



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR STEPHEN WOODS

MINUTES

NEWINGTON TOWN COUNCIL PUBLIC HEARING 7:00 P.M.

June 12, 2012

Mayor Woods called the meeting to order at 7:05 p.m. in the Helen Nelson Room in Town Hall.

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 in attendance:

John Salomone –Town Manager
Ann Harter – Finance Director
Richard Mulhall – Chief of Police
Craig Minor – Town Planner
Andy Brecher – Economic Development Coordinator
Peter Boorman – Town Attorney
Jamie Trevethan – Executive Assistant
Linda Irish-Simpson – Clerk of the Council

III. PUBLIC PARTICIPATION – IN GENERAL

Richard Spring, 47 Deepwood Drive: he expressed concern over the future of Cedar Mountain and brought up the possibility of the town taking the land for public use through eminent domain since Toll Bros. has expressed interest in the development of the land. He suggested a referendum to allow residents to vote on the project and thought that Newington was over developed at the present time.

Bernadette Conway, 177 Hartford Avenue: She stated that Toll Bros was back wanting to develop Cedar Mountain and there was also a group in town that would fight to keep the last piece of over developed Newington undeveloped. She requested the Town Council consider acquiring the land through eminent domain. Mrs. Conway stated that in the Town 20/20 plan Cedar Mountain was mentioned many times. The plan is the official policy guide for future actions regarding the physical development of the community. She wanted the Council to read the document thoroughly since it was stated in the 20/20 plan that Cedar Mountain was desirable for open space and was cited the #1 strategy was for preserving the mountain from development.

Michael Fox, 1901 Main Street: He stated that more clean up was done on the mountain and they had a MDC truck and employee who unlocked the gate and stayed to take all the rubbish in his truck. He wanted to thank the CEO of MDC for their help. Mr. Fox said that he understood the Council would in the near future be deciding what was to be done with Cedar Mountain, and he suggested that nothing be done and no improvements be made.

Madeline Kenny, 53 Crestview Drive: She stated that she was aware that Toll Bros was back, and they were not wanted. She asked that all future presentations be done in PowerPoint so people could see it and understand the presentation. Mrs. Kenny questioned the wording "impacted parcels" on the map for the busway since she felt the entire Town would be impacted.

Rose Lyons, 46 Elton Drive: She mentioned the agenda item on busway development and hoped that CRCOG and/or DOT would be at a meeting so that the people impacted would be able to hear the presentation. She stated the people in the impacted areas were concerned but had yet to see them show up at a meeting to express their concerns. Mrs. Lyons mentioned that she called into the Police dispatcher and had to wait for the prompt to get the dispatcher and then was transferred to a Sergeant and had to repeat her concern all over again. She asked that training be given to the Conservation Commission on the equipment downstairs since they did not know how to turn the speaker on the microphone on so people could be heard. Mrs. Lyons stated she still had a problem spending contingency funds for surveillance cameras, etc. She asked when Victory Gardens would be on the agenda since she thought they were supposed to be at a meeting in April or May.

IV. CONSIDERATION OF OLD BUSINESS (Action May be Taken)

A. Year-End Transfers

Councilor Cohen moved the following:

CERTIFICATION:

In accordance with Section 808 of the Town Charter, I hereby certify that there exists, free from encumbrances, in the following appropriations in the General Fund, the amounts listed below:

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
190	General Services	\$92,500
320	Highway	127,000
962	Special Contingency	127,000
	Total	\$346,500

Ann J. Harter, Director of Finance

RESOLVED:

That the Newington Town Council hereby transfers the above-certified funds to the following accounts in the General Fund:

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
210	Police	\$45,000
230	Fire Department	15,000
	Total	\$60,000

BE IT FURTHER RESOLVED:

That the Newington Town Council hereby transfers the above-certified funds in the General Fund to the following account in the Capital and Non-Recurring Expenditures Fund:

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
88142	Public Safety Equipment Reserve	\$286,500

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

B. Blight Ordinance Discussion

Councilor Castelle asked Attorney Boorman about corrections that were to be made in the ordinance and he did not see those corrections in his copy. He stated the resident would get a written letter explaining why the placement on the list was intended and then the same written notice would state why they were on the list. He felt there was a contradiction. Mr. Boorman stated the committee discussed inserting “shall cause” instead of “cause” and would make any changes once there was a consensus. Councilor Castelle stated he had problems with the chronology and would review the document again.

