

TOWN COUNCIL
TOWN OF SOUTH WINDSOR

Minutes

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September 19, 2016

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

1. Call Meeting to Order

Mayor Delnicki called the Regular Meeting to order at 7:02 p.m.

4. Roll Call

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

5. Public Input

Mr. Don Gonsalves, 40 Bayberry Trail came before the Town Council and stated that he does not like the way the Town Council run their meetings. The public should be allowed to speak on every agenda item instead of just at the beginning of the meeting and at the end of the meeting. Mr. Gonsalves then spoke against senior tax relief. There are a lot of other individuals that are having financial problems, seniors should not take preference. Mr. Gonsalves also stated that the Council has no control over the Sewer Department and what they charge. They spend a lot of money and no one has to approve it. There was a reserve that had \$1.5 million dollars in it and then suddenly the reserve was gone and no one knows where these funds went. The Council should be more involved with Water Pollution Control Authority.

Mr. Michael Berghuis, 18 Mountain View Road came forward and informed the Council that the Town and the neighborhood near the turf field at the High School met to discuss the fence that is being proposed. Everyone agreed on the specifications of the fence and it is hopeful that the fence will be up in a couple of weeks.

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6. Environmental Health & Safety Message

Councilor Anwar informed the Council and public that September is Awareness of Aging Month. Communities can have an impact on healthy living through different programs. This month is also Fall Prevention Month. It should be recognized that the risk of falls increase with the number of medications that people are on and also age.

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 September 6, 2016.

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

8. Public Petition

Councilor Carroll questioned if this would be the place where Mr. Gonsalves could bring up issues that the Council could review.

9. Communications from Officers and Boards Directly Responsible to Council

Ms. Mary Etter, Director of the South Windsor Public Library came before the Town Council to invite the Council and public to a program sponsored by the Library. The program is called Pick of the Crop. Pick of the Crop will be held on September 26th at 6:00 p.m. The program begins with viewing the full range of the materials at the Library, having supper and then six residents will share book reviews.

Ms. Etter also informed the Council and public that on October 8th, South Windsor Public Library will join libraries across the country in celebrating local authors. The program is called Indie Author Day. A webinar will be given on how to publish a book.

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10. Reports from Standing Committees

None

11. Reports of Temporary Committees

None

12. Consent Agenda

None

13. Unfinished Business

None

14. New Business

Councilor Riley made a motion to suspend the rules in order to take Item 14. E. out of order. Councilor Snyder seconded the motion; and it was approved, unanimously.

E. Discussion Item: Capital Stabilization Fund (requested by Councilor Riley) (Patricia Perry, Director of Finance to be present)

Councilor Riley explained that this fund first came to his attention when the Council was asked to approve the use of \$300,000 for the EOC, fencing at the High School and expenses for the revaluation. Tonight there is a public hearing for the use of this fund to cover costs associated with the construction of a pavilion at VMP for \$70,000.

Answering questions from Councilor Riley, Ms. Perry explained that the fund was established in 1998. This fund has also been referred to as the Capital Non-Recurring Account. The funding comes from any unused balances in the Capital Project accounts when any accounts are closed; premiums received from bond issues; when the capital budget amount is more than the cost of a project, those extra funds also go into the account; and when the Town Clerk gets \$40.00 for recording fees, the Town receives \$3.00 back from LoCIP, those funds go into Capital Stabilization fund.

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ITEM:

14. E. (Continued)

Ms. Perry then explained that in the Capital Improvement Program it says this fund will serve solely as a source for funding future capital needs.

Councilor Riley felt that the permitted uses are fairly open ended and questioned how much money is in the fund at this time? Ms. Perry stated that after tonight if the \$70,000 approved, there will be approximately \$13,000 left.

Councilor Riley asked how much of the \$380,000 would be from bond premiums. Ms. Perry stated that about \$129,000.

Ms. Perry explained to the Council and public that when the Town goes out to bond, the Town gets a premium depending on how much the Town goes out to bond for. Those funds are recorded as revenue. The Town gets paid those premiums because the market rate is usually lower than the base value of the note.

Councilor Riley questioned if there a limitation on the rate that the Town will float a bond? Ms. Perry said she would have to check with the bond advisor regarding this question and will also check to see if there is a policy around the bonds.

Councilor Anwar requested that more written information on the details of this fund be given to the Council. Also information coming into the account and what the funds are being used for.

Ms. Perry explained that she does a quarterly report to the Capital Projects Committee which shows what the funds are being used for. This account is not part of the budget process.

A. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on an Amendment to Ordinance #169, Section 90-4 – Veterans' Exemption

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ITEM:

14. A. (Continued)

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, October 3, 2016, at 8:00 p.m.**, in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on an amendment to Ordinance #169, Section 90-4 – Veterans' Exemption.

Councilor Pendleton and Council Carroll both recused themselves from this item.

Was made by Councilor Anwar

Seconded by Mayor Delnicki

The motion was approved, unanimously

B. Resolution Appointing McGivney & Kluger, P.C. as Town Attorney and Postponing Consideration of this Motion until the Town Council's Next Regularly Scheduled Meeting

BE IT RESOLVED that the South Windsor Town Council appoints McGivney & Kluger, P.C. to the position of Town Attorney for the Town of South Windsor; and

BE IT FURTHER RESOLVED that this appointment will be in accordance to Chapter 5, Section 501 of the Town Charter and in accordance with the terms agreed to by the Town Council; and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

Was made by Councilor Snyder

Seconded by Councilor Carroll

Councilor Snyder explained that the Personnel Committee consisted of Councilor Anwar; Deputy Mayor Mirek; Vanessa Perry who is the Director of Human Resources, Town Manager Matthew Galligan, and Patty Perry who is the Director of Finance, and herself. The RFP closed on June 23, 2016. The Town received fourteen proposals from a variety of firms. The Committee reviewed all of the proposals. In August the firms that would be moving forward were selected. There were two firms that were interviewed and

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ITEM:

14. B. (Continued)

McGivney & Kluger, P.C. was chosen. The term for the current Town Attorney will end on October 6, 2016 and the new Town Attorney will take over effective October 7, 2016. The selected firm has expertise in labor, land and zoning, and municipal government. Attorney Morris Borea who will be the lead attorney for South Windsor has been the Town Attorney for Rocky Hill since 1999 and has served as Town Attorney for other Town's such as Cromwell and Wethersfield. This firm has experience in handling development rights, solar projects and crumbling foundations. These are issues that are coming to the forefront for South Windsor.

Attorney Morris Borea of McGivney & Kluger, P.C. came before the Council to introduce himself. McGivney & Kluger is a National multi-state firm with over 100 lawyers. Attorney Borea explained that he has been practicing in municipal government since 1999 and has been Town Attorney in Rocky Hill since 2004 to the present time. McGivney & Kluger have experience in Solar projects and are very familiar with crumbling foundations. Attorney Borea told the Council that he is available 24/7 for emergency situations. There are two associates that have the ability to work on items for the Town. South Windsor has a great Town Manager and Attorney Borea said he is looking forward to working with him.

Councilor Anwar explained that South Windsor had fourteen firms that applied for this position. The Committee went through a lot of paperwork to identify the best ones. The process was very competitive. This firm had hands on information and details about what needs to be done with topics that South Windsor is working on or will be working on.

Deputy Mayor Mirek stated that a lot of the expertise that McGivney & Kluger will be able to offer South Windsor things that the Town is looking for right now such as solar projects, purchasing of development rights and crumbling foundations. One of Attorney Borea's associates has written a book about emergency operations and soon South Windsor will be opening our emergency operations center.

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ITEM:

14. B. (Continued)

Councilor Havens congratulated Attorney Borea from McGivney & Kluger on the appointment of his firm. Past practice in South Windsor is the vote for the Town Attorney goes back and forth between political parties and is a political appointment. South Windsor's present Town Attorney is terrific and has done a great job for South Windsor and was a very hard appointment that was opposed by the other side of the table. Attorney Borea explained that before he was appointed in Rocky Hill in 2004, Rocky Hill's Town Attorney appointment was also political until he was appointed. Hopefully McGivney & Kluger will earn all of the Councilor's trust and support.

Councilor Pendleton questioned Attorney Borea if he has an expertise and what area of law he enjoys the most. Attorney Borea felt that his expertise is as a trial lawyer but enjoys municipal law.

Mayor Delnicki stated he has spoken to a number of leaders in the area and the clear message is Attorney Borea is top notch with an impeccable reputation.

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

C. Resolution Approving an Annual Salary Increase for Deborah W. Reid, Clerk of the Council for Fiscal Year 2016/2017

BE IT RESOLVED that the South Windsor Town Council hereby approves an annual salary increase of 2% for Fiscal Year 2016/2017 for Deborah W. Reid; Clerk of the Council, said annual salary rate will be retroactive from July 1, 2016.

Was made by Deputy Mayor Mirek
Seconded by Councilor Pendleton

Deputy Mayor Mirek thanked the Clerk of the Council for her hard work and professionalism.

