

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

Minutes

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November 16, 2015

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

1. Call Meeting to Order

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

4. Roll Call

Members Present: Mayor Thomas Delnicki
Deputy Mayor Carolyn Mirek
Councilor M. Saud Anwar
Councilor William Carroll
Councilor Edward Havens
Councilor Lisa Maneeley
Councilor Liz Pendleton
Councilor Matthew Riley
Councilor Janice Snyder

Also Present: Matthew B. Galligan, Town Manager
Keith Yagaloff, Town Attorney

5. Public Input

Mr. Steve Wagner, 181 Tumblebrook Drive came before the Town Council and explained that at the October 19, 2015 Town Council meeting Attorney Mondschein from Pullman & Comley informed the Council about Net Metering and Virtual Net Metering. Mr. Wagner reviewed the potential savings by doing a Virtual Net Metering project and then urged the Council to pursue an RFP for a Virtual Net Metering project. Another project the Council may want to consider is placing solar on the rooftop of a Town owned building.

6. Environmental Health & Safety Message

None

AGENDA
Regular Meeting – Town Council
Monday, November 16, 2015

14. New Business (*Continued*)

- * B. Resolution Appointing Gary Bazzano (R) to the Planning & Zoning Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting
- * C. Resolution Appointing Sandra Jeski (D) to the Demolition Delay Committee and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting
- D. Resolution Agreeing to a Joint Grant Application with the Town of Coventry and the Town of Tolland
- E. Resolution Authorizing the Assignment of Tax Liens
- F. Resolution Approving a Refund of Taxes to Thirty-Six (36) South Windsor Taxpayers
- G. Discussion item: Tractor Trailer Traffic on Sullivan Avenue, (*requested by Councilor Anwar*)
- H. Discussion Item: Status Update on Technology Park and Fuel Cell, (*requested by Mayor Delnicki*)
- I. Discussion Item: Modification to the Blight Ordinance, (*requested by Town Attorney Yagaloff*)

15. Passage of Ordinance

16. Communications and Reports from Town Manager

[Per Town Council Rules, this segment of the meeting shall not exceed ten (10) minutes unless extended by the Mayor, with the consent of a majority of the Council.]

17. Public Input

[Per Town Council

Rules, this segment of the meeting shall not exceed thirty (30) minutes unless extended by the Mayor, with the consent of a majority of the Town Council.]

AGENDA
Regular Meeting – Town Council
Monday, November 16, 2015

18. Communications and Petitions from Council
[Per Town Council Rules, this segment of the meeting shall not exceed twenty (20) minutes unless extended by the Mayor, with the consent of a majority of the Council.]
19. Executive Session
 - A. Pending Litigation (docket #HHD-CB-11-6021042-S)
20. Adjournment

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ITEM:

7. Adoption of Minutes of Previous Meetings

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Organizational Meeting Minutes of November 9, 2015; and Regular Meeting Minutes of October 19, 2015.

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

8. Public Petitions

None

9. Communications from Officers and Boards Directly Responsible to Council

None

10. Reports from Standing Committees

None

11. Reports of Temporary Committees

None

12. Consent Agenda

Councilor Riley and Havens made a motion to approve Agenda Items 14. B.* through 14. C.* as the Consent Agenda. Councilor Anwar seconded the motion.

Councilor Anwar requested that both items be taken off of the Consent Agenda.

13. Unfinished Business

None

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ITEM:

14. New Business

A. Resolution Accepting the Resignation of William Carroll (R) from the Planning & Zoning Commission

BE IT RESOLVED that the South Windsor Town Council hereby accepts with regret, the resignation of William Carroll (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 William Carroll for the time he has dedicated to serving his community by his membership on the Planning & Zoning Commission.

Was made by Councilor Maneeley

Seconded by Councilor Anwar

The motion was approved, unanimously

B. Resolution Appointing Gary Bazzano (R) to the Planning & Zoning Commission and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council hereby appoints Gary Bazzano (R) to the Planning & Zoning Commission for a term ending November 13, 2017 to fill an unexpired term of William Carroll and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Riley

Seconded by Councilor Anwar

The motion was approved, unanimously

C. Resolution Appointing Sandra Jeski (D) 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 appoints Sandra Jeski (D) to the Demolition Delay Committee for a term ending December 31, 2016 to fill a vacancy and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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ITEM:

14. C. (Continued)

Was made by Councilor Havens
Seconded by Councilor Pendleton

Mayor Delnicki read an email into the record the was received by Tony Duarte who is the Chair of the Democratic Town Committee, as shown in attached, **Exhibit A.**

Councilor Anwar stated that this appointment would come from the Commissions, not from the political parties. The Ordinance that established the Demolition Delay Committee explains that appointments are based upon the Historic District Commission, Historical Society and the Planning & Zoning Commission.