Attorney Boorman explained the ordinance had to balance police powers against individual powers and the property rights of individuals. He stated what the committee was attempting to do was not easy. He stated the Public Hearing was still open and could continue when the Council was ready. Councilor Klett asked if the new ordinance would replace the present section 4-46 through 4-49 Article 5 and Attorney Boorman agreed. She wanted to be able to see what changes had been made and would like to have a red line copy of the ordinance. Councilor Klett indicated in the present ordinance Article 5 referred to “within 60 days after receipt, the Town Manager shall present to the Town Council said list. The Town Council shall approve/disapprove or modify said list. In the event the Town Council chooses not to approve or disapprove or modify said list then said list will be deemed to have been approved.” She was concerned there was no mechanism for the Town Manager to report back to the Council so the Council had a clear understanding of what transpired with the list and wanted to suggest changing the last number of provisions and make it #18 and make #17 state that the Town Manager would report back to the Council yearly and identify any property that had been named on the blighted list. Attorney Boorman indicated that could be added. He said that under the original ordinance, the list was the Town Council’s list and the new ordinance stated the list would be the responsibility of the Town Manager. He would be the focal point of the blighted list.

Councilor Cohen stated she felt instead of tweaking the ordinance, the whole thing should have been thrown out and started all over again. She was not sure what the definition of blight should be. Would it be something unsightly to the public, a health code, a housing code and if you had to look behind someone’s house to find blight, you are on their property and she didn’t like that. She thought they would be addressing something that was very visible like commercial property and vacant property. When the ordinance got into the area of attacking homeowners, she felt a much closer look was needed. Homeowners might have a physical problem, financial problem, or language problem causing the situation.

Attorney Boorman state the first level was a notice with no affect in terms of police power. If the notice was not responded to, the Town could move on to a violation situation with appeal rights going up to the Superior Court. Councilor Borjeson stated there was still disagreement with the language and did not want to move too fast with a Public Hearing since the Council had made no decision on the final product. Mayor Woods stated that a Public Hearing would not be held until the Council has determined the wording for the ordinance. Councilor McBride stated there had been a lot of work done to get the ordinance to where it was and should not be thrown out. He said there were checks and balances through the Health District or the Town. He felt it should be tweaked and there should be some areas of gray in it.

Councilor Nagel stated he agreed with the Town Council members on the Blight Committee and the suggestions made during the meeting and felt more time would be needed. The more the committee got into specifics the more difficult it became since the issues were not cut and dry.

Councilor Bottalico asked why the Town of Newington was exempt in the ordinance. Attorney Boorman indicated that one side of the argument was if the Town stated you could not have blighted property then it would be hypocritical for the Town not to apply themselves to the ordinance and should then include State and

or Federal property. The ordinance as written stated it should be that way because government serves functions that are different than businesses or individuals. National Welding was a perfect example on a large scale. There was no business or individual who would have taken over the property. It was taken due to back taxes through foreclosure so the Town would have access to it to address the blight problem. Money had been found to do Phase I and Phase II and it was time to do the actual clean up, which the Town was attempting to do.

Councilor Klett asked that the next Blight Sub-committee meeting be held on June 26, 5 p.m.

V. CONSIDERATION OF NEW BUSINESS (Action May Be Taken Only by Waiving the Rules.)

A. Discussion: Busway Development

Craig Minor and Andy Brecher gave an overview of the project by two maps that indicated impacted properties and Newington zoning. Most of the areas impacted are zoned commercial and the Capital Region would be doing an economic development study for the whole knowledge and busway corridors to identify economic opportunities that would result from the busway. The study would also identify where investments should be made to maximize the benefits of the busway. Mayor Woods asked how much of the industrial land could be developed and if there were wetlands, environmental issues, etc. Mr. Minor indicated that he would get that information for the Council. Mr. Salomone indicated that the area near the Stop and Shop plaza was well developed, the east side (bottom side of the busway) had wetlands, open space, & problematic to develop land. He indicated that north touched residential areas. Since the area was a railroad track, Mr. Salomone stated it had been mostly industrial. He stated the question would be should the land stay industrial or other zones. South of the Cedar Street station was zoned industrial and mostly owned by CCSU for future expansion.

Councilor Castelle stated the State had begun working on the access road to get equipment into the site. Mr. Salomone said they hoped the State would have the incentive to remove the National Welding building and to make the area more positive. What would replace the building would be up to the Town. Councilor Castelle asked if the State would control what is placed at the National Welding site and if it would influence the site according to the State's vision. Mr. Salomone indicated it would depend on what the funding requirements would be and the Town would have to read the fine print. Councilor Castelle asked Mr. Salomone if the State could take the property under eminent domain, and Mr. Salomone said there had been no indication the State had any interest in going beyond the land already purchased for the busway.

