



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR STEPHEN WOODS**

## MINUTES

**NEWINGTON TOWN COUNCIL**  
**Conference Room L-101 Lower Level – Town Hall**  
**7:00 P.M.**

**January 22, 2013**

### **EXECUTIVE SESSION – 5 P.M. – Conference Room L100**

Councilor Nagel moved to go into Executive Session re: Personnel at 5:10 p.m. Motion seconded by Councilor Cohen. Motion passed 9-0. All Councilors were present at the Executive Session.

Town Manger Salomone joined the Executive Session at 6:00 p.m.

Councilor Cohen moved to adjourn from Executive Session at 6:50 p.m. Motion seconded by Councilor DelBuono. Motion passed 9-0.

---

Mayor Woods called the regular meeting to order at 7:00 p.m.

#### **I. PLEDGE OF ALLEGIANCE**

#### **II. ROLL CALL**

Councilor Borjeson  
Councilor Bottalico  
Councilor Castelle  
Councilor Cohen  
Councilor DelBuono  
Councilor Klett  
Councilor McBride  
Councilor Nagel  
Mayor Woods

Staff Attendees:

John Salomone, Town Manager  
Peter Boorman, Town Attorney  
Craig Minor, Town Planner  
Jamie Trevethan, Executive Assistant  
Linda Irish-Simpson, Clerk of the Council

#### **III. PUBLIC PARTICIPATION – IN GENERAL**

Madeline Kenny, 53 Crestview Drive: She commented on the Board of Ethics and the suggestion of forming a committee to review it but did not feel it was needed at this time. Mrs. Kenny had reviewed other towns' ethics ordinances and determined that Newington's was clearer and should be used by those towns to amend their codes. A review of all ordinances, boards and commissions, rules and mandates should be prioritized for review

with the Code of Ethics heading the list after the budget was finalized and a rolling basis should be established to review them she stated.

Rose Lyons, 46 Elton Drive: She said she had been on the Ethics Board in 2009 and was recently reappointed to the board and was concerned about Section 32 11-G more than eligibility questions. Mrs. Lyons stated any ethics complaints were to be filled out on a form, which is non-existent. She requested the Town Manager call a meeting of the Ethics Board to discuss the code as it presently stood and for the board to ask any questions they might have regarding what the rules actually were.

#### **IV. REMARKS BY COUNCILORS**

Councilor Castelle wanted to congratulate the actors in the play The Crucible recently put on by the children in the Newington's Children Theater. He felt it was a great performance and all involved should be proud.

Mayor Woods commented that after attending an event at the Hartford Sangerbund Club, he was presented with a \$1000 check for Newington's Human Services Department and thanked the club.

**A motion to waive the rules to allow the visit with the Newington Legislative Delegation was made by Councilor Borjeson and seconded by Councilor Castelle and passed 9 – 0.**

#### **V. CONSIDERATION OF OLD BUSINESS**

##### **A. DEHMS Homeland Security Grant Funding MOA**

Councilor Borjeson moved the following:

**WHEREAS, the Newington Town Council is the governing body of the Town of Newington; and  
WHEREAS, the Town of Newington wishes to enter into a "Memorandum of Agreement Between the State of Connecticut, Department of Emergency Management & Homeland Security and the Town of Newington, Located in DEMHS Region 3, Regarding State Use of Funding Granted by the Department of Homeland Security";**

**NOW, THEREFORE, BE IT RESOLVED, by the Newington Town Council that the Town of Newington 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 to be necessary or appropriate; and**

**BE IT FURTHER RESOLVED, that John L. Salomone, as Town Manager of the Town of Newington, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Newington and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.**

Councilor Cohen seconded the motion and it passed 9 – 0.

##### **B. Discussion: Board of Ethics**

John Salomone stated he had given Councilors information on various surrounding towns' ethics ordinances and had received from CCM a letter regarding the specific question asked on handling membership of ethics committees and qualifications. Mr. Boorman gave an overview of the ordinance and if the eligibility question was a valid concern. He felt the ordinance as written was clear on the issue and felt it could stand and it was up to the Council to decide if the ordinance should be reviewed. After reviewing emails from Atty. Cashman stating city codes were subject to state codes Mr. Boorman said that was incorrect. Cities had the ability to set their own ordinances and state codes did not apply to municipal officials and employees.

