

**TOWN COUNCIL**  
**TOWN OF SOUTH WINDSOR**

**Minutes**

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**February 16, 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 7:03 p.m.

**4. Roll Call**

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

Members Absent: Deputy Mayor Carolyn Mirek  
Councilor Edward Havens

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

**5. Public Input**

Ms. Margaret Shea, 266 Abbe Road came forward to announce the representatives from South Windsor for the Hartford St. Patrick's Day Parade on March 14, 2015 at 11:00 p.m. Ms. Shea introduced Father Michael Dolan as South Windsor's Town Honoree and Mr. Charlie Brennan as South Windsor's Town Marshal.

State Representative Bill Aman, 878 Strong Road came before the Town Council to review the State Legislation 2016 Major Public Acts. Answering questions from the Council, State Representative Aman explained that there will be a public hearing on potential bills on Friday, February 19, 2016 which will help to address the crumbling foundation issue. This bill will add the location that the concrete came from onto on a building permit. After the public hearing, legislators will get together to gather all of the information and decide on a bill that could come forward. The location of the public hearing will be posted in the building. If someone wants to give testimony on a bill they should come before 11:30 a.m. and sign up. A person is allowed three minutes to speak.

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**ITEM:**

**5. Public Input**

Mayor Delnicki stated that the Town was informed about \$142,000 that will be reduced from the current level of State funding, is there additional reductions anticipated? State Representative Aman answered that there is very little desire to cut any further funding to municipalities. LoCIP funding is expected to stay the same.

Councilor Pendleton questioned if State Representative Aman could discuss the 32 mills for every Town for car taxes. State Representative Aman stated that is the House Majority Leader and Speaker of the Houses bill. That is what they want to do but I personally do not like it. Mr. Galligan added that the Town would lose about \$300,000 in revenue for next year. This item can be discussed further during the budget.

Ms. Elizabeth McGuire, 89 Heritage Drive came before the Council to make a few remarks about the panhandling resolution. It is important to acknowledge that the person who is panhandling may have some type of mental issue, an addiction or may be truly homeless and hungry. Ms. McGuire questioned if there is a way to direct police to identify these individuals and refer them to Human Services.

**6. Environmental Health & Safety Message**

Councilor Anwar reminded the public and Town Council that February is American Heart Month. It should be recognized that cardiac disease can impact anyone. It is important to stay in touch with a doctor because prevention is essential.

**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 February 1, 2016.

Was made by Councilor Maneeley

Seconded by Councilor Riley

The motion passed on a roll call vote of 6 to 0 to 1 with Mayor Delnicki, Deputy Mayor Mirek, Councilor Anwar, Councilor Carroll, Councilor Maneeley, Councilor Pendleton and Councilor Riley voting in favor of approval; and Councilor Snyder abstaining.

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**ITEM:**

**8. Public Petitions**

None

**9. Communications from Officers and Boards Directly Responsible to Council**

Mr. Robert O'Connor a member of the Park & Recreation Commission came before the Council to remind the Council that during the budget deliberations that as a Commission, the Park & Recreation Commission has a Capital Projects budget which has not been funded for the last four years. The Park & Recreation would request that the Council consider some of the projects that will be coming forward (\$70,000 for a new pavilion at Veterans Memorial Park, \$42,700 for a basketball court at Rye Street Park, \$100,000 for the tennis courts at Rye Street Park, and \$100,000 for Wapping School).

**10. Reports from Standing Committees**

Councilor Maneeley reminded the Council and the public about the ground breaking ceremony for the new Orchard Hill Elementary School on Saturday, February 20, 2016 at 2:00 p.m.

**11. Reports of Temporary Committees**

None

**12. Consent Agenda**

none

**13. Unfinished Business**

none

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**ITEM:**

**14. New Business**

- A. Resolution Reappointing William Flagg (D) an Alternate 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 reappoints William Flagg (D) an Alternate to the Planning & Zoning Commission for a term ending November 30, 2019 and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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

- B. Resolution Appointing Daniel Seypura (R) a Full Member to the Inland Wetlands Agency/Conservation 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 Daniel Seypura (R) a full member to the Inland Wetlands Agency/Conservation Commission for a term ending December 1, 2016 to fill the unexpired term of Carol Heffler and postpones consideration of this motion until the Town Council's next regularly scheduled meeting.