Councilor Klett had concerns regarding Brook Street and Maple Hill Drive and the issue of eminent domain. She stated that other areas have been taken by the State over the years for other purposes. She was concerned for the residents listed within the 1,000 feet of the busway and if some residents might be forced to give up their homes. Attorney Boorman indicated he had no information on the specifics of the Newington situation but could tell the Council that eminent domain was a process that allowed the State to take land for the purposes of public good or services. Councilor Klett mentioned there had been talk of the Transit Authority taking over the ruling of what was to be developed along the busway and would supersede the TPZ in Newington. Councilor Klett expressed concern that Newington did not have a vision of what to develop in the area and felt it was important to do so.

Councilor Bottalico was concerned the State would purchase too much land on each side of the busway and would decide to develop the land without input from the TPZ. He asked the Town Planner to indicate on a map all the property along the corridor and what were wetlands, what could be developed, who owed the land, etc. He indicated he had heard that LLC's were buying the properties but could not confirm it. Mr. Salomone stated that the land was currently zoned industrial and any changes would have to be brought to the TPZ for discussion.

Councilor Borjeson stated he did not feel there were any hidden plans at the present time but there were plans for somewhere around 52 stations around CT and the busway was some of those stations in terms of high speed rail. The development being planned would be around the stations themselves and not along the entire busway. Councilor McBride agreed with Councilor Borjeson that the development would be around the stations. He felt the discussion was useful to review any rumors and to keep the rumors from gaining legs. He thanked Councilor Borjeson for being the eyes and ears for the Town.

Councilor Nagel commented that the driving force behind the development of the land will be the economy, which the Town had no control over. Mr. Brecher stated that he has been working with the Connecticut Development Authority which coordinates 13 programs that address environmental remediation. All programs are complex, competitive and have deadlines as to when a Town can apply and when the money will be spent.

The Authority uses a scoring system and Newington was attempting to determine their score and then back track to improve the Town score. The Town will be attempting to look at the best possibilities to get money from the State for remediation.

Councilor Klett mentioned a program, "Money Follows the Person," which was Federal money given to the States. The goal was to take people out of nursing homes. She felt it was important when looking for housing for these individuals that all areas of the State are looked at and not just areas around the towns that surround big cities.

Councilor Castelle stated that when any decisions are made, traffic congestion should be a consideration. He was concerned about Route 9, Newington Junction and Cedar Street. Mayor Woods asked Mr. Brecher to attend Town Council meetings quarterly with updates and sooner if there was a need.

B. Discussion: Police Staffing

Councilor Klett expressed concern about planning staff levels since several Police officers would be leaving. She wanted to ensure that overtime was minimized and kept within reasonable costs. Chief Mulhall stated there were three recruitments underway. They tested the first group of certified officers with background checks being done. He stated that up to four officers may retire later in the year. The department started the process of general recruitment and had 180 people scheduled to take the test on Saturday. Several applications were received from certified officers laid off in other towns and testing was planned for them. He intended to develop a certified list and a non-certified list of applicants. The Town averaged two retirements per year and may anticipate a few more this year. Due to Lt. Johnson retirement recently, the Chief split his responsibilities between the remaining two lieutenants and delegated some of the remaining work down to the sergeants' level. He stated the current level of staff was 51. Over the past five years they averaged 2% salary increases a year and even though they reduced overtime due to past hiring, the increases kept the budget the same or increased it.

Chief Mulhall stated a new dispatcher was currently in training and hoped to have the person trained within the next four weeks, which will plug the hole at that position after two recent failures to do so. Some of the overtime was in direct relationship to the open dispatcher position during the past year as well as unforeseen situations like two white powder scares and a homicide, which create large amounts of overtime.

In response to Councilor Bottalico's question on the protocol for dispatcher use, the Chief stated it was done by class. When overtime was available, the request would go out to the class first and if not filled, it would go to the three certified officers and if still unfilled, an order would go out. Mr. Salomone stated the Town was in the process of phasing out training officers to do dispatch. Eventually there would be enough trained dispatchers to fill in for any overtime needed. In the long run this would be a cost saving measure by keeping it within the class.

Councilor Bottalico asked about the large pool of officers to draw from and would it be worth it to hire a candidate from New London or hire a brand new candidate. Chief Mulhall stated officers enter the system at the base level whether they are new or certified. Once training was over, they go to Step 1 and when an officer was brought over from another department they may start the person at Step 2 based on experience. An experienced officer is on the road usually in 10-12 weeks versus 8-12 months for a new hire.