Councilor Bottalico stated that he would like to review the Code of Ethics to determine if changes should be made since it was last amended in 1997. Councilor Borjeson asked Mr. Boorman about Section 32-9a regarding political activity by staff and Mr. Boorman indicated the language was strong and there should be a separation along those lines.

Councilor Castelle stated he was satisfied that the initial question Mr. Bottalico raised was answered to his satisfaction by Mr. Boorman. After reviewing many other towns' ordinances, he felt Newington's was well written and should be an example for others.

Councilor Cohen stated Mr. Bottalico's concern was raised because of an appointment of a Democrat Town Committee person to the Ethics Board and did not feel it was appropriate to change the ordinance to make the appointment illegal. She further stated the Council had a lot on its plate right now, and it should not be reviewed but possibly at some point, could be reviewed since there was no urgency. Councilor McBride agreed with the comments made by Councilors Cohen and Castelle.

Councilor Klett stated she had been a member of the Council when the ordinance was originally passed and recalled that members of political parties were not supposed to be eligible. Regardless of political party, she felt the person on the board should not be part of a political party and supported the review the Code of Ethics.

Councilor DelBuono felt there were valid issues on both sides of the issue and after Atty. Bormann's clarification on the issue she agreed the appointment was valid. She stated since other ordinances like Blight had been reviewed it possibly was time to review the Code of Ethics to update language if needed and suggested doing so after the budget was finalized in the Spring. Councilors Klett and Nagel agreed with the suggestion of waiting for the committee to be formed.

Councilor Bottalico moved to table item V.B to review the Code of Ethics until after the Budget was finalized. The motion was seconded by Councilor Castelle and lost on a roll call vote 7 – 2

No: Councilor Borjeson, Councilor Cohen, Councilor DelBuono, Councilor Klett, Councilor McBride,  
Councilor Nagel, Mayor Woods

Yes: Councilor Bottalico, Councilor Castelle

Councilor Cohen felt the Council had too much on its' plate right now for this item and Councilor Klett felt ethics was important enough to make time for and questioned the wording of the resolution as written since she did not feel staff should be in the position to propose revisions. Mr. Salomone indicated the wording was intentionally general and it was up to the Town Council to configure the committee. Councilor Borjeson did not feel it was a matter of time but whether the Code of Ethics needed to be reviewed at all.

Councilor McBride agreed with Councilor Cohen about the budget taking a lot of Council time but there were a lot of things in Town that needed Council attention, both large and small. He felt this was a fishing exhibition and there were bigger issues to be addressed by the Council. Councilor Klett did not feel it was a fishing exhibition but an attempt to improve the Code of Ethics.

Councilor Klett moved the following:

**WHEREAS, the Town Council has discussed revisions to the Ethics Ordinance to clarify membership qualifications; and**

**WHEREAS, other revisions may be necessary to update the ordinance;**

**NOW, THEREFORE BE IT RESOLVED, that the Town Council directs the Town Attorney and a sub-committee of the Town Council, comprised of three (3) Council members and/or a staff to propose applicable revisions to the ethics ordinance upon completion of the budget.**

The motion was seconded by Councilor Bottalico and lost 5 - 4 on a roll call vote.

No: Councilor Borjeson, Councilor Castelle, Councilor Cohen, Councilor McBride, Mayor Woods

Yes: Councilor Bottalico, Councilor DelBuono, Councilor Klett, Councilor Nagel

## **VI. CONSIDERATION OF NEW BUSINESS**

### **A. Visit with Legislative Delegation**

The entire delegation was present: Rep Guerrero, Lopes and Nafis and Senator Doyle. Rep. Guerrero indicated the State faced an uncertain future and towns should anticipate many cuts after the Governor's budget is presented on February 6. The Governor was attempting not to raise taxes but towns could anticipate increases in fees and the proposal of adding tolls to the borders was being looked into. The amount of money that could

be brought in by tolls was very high if placed along the borders and EZPass had indicated they would handle the tolls with the State getting 90% of the profits.