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

- C. Resolution Setting a Time and Place for a Public Hearing to Receive Citizen Input on the Appropriation of \$164,726.66 of LoCIP Funds for the EOC/Town Hall Annex**

**(Resolution Continued on Next Page)**

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**ITEM:**

**14. C. (Continued)**

BE IT RESOLVED that the South Windsor Town Council hereby sets **Monday, March 7, 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 the appropriation of approximately \$164,726.66 of LoCIP funds for the security systems and construction of the driveway and sidewalks at the EOC/Town Hall Annex.

Was made by Councilor Anwar  
Seconded by Councilor Snyder

Answering questions from the Council, Mr. Galligan explained that these funds will be used for the security systems, the walkway and driveway. The items that will be in next year's budget are the computer systems, video wall, furniture and fixtures. The total cost of the project should be between \$2.5 million dollars to \$2.6 million dollars.

Mayor Delnicki suggested that at the next meeting a discussion and review of what is in the memorandum that was given to the Council regarding the next phase for the Emergency Operations Center. Councilor Snyder added that she would like in Exhibit 2 (EOC/Annex Renovation Project Budget Summary) the \$164,726.66 and \$278,000 figures to be included.

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

**D. Resolution Authorizing the Town Manager to Contribute \$2,000 to South Windsor High School's 2016 "Operation Graduation Fund"**

BE IT RESOLVED that the South Windsor Town Council hereby authorizes Town Manager, Matthew B. Galligan, to contribute \$2,000 to South Windsor High School's 2016 "Operation Graduation Fund", said funds to be taken out of the Town Manager's Professional Account.

Was made by Councilor Snyder  
Seconded by Councilor Maneeley

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**ITEM:**

**14. D. (Continued)**

Councilor Snyder thanked the Council for their continued support for this event. Councilor Snyder also thanked the Police Department for their participation in this event.

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

**E. Resolution Endorsing the Regional Performance Incentive Program Project Proposal for the Stop Loss Captive Program**

WHEREAS, Section 4-124s as amended by Section 251 and 253 of Public Act 13-247 passed by the Connecticut General Assembly provides statewide incentive grants to regional planning organizations for projects that involve shared services; and

WHEREAS, the Capitol Region Council of Governments is acting as a convener and facilitator of service sharing projects around the CRCOG region; and

WHEREAS, on November 24, 2015 and January 27, 2016 the Policy Board of CRCOG passed resolutions authorizing development and submittal of application packages to the State Office of Policy and Management for funding under the Regional Performance Incentive Grant Program, on behalf of the Council's member municipalities, and municipalities of other regions, which are participating in Council initiatives; and

WHEREAS, the Chief Elected Officials and municipal staff of the Capitol Region have developed a list of service sharing project proposals that will be included in this application package, to the benefit of individual municipalities and the region as a whole; and

WHEREAS, the Town of South Windsor has expressed an interest in taking part in the project proposal entitled, "Stop Loss Captive Insurance"

**(Resolution Continued on Next Page)**

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**ITEM:**

**14. E. (Continued)**

NOW, THEREFORE, BE IT RESOLVED that the South Windsor Town Council does hereby endorse the above referenced Regional Performance Incentive Program project proposal and authorizes the Town Manager to sign all necessary agreements and take all necessary actions to allow for the Town's participation in this program.

Was made by Councilor Riley  
Seconded by Councilor Snyder

Mr. Galligan informed the Council that CIRMA can not do health care, they can only do LAP and Worker's Compensation. It has been found that the Stop Loss is a large cost. This resolution will allow South Windsor to work with 19 or 20 municipalities to create a regional Captive Insurance Program which will help with the cost of the Stop Loss Limit.

