guild, and Scott Roberts to be present).

Mr. Scott Roberts, Director of IT/Assistant Town Manager, came forward and explained that the Health Department would use MUNIS to do on-line permits. The software has been installed and configured. A pilot program will be done using selected vendors who will give input. After the pilot program is complete, a payment processor will be selected. Once everything is in place, a meeting will be held to show Chris Dougan what has been done with the Health Department and to see if the software will work for the Building Department. If the software does not work for the Building Department, then another type of software will need to be selected.

Answering questions from the Council, Mr. Roberts explained that the payment processor is the backend financial program that collects the payments. The Town does not have a payment processor for MUNIS, so a third party payment processor will need to be acquired that will collect the payment and then transmit the electronic funds to the Town. The Town is looking at the same payment processor that the Recreation Department uses

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ITEM:

14. B. (Continued)

for their on-line program so that the Town will receive a savings benefit. When a customer uses this system, they will be charged a processing fee. Mr. Roberts explained that the other programs that could be used are View Permit and Municipality, but both of those programs are much more expensive. It is hopeful that by the end of this month the Town will be able to do a full roll out of the test and be taking permits in the Health Department. To use MUNIS, there is an \$8,000 up front cost to buy the product and then \$1000 per year to maintain it. View Permit is approximately \$50,000 to buy the product, and then typically software is 10-20% of your purchase price per year to maintain it. Mr. Roberts informed the Council that he would share information with the Council throughout the whole process and would also share the schedule.

Councilor Snyder requested that an update regarding on-line permitting be given at the second meeting in April.

Committee members discussed the different software that is available for the processing of on-line permits. Mr. Roberts explained that where it is possible, MUNIS will be used. Mr. Roberts then questioned the Council if they would like a YouTube video made explaining the top ten things that can be done in Connect South Windsor. Council members stated they would like that to be done.

Mrs. Heather Oatis, Director of Health, explained that she does approximately 100-150 routine food service application permits per year, 100-200 temporary event permits per year, 20 pool permits per year, 14 daycare permits per year, and 10-50 septic permits per year depending on the activity level. The way permits are presently done, it is very time-consuming. Having permits come through electronically will be an enormous time saver. Mr. Roberts stated that the Finance Department would be able to see a daily report or run a report at any time. The Health Department and Finance Department will both be able to see the permits on MUNIS.

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ITEM:

14. B. (Continued)

Deputy Mayor Paterna wondered why each department could not look at modifying their procedures to match MUNIS as opposed to the Town purchasing expensive software. Mr. Roberts stated that MUNIS might be able to be used, but it is important to get input from the Building Department because that department has State requirements that need to be met.

15. New Business

A. Resolution Authorizing Town Manager, Matthew B. Galligan to Sign and Execute an Agreement with Said Junipero Serra Parish Corporation (aka Saint Francis of Assisi Church Corp.)

WHEREAS, the South Windsor Town Council referred the purchase of 7+ acres of property fronting on Ellington road and Long Hill Road, owned by St. Francis of Assisi Church Corp., to the Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes at their November 19, 2018 meeting; and

WHEREAS, the Planning & Zoning Commission, at their November 27, 2018 meeting, forwarded a favorable review of the above mentioned proposed purchase; and

WHEREAS, the South Windsor Town Council accepted the favorable review by the Planning & Zoning Commission to purchase this property at their January 7, 2019 meeting

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby approves the agreement made between the Town of South Windsor and Saint Junipero Serra Parish Corporation, aka Saint Francis of Assisi Corp., and authorizes Town Manager, Matthew B. Galligan to sign and execute the agreement on behalf of the Town of South Windsor.

