

**TOWN COUNCIL
TOWN OF SOUTH WINDSOR**

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November 18, 2019

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

1. Call Meeting to Order

Mayor Paterna called the Regular Meeting to order at 7:00 p.m.

2. Roll Call

Members Present: Mayor Andrew Paterna
Deputy Mayor Liz Pendleton
Councilor Audrey Delnicki
Councilor Erica Evans
Councilor Mary Justine Hockenberry
Councilor Cesar Lopez
Councilor Karen Lydecker
Councilor Lisa Maneeley
Councilor Janice Snyder

Others Present: Michael Maniscalco, Town Manager

5. Communications and Reports from Town Manager

Mr. Michael Maniscalco, Town Manager, reported on the following items:

- The Town put out an RFP for a financial advisor and have identified Phoenix Advisors as the lowest qualified candidate for the Town's financial needs.
- The risk for EEE has been significantly reduced due to the cold weather that we have been experiencing.
- Chief Custer has recommended promotions for Corporal Bowes to Sergeant and Corporal Little to Sergeant. These recommendations have also been approved by the Town Manager.
- Reminded residents to lock their car doors. There has been an increase in stolen vehicles and stolen items from vehicles.
- Recognized the South Windsor Town Council members for participating in the Town Council Academy on Saturday, November 9, 2019.
- The MDC has approved a 6.9% budget increase for its 2020 water rates. There will be additional fee increases as well.

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5. Communications and Reports from Town Manager (Continued)

- Thanked the Public Works Department, Police Department, Fire Department, and Town Staff for their work with the water main break on Ellington Road.
- Council members received an invitation to the Ribbon Cutting Ceremony for the State Park Phase II on Saturday, December 7, 2019, at 10:00 a.m.
- For any questions regarding leaf pick-up, residents should call (860) 648-6371.
- At the next Town Council Meeting, the Council will be reviewing and approving updated Town financial policies.
- Also, at the next Town Council Meeting, there will be a Mini-Matching Grant application that is coming to the Council from the LEGO Robotics Team.
- Town staff has been working very hard on the on-line permitting process and are making progress.

Answering questions from the Council, Mr. Maniscalco explained that he has the ability to speak at MDC meetings and did voice his concerns regarding the budget. There are a number of challenges related to their services. One challenge is that many of the municipalities on the waste water side drives the increase on the water side because they allow their storm water to flow into their sewers. An improvement that has been discussed is redundancy within the system, so when there are breaks within an area, there will be a redundancy system within the area of the break that will check the surrounding area pipes.

Deputy Mayor Pendleton requested the Town Manager to check to see if MDC maintains its pipes.

Deputy Mayor Pendleton also requested that the Town Manager have the Public Works Department place the priority list of roads that will be repaired in an area of the website where residents will be able to access the list easily. Deputy Mayor Pendleton said she also would like to know when Pleasant Valley Road will be repaved.

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5. Communications and Reports from Town Manager (Continued)

Mr. Maniscalco informed the Council that the past Financial Advisor was with the Town for more than ten years. The Financial Advisor performs the bonding services for the Town as well as review and update with the Town the financial policies of the Town. The Financial Advisor also works collaboratively with the Town and rating agencies.

Councilor Evans questioned if there is anything else that can be to educate the public regarding the best defense to theft is locking of their vehicles? Mr. Maniscalco informed Councilor Evans that the Police Department put something on their Facebook recommending that the public lock their vehicles. Mr. Maniscalco also felt that the Town could do discuss doing some type of yard sign informing the public.

Mr. Maniscalco stated that he likes to put most professional services out to bid every three to five years. He is very pleased with the RFP and feel it is a positive change.

Mr. Maniscalco then informed the Council that he was given an annual budget from the MDC. MDC met with a number of municipal leaders to discuss items. A representative from MDC would be willing to come and discuss the budget with the Town Council. MDC is doing various items to try to reduce costs. One way they are reducing costs is by replacing staff with technology.

Answering further questions from Council, Mr. Maniscalco explained that the Financial Advisory does not give any guarantees to the Town for an upgraded rating. If the Town is not upgraded, the Town would receive recommendations from the rating agencies and the Town would work with the Financial Advisor to make sure the recommendations are put into place. Part of getting a rate increase is showing that the Town has had the fiscal disciplines in place for a certain period of time. Some of the factors included in getting a rating increase have to do with time, fiscal health, policies that are in place, and activities that the Town undertakes on a day to day basis.

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6. Public Input (Items Not on the Agenda)

Mr. Henry Martoccio, 823 Graham Road, came before the Council requesting the Town to discuss and change the way business is being done in this Town. Mr. Martoccio stated that his child's civil rights for free and appropriate education are being denied.

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: Regular Meeting Minutes of October 21, 2019, and November 4, 2019.