Councilor Havens explained that the Chairperson from the Demolition Delay Committee asked Ms. Jeski to fill the vacancy. This is not a party appointment, it is the Committee appointment.

Mayor Delnicki stated that in the Ordinance it reads the Town Council shall appoint the position and defines who the Committee shall be made up of which is two members from the Historic District Commission, one member from the Historical Society, two members from the Planning & Zoning Commission and one resident. Putting a Republican in this vacancy will keep the balance of what the make up of the Committee was when it was established.

Councilor Pendleton explained that the Ordinance was established in July 2012 and there is no reference to any political party. This is a non-political Committee. The Historical Society chose the person they want to have on this Committee. Councilor Pendleton requested the opinion of the Town Attorney.

Town Attorney Yagaloff explained that this is a policy decision that is up to the Town Council. There is a rule that states there should be a bare majority of the majority party. The rule can be interpreted two ways, out of five members three of the members would be the majority party or counting the unaffiliated person the Committee would be made up of two majority members and two minority members. The Council is in charge of making the resolution.

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ITEM:

14. C. (Continued)

Councilor Anwar felt that since the Historical Society chose someone to represent them on the Demolition Delay Committee, the Council should not be interfering with that decision and the Ordinance should be adhered to.

Town Attorney Yagaloff explained that the Ordinance does not specify anything about the political parties of the members of the Committee. The decision on this appointment is with the Town Council. There is a general rule that a member should be replaced by the same party, but the rule regarding the bare majority supersedes the general rule.

Mayor Delnicki called for a vote on the motion, it failed on a Roll Call vote of 3 to 5 with Councilors Anwar, Havens and Pendleton voting in favor of the motion; and Mayor Delnicki, Councilors Carroll, Maneeley, Riley and Snyder voting in opposition of the motion.

D. Resolution Agreeing to a Joint Grant Application with the Town of Coventry and the Town of Tolland

WHEREAS, the Town of South Windsor wishes to apply for a grant with the Town of Coventry, Connecticut and the Town of Tolland, Connecticut; and

WHEREAS, the Town of South Windsor wishes to utilize the Intertown Capital Equipment Purchasing Incentive Program; and

WHEREAS, the Town of South Windsor would jointly purchase computer equipment with the Town of Coventry and the Town of Tolland; and

WHEREAS, South Windsor's cost share for the computer equipment would not exceed \$15,000 (fifteen thousand dollars); and

WHEREAS, sixty percent (60%) of the \$15,000 would be reimbursed to the Town of South Windsor if the grant is approved

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby authorizes Matthew B. Galligan, Town Manager, to enter into the agreement with the Town of Coventry and the Town of Tolland to apply for the Intertown Capital Equipment Purchase Incentive Program for the purchase of computer equipment.

(Resolution Continued on Next Page)

ITEM:

14. D. (Continued)

Was made by Councilor Snyder
Seconded by Councilor Anwar

Councilor Snyder complimented the IT Department for the creation of this regional program which works towards the betterment of South Windsor.

Answering questions from the Council, Mr. Galligan explained that this is a program where the South Windsor IT Department helps two other Town's with their IT functions and South Windsor makes money on this program.

Councilor Anwar stated he would continue to support this effort. It is an excellent program.

Mayor Delnicki said that this is a case of regional cooperation and he would continue to support this program because it benefits each community and saves money for the South Windsor taxpayers.

Mr. Galligan explained how the program to Councilor Carroll stating that originally Coventry's IT Department was not at the level they needed to be so they went out to RFP and South Windsor won that bid. South Windsor began to help Coventry out with their IT functions which worked very well. Tolland then heard about this and requested South Windsor to also help with their IT functions. By doing this, South Windsor receives more equipment and grants because of this program. There are other Town's that would like to join this regional program, but South Windsor would need more staff to do that. This is a good program for South Windsor and there is also a small profit.