Councilor Bottalico asked about his request regarding the shutting off of utilities and was told the delegation had written a bill (SB109) that stated if the utilities were to be shut off for a minimum of seven consecutive days, the town would have to be notified so Human Services could possibly get involved to help the residents.

The representatives stated the best scenario would be flat funding to the towns and would depend on what the Governor proposed. The gas revenues have gone down and the State had to find ways to increase the amounts lost. With regard to mandates the representatives indicated some of them could be delayed to allow for the slow economy and save towns money. Some areas that could be cut might be funding to the Senior Center and Human Services, but they assured the Council they would do their best to find the money for these programs.

Councilor Castelle was concerned the State not shift problems to the Towns, which would might force Newington to raise taxes. He stated the poverty rate was 5.6%, unemployment was 7% and there were 9 foreclosures per month in Newington. Rep. Lopes indicated that cuts to municipalities were on the table this year in an attempt to not raise taxes.

Councilor Klett indicated she was pleased the State would be looking at mental health issues in the current session and hoped the legislature would consider what cuts would potentially do to individuals and families. Rep. Nafis stated there would be a Sandy Hook task force which would look at school safety, mental health and gun control during the session.

Councilor Bottalico stated the Gov. had cut \$150 million without layoffs and indicated the cuts would be made in equipment and letting go of consultants since layoffs could not happen without union approval.

Councilor McBride asked about possible mandates regarding increasing school safety since the tragedy at Sandy Hook and they explained Newington would meet whatever minimum safety was decided by the State and the Legislature would attempt to do something without mandates to towns.

Councilor Nagel agreed with the other Councilors in asking for no unfunded mandates, wanted to meet again with the representatives when they know more about the specifics of the budget cuts and asked if there was anything specific involving Newington like Cedar Mountain, Fasttrak or National Welding. Rep. Nafis commented they were working on a \$2 million grant for the National Welding site.

Councilor Klett commented about the State retirees who did not pay a lot for pensions, insurance or prescriptions and if that would change. Sen. Doyle indicated it would not change for current employees and retirees but would for future employees due to negotiations between the union and the Governor.

Councilor DelBuono made several comments: 1) magnet school tuition issue 2) school safety, which Newington did well compared to other schools 3) hoped the Legislature would look into how SSI money was spent and to ensure it was spent on the items it was intended 4) teacher retirement fund should be funded on a regular basis so it would be available in the future.

Mayor Woods indicated the Town had four acres near National Welding and an additional four acres that could be developed. The lynchpin was National Welding and if that did not fall, he thought development would be very difficult. He asked the representatives to keep that in mind and with the anticipated cuts, he hoped the Legislature would not pass on any unfunded mandates to the towns. Mayor Woods also asked them to keep the Council informed of budget information as it was received.

#### B. Discussion: Forest Drive Barrier Issue

John Salomone gave an overview of a situation brought to Council's attention regarding barriers placed on Forest Drive. Barriers were placed in various locations in Town to keep ATV's and illegal dumping from occurring. Some of the barriers were unsightly and he indicated it could be a budgetary item to include money to replace barriers with something more attractive that could be standard usage throughout Town.

Questions were asked about usage of the path to Town, the cost of replacing each of the barriers and if the area blocked off was maintained by the Town. Councilor McBride stated he had grown up around barriers at a park in Town and never thought about it before but could understand the residents concern at the unsightliness of them.

Councilor Castelle mentioned that the barriers put up on Forest Drive were a deterrent for children riding bikes to the park. Councilor Nagel thought it appropriate for the Council to review the issue at budget time and assumed there were no discretionary monies that could be used to take care of the cost. Councilor Klett asked Mr. Salomone to determine if emergency vehicles used that right of way and if the barriers would prohibit that in the future.