Answering questions from the Council, Mr. Galligan explained that this program will save the Town approximately \$165,000 per year. If other municipalities want to get involved at a later time, that municipality will have to go through a process/review and may have to pay a higher premium. It is hopeful to get this program up and running by July 1, 2016.

Councilor Anwar stated he liked this idea and would be supporting this resolution.

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

- F. Resolution Authorizing Town Manager, Matthew B. Galligan, to Execute and Deliver any and all Documents Deemed to be Necessary or Appropriate to the State of Connecticut, Department of Emergency Management and Homeland Security on behalf of the Town of South Windsor**

**(Resolution Continued on Next Page)**

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**ITEM:**

**14. F. (Continued)**

BE IT RESOLVED that the Town of South Windsor may enter into with and deliver to the State of Connecticut, Department of Emergency Management and Homeland Security any and all documents which it deems necessary or appropriate for the "Memorandum of Agreement Regarding use of Federal Fiscal Year 2015 State Homeland Security Grant Funding and Custodial Ownership of Regional Assets in DEMHS Region 3"; and

BE IT FURTHER RESOLVED that Matthew B. Galligan, Town Manager of the Town of South Windsor is authorized and directed to execute and deliver any and all documents on behalf of the Town of South Windsor and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of the "Memorandum of Agreement Regarding use of Federal Fiscal Year 2015 State Homeland Security Grant Funding and Custodial Ownership of Regional Assets in DEMHS Region 3" including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Was made by Councilor Pendleton  
Seconded by Councilor Snyder

Mayor Delnicki questioned if this could be used for any of the equipment for the EOC because the EOC could be viewed as a regional asset in a time of emergency? Mr. Galligan explained that the Town of South Windsor had invited Mr. Austin in to have an office at the EOC which would have represented 38 Towns in the region, but the Regional Board will not allow that to happen because that municipality that took him in originally received a \$1.5 million dollar grant to have a space for him. The State of Connecticut will be looking to have four backup sites for their EOC in Hartford. Mr. Galligan stated that he is trying to have South Windsor be one of those backup sites in order to be considered a regional facility. If South Windsor becomes a regional facility then the Town will be able to take advantage of grant opportunities.

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



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**ITEM:**

**14. New Business (Continued)**

**G. Resolution Accepting a Street and Open Space within the Dzen Tree Farm Subdivision**

BE IT RESOLVED that the South Windsor Town Council hereby accepts the deed for a street and open space within the following Subdivision:

Dzen Tree Farm Subdivision

Frazer Fir (partial) - 1,450 linear feet  
Phase III – open space - 10.53 acres

Was made by Councilor Carroll  
Seconded by Councilor Maneeley

Answering questions from the Council, Mr. Galligan explained that when a subdivision is turning over to the Town, the Town officially has to accept that street or open space.

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

**H. Resolution Approving a Refund of Taxes to Eleven (11) South Windsor Taxpayers**

BE IT RESOLVED that the South Windsor Town Council hereby approves a refund of property taxes to eleven (11) South Windsor Taxpayers, the total of said refund being \$1,243.97 and as more fully described on attached **Exhibit A**.

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

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**ITEM:**

**14. New Business (Continued)**

**I. Discussion Item: South Windsor's Support for the Tri-Town Shelter, (requested by Councilor Anwar)**

Councilor Anwar explained that South Windsor does not have a shelter but uses the Tri-Town shelter. This shelter is close to being closed. Councilor Anwar requested that South Windsor put resources forward to help support the shelter.

Mr. Galligan explained that the Town Charter does not allow the Town to donate to an agency that is not part of the Town without some sort of contract for services. Mr. Galligan stated he would look at this issue with the Town Attorney and then come back to the Council.

Councilor Maneeley stated that she would need more information regarding whether the Town can send money to a non-profit outside of South Windsor.

Councilor Anwar explained that this shelter provides help to South Windsor residents.

Councilor Riley said that this past weekend was the coldest of the winter, were there any issues? Mr. Galligan answered that the Town opened a warming center but no one came. The Tri-Town Shelter in Vernon is more of a family oriented shelter and does not want to take in people under the influence of alcohol or drugs so they are losing federal funds.