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

E. Resolution Authorizing the Assignment of Tax Liens

WHEREAS, the South Windsor property located at 1060 Main Street has accumulated real property tax liens and sewer use liens in the amount of \$516,443.28; and

WHEREAS, the Town of South Windsor seeks to remedy the issue of nonpayment of real property taxes and sewer use fees from the owner of said real property; and

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ITEM:

14. E. (Continued)

WHEREAS, the Statute provides that the consideration received by the Town shall be negotiated between the Town and the Assignee, and any assignment must be approved by resolution of the Town Council; and

WHEREAS, MTAG CUST FOR EMPIRE VII CT PORTFOLIO, LLC, a Connecticut Limited Liability Company has offered to purchase the above liens from the Town

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council wishes to enter into an Assignment Agreement with MTAG CUST FOR EMPIRE VII CT PORTFOLIO, LLC for real property tax liens and sewer use liens for 1060 Main Street, South Windsor, on terms which provide that the Assignee will pay the Town 100% of the value of the lien through July 1, 2015, and the Town will Assign the liens as of October 1, 2015; and

BE IT FURTHER RESOLVED that to the extent that such Assignment might require competitive bidding, the South Windsor Town Council hereby waives such competitive bidding, as the assignment as provided for herein is in the Town's best interest; and

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan, to execute those documents as may be necessary to effectuate said assignment.

Was made by Councilor Pendleton

Seconded by Councilor Maneeley

Mr. Galligan explained to the Council that the previous nursing home that was located at 1060 Main Street did not pay their taxes and wound up owing the Town \$950,000. The nursing home filed bankruptcy and there were a number of companies that wanted to take over the nursing home. The Town would not forgive the taxes or take payments. The Town ended up collecting the taxes through the Bankruptcy Court. The company that took over the nursing home is now behind in taxes by \$516,443.28 and it is the Town's position to sell the lien. After speaking with American Tax Funding, the Town was told that although American Tax funding works directly with the Town, they do not get involved with nursing homes but referred the sale of the lien to

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ITEM:

14. E. (Continued)

MTAG CUST FOR EMPIRE VII CT PORTFOLIO, LLC who is willing to buy the lien. MTAGE CUST FORE EMPIRE VII CT PORTFOLIO is willing to work out a payment plan with the current owner and at the same time as an investor they could have someone who would try to keep the nursing home going. Mr. Galligan informed the Council that he has made a number of phone calls to the current owner, who has not returned any of the calls.

Answering questions from the Council, Mr. Galligan explained that American Tax Funding buys a lot of the Town's liens and taxes. This company was not willing to invest into a nursing home, but found a company for the Town that is willing to invest in the nursing home. American Tax Funding is not getting any compensation for referring MTAG CUST FOR EMPIRE VII CT PORTFOLIO, LLC to the Town. The Town will get paid 100% of the property taxes and sewer user fees plus interest that is owed to the Town as of July 1st.

Council members discussed at length the discounting of the interest that is due on the lien which amounts to \$23,000.

Town Attorney Yagaloff explained that the discount is on the interest that has accrued on the liens. The liens are for prior taxes, not current taxes. The Town has requested to be first in line for any taxes owed to the Town in exchange for the interest that has accrued.

Councilor Riley questioned if the Town would be in first position for any future obligations and if this will be addressed in the agreement? Town Attorney Yagaloff stated that the Town will be in first position for any future obligations and it will be in the agreement.

Councilor Riley asked why is it in the best interest of the Town to waive competitive bidding? Town Attorney Yagaloff explained that it is very hard to get bids for a nursing home.

Councilor Riley stated that he would support this effort but would prefer in the future that the Town avoid waiving competitive bidding.

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ITEM:

14. E. (Continued)

Mr. Galligan explained that he looks at this deal as the Town is investing \$23,000 in order to get \$400,000.

Councilor Anwar explained that for long term nursing home residents, Medicare does not pay after a certain length of time and Medicaid has had significant cuts for the care of these individuals. Nursing home facilities are providing free care at this time because the reimbursements that were coming from the State and Federal Governments have not happened. The nursing home has allowed individuals to stay in the facility even though the nursing home is not being compensated for the care provided. Many of these patients are from South Windsor or have family who live in South Windsor. If the Town Council approves this resolution, this facility could close, displacing the residents. The other concern is the waiving of competitive bidding. Councilor Anwar questioned if there is a way to ensure that this nursing home will not close displacing its residents? Mr. Galligan explained that having the liens assigned to MTAG CUST FOR EMPIRE VII CT PORTFOLIO, LLC will hopefully help the current owner to be able to catch upon their bills and keep the nursing home going, but he can not give any guarantees that this will help keep the nursing home open. The current situation basically has the taxpayers of South Windsor paying the taxes for this facility.