Was made by Councilor Maneeley

Seconded by Deputy Mayor Pendleton

The motion passed on a roll call vote of 8 to 0 with Councilor Evans abstaining.

BE IT RESOLVED that the South Windsor Town Council hereby approves the Minutes of the following Town Council Meetings: Organizational Meeting of November 11, 2019.

Was made by Councilor Evans

Seconded by Councilor Hockenberry

Councilor Delnicki stated that under number three, it is stated that Lisa Maneeley was not present. That should be corrected to show that she was present.

Mayor Paterna called for a vote on the corrected minutes; they were approved unanimously.

8. Public Petitions

None

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ITEM:

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

None

10. Reports from Standing Committees

None

11. Reports of Temporary Committees

None

12. Public Participation (Items on the Agenda)

Mr. David Macdonald, 79 Laurel Street, stated that residents on Laurel Street have been waiting for traffic calming measures to be placed on Laurel Street for a long time. A permanent solution needs to be provided before something terrible happens to someone on this street. Mr. Macdonald stated that he provided a list of speeds at different times of the day to the Council.

13. Consent Agenda

None

14. New Business

None

15. New Business

**A. Discussion Item: Tax Relief for Victims of Crumbling Foundations
(requested by Councilor Delnicki) (Mary Huda, Town Assessor to be present)**

Councilor Delnicki explained that she received a number of questions about property tax abatement assessments on houses with crumbling foundations.

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ITEM:

15. A. (Continued)

Mrs. Mary Huda, Town Assessor, came forward and explained that when State Legislature Public Act 160-45 went into effect for the October 1, 2016, Grand List, there was not a lot of guidance within the context of the statute. A number of regional Assessors met and came up with a methodology that all of the Towns could use. There are five degrees of severity, which are rated A-E. The Town's determine the rating of the affected home based on information supplied by the structural engineers report or a licensed professional engineers report, as well as visual inspection. There is a dedicated individual in each Town that will go out and rate each home. The Statute is currently written that reduced assessment would expire after five years, which is being readdressed during this coming legislative session. Hopefully, changes get adopted that will either extend the initial five-year sunset or allow for people to reapply for an additional five-year extension. The reassessment should not be based solely on the value of the building lot because there is value in the use of the building. Mrs. Huda stated that to her knowledge, there are not any homes in South Windsor that have been condemned or are in an imminent failure of collapsing. If individuals come forward today, their reduction in assessment would go back to October 1, 2019. The next real estate bill they would receive in July would already have the reduction, and they would receive the five-year reduction. If someone has their foundation repaired, they have 30-days to come forward to let the Town know that their foundations have been fixed or the Tax Assessor's Office will be notified when the homeowner goes through the building permit process, which fees are waived for this process. Mrs. Huda then spoke about the application process, explaining that once the \$20,000,000 runs out, there is a hold on the application process until more funds are released.

Mr. Maniscalco informed the Council that after meeting with the Chair of the Captive Insurance Group, he was informed that homes that are fixed would never recover their full value. Additionally, there is the possibility of Town's having to deal with homes with crumbling foundations for many years.

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ITEM:

15. A. (Continued)

Mrs. Huda stated that she could not speak knowledgeably about where the Captive Insurance is in their claim process but informed the Council that her office works with people as soon as they come into the office.

Councilor Lopez stated that recent Connecticut Supreme Court ruling made the crumbling foundation problem even more stressful for the victims because their claims will be denied by the insurance company if they are not able to prove that the building or structure is in imminent danger of collapsing. The word imminent and collapsing are still being defined by the insurance companies as well as by the court. The court ruling was based on a decision in 1988 as to what collapse means, and what it means is that the structure is at the verge of actually coming down and that is going to be very difficult for residents to prove, so that has added more stress to this problem. Councilor Lopez went on to say that once the claims have been denied by the insurance companies, the claim comes to the Captive Insurance Company who pays up to \$175,000 in repairs. However, that amount does not include garages and porches, so homeowners that have this problem need some additional help. The \$20,000,000 may only go for people who can pay for those additional expenses, not for the basic expense of repairing the crumbling foundations. Presently, there are 1,198 claims, with 50 being fixed in the State of Connecticut. According to some industry trends, it is believed that insurance companies have adequate funding, so additional applications will not be accepted.

Councilor Hockenberry questioned where do people go when their foundations are being fixed, and who covers that cost? Mr. Maniscalco explained that funding is not available for people to relocate while their foundations are being repaired, which could be multiple months. Councilor Hockenberry stated she would like to do something for our residents.

Mr. Maniscalco explained that at the Government Accountability Meeting, this issue was discussed, and it was felt that the crumbling foundations should be handled in the same manner as a FEMA event. It is hopeful that the results of the Government Accountability Report get Congress to deal with this issue. Mr. Maniscalco stated he would share that report with Council members when he receives it.