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14. C. (Continued)

Councilor Havens thanked the Clerk of the Council.

Council Anwar stated that at times the Council has meetings until 11:00 p.m. and the Clerk of the Council does her day work as well as comes to the meetings. There are a number of committees that the Clerk of Council takes care of. The Clerk of the Council is responsible for keeping track of discussion items and following up on those items. There are nine Council members that the Clerk of the Council has to work with while being apolitical.

Councilor Snyder thanked the Clerk of the Council for her hard work. She supports nine Council members and will answer questions on the weekend if necessary.

Councilor Maneeley thanked the Clerk of the Council and stated that the Clerk treats all members of the Council equal.

Councilor Riley thanked the Clerk of the Council for her hard work and professionalism.

Mayor Delnicki thanked the Clerk of the Council for the work that she does.

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

D. Resolution Approving a Refund of Taxes to Eight (8) South Windsor Taxpayers

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to eight (8) South Windsor Taxpayers, the total of said refund being \$1,094.50 and as more fully described on attached **Exhibit A**.

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

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ITEM:

14. New Business (Continued)

F. Discussion Item: South Windsor Fire Department Apparatus Replacement Plan and the Waiving of Competitive Bidding (requested by Town Manager, Matthew B. Galligan) (Chief Cooney to be present)

Chief Cooney from the Fire Department came before the Town Council to talk about the replacement of apparatus Engine 2 which is a 1993 truck and the option of a tag on order to avoid going out to bid for this truck. The creation of the Apparatus Replacement plan is a huge team effort. The trucks are purchased through a 10-year lease plan; at the end of the lease the Town owns the trucks. When the last truck in 2014 was being replaced, the Town went out to bid and the successful bidder was Sutphen Corporation. Part of the bid process was language to allow a tag on order which will allow a future purchase of a truck without having to go out to bid. The Fire Department approached the Town Manager with these discussions, but he was not comfortable proceeding without the Town Council's approval.

Mr. Paul Soderburg from the South Windsor Volunteer Fire Department came forward and explained that during the last vehicle purchase in 2014, a bid was put out for both the apparatus and equipment. The tag on policy was put into the bid language which secures the pricing for five years with the exception of cost of living increases. The purchase price for this truck will start at the purchase price of the last bid and then the appropriate increases will be applied to the price to come up with the total cost. Chief Cooney added that by doing this, it would save the Town money and expedite the process.

At 8:00 p.m. Mayor Delnicki recessed the Regular Meeting in order to hold a Public Hearing. The Regular Meeting reconvened at 8:05 p.m.

Answering questions from the Council, Chief Cooney explained that the closest manufacturer is in upstate New York. There are local service centers. To go about purchasing a new truck by using the tag on order is favorable for the Town. The Committee vetted the current manufacturer to make sure the company met the Fire Departments needs and it was found to be favorable. The price of the vehicle is starting at a low point and the price can't go any

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14 F. (Continued)

higher than a certain percentage. The Committee also researched other recent local purchases and based on this research it has been found that there will be a cost savings to the Town. It will be the same vendor that was used to purchase Engine 4. There were some issues when Engine 4 was purchased, but the Committee was pleased with the vendor, manufacturer, and the outcome.

Councilor Pendleton thanked the Committee for their hard work and stated that she would support the South Windsor Volunteer Fire Department because a 23 year old truck does not meet the needs of the Fire Department in today's standards for safety.

Mr. Soderburg explained to the Council that the provider has a good understanding of what has been provided in the past. He can use the build sheet to get a similar truck and the Town can use the cost of living increase from the Labor Standard Bureau to give the Town a rough idea of the cost and then a final cost can be secured in the future. The provider is an Ohio based company called Sutphen Corporation. Sutphen Corporation makes both the chassis as well as the body and then the equipment is loaded by the Fire Department. All of the body compartments on the side of the truck are included in the purchase price. The Fire Department has previously worked with Sutphen Corporation on the purchase of two other trucks. The first truck was delivered in 2011 and the second truck was delivered in 2014. If the Fire Department went out to bid for this vehicle, there would be additional costs associated with this purchase.

Councilor Anwar stated that he would support waiving competitive bidding because it will save the taxpayers money and allow the Fire Department to have a quicker process. Councilor Anwar felt that this item should be put on the next agenda. Councilor Anwar requested that a shorter version of the Apparatus Replacement Plan be put onto the website.

Councilor Havens said he would be supporting this request because it makes sense and saves the Town money.

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ITEM:

14 F. (Continued)

Mayor Delnicki felt that the standardization within the department is important and using the same provider will save the Town money.