Mayor Delnicki stated that he has concerns like Councilor Anwar, but was assured by the Town Attorney that there are some protections legally on the State side for the residents of the nursing home.

Town Attorney Yagaloff explained that on a practical level, the organization would file for bankruptcy to collect the liens, the company would file for bankruptcy and would stay the foreclosure proceedings. In order to be able to continue with the foreclosure proceedings, they have to convince the Judge to lift the stay. In a nursing home situation, it is very unlikely to lift a stay on a foreclosure proceeding knowing that all of the parties are trying to work out arrangements to take care of the residents there and the Judge is not going to be concerned with the investor at that moment, but is going to be concerned with the residents. So there are some provisions in place to provide some protections, however, this nursing home has not paid its taxes since 2011. Once the accrual at 18% starts, it is really a down hill slide because not only does the owner have to pay their taxes, they have to pay the interest.

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ITEM:

14. E. (Continued)

Mr. Galligan explained that the last nursing home never closed while going through the Bankruptcy Court. The Bankruptcy Court went out and found investors to take it over. The State is not going to move anybody until they get another owner for the nursing home or they are able to place residents into another nursing home.

Councilor Havens stated that although he is concerned about the individuals who live at the facility and the employees, he would still be supporting the resolution in order to protect the rest of the community who have paid their taxes.

Councilor Riley questioned if the worse case scenario by waiving competitive bidding is that the Town will get its \$516,000 owed and be giving up \$23,000? Mr. Galligan stated that would be the worse case scenario.

Councilor Riley then wanted the Council members to recognize that there are probably other obligations out there that the owner has. Selling or assigning the tax lien to someone else will not necessarily change the future for this owner.

Town Attorney Yagaloff explained that if the Council waits, at some point the value of the property will be less than all of the real estate liens and the sale would not generate enough to pay the taxes. Another issue that the Council should understand is that the State will not close this facility until all of the residents are placed in an appropriate facility.

Councilor Anwar felt that this resolution should not be supported based on the probable obligations, but based on the facts which are that there will be employees losing their jobs and residents who may not have a safe place to stay based on this decision tonight.

Mr. Galligan stated that he has a fiduciary responsibility to the Council and is informing the Council about this issue. This action tonight will protect the Town's interest. Mr. Galligan then reiterated that he does not think the State of Connecticut will let anyone in a nursing home to be thrown out.

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ITEM:

14. E. (Continued)

Councilor Anwar stated that the Federal and State Governments have failed this nursing home facility.

Mayor Delnicki felt that this is not an easy decision but the Town Council should take into consideration that the South Windsor taxpayers have been subsidizing this business. The State of Connecticut is not going to throw senior citizens out on the streets. Arrangements will be made for them to go to a different facility.

Mayor Delnicki called for a vote on the motion; it passed on a Roll Call vote of 7 to 1 with Mayor Delnicki, Councilors Carroll, Havens, Maneeley, Pendleton, Riley and Snyder voting in favor of the motion; and Councilor Anwar voting in opposition to the motion.

F. **Resolution Approving a Refund of Taxes to Thirty-Six (36) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to Thirty-Six (36) South Windsor Taxpayers, the total of said refund being \$13,012.86 and as more fully described on attached Exhibit B.

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

G. **Discussion Item: Tractor Trailer Traffic on Sullivan Avenue (requested by Councilor Anwar)**

Councilor Anwar explained that he has received concerns about the tractor trailer traffic creating significant disturbances on Sullivan Avenue, especially during the night hours. It is believed to be mainly Fed Ex and Aldi trucks. Although this is a State road, is there a way to suggest to these companies to use an alternate route.

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ITEM:

14. G. (Continued)

Mr. Galligan stated that the Town could make the suggestion but there is no way to enforce this request because the roads are all State roads. Mr. Galligan told the Council that he has requested that the Chief of Police go out and monitor how many of those trucks are from Aldi and Fed Ex. There are also concerns that have been raised by Deputy Mayor Mirek regarding the traffic on Graham Road. In the past, the Town has approached other company's and have requested them to take alternative routes, which they have complied with. In this instance it is felt that the Kennedy Road light is key and would help to keep the speeds down. The Town feels that light should be there, but DOT does not think it is necessary. The Town will bring this issue back up to DOT. After the Police Department does its study, a report will be brought back to the Town Council.