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

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15. New Business (Continued)

B. Resolution Amending the Retirement Plan for Employees of the Town of South Windsor, Connecticut

WHEREAS, the Town Council of the Town of South Windsor ("Town Council") has considered the benefits to be derived for the employees of the Town of South Windsor ("Town") from the continued operation of a qualified defined benefit pension plan; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town and its employees to amend the Retirement Plan for Employees of the town of South Windsor, Connecticut (the "Plan") to conform the Plan with certain collective bargaining agreements

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby adopts and approves Amendment 19 to the Plan effective as of the date as shall be specified in the Amendment, on the condition that such Plan, as amended, continues to constitute a qualified plan of deferred compensation pursuant to Section 401(a) of the Internal Revenue Code of 1986, as amended, and that such Plan and any related trust continue to be tax exempt pursuant to Section 501(a) of the Internal Revenue Code of 1986, as amended.

BE IT FURTHER RESOLVED that the Town Manager of the Town of South Windsor is hereby authorized, empowered and directed to execute Amendment 19 to the Plan; and

BE IT FURTHER RESOLVED that the Town Manager of the Town of South Windsor is hereby authorized, empowered and directed to do any and all acts and execute any and all documents necessary to effectuate the foregoing resolution.

Was made by Councilor Riley
Seconded by Mayor Anwar

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15. B. (Continued)

Answering questions from the Council, Mr. Galligan explained that these amendments are items that have already been negotiated and are in the contracts.

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

C. Discussion Item: Littering Ordinance (requested by Town Manager, Matthew B. Galligan)

Attorney Borea explained to the Council that he had drafted amendments to the Littering Ordinance. The amendments to the ordinance consist of a change in language so that the entity that is littering will be fined rather than the property owner. Also added to the ordinance is an enforcement mechanism consisting of an infraction ticket process. Attorney Borea reviewed the ordinance as shown in attached **Exhibit A**.

Mayor Anwar requested that when there are changes made to an ordinance, those changes should be in red. Mayor Anwar then pointed out that in the ordinance, there seems to be a number of unintended consequences. The idea of the ordinance is to protect the citizens, not penalize them.

Councilor Lydecker stated that she is concerned with the way the ordinance is written. This ordinance puts too much responsibility on our citizens and the Police Department.

Councilor Snyder voiced her concern of an ordinance being amended because of one or two complaints. The Community Calendar is delivered once per week. Councilor Snyder then stated that in this ordinance, mail and newspapers are exempt. The Community Calendar is a newspaper from the Hartford Courant.

After a brief discussion, Council members decided to have the Town Manager and Chief of Police discuss the delivery of the Community Calendar with the Hartford Courant, requesting that the Hartford Courant honor residents wishes. If a resident does not want to receive this publication, they should

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ITEM:

15. C. (Continued)

have the ability to stop delivery. If that does not work, a resolution can be written, and the State Legislators will receive notification and get involved. The Council also felt that the Town Attorney should reassess the littering ordinance and send an amended version to the Council for review.

D. Resolution Approving an Annual Salary for Deborah W. Reid, Clerk of the Council for Fiscal Year 2018/2019

BE IT RESOLVED that the South Windsor Town Council hereby approves an annual salary increase of 2% for Fiscal Year 2018/2019 for Deborah W. Reid, Clerk of the Council, said annual salary rate to be retroactive from July 1, 2018.

Was made by Councilor Lydecker
Seconded by Councilor Maneeley

Mayor Anwar reviewed the evaluation process and thanked the Council Clerk for her hard work.

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

E. Discussion Item: Kid Mayor Program in South Windsor (requested by Deputy Mayor Paterna)

Deputy Mayor Paterna stated that there are students in South Windsor that participate in the Kid Governor Program through the State of Connecticut. Deputy Mayor Paterna suggested that if a student from South Windsor does not get selected as the Kid Governor, South Windsor should have that individual be Kid Mayor in South Windsor for one year. They would attend a Town Council Meeting, bringing that meeting to order and then talking about their platform and goals for the Town of South Windsor. As Kid Mayor, they would participate in Council activities and functions for the year.

Council members agreed to have Deputy Mayor Paterna move forward with this idea.