Mayor Delnicki felt that the Town Attorney and Town Manager should review this issue and come back to the Council with all of the facts for future discussions.

Councilor Anwar stated that although the Town had warming centers open, someone who is homeless does not have the ability to get that information.

Councilor Snyder made a motion to suspend rules in order to go to Item 15. A. Councilor Maneeley seconded the motion; and it was approved, unanimously.

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**ITEM:**

**15. Passage of Ordinance**

**A. Resolution Adopting an Ordinance Concerning Panhandling**

BE IT RESOLVED that the South Windsor Town Council hereby adopts an ordinance concerning Panhandling, as shown in attached **Exhibit B**.

Was made by Mayor Delnicki  
Seconded by Councilor Anwar

Deputy Chief Custer came before the Town Council and explained that the Police Department wanted an ordinance created that is constitutional and respects the rights of individuals. When officers are on patrol, they have conversations with the panhandlers to discuss their needs. A lot of individuals do not live in South Windsor but come here because South Windsor does not have an ordinance. The ordinance is about safety. It is not the intention of the Police Department to go out and issue violations. A verbal warning will be given first, just like what is done when other ordinances are violated.

Councilor Anwar felt that this ordinance is a well written document that is constitutionally sound and he would be supporting it.

Town Attorney Yagaloff stated that although panhandling is in the title, this ordinance is really about the safety of roadways. The ordinance creates safety for drivers, pedestrians, and people who are being approached by aggressive people. This is the approach most communities are taking.

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

**J. Discussion Item: Succession Planning for the Town of South Windsor,  
(requested by Councilor Anwar)**

Councilor Anwar explained that he brought this issue forward so the Town Council can create a long term strategy to get the high level staffing that the Town is used to after current employees retire.

**(Discussion Continued on Next Page)**

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**ITEM:**

**14. J. (Continued)**

Mr. Galligan felt that the strategic plan sums up a lot of the things the Town would like to accomplish. When the budget presentation is done on March 16<sup>th</sup>, this issue will be covered. Mr. Galligan said by having an Economic Development Coordinator and other key positions that will help with succession planning. This will probably be a two year process for succession planning.

Councilor Anwar suggested that if there are interviews happening for an individual who works with a Board or Commission, he feels it would be worthwhile to have the Board or Commission involved in the hiring for that position. Mr. Galligan stated that maybe that could be done in the final interviews or have some type of social gathering prior to a final decision being made on the hiring of a certain individual.

**K. Discussion Item: Complete Streets Update on Sidewalks and Signal Pedestrian Crossing at Sullivan Avenue/Oakland Road Intersection (5 corners), *(requested by Councilor Anwar)***

Councilor Anwar explained that the Council received a memo from Town Engineer, Jeff Doolittle who gave an update of the Complete Streets project at the intersection of Ellington Road/Oakland Road/Buckland Road/Sullivan Avenue, as shown in attached **Exhibit C**. Councilor Anwar requested that this update be put onto the Town's website. This project was approved about one year ago but has been delayed by the State review and other approvals. It is hopeful that this project will be complete by 2017.

Mayor Delnicki stated that he has heard from a number of people with concerns about the look and feel of the center of Town. Also concerns voiced are the maintenance of sidewalks during heavy snow storms and the safety of the crossing. Mayor Delnicki questioned if any tax dollars are involved in this project? Mr. Galligan answered that he did not think so but would check on that and get back to the Council with an answer.

Answering further questions from the Council, Mr. Galligan said he would also get back to the Council regarding the amount of staff time that has been used or will be used for this project; and information about the bridge expansion for Plum Gully.

**(Discussion Continued on Next Page)**

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**ITEM:**

**14. K. (Continued)**

Councilor Anwar explained that this project has been vetted and the plans were approved. The Town Engineer is working closely with the State. This plan will create a safe way for pedestrians to walk down the road and be able to cross this intersection. Councilor Anwar suggested that Mr. Doolittle come to a future meeting to discuss this project.