Councilor Snyder questioned exactly where the issue is on Sullivan Avenue? Councilor Anwar explained that the trucks are coming from Oakland Road and then down Sullivan Avenue.

Councilor Snyder felt that the truck drivers are probably using their gps and coming the most direct route. Sullivan Avenue is a State road, so the Chief of Police would have to request that the State of Connecticut have a counter put out on Sullivan Avenue. Councilor Snyder stated that she does see other trucks using Sullivan Avenue as well. Councilor Snyder expressed concerns stating that Fed Ex and Aldi are both taxpayers in South Windsor and there is nothing that requires them to use an alternate route. The only way the Town could handle this is by asking them politely to add more mileage and use more gas in order to use a different route.

Mr. Galligan stated that the only other way to do the counting is by having a Police Officer physically out there doing the counting of trucks.

Mayor Delnicki suggested that when the Town offers tax abatements, there could be language placed into the abatement which restricts the use of trucks coming down Sullivan Avenue. The Town Attorney would have to do research to see if this is something that could occur. Enforcement actions can be taken by the Police Department to deter trucks from using Sullivan Avenue. There is nothing that can be done about the traffic after 11:00 p.m. which is beyond any enforcement that the Town can do.

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ITEM:

14. G. (Continued)

Councilor Pendleton explained that truck traffic on Sullivan Avenue and Buckland Road has been an issue and will be a larger issue when the Town Center is created. The Town presently has an Ordinance governing tractor trailer traffic on Governors Highway. Councilor Pendleton questioned if this issue could fall under that Ordinance? Town Attorney Yagaloff explained that Governors Highway is a Town road. The Town can regulate certain traffic if there are two alternate routes and when the road is a Town road.

Councilor Pendleton suggested that the Town Manager contact the two companies and ask them if they would be willing to use an alternate route. Mr. Galligan explained that some of the drivers for these companies are independent drivers who will incur costs from this request. Mr. Galligan said he would like to monitor the truck traffic on Sullivan Avenue first.

Councilor Carroll stated that the road that is being discussed is a State road and he feels it would be a challenge. The speeds at night can only be controlled through enforcement.

**H. Discussion Item: Status Update on Technology Park and Fuel Cell
(requested by Mayor Delnicki)**

Mr. Galligan explained that the Payment Agreement has been signed and is ready to go. The lien by Brown Rudnick was taken off of the land. There have been discussions held with the Governors Office and there seems to be strong support for a technology park. There has been a meeting with Town Attorney Yagaloff, Dan Marsh, Attorney David Panico and myself regarding the Development Agreement. Once the Development Agreement is complete, that will be sent to the Redevelopment Agency, the Town Council and the developers in order to start those negotiations.

Answering questions from the Mayor, Mr. Galligan explained that he is not aware of any building permits being pulled for this project. The Power Purchase Agreement is being discussed now.

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ITEM:

14. H. (Continued)

Mr. Galligan stated to Councilor Anwar that there were no secret meetings regarding the technology park. The only meeting that he is aware of that had occurred was one that Senator Larsen had requested. Representative Bill Aman and Peter DeMallie were both present at this meeting. Senator Larsen never showed up.

Answering a question from Councilor Havens, Mr. Galligan said he feels this technology park could be successful if it is planned and done correctly. The whole key about this project is that the fuel cell is successful and the micro grid is in there which is 24/7 power

Councilor Carroll asked if there was any public participation in this process? Mr. Galligan explained that the Redevelopment Agency will eventually hold a public hearing regarding this project which will show the plan, the financing and the capital stack. Mr. Galligan then explained that using a 5013C allows the Town to take advantage of a low interest rate. The project is being leased in order to allow other projects to be done at the same time. This also allows the Town not to give up its good faith and credit. The money that the Town will be receiving from the fuel cell will be used to pay the lease to do the public improvements. There have been cities and the State who have done development using a 5013C.

Town Attorney Yagaloff told the Council that in terms of the documents and the negotiations, everything was done publicly. The only thing not done publicly was direct negotiations on these agreements and Executive Sessions. Every meeting was a public meeting with public participation.

Mr. Galligan added that the technology park development was negotiated and brought to the Council. It was discussed in public and the Council voted on it.

Councilor Pendleton suggested that the new Councilor members review the meetings as to when the technology park was discussed. This will ensure for those members that the majority of the action the Council took was in the public meeting with clear transparency.