C. Blight Update

Jamie Trevethan gave the Council an update on blighted properties in Newington:

- 29 Residential blight complaints have been received since passage of new Blight Ordinance.
- Seven properties have been inspected and determined not to meet the criteria to be considered a blighted property.
- Nine properties have been inspected and while they do not currently meet the criteria to be considered a blighted property, there is potential for the property to deteriorate into a blighted condition in the future. These properties will be monitored throughout the spring.
- Five properties have been inspected and determined to have conditions that are not enforceable under the blight code but may be enforced under the zoning code (junk cars, etc.)
- One property abuts wetlands and the complaint actually encompasses the wetland buffer area and is therefore not enforced under the blight code.
- One complaint of brush on a vacant lot may actually be on a Town right-of-way. Further research is required.
- Six properties have been inspected and determined to meet the criteria to be considered a blighted property. Of these six properties:
  - Two have been resolved
  - One is in the process of being resolved; the owner is working with the Blight Enforcement officer on a reasonable timeline to complete the work.
  - One is on the Town's tax sale list
  - One is in foreclosure with a potential new owner currently going through the process of purchasing the property.
- All blighted properties proceed through the notification process, and if not resolved will proceed through the enforcement and appeals process as required by the ordinance. Properties that are not rectified as a result of the process will be placed on an official list of blighted properties.

Councilor Borjeson asked if the Blight Ordinance needed to be changed/amended in any way since it had been in effect for a period of time. Mr. Salomone stated it was better than he originally thought since it had some flexibility to it.

D. 8-24 Report Referral: Drainage Easement, Mill Street Ext.

Craig Minor, Town Planner, stated the property had a 99 year lease and belonged to the Town of Newington. The housing had been built with a grant from HUD. There was a problem with the storm drainage facility that ran through the property and HUD asked for it to be moved. Since it was an easement in favor of the Town the Town Council needed to accept it.

Mayor Woods indicated the item would be on the next Town Council's agenda.

E. Town Manager Evaluation/ Consideration of Compensation Adjustment

Councilor Borjeson moved the following:

**RESOLVED:**

**That reflective of the Town Manager's performance from July 1, 2011 to June 30, 2012, the Town Council; hereby authorizes a salary increase of 2% on the current salary of the Town Manager, John L. Salomone for the fiscal year beginning July 1, 2012.**

The motion was seconded by Councilor Cohen and the motion passed 9 – 0 on a roll call vote.

The Council members thanked John Salomone for his patience during the evaluation process which was new and therefore, took a longer period of time, and also for his achievements during the year. Mayor Woods thanked Mr. Salomone for his help when he became Mayor and also apologized for the delay.

F. Public Hearing and Special Meeting Schedule – FY 2013-14 Budget

Mayor Woods indicated that Passover was March 26 and was a scheduling conflict, which would have to be changed. John Salomone stated he would have a new date for the Council by the next meeting when the schedule would be finalized.

**VII. RESIGNATIONS/APPOINTMENTS**

A. Town Historian

Councilor Borjeson moved the following:

**RESOLVED:**

**Pursuant to Newington Code of Ordinances, Chapter 55-3, the Newington Town Council hereby approves the appointment by the Town Manager of Gail Kelly, 104 Carriage Hill Drive, as the Town Historian for a term 12-1-2012 to 11-30-2017.**

The motion was seconded by Councilor Nagel and the motion passed 9 – 0.

B. Appointments to Boards and Commissions

Councilor Borjeson moved the following:

**RESOLVED:**

**That the Newington Town Council hereby makes the following appointments:**

1. Commission on Aging and Disabled

Name	Address	Party	Appt. Party	Term	Replaces
Gregory Stelmak	1465 Willard Avenue Apt. D	D	D	Immed. – 11/30/14	Vacant

7. Development Commission

Name	Address	Party	Appt. Party	Term	Replaces
Alternate: Stanley Marcinczyk	91 Ivy Lane	D	D	Immed. – 11/30/13	Vacant

12. Environmental Quality Commission

Name	Address	Party	Appt. Party	Term	Replaces
NVA Rep.: Gloria Olesen	180 Williamstown Court	D	D	Immed. – 11/30/13	Vacant

**21. Town Plan and Zoning Commission**

Name	Address	Party	Appt. Party	Term	Replaces
Alternate: Kenneth Leggo	69 Pebble Drive	D	D	Immed. – 11/30/15	Vacant

The motion was seconded by Councilor Cohen and passed 9 – 0.