Councilor Carroll explained that over time improvements have been made to this intersection. Councilor Carroll said he has heard from individuals who are looking forward to this improvement for safety reasons.

Answering questions from Councilor Riley, Mr. Galligan explained that there is \$680,000 in a trust fund for this project. There were concerns about safely removing snow from the sidewalks in front of the church during inclement weather but Mr. Galligan stated he would have to review if there is any type of barrier proposed.

Councilor Carroll stated that there was a lot of discussions during the Planning & Zoning Commission meetings about the expansion of the Town Center and also discussed was the future vision to make this area more pedestrian friendly. This intersection and the creation of sidewalks is the first step.

Mr. Robert O'Connor came before the Town Council and stated that Chief Reed, the former Chief of Police had endorsed this plan as well as members of the church. Mr. O'Connor said he has not heard of a large number of people being against this plan. This intersection is a very busy intersection that should be using the Complete Streets concept.

Councilor Maneeley felt that street lights on the State roads in this intersection should be addressed.

**16. Communications and Reports from Town Manager**

Mr. Galligan reported on the following items:

- Met with Eversource Energy and the residents near the Barbour Hill Substation are happy with the new landscaping plan.

**(Discussion Continued on Next Page)**

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**ITEM:**

**16. Communications and Reports from Town Manager (Continued)**

- Eversource Energy is not interested in allowing the creation of trails under the power lines. They do not want people to have access due to safety and security concerns. In one year from now, the public will not notice the roadways that have been graveled to the power lines.
- The U.S. Justice Department sent a notice to all Connecticut Towns informing the Towns that there is an investigation for a violation of voting referendum policy and practices under the American Disability Act. The Town Attorney, Town Clerk, Registrar of Voters and Town Manager will be meeting regarding this issue and to draft a letter. There has been no notice of what the complaint is and who it is coming from. CCM discussed this and will be sending a joint letter back to the U.S. Justice Department.
- The Department of Transportation has approved the reconstruction of Avery Street from the Manchester Town line to Orchard Hill Drive. The project cost is \$2.2 million dollars. Mr. Doolittle will be going to the Capital Projects to discuss this and will hold public meetings for the residents.

Answering questions from the Council, Mr. Galligan explained that the work that Eversource has done at the substation is upgrading wires and they did put in new transformers. Mr. Galligan stated he would find out where structure #6245 is located that had to be replaced.

Mr. Galligan stated that since the blight ordinance was approved he is sending out one more notice that items have to be removed within eight weeks time on the property that has had a lot of concerns on it. If those items are not removed, he explained that he has already contacted his staff and outside contractors who evaluate what is on the property that it is not environmentally hazardous. The Town will then remove items.

Town Attorney Yagaloff added that the Zoning Enforcement Officer issued additional notices to the property owner for any unregistered vehicles on the property. The plan is to tow the vehicles off of the property. The dumpster was removed by the company who placed it there. There are still concerns about what is in the sheds.

**(Discussion Continued on Next Page)**

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**ITEM:**

**16. Communications and Reports from Town Manager (Continued)**

Councilor Carroll stated that there was a concern about the bidding process for the Orchard Hill Elementary School project. A local vendor was not the lowest bidder. Is there something in the Charter that would help take care of this issue?

Mr. Galligan stated he met with the Chairperson of the Public Building Commission. The Town would have to find something seriously wrong with the lowest bidder in order for the Town to award the bid to the local company.

Mayor Delnicki stated that there have been differing legal opinions in the past on the Town being able to choose a local bidder if the bids come within a certain percentage of each other. Mayor Delnicki felt that a third legal opinion should be sought to see if the Town can do a local preference ordinance.

**17. Public Input**

Mr. Robert Dickinson, 19 Birch Road came before the Town Council and stated that with the acceptance of a hotel plan, the connection with sidewalks will be an important element for businesses in the Town Center area.