Councilor Nagel asked the Chief about the number of hours per week for officers and for dispatchers and the Chief indicated he would get that information to the Council.

C. Suspense List

Ann Harter stated the Suspense List was a mechanism used each year for moving certain taxes from the current list to the Suspense List. The taxes were still collectable and this year the amount was approximately \$98,000 and in previous years it was \$87,000 but the Town had already collected about \$32,000 of that.

Councilor Bottalico asked how the Town allowed a resident to get \$20k in arrears on taxes. Mrs. Harter explained the resident will start to make payments and at that point they were no longer delinquent. If they stop paying the taxes later the clock would start over again for the three year period and taxes could build up over the years.

D. CT DEEP Grant Funding: Cedar Mountain

Mr. Salomone explained the State originally requested two appraisals. One was completed and accepted last summer and the second appraisal was completed in early May. The State has requested another one, which would be required to get the final grant.

Councilor Castelle made a motion to suspend the rules so action could be taken on the CT DEEP Grant Funding for Cedar Mountain. The motion was seconded by Councilor Klett and the motion passed 8 – 0 (Councilor Bottalico-absent for vote).

Councilor Castelle moved the following:

RESOLVED:

That Town Manager John Salomone of the Town of Newington be and hereby is authorized to execute on behalf of this municipal corporation a Personal Services Agreement and a Conservation and Public Recreation Easement and Agreement with the State of Connecticut for financial assistance to acquire the Marcap property CSAP 2012-03.

BE IT FURTHER RESOLVED:

That John Salomone, Town Manager, is hereby authorized to enter into such agreements, contracts and execute all documents necessary to said grant with the State of Connecticut.

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

- E. Clem Lemire Synthetic Turf Field Project
 - 1. Accept Project
 - 2. Dismiss Committee

Mayor Woods indicated the project was completed and the committee would be dismissed with action being taken at the next meeting. Mr. Salomone stated the project was complete and there were funds left over, which would go back to the Capital Projects Fund. Councilor Klett said the committee had met on May 24 and voted to accept the project. Mayor Woods stated the project was controversial from the start but was a huge success since it came in under budget and would be a community field. The item will be on the next agenda to accept the project and to dismiss the committee.

- F. Job Description: Maintainer III (Schools)

John Salomone said that BOE job descriptions are integrated into the Town's and the proposed job description was for a new classification of Maintainer III. Councilor Castelle asked if it was a new position and Mr. Salomone stated it expanded on the Maintainer II position. The position required more skills in order to maintain the buildings and said there would be no increase in staffing. Mayor Woods indicated he would contact the BOE to determine if they were promoting an individual into this position and have someone attend the next Council meeting to discuss.

- G. **(Amended) Councilor Castelle moved the following:**

RESOLVED to add an amendment to the agenda to include V. G. to add discussion of the BOE Wallace Middle School Roof Replacement Committee actions.

Councilor Castelle indicated that the State grant was approved and was out to bid. The bids would be opened on June 21. If the agenda was not amended tonight, the rules would have to be waived on the 26th in order to approve the contract. He estimated the cost to be around \$785k. The item will be placed on the next meeting's agenda.

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

VI. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)

- A. Appointments to Boards and Commissions
 - 1. Audit Committee
 - 2. Balf-Town Committee
 - 3. Career/Technical Program Renovation Project Building Committee

4. Newington Commercial Façade Easement Rehabilitation Loan Program Committee
5. Clem Lemire Artificial Turf Project Building Committee
6. Committee on Community Safety
7. Conservation Commission
8. Development Commission
9. Downtown Revitalization Committee
10. Education Facilities Project Building Committee
11. EMS Committee
12. Employee Insurance and Pension Benefits Committee
13. Environmental Quality Commission
14. Board of Ethics
15. Fair Rent Commission
16. Firehouse Expansion Project Building Committee
17. Human Rights Commission
18. NHS Track Renovation Project Building Committee
19. Open Space Committee
20. School Code Compliance Committee
21. Standing Insurance Committee
22. Town Plan and Zoning Commission
23. Vehicle Appeals Board

Councilor Klett moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

3. Career/Technical Program Renovation Project Building Committee

Name	Address	Party	Appointing Party	Term	Replaces
BOE REP : David Tatem	29 Camp Avenue	D	D	BOE TERM	N/A – New Committee

22. Town Plan and Zoning Commission

Name	Address	Party	Appointing Party	Term	Replaces
Alternate: Audra Ekstrom	281 Faith Court	D	D	IMMED – 11/30/13	G. Turco (resigned 1-17-12)

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

VII. MINUTES OF PREVIOUS MEETINGS

- A. Regular Meeting, May 22, 2012

Councilor Klett made a motion for the acceptance of the May 22, 2012 Meeting Minutes. The motion was seconded by Councilor DelBuono and the motion passed 8 – 0 (Councilor McBride-Abstained).