**VIII. TAX REFUNDS**

Councilor Castelle moved the following:

**RESOLVED:**

**That property tax refunds in the amount of \$1,967.33 are hereby approved in the individual amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.**

The motion was seconded by Councilor Klett and the motion passed 9 – 0.

**IX. MINUTES OF PREVIOUS MEETINGS**

**A. Regular Meeting, January 8, 2013**

Councilor Cohen moved to accept the minutes from the Regular Meeting, January 8, 2013, and was seconded by Councilor DelBuono. The motion passed 8 – 0 Abstain: Councilor McBride

**X. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC**

John Salomone stated he had received a call from Bob Seiler, Fire Commission Chairman indicating the Fire Department would like to donate the extra engine the Town would have after fitting out the new engine #1 to the Fire Department at Breezy Point in Queens devastated by Sandy. The surplus engine #7 no longer could be used since it did not meet OSHA regulations and all of the equipment at Breezy Point had been destroyed. Breezy Point could get a waiver to use the engine until new equipment was obtained.

**XI. COUNCIL LIAISON/COMMITTEE REPORTS**

Councilor Nagel attended the Library Commission meeting and had several items to report on: 1) a recent inspection of the library indicated the library had no bedbugs, which would be gotten from the transporting of library books between towns 2) On January 25 there was a planned Wine and Cheese Social at 6:30 p.m. 3) Repairs had been made to the skylight and would need to be tested to ensure there were no leaks 4) the Commission had a discussion on renovating a meeting room 5) the termination of Board member Susan Wright due to non-attendance of meetings.

Councilor Borjeson stated CCROG gave Newington a grant to look at Newington Junction and will bring any results of the report to the Council.

Councilor McBride attended a Town Hall Project Building Committee meeting and indicated they had: 1) narrowed down the list of potential construction managers 2) the location of the building would be off Willard Avenue.

Councilor Klett stated there would be a CIP meeting on Thursday at 5:30 in L-101 and the public was welcome to attend. She said the bus garage had been on the CIP since 1985 and probably would not be done until it was absolutely necessary and asked if it was possible for the Town to use the money to clear out the site and use it

for a park, tables and include parking across the street. Mayor Woods indicated it was something the Council could discuss at their meeting on Saturday.

## **XII. PUBLIC PARTICIPATION – IN GENERAL**

Rose Lyons, 46 Elton Drive: She read from a Town pamphlet on committee membership that members should attend 66% of the meetings, chairmen were required to give the Town Manager's office an attendance sheet twice a year and if a person was delinquent, it should be discussed with the party who nominated the member. Mrs. Lyons said that Elton Drive was a dead end and designated a safe way to schools. She regularly would ask various Town departments to clean up the area and discussed the barriers as well. Mrs. Lyons asked that these areas be maintained year round without her having to go to meetings each year.

## **XIII. REMARKS BY COUNCILORS**

Councilor Klett was concerned about disrespectful behavior when opinions differed and all should listen respectfully. Mayor Woods agreed and said he felt nobody should be scolded when opinions differ. Mayor Woods thanked the Sangerbund club for their donation to Human Services and remarked that he had found an article that indicated Newington Junction's train station was transported to Churchill Park in the 1930's and the public building was actually the old train station. He indicated that he would be contacting the Town Historian for any information she might have on the article.

## **XIV. ADJOURNMENT**

Councilor DelBuono moved to adjourn at 10:10 pm. and it was seconded by Councilor Borjeson. Motion passed 9-0.

Respectfully Submitted,

Linda Irish-Simpson  
Clerk of the Council