**18. Communications and Petitions from Council**

None

**19. Executive Session**

- A. To discuss pending litigation (Docket #HHD-CV-11-6021042-S)
- B. To discuss strategy with respect to collective bargaining pursuant to C.G.S. §1-210 (b) (9)

At 9:29 p.m. Councilor Maneeley made a motion to go into Executive Session to discuss pending litigation (Docket #HHD-CV-11-6021042-S) and strategy with respect to collective bargaining pursuant to C.G.S. §1-210 (b) (9). Councilor Snyder seconded the motion; and it was approved, unanimously.

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**ITEM:**

**19. Executive Session (Continued)**

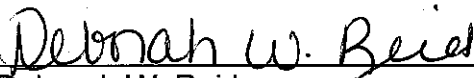
The following individuals went into Executive Session: Mayor Delnicki; Councilor Anwar; Councilor Carroll; Councilor Maneeley; Councilor Pendleton; Councilor Riley; Councilor Snyder; Town Attorney Keith Yagaloff; and Town Manager Matthew Galligan.

At 9:55 p.m. Councilor Snyder made a motion to adjourn the Executive Session. Councilor Maneeley seconded the motion; and it was approved, unanimously.

**20. Adjournment**

At 9:55 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

Chase Auto Finance P.O. Box 901076 Ft. Worth, TX 76101-2076 (Sold 6/15) MV14-511771	133.37	Chase Auto Finance P.O. Box 901076 Ft. Worth, TX 76101-2076 (Sold 6/15) MV14-511772	191.83
Chopra, Navin Singh Ritika 109 Quail Run South Windsor, CT (OOS Registration MO 8/15) 14-521474	13.89	Chopra, Navin Singh Ritika 109 Quail Run South Windsor, CT (OOS Registration MO 8/15) 14-504141	18.27
Hunter, Jarrett H 253 High Street Hartford, CT 06103 (Sold 12/14) 14-510864	100.85	King, Lydelle H 105 Sandstone Drive South Windsor, CT (Trade in 2/15) 14-512454	121.67
Kisselburgh, Clifford or Cindy 64 Marilyn Road South Windsor, CT (Trade in 6/15) 14-512506	133.37	O'Brien, William F or Susan 69 Benedict Drive South Windsor, CT 06074 (Total loss 6/14) MV13-517332	30.18
Portal, Lisa M 220 Old Farm Road South Windsor, CT (Removed – paid in Hartford) 13-1500062	333.92	Ryder, Susan & Stephen 31 Woodland Drive South Windsor, CT (BAA mileage adjustment) 14-520269	21.19
Vu, Son H 1210 Mill Pond Drive South Windsor, CT (Trade in with new plates 4/15) 14-524214	145.43		

**Mrs. Bonnie F. Rabin, Collector of Revenue    Total Refunds: \$1,243.97    Date: 2/16/2016**

### DIVISION 3. – AGGRESSIVE OR HAZARDOUS PANHANDLING

#### Sec. 70-56. – Definitions

- (a) A person acts “recklessly” with respect to a result or to a circumstance described by Sec. 70-57 when the person is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur or that such circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation.

#### Sec. 70-57. – Unlawful Aggressive or Hazardous Activity

It shall be unlawful for any person to engage in one or more of the following activities:

- (a) Recklessly approaching, speaking to, or following a person in a manner which would cause a reasonable person to fear bodily harm.
- (b) Recklessly approaching, speaking to, or following a person in a manner which would cause a reasonable person to fear the commission of a criminal act upon such person's property.
- (c) Touching another person without that person's consent.
- (d) Recklessly blocking or interfering with the safe passage of a person or vehicle in a way likely to cause bodily harm or property damage.
- (e) Directing abusive or profane language toward any person.
- (f) Standing on any roadway or roadway median, including the areas immediately adjacent thereto, previously designated by the Town, through its legal traffic authority, as a place where standing is hazardous to the safe travel of persons or traffic. Prior to enforcing the provisions of this subsection (f), a police officer shall first notify the person that the Town has designated such roadway or roadway median as a place where standing is hazardous to the safe travel of persons or traffic, and the police officer shall give such person an opportunity to leave the roadway or roadway median.