Answering questions from Councilor Riley, Chief Cooney explained that with this new purchase, the tag on order is available and the Fire Department will participate in that option.

Councilor Pendleton informed the Council that South Windsor has the longest running Explorer Post and that she is very proud of the South Windsor Volunteer Fire Department.

G. Discussion Item: Senior Citizens Tax Exemptions (requested by Mayor Delnicki)

Mayor Delnicki stated that tonight the Council just received the material pertaining to the Elderly Homeowner's Tax Credit and Mary Huda; Assessor and Matthew B. Galligan; Town Manager are not available tonight. Mayor Delnicki requested that this item be delayed until the next Town Council meeting.

15. Passage of Ordinance

None

16. Communications and Reports from Town Manager

None

17. Public Input

None

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ITEM:

18. Communications and Petitions from Council

Councilor Carroll stated that the Pending List is a great tool to use as the Council moves forward.

Councilor Anwar informed the Council that a meeting was held regarding the fencing at the high school field. A plan has been established which has the approval of the neighborhood. The Wapping Fair was a great success. Next year it will be in a different location. The 9-11 Memorial was a very nice ceremony with approximately 300 people in attendance.

Councilor Havens warned Councilor members about spending. On the last three agendas there were requests for money which everyone supported. The Council has to be careful how much is being spent. Every request is needed and beneficial but at same time, the Council is going to have to say no to some of the requests.

Mayor Delnicki stated that he is happy that the neighbors and Town staff could come up with a solution for the fencing at the high school. The Wapping Fair was held and will be in its new location next year.

Deputy Mayor Mirek stated that the Council is fiscally responsible about allocating funds for projects and most of the recent spending that has been approved has been budgeted for. The South Windsor Rotary Club raised a tremendous amount of money for pavilion at Veterans Memorial Park which will be an asset to South Windsor.

19. Executive Session

At 8:46 p.m. Mayor Delnicki made a motion to go into Executive Session to discuss negotiations concerning the possible purchase of development rights, to discuss negotiations concerning the possible purchase of property, personnel matter (Town Manager's Evaluation), personnel matter (Clerk of the Council). Councilor Snyder seconded the motion; and it was approved, unanimously.

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ITEM:

19. Executive Session (Continued)

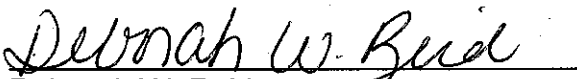
The following individuals went into Executive Session: Mayor Delnicki; Deputy Mayor Mirek; Councilor Anwar; Councilor Carroll; Councilor Pendleton; Councilor Riley; Councilor Snyder; Jeff Folger, Senior Environmental Planner; and Debbie Reid, Clerk of the Council.

At 10:40 p.m. Councilor Maneeley made a motion to adjourn the Executive Session. Councilor Pendleton seconded the motion; and it was approved; unanimously.

20. Adjournment

At 10:40 p.m. Councilor Snyder made a motion to adjourn the Regular Meeting. Councilor Maneeley seconded the motion; and it was approved, unanimously.

Respectfully submitted,



Deborah W. Reid
Clerk of the Council

TAX REFUNDS

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Exhibit A

| | | | |
|--|-------|--|--------|
| Caruso, Judith Ann K-6 St Marc Circle South Windsor, CT (Paid Town & Rossi) 14-503631 | 6.53 | Caruso, Judith Ann K-6 St Marc Circle South Windsor, CT (Rossi & Town – each paid) 14-850611 | 422.34 |
| Anderson, Rachel S 23 Cliffwood Dr South Windsor, CT 06074-1801 (Pro-rate – new owner 11/15) 15-500723 | 89.17 | Banach, Joseph D 77 New Marker Rd South Windsor, CT 06074-1863 (OOS CO reg 8/16) 15-501366 | 46.99 |
| Bjorkland, Anne L 15 Riverview Drive South Windsor, CT 06074-3699 (Sold 6/16) 15-502143 | 52.91 | Bowman-Claudio, Monica 29 Carmen Rd Manchester, CT 06040 (OOS Sc reg 7/16) 15-525356 | 103.23 |
| Cote, Danielle M 11 Thorpe Street Somerville, MA 02143 (Vehicle sold 7/2016) 15-504837 | 28.86 | Meagher, Kathleen 313 Autumn St Manchester, CT (Paid car taxes twice) 15-515205 | 344.47 |

Mrs. Bonnie F. Rabin, Collector of Revenue Total Refunds: \$1,094.50 Date: 9/19/2016