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ITEM:

14. H. (Continued)

Councilor Riley stated that the point that is being made is that there was no public hearing for this project. Mr. Galligan explained that the only thing decided on that night was the Payment Agreement. Other items need to be accomplished prior to any public meetings or more public input. The night that the presentation was held, there was time for public to speak.

Councilor Riley stated that the idea for this technology park is for advanced technology to use it for the 24/7 power. It was stated that 84% of companies in Connecticut are classified as advanced technology. These companies are all operating now so what are they doing to meet their need for 24/7 power at this time? Mr. Galligan explained that they have generators at this time.

Councilor Riley then questioned if the fuel cell really provides some extra benefit that they aren't already able to meet? A small company will have a large savings using the fuel cell. There are also companies that do not want to have a lapse in time.

Answering further questions from Councilor Riley, Mr. Galligan explained that when the rating agencies look at the Town's bonded indebtedness, they are going to look at the amount and whether the Town is reaching a certain level or under a certain level, how the Town retires debt. The Town is not giving up its good faith and credit. All of the Town's leases are an obligation even though that lease will give an appropriation clause. The Town could legally not pay, but would not be held responsible with the lease holders, but Mr. Galligan stated Moody's or S & P would look at that to make sure that the Town is meeting their obligations. The rating agencies do not look at leases as an obligation unless the Town did not pay.

Deputy Mayor Mirek asked why the permits have not been taken out for this project? Mr. Galligan explained that no permits can be taken out on the fuel cell unless an agreement with Eversource is complete as well as the completion of the Power Purchase Agreement.

Town Attorney Yagaloff stated that the Town did not expect permits to be pulled until December or January, assuming the developer gets everything else completed with PURA, DECD and the Governors Office.

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ITEM:

14. New Business (Continued)

I. Discussion Item: Modification to the Blight Ordinance (requested by Town Attorney Yagaloff)

Town Attorney Yagaloff explained to the Council that Town staff has been addressing quite a lot of blight issues. While reviewing the Blight Ordinance, it has been noted that there is a gap in the existing Ordinance. In the present Ordinance, the Town puts a lien on the property of \$100.00 per day if the blight is not remediated pursuant to the Ordinance, but the Town is not permitted to go on the property and remediate any blight. Presently there is a property in Town that has been cited for blight and is not willing to clean up the property. Amending the Ordinance in a certain manner will allow the Town under certain circumstances to remediate a property. Circumstances will have to be established in the Ordinance. The cost for remediation will be added into the blight lien. Town Attorney Yagaloff stated he would draft the amendment for the Council's review.

Mr. Galligan added that his concern is he doesn't want environmental issues to affect the neighbors because it is not known what is on the property. It is very frustrating when going through the legal process and not being allowed to do anything to remediate a property.

Deputy Mayor Mirek stated she would like to move forward with an amendment. There are instances where people need help so the amendment could be very positive.

Town Attorney Yagaloff explained that the amendment would be geared towards properties where there is the creation of additional blight after the Town has placed a lien on the property.

Councilor Anwar and Councilor Carroll both stated they would be in favor of the current Blight Ordinance being modified.

Answering questions from the Council, Town Attorney Yagaloff explained he would bring a proposed amendment to the Council for review.

Councilor Carroll questioned if the Town would be able to erect a fence to shield a blight problem? Town Attorney Yagaloff stated that a fence can not be constructed in the right of way.

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ITEM:

14. I. (Continued)

Councilor Pendleton stated that she will never give the Town the authority to go on private property to remove someones personal property.

Mayor Delnicki asked how this type of blight is handled by other communities? Town Attorney Yagaloff stated that the Town will look into how other Town's handle their blight where property owners actively increase the blight problem in defiance of a lien.

Mayor Delnicki reviewed the steps that will be taken by the Town on this item stating that the Town Attorney will come back with a draft amendment to the Blight Ordinance, a public hearing will be held and then a vote on the amendment will take place.

15. Passage of Ordinance

None

16. Communications and Reports from Town Manager

Mr. Galligan stated that he would like to hold an orientation with the new members of the Council. Meetings could begin at 6:00 p.m. on the night of a Council meeting. The Council also needs to decide when to hold a Strategic Planning Session from the following dates: 12/1, 12/2, 12/11, 12/16 or 12/17.

The Town Engineer will be giving the Town Council a report on the drainage issue on Ridge Road which will include the amount to fix this issue.

On Edwin Drive, there is a sinkhole that needs to be addressed.