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15. New Business (Continued)

B. Discussion Item: Update on Laurel Street Traffic Study (*requested by Councilor Snyder*)

Mr. Maniscalco explained that Town staff has been reviewing the Laurel Street Traffic Calming Study with the consultant. A public forum will be held to review the findings of the study with the neighborhood.

Councilor Snyder requested that Mr. McDonald be notified when the public forum is scheduled.

Mayor Paterna explained that the public forum would be held on a separate night than the Town Council meeting. Mayor Paterna then stated that he would like the Town Council to use the Laurel Street study as a pilot program and to translate techniques used to other neighborhoods throughout Town that may need traffic calming measures put in.

Deputy Mayor Pendleton made a motion to suspend the rules to go to in Executive Session to discuss a personnel issue (Agreement between the Town of South Windsor and Local 1303-466 of council 4, AFSCME, AFL-CIO Pollution Control Employees), the possible purchase of real estate for the Town (1355 Ellington road) pursuant to Connecticut General Statutes §1-210(b)(7), and pending litigation (460 Miller Road) pursuant to Connecticut General Statutes §1-210(b)(4) and §1-200(6)(E). Councilor Delnicki seconded the motion; and it was approved unanimously.

19. Executive Session

At 8:08 p.m., the Town Council went into Executive Session.

The following individuals went into Executive Session: Mayor Paterna; Deputy Mayor Pendleton; Councilor Delnicki; Councilor Evans, Councilor Hockenberry; Councilor Lopez; Councilor Lydecker; Councilor Maneeley; Councilor Snyder, Attorney Richard Carella from Updike, Kelly & Spellacy, P.C.; Michael Maniscalco, Town Manager; Vanessa Perry, Assistant Town Manager/Director of Human Resources; and Scott Roberts, Assistant Town Manager/CIO/Emergency Management.

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19. Executive Session (Continued)

At 8:45 p.m., the Town Council came out of Executive Session and reconvened the Regular Meeting.

15. New Business (Continued)

C. Resolution Approving an Agreement Between the Town of South Windsor and Local 1303-466 of Council 4, AFSCME, AFL-CIO Pollution Control Employees

BE IT RESOLVED that the South Windsor Town Council hereby approves the proposed "Agreement Between the Town of South Windsor and Local 1303-466 of Council 4, AFSCME, AFL-CIO Pollution Control Employees" for the period of July 1, 2019, through June 30, 2022.

Was made by Councilor Delnicki
Seconded by Councilor Hockenberry
The motion was approved, unanimously

D. Resolution Approving the Creation of a "Town Attorney Search Committee" to Develop, Distribute, and Review Requests for Proposals for a Town Attorney

WHEREAS, the current Town Attorney term expired on November 11, 2019; and

WHEREAS, the South Windsor Town Council feels it is imperative that legal services and advice on municipal matters be available to Town staff, elected officials, and Board and Commission members

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby approves the creation of a "Town Attorney Search Committee" whose members consist of the Town Manager, Chief of Police, Director of Planning, the Mayor, and the Town Council Minority Leader, whose charge will be to develop, distribute, and review upon their return all "Requests for Proposals" submitted for the position of Town Attorney; and

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ITEM:

15. D. (Continued)

BE IT FURTHER RESOLVED that, upon completion of this review, the South Windsor Town Council will choose and appoint, by Resolution, an attorney, or law firm, deemed most suitable by the Committee for the position of Town Attorney.

Made by Councilor Lopez
Seconded by Councilor Delnicki

Mayor Paterna explained that the Committee would consist of five members, and the Committee will select the Town Attorney firm or individual, which will be brought back to the Council.

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

E. Resolution Referring the Purchase of 1355 Ellington Road to the Planning & Zoning Commission Pursuant to Section 8-24 of the Connecticut General Statutes and Authorizing Town Manager, Michael Maniscalco to Sign and Execute an Agreement

WHEREAS, the Town is interested in purchasing property located at 1355 Ellington Road consisting of approximately 3 acres for the amount of \$110,000; and

WHEREAS, any plan to use Town funds to acquire property must first be submitted to the South Windsor Planning & Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council hereby refers the purchase of property located at 1355 Ellington Road, consisting of approximately 3 acres to the Planning & Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes; and

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ITEM:

15. E. (Continued)

BE IT FURTHER RESOLVED that the South Windsor Town Council hereby authorizes Town Manager Michael Maniscalco to sign and execute any agreements or documents necessary to carry out such purchase.