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ITEM:

15. New Business

F. Resolution Accepting the Resignation of Janice Favreau (D) from the Mass Transit and Highway Advisory Commission

BE IT RESOLVED that the South Windsor Town Council hereby accepts the resignation of Janice Favreau (D) from the Mass Transit and Highway Advisory Commission; and

BE IT FURTHER RESOLVED that the South Windsor Town Council extends its thanks to Janice Favreau for the time she has dedicated to serving her community by her membership on the Mass Transit and Highway Advisory Commission.

Was made by Councilor Pendleton

Seconded by Councilor Paterna

Mayor Anwar thanked Janice Favreau for her service to the Town.

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

G. Resolution Approving a Refund of Taxes to Fifty-Nine (59) South Windsor Taxpayers

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to fifty-nine (59) South Windsor Taxpayers, the total of said refund being \$20,344.64 and as more fully described on attached **Exhibit A**.

Was made by Councilor Snyder

Seconded by Councilor Pendleton

The motion was approved, unanimously

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ITEM:

19. Executive Session

At 8:44 p.m. Deputy Mayor Paterna made a motion to go into Executive Session to discuss a personnel issue – position of Town Manager, and to discuss a draft agreement which would result in disclosure of public records or information which is exempt from disclosure at this time pursuant to Connecticut General Statutes §1-210(b)(1). Councilor Pendleton 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 Maneeley, Councilor Pendleton, Councilor Riley, Councilor Snyder, Assistant Town Manager Vanessa Perry, Town Attorney Morris Borea (to discuss a draft agreement), and Town Manager Matthew B. Galligan.

At 10:15 p.m. Councilor Maneeley made a motion to adjourn the Executive Session. Councilor Snyder seconded the motion; and it was approved, unanimously.

20. Adjournment

At 10:15 p.m. Councilor Snyder made a motion to adjourn the Regular Meeting. Deputy Mayor Paterna seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

ARTICLE II. - LITTER [AMENDED]

Sec. 50-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Litter: "Garbage," "refuse," and "junk" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare and/or a nuisance. Properly discarded Residential Bulky Waste is not considered Litter.

Garbage, refuse or other waste material or junk includes the following but are not limited to all waste material and junk that ordinarily accumulates in and around a home or business, such as putrescent wastes resulting from the handling, preparation, cooking and consumption of food: bags, bottles, boxes, cans and tubes; waste in the form of paper which includes but is not limited to handbills and newspapers, rags, wood, excelsior, plastics, glass, metal, rubber, leather, ashes, leaves and brush, dead animals, fish or birds; and junk in the form of the whole or parts of vehicles or machines, or household or business equipment or furnishings.

Commercial Handbill: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) Advertises for sale any merchandise, product, commodity or thing; or
- (2) Directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this subsection shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when any of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this subsection shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind, without a license, where such is or may be required by any law of this state, or under any ordinances of this Town; or

- (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Noncommercial Handbills: Any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a "commercial handbill" or "newspaper."

Newspaper: Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Postal Service of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Residential Bulky Waste: Any large or unwieldy portions of solid waste unable to fit in standard collection containers generated by household establishments, which shall include but are not limited appliances, furniture, nonmetal cans and drums, carpets, mattresses and box springs, and toys. Residential Bulky waste shall not include covered electronics devices such as televisions, computers, monitors and printers, construction debris, demolition materials, tires, scrap metal, paints used motor oil, lead acid batteries, fire extinguishers, smoke detectors, tree limbs, yard waste or any bagged and/or loose trash of any type. Residential Bulky waste shall also not include any type of business, commercial or industrial waste that does not originate from the residence.

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company or other legal entity of any kind.

Private Property: Any dwelling, house, building, or other structure, designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walk, driveway, porch, step, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public Place: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Sec. 50-32. - Regulated.

- (a) *Public and Private Properties.* It shall be unlawful for any person to throw or deposit litter in or upon any private property not owned or occupied by him, or in or upon any public property except as may be expressly permitted by ordinance of the town concerning town dumps or garbage or refuse collection or disposal.