The Council needs to decide if the Town should do a Virtual Net Metering project. With a project like this, the solar does not have to be in Town. South Windsor would have an agreement to buy electricity from a solar project located in another Town which would reduce South Windsor's overall bill. This type of project would require South Windsor to do an RFP which would cost between \$5,000 to \$6,000. The only negative effect would be that the agreement would be for 20 years so if State Legislature changes, the Town would have to make sure it is Grandfathered

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ITEM:

16. Communications and Reports from Town Manager (Continued)

In or if energy does drop, South Windsor is stuck with a 20 year agreement. If the Council would like to move forward, Mr. Galligan said he would work with the Energy Committee.

The Town recently received \$12,000 Emergency Management Grant which will help offset costs to run the CERT program.

Mayor Delnicki requested the Town Manager to come up with a manpower budget and a labor budget for the Virtual Net Metering program. Also the Council should know what projects staff members would be taken from if the Town did go forward with VNM.

17. Public Input

Mr. Mike Berghuis, 18 Mountain View Road came before the Council and stated that he would like to see the tractor trailer traffic on Sullivan Avenue be addressed because it is very loud and goes fast.

Mr. Bob Pellegatto, 128 Chapel Road stated that there are health issues that could be involved with blight issues. Mr. Pellegatto then stated he recalls Mr. Galligan addressing the question about public hearings meeting regarding the technology park.

18. Communications and Petitions from Council

Councilor Anwar stated that after listening to the different threats in the world he is appreciative that South Windsor is investing in the Emergency Operation Center to help deal with any challenge that come our way and hopes that there is continued support.

Deputy Mayor Mirek informed the Council and public that the trip for the 8th graders to Washington DC has been cancelled.

MINUTES

Regular Meeting – Town Council

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November 16, 2015

ITEM:

18. Communications and Petitions from Council (Continued)

Mayor Delnicki thanked the Patriotic Commission for the tremendous program at Veterans Memorial Park; thanked Orchard Hill Elementary School for the Veterans' Day program; and thanked the Patriotic Commission, the VFW and the American Legion on the representation of the Town in the Veterans' Day Parade.

19. Executive Session

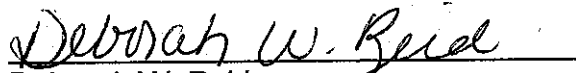
At 10:14 p.m. Councilor Snyder made a motion to go into Executive Session to discuss pending litigation (docket #HHD-CB-11-6021042-S). Councilor Maneeley seconded the motion; and it was approved, unanimously.

At 10:34 p.m. Councilor Maneeley made a motion to adjourn Executive Session. Councilor Snyder seconded the motion; and it was approved, unanimously.

20. Adjournment

At 10:34 p.m. Councilor Maneeley made a motion to adjourn the Regular Meeting. Councilor Snyder seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

Reid, Deborah

From: Tom Delnicki [tomdelnicki@aol.com]
Sent: Monday, November 16, 2015 6:38 AM
To: Reid, Deborah
Subject: Re: Demolition Commission

Are you aware of this ?

-----Original Message-----

From: Kathleen Daugherty <k.daugherty@cox.net>
To: Tom Delnicki <tomdelnicki@aol.com>; Paul Oates <poates@cox.net>
Sent: Fri, Nov 13, 2015 1:11 pm
Subject: FW: Demolition Commission

On 11/12/15, 9:42 PM, "tonygolfs@att.net"
<tonygolfs@att.net> wrote:

>Sorry I haven't gotten back to you sooner .
>Looking at the current list
>of members it might have been oversight on our
>part . There has been a
>vacancy for over 1 year , and the current chair had
>asked Sandy if she
>would be interested on filling that spot . That vacancy is
>a republican
>spot . So tomorrow Sandy will notify Debbie Reid that she is
>withdrawing
>her name .
>
>Tony
>
>Sent from my iPhone