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

F. Discussion Item: Charter Revision Commission (*requested by Town Manager, Michael Maniscalco*)

Mr. Maniscalco stated that the Town Charter had not been opened since the 1970s, and there are several items that the Town could benefit from if there were revisions made. Mr. Maniscalco explained the process as follows:

- The Council would pass a resolution creating a Commission that would be charged with a number of revisions of the Town Charter to review.
- A public hearing would be held.
- The Commission would report back to the Council with a list of the proposed revisions.
- The Council would accept or reject the list of proposed revisions.
- If revisions are accepted, a referendum would be held for a vote by the residents.

Answering questions from the Council, Mr. Maniscalco explained that the Town Council charges the Commission with certain items to be looked at, but the Commission can look at other items in the Charter also. The process typically is not more than three or four months. If the revisions are not accepted by the Council, then nothing happens. Mr. Maniscalco stated he would need to find out if just certain revisions can be accepted. The makeup of the Commission is very important, but typically, the Commission does not have members of the Council on it. Any elected members could be on the Commission, but it is not typical to have Town Council members. If the Charter is opened, potentially everything and/or anything could be revised. The Charter could be opened with a simple majority vote of the Council.

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ITEM:

15. F. (Continued)

Mr. Maniscalco explained that some municipalities open their Charter every ten years, and there are municipalities that never open their Charter. There are items in South Windsor's Charter that should be reviewed, such as the purchasing requirements which Mr. Maniscalco said he would recommend it be taken out of the Charter and an Ordinance be established. This would allow for this process to be updated in the future without opening the Charter.

Deputy Mayor Pendleton suggested that the Town Council be given some time to review the Charter and draft a list before a Commission is established. Deputy Mayor Pendleton felt that while the Town Council is reviewing the Charter, Mr. Maniscalco could get clarification regarding the process. Mr. Maniscalco stated he could provide the Town Council with a timeline by the next Town Council meeting. The process is strictly dictated by State Statute.

Mayor Paterna felt that the Town Manager should get clarification if the Council has to accept and/or reject certain revisions or if the whole list will be accepted or rejected.

G. Discussion Item: Establishment of a Committee for the Creation of a Budget Policy Statement *(requested by Town Manager, Michael Maniscalco)*

Mr. Maniscalco explained that as the budget season is getting closer, he would request that a budget policy statement be drafted, which would provide Town staff with a statement of what the Council would like the budget to contain and accomplish for the community in the upcoming Fiscal Year.

Councilor Snyder explained that the Town Council uses the Strategic Plan to give the Council an idea of how the budget should be structured. Mr. Maniscalco felt that the Strategic Plan identifies longer-term objectives to accomplish rather than items for the upcoming budget cycle. A policy statement would be used to develop the upcoming budget. Councilor Snyder stated that she would like to see the budget policy statement associated with the Strategic Plan.

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ITEM:

15. G. (Continued)

Mayor Paterna said that the Strategic Plan is the Town's long-range goals while the budget policy statement sets the tone for this budget year process, and certainly, the budget policy statement has to be tied to the Strategic Plan. Mayor Paterna then stated that a Committee would be created at the next Town Council meeting.

**H. Discussion Item: Strategic Plan (planning for the next two years)
(requested by Councilor Snyder)**

Councilor Snyder informed the Council that originally, the Strategic Plan was adopted in 2016 and then revised in May 2019. Councilor Snyder suggested that the Town's Strategic Plan be reviewed and refined to how the Council would like to move forward in the future.

Mr. Maniscalco felt the Town Council should get a facilitator for this process and said he would see who the Town used to facilitate the process previously and how much it cost. Councilor Snyder thought that the Town should also get other quotes for this process.

I. Discussion Item: Establishment of a Committee to Review the Town Council Rules and Procedures (requested by Mayor Paterna)

Mayor Paterna proposed that a Committee be established to review the Town Council Rules and Procedures. There are items in the Rules and Procedures that are obsolete and should be revised.

Councilor Snyder requested that the Clerk of the Council be a working member of this Committee.

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ITEM:

15. New Business (Continued)

J. Resolution Approving a Refund of Taxes to Thirty-Four (34) South Windsor Taxpayers

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to thirty-four (34) South Windsor Taxpayers, the total of said refunds being \$15,218.49 and as more fully described on attached **Exhibit A.**

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

16. Passage of Ordinance

None

17. Public Input/Participation (Any Matter)

None

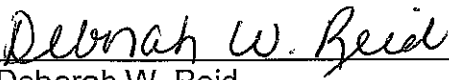
18. Communications and Petitions from Council

Deputy Mayor Pendleton thanked the Town staff and Town Council for the Edible Arrangement and also thanked residents who sent get well soon cards to her.

20. Adjournment

At 9:20 p.m., Councilor Delnicki 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

[illegible]

Drafted by: Tabitha L Chasse
Deputy Collector of Revenue
Date: November 06, 2019

Approved By: Jennifer Hlasko-Sinley, CCIMC
Collector of Revenue
Date: December 2019