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

John Salomone indicated that bids were opened for the residential curbside collection, condos and recycling. They received two bids for the curbside pickup, three bids for recycling and four bids for condo collection. The low bid, before final certification, was Trash Away for \$2,262M over three years, which was about \$37k more than the negotiated number. The recycling low bid was Trash Away for a net cost of \$9,225,263. The final bid was not awarded yet with a low bid of \$219,000 for three years. The next lowest bid was \$624,000. Mr. Salomone stated they will have to make sure the bidder can do the work. All contracts will be effective July 1 and the prices are within the budget.

Councilor Klett read the following letter into the record from Dom Mazzocoli:

Dear Mayor Woods and Members of the Newington Town Council:

I want to thank you for the special recognition you have granted me in the renaming of Mill Street to Mazzocoli Way. It is a great honor to me any my family. It was nice to reconnect with friends and share memories of our past events. It gave me pause to think that what we do does make a difference and that our efforts are appreciated. Those of us who have been elected to public office understand a great responsibility has been entrusted to us. We work hard to fulfill the expectations of those who have given us this great honor. It's sometimes difficult to govern responsibly and meet those expectations. Do your best and there will be no regrets.

I wish you all success in your efforts and again want to thank you for this great honor.

Sincerely,

Dom Mazzocoli

IX. COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Nagel gave reports on the following:

1. Senior Disabled Commission formed a blight committee to keep the commission informed of the process and if any other agency in Town needed their input, to share it with other groups. The Senior and Disabled Center implemented a refund policy for people who need refunds for classes not attended, etc.
2. Library Board: The recently held 5k race was a success and raised \$10k gross with 386 registered runners. The Library will be sponsoring a "Read Between the Covers" summer program and have over 400 people registered. It will kick off this Saturday with the Parks and Rec Department.
3. NCTV: They discussed their ability to transmit programs from the Ambler room downstairs.

Councilor Cohen stated that Youth Adult Council would be losing some graduating students and will be needing replacements. They have discussed increasing the number of children who will be part of the group. By ordinance they are limited in the number but would like to have unofficial members to have more students included.

Councilor Castelle said the BOE had a formal graduation for 28 students in the Adult Education Program on June 7. There were several students who didn't make it through their 12 years and came back to graduate even with full time jobs.

X. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone)

Gail Budrejko, 21 Isabelle Terrace: She recently walked down North Mountain Road and found a lot of vacant buildings in that area. There are many spots in Town that were supposed to be great for commercial development and are now vacant and hoped that the busway would not be another example of this. She also indicated there was talk of a new community center and some discussion about where it would be built and could include soccer fields around Mill Pond. Mrs. Budrejko thought that was a bad idea and that it would destroy Mill Pond Park. She suggested that possibly the National Welding area could be looked at for the center.

Rose Lyons, 46 Elton Drive: She stated that on Thursday, 6:30 p.m. in L101 the MDC would be putting on a program regarding the clean water project. Mrs. Lyons hoped that any grants submitted for the busway are run by the Town Council. She stated that regarding the Blight Ordinance she appreciated the Attorney's reasoning

for exempting Town, State and Federal Governments but she was concerned about places like a house on Chapman Street, the courtyard at Town Hall needing work, and the High School with very high grass and other properties in similar condition.

XI. REMARKS BY COUNCILORS

Councilor DelBuono thanked everyone involved in the Memorial Day Parade and the ceremony that followed.

Councilor McBride stated that there was information on the Town website regarding car seat inspections being done at the Police Department.

XII. EXECUTIVE SESSION RE: PERSONNEL & CONTRACT NEGOTIATIONS

Councilor Klett made a motion to go into Executive Session RE: Personnel and Contract Negotiations at 10:15 pm. and was seconded by Councilor Bottalico. The motion passed 9 – 0.

XIII. ADJOURNMENT

Councilor Klett made a motion at 11:20 p.m. to adjourn and was seconded by Councilor Cohen. The motion passed 9 – 0.

Respectfully Submitted,

Linda Irish-Simpson
Linda Irish-Simpson
Clerk of the Council