#### Sec. 70-58. – Hazardous roadways or roadway medians

The Town of South Windsor, through its legal traffic authority, may designate roadways or roadway medians, including the areas immediately adjacent to said roadway or median, as a place where the presence of pedestrians is hazardous to the safe travel of persons or traffic. The Chief of Police, acting as the Town's legal traffic authority, shall designate roadways or roadway medians, including the areas immediately adjacent to said roadway or median, as to which pedestrian use should be restricted in the interest of public safety. Upon designation of such roadway or median, the Chief of Police shall submit the same to the Town Clerk and to the Clerk of Town Council, and said

designations shall be posted at the Town Hall and on the Town Website. Posting of the same shall be deemed as sufficient notice to the public of said designations.

#### Sec. 70-59. – Penalties and Appeal

A person who violates any provision of Sec. 70-57 shall be fined not more than \$90.00, or imprisoned for not more than one day, or both. A person who has been issued a notice of violation may demand a hearing as to the roadway or median designation which was the subject of the violation, if within 15 days after receipt of the issuance of the notice of violation, the individual makes a written demand for a hearing by mailing the demand to the Chief of Police by certified mail, return receipt requested. The hearing shall be conducted by a Board consisting of the Chief of Police or his/her designee, the Town Manager or his/her designee, and the Director of Planning or his/her designee. A hearing, if any, shall be conducted on or before the 30th day after the date of the mailing, publication or service of the notice of violation. The failure of the individual to request a hearing shall constitute a waiver of the right thereto. A decision of the Board shall be deemed to have been served on the date a copy thereof has been mailed to the owner by certified mail, return receipt requested, to the address set forth in the notice of violation or to any other address requested by the owner in writing. At the hearing, the individual may contest the propriety of the designation of the roadway or roadway median at issue, including the areas immediately adjacent to said roadway or median, as a place where the presence of pedestrians is hazardous to the safe travel of persons or traffic. The Board shall consider the individual's arguments and shall thereafter render its written decision by a majority of those present and voting having applied the criteria set forth in this Ordinance. The individual's remedies as to the notice of violation shall be those available to the individual through the Superior Court.

## MEMORANDUM

To: Matthew Galligan, Town Manager  
From: Jeffrey Doolittle, Town Engineer  
Date: 2/11/16  
RE: Update on Sidewalks and Pedestrian Crossing Signal at  
Ellington/Sullivan/Oakland/Buckland Intersection

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The Engineering Division has developed preliminary plans to construct sidewalks along Sullivan Avenue and the west side of Buckland Road from the Town Hall and Library to Deming Street. These plans include sidewalks and pedestrian crosswalks at the intersection of Ellington Road, Sullivan Avenue, Oakland Road, and Buckland Road. A small scale print of the preliminary design for sidewalks and pedestrian crosswalks at this intersection is attached.

The plans for the signal modifications needed at this intersection for pedestrian crosswalks are being done by the Town's Traffic Engineering Consultant and have taken longer than expected because a survey of the existing traffic signal equipment at this intersection had to be done and the plans for the traffic signal modifications need to satisfy all the requirements of the CT DOT, since it is a State intersection. The preliminary plans to upgrade the traffic signal at this intersection are expected to be ready the week of February 15, 2016.

The schedule is to submit the preliminary plans for the sidewalks, signal improvements at the three intersections and extension of the bridge over the Plum Gulley Brook to CRCOG for review at the end of February, 2016. The preliminary plans and traffic signal upgrades will be reviewed by a consultant for CRCOG and also by the State DOT, Traffic Division, and they will give us comments to address.

A public information meeting will be held this spring, and final plans will be prepared this summer and submitted to CRCOG and CT DOT for further review. We will acquire easements needed for the sidewalks and bridge extension this summer and fall. We will also apply for environmental permits from the South Windsor Inland Wetlands Agency, CT DEEP and possibly US ACOE for the extension of the bridge over the Plum Gulley Brook this summer and fall.

Once we have all the necessary easements and permits and final plans have been reviewed and approved by CRCOG and CT DOT we will bid this project for construction late this fall or next winter. Construction will occur in 2017.

Please let me know if you need any other information.