11/16/2015

TAX REFUNDS

Page 1

Backhaus, George P.O. Box 1537 South Windsor, CT (Removed – went to wrong town. Paid Lisbon) 14-501172	273.68	Bergeron, Donald or June 3 Stiles Ct South Windsor, CT (Sold 8/15) 14501815	35.07
Ersilia & Raymond Brandoli 50 Cody Circle South Windsor, CT (Sold April 2015) 14-502560	40.20	Lynn Brannon 111 Farm Brook Road South Windsor, CT (Sold June 2014) 13-502558	66.76
Buckler, Jennifer 98 Palmer Drive South Windsor CT (Overpayment) 8512	3217.20	Burch, Debra L 0-12 St Marc Circle South Windsor, CT (Sold 2/15 #502961, sold 8/15 #502964) 14-502961; 14-502964	12.42
Capital Sweeping Serv P.O. Box 797 South Windsor, CT (Sold 6/14) 13-503395	34.09	Anthony Cecere 24 Ravine Road South Windsor, CT (Sold July 2015) 14-503810	17.90
Chikhi, Anwar Mamo 15 Windy Hill Drive South Windsor, CT (Junked 1/15) MV14-504073	73.45	Cipriano, Richard M or Michelle M 11320 Preservation Lane Charlotte, NC 28278-3600 (Vehicle registered in NC August 2015) 14-504210	43.11
Cipriano, Richard M or Michelle M 11320 Preservation Lane Charlotte, NC 28278-3600 (Vehicle registered in NC August 2015) 14-504209	25.57	Collins, Thomas S or Barbara L 110 Concord Road South Windsor, CT (BAA mileage adjustment) MV14-504528	76.00
Cooley, Lori A 66 Sharon Drive South Windsor, CT (Sold 12/14) 14-504691	131.91	Cooley, Lori A 66 Sharon Drive South Windsor, CT (Sold 6/15) 14-504688	31.42
Duarte, Charles W 9 Arnold Way South Windsor, CT (Gifted to daughter 7/15) MV14-506464	50.79	Diane & William Eicher 16 Greenfield Drive South Windsor, CT (Apply vet exemption) 14-506858	219.24
Financial Service Vehicle Trust 5550 Britton Parkway Hilliard, OH 43026 (Turned in lease 9/14 Plate #289XJR) MV14-520728	723.13	Financial Service Vehicle Trust 5550 Britton Parkway Hilliard, OH 43026 (Went to wrong town, removed per DMV, Plate #187ZSZ) MV13-507673	958.77
Financial Service Vehicle Trust 5550 Britton Parkway Hilliard, OH 43026 (Sold 5/14 Plate #727YTG) MV14-507690	269.16	Kimberly Galuska 599 King Street South Windsor, CT (Prorate – total loss April 2014) 13-508541	57.88
Kathleen Gardner 85 Highland Drive South Windsor, CT (Total loss August 2015) 14-508511	5.11	Gregory Gineo 58 Brian Road South Windsor, CT (Sold July 2015) 2014-508831	30.33

TAX REFUNDS

Page 2

Marie Girouard 638 Foster Street South Windsor, CT (Sold July 2015) 14-508865	9.50	Grassman LLC 59 Woodland Drive South Windsor, CT (Sold July 2015 Plate #K90896) 14-509266	30.32
Grassman LLC 59 Woodland Drive South Windsor, CT (Sold July 2015 Plate #9503CX) 14-509270	20.10	Guimond, Rene G or Lucille 922 Pleasant Valley Road South Windsor, CT (Amended value) 13-509708	39.77
HB Tool Eng Co. 481 Sullivan Avenue South Windsor, CT (Sold 5/15 Plate #YX1507) 14-509635	156.76	Harbour, Rowena Lynn 42 Daisy Lane South Windsor, CT 06074-2727 (Sold 8/15) * MV14-509843	16.08
Kim Hober 9 Main Street #31 South Windsor, CT (Overpayment) RE12-11365	6.60	Holowczak, Janet M 39 Cody Circle South Windsor, CT (Sold 8/15) 14-510467	9.50
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 1/14 - Plate #701ZUE) MV14-510483	593.41	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 1/14 - Plate #114ZFP) MV14-510509	99.39
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Turned in lease - Plate #137ZG) MV14-510515	40.56	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 3/15 Plate #160ZFP) MV14-510519	266.37
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 9/14 Plate #181ZAF) MV14-510529	549.20	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 7/15 - Plate #210ZGT) MV14-510546	97.92
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 7/15 - Plate #217ZKF) MV14-510547	99.02	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 4/15 Plate #467YRU) MV14-510585	172.11
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 7/15 - Plate #5AGGB3) MV14-510591	152.74	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 1/14 - Plate #701ZUE) MV13-510643	439.97
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 5/15 - Plate #764XPD) MV14-510648	150.91	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Overpayment by Christine Gonzalez and Honda Plate #788YBP) MV14-510653	538.97
Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 8/15 Plate #860ZYN) MV14-510663	71.98	Honda Lease Trust 600 Kelly Way Holyoke, MA 01040-9681 (Sold 7/15 Plat #911ZSJ) MV14-510677	85.87