- (b) *Throwing litter from vehicles.* It shall be unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town or upon private property.
- (c) *Placing litter in receptacles to prevent scattering.* It shall be unlawful for any person placing litter in public receptacles or in private receptacles to do so in such a manner as to cause it to be carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
- (d) *Placing Residential Bulky Waste Curbside.* It shall be unlawful for any person placing residential bulky waste curbside on private property to do so in such a manner as to cause it to be carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. It shall be further unlawful to allow the accumulation curbside of residential bulky waste for more than seven calendar days prior to its scheduled pick-up.
- (e) *Depositing handbills on uninhabited property.* No person shall throw or deposit any commercial or noncommercial handbill in or upon any private property which is temporarily or continuously uninhabited or vacant.
- (f) *Distributing handbills at posted property.* No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private property, if requested by anyone thereon not to do so, or if there is placed on such property in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any matter that the occupants of such property do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such property.
- (g) *Distributing handbills at occupied private property.*
 - 1. *Manner of delivery.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private property which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private property; provided, however, that, in case of inhabited private property which are not posted, as provided in this chapter, such person, unless requested by anyone upon such property not to do so, may place or deposit any such handbill in or upon such inhabited private property, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such property or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by federal postal law or regulations.
 - 2. *Exemption for mail and newspapers.* The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers (as defined herein), except that newspapers shall be placed on private property in

such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

- (h) *Posting notices prohibited.* No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.
- (i) *Litter on occupied private property.* No person shall throw or deposit litter on any occupied private property within the Town, whether owned by such person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
- (j) *Litter on vacant lots.* No person shall throw or deposit litter on any open or vacant private property within the Town whether owned by such person or not.

Sec. 50-33. - Accumulation limited.

It shall be unlawful for the owner, occupant or tenant of any property to allow any litter consisting of garbage, refuse or other waste material, or junk to remain or accumulate in or upon such property, either in an unsanitary manner or in a manner offensive or detrimental to the general character of the adjacent neighborhood and to property values therein. However, this section shall not prohibit the storage of litter in private receptacles for collection.

Sec. 50-34. - Nuisance.

Each unlawful act described in sections 50-32 and 50-33 shall be deemed a nuisance.

Sec. 50-35. – Notice of Violation and Order of abatement.

- (a) *Authorized.* In addition to any other powers, the chief of police or the chief's designee may order a person doing any of the acts described in section 50-32 to remove the material deposited by serving on him a notice of violation and/or an order for removal, allowing a reasonable time for compliance therewith provided the person owning or occupying the property on which the material exists consents to such order.
- (b) *Service.* A notice of violation, an order for abatement or removal of a nuisance described in section 50-33 shall be served on the owner of the property on which such nuisance exists, or his agent, or on the occupant or tenant of such property within a reasonable time before the date named in such order issued for compliance therewith; however, any such order issued in respect to a nuisance alleged to involve in whole or in part an unsanitary condition may also be signed by the director of health or his designee after a determination that an unsanitary condition in fact exists.

- (c) *Enforcement.* 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.
- (d) *Appeal.* If any person served with notice of violation or an order described in subsection (b) of this section shall, before the date specified in such violation or order for compliance therewith, apply to the chief of police to have its execution stayed or terms modified, it shall be the duty of the chief of police to suspend such order temporarily and to allow such person a reasonable and fair opportunity to be heard and to present arguments and proof against the notice of violation or the execution of the order or in favor of its modification.
- (e) *Compliance required.* It shall be unlawful for any person to fail or neglect to comply with any order given by the chief of police under the provisions of this article.
- (f) *Abatement by chief of police.* If any person upon whom an order to abate or remove a nuisance is served fails or neglects to comply with the terms thereof in the manner and time specified, the chief of police may cause such nuisance to be removed or abated; and the expenses thereof shall be collected by the town through legal action if necessary.

Sec. 50-36. - Penalty.

Any person who shall commit or assist in the committing of any act defined under the provisions of this article to be unlawful or to be a nuisance shall be subject to punishment as provided in section 1-12 of this Code upon conviction thereof. Each day's violation of this article after the time specified in an order for abatement or removal of a nuisance may be considered a separate offense.

Secs. 50-37—50-60. - Reserved.