



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR STEPHEN WOODS**

## **NEWINGTON TOWN COUNCIL** **Conf. Room L-101 (Lower Level) – Town Hall** **131 Cedar Street**

**AGENDA**  
**May 28, 2013**  
**7:00 P.M.**

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- I. PLEDGE OF ALLEGIANCE
  - II. ROLL CALL
  - III. PUBLIC PARTICIPATION – IN GENERAL (**In Person/Via Telephone**)
  - IV. REMARKS BY COUNCILORS
  - V. CONSIDERATION OF OLD BUSINESS (**Action May be Taken**)
    - A. Year-End Transfers
    - B. Suspense List
    - C. Appoint Auditor
  - VI. CONSIDERATION OF NEW BUSINESS (Action May Be Taken Only by Waiving the Rules.)
    - A. Blight Update
    - B. Discussion: Agreement Between Newington and New Britain re: Land Acquisition
  - VII. RESIGNATIONS/APPOINTMENTS (**Action May Be Taken**)
    - A. Appointments to Boards and Commissions
      1. Affordable Housing Monitoring Agency
      2. Balf-Town Committee
      3. Building Code Board of Appeals
      4. Central Connecticut Health District Board of Directors
      5. Newington Commercial Façade Easement Rehabilitation Loan Program Committee
      6. Clem Lemire Artificial Turf PBC
      7. Committee on Community Safety
      8. Conservation Commission
      9. Development Commission
      10. Downtown Revitalization Committee
      11. Employee Insurance and Pension Benefits Committee
      12. Environmental Quality Commission
      13. Board of Ethics

Phone: (860) 665-8510 Fax: (860) 665-8507  
townmanager@newingtonct.gov  
www.newingtonct.gov

14. Fair Rent Commission
15. Firehouse Expansion Project Building Committee
16. Housing Authority Board of Directors
17. Human Rights Commission
18. Library Board of Directors
19. NHS Track Renovations Project Building Committee
20. Open Space Committee
21. School Improvements Project Building Committee
22. Standing Insurance Committee
23. Tri-Town Community Access Cable Committee
24. Vehicle Appeals Board
25. Youth-Adult Council (Mayoral Appointment)
26. Zoning Board of Appeals

VIII. TAX REFUNDS (**Action Requested**)

IX. MINUTES OF PREVIOUS MEETINGS (**Action Requested**)

- A. May 14, 2013 Regular Meeting

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

XI. COUNCIL LIAISON/COMMITTEE REPORTS

XII. PUBLIC PARTICIPATION – IN GENERAL (**In Person/Via Telephone**)  
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)

XIII. REMARKS BY COUNCILORS

XIV. ADJOURNMENT

AGENDA ITEM:   V.A.  

DATE: 5-28-13

RESOLUTION NO:           

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           | \$24,000        |
| 270                   | Emergency Medical Services | \$5,000         |
| 320                   | Highway Department         | \$10,000        |
| 350                   | Solid Waste                | \$90,000        |
| 610                   | Human Services             | \$15,000        |
| 710                   | Library Operations         | \$15,000        |
| 830                   | Grounds Maintenance        | \$15,000        |
| 1010                  | Debt Service Interest      | \$11,000        |
| 962                   | Town Council Contingency   | <u>\$49,300</u> |
|                       | Total                      | \$234,300       |

*Ann J. Harter, Director of Finance*

RESOLVED:

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

| <u>Account Number</u> | <u>Title</u>    | <u>Amount</u> |
|-----------------------|-----------------|---------------|
| 120                   | Town Manager    | \$28,000      |
| 140                   | Elections       | \$27,000      |
| 150                   | Finance         | \$16,000      |
| 160                   | Town Attorney   | \$50,000      |
| 170                   | Town Clerk      | \$3,000       |
| 180                   | Personnel       | \$16,000      |
| 230                   | Fire Department | \$39,500      |

|     |                         |                 |
|-----|-------------------------|-----------------|
| 310 | Engineering             | \$5,000         |
| 450 | Building Department     | \$3,500         |
| 460 | Conservation Commission | \$5,300         |
| 470 | Economic Development    | <u>\$15,000</u> |
|     | Total                   | \$208,300       |

BE IT FURTHER RESOLVED:

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

| <u>Account Number</u> | <u>Title</u>                         | <u>Amount</u> |
|-----------------------|--------------------------------------|---------------|
| 88323                 | Fire Department Access Control Locks | \$26,000      |

BE IT FURTHER RESOLVED:

That the Town Manager is authorized to make additional transfers from unencumbered balance of appropriations within the General Fund to the Administrative, Municipal and Police Pension Trust Funds.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

## Office of Revenue Collector

Corinne Aldinger, CCMC  
Revenue Collector

### Memorandum

**To:** John Salomone, Town Manager  
**From:** Corinne Aldinger, CCMC, Revenue Collector  
**Date:** May 23, 2013  
**Re:** Suspense List

In accordance with Connecticut State Statute 12-165, the Suspense List must be submitted annually by the Revenue Collector to the Town Council. This year's suspense list totals \$109,566.14 as follows:

| List Year         | Real Estate     | Personal Property | MV & Supp        | Total             |
|-------------------|-----------------|-------------------|------------------|-------------------|
| 2010              |                 | 38,359.29         | 63,442.09        | 101,801.38        |
| 2010              | 425.38          |                   |                  | 425.38            |
| 2009-1998         | 7,339.38        |                   |                  | 7,339.38          |
|                   |                 |                   |                  |                   |
| <b>Total</b>      | <b>7,764.76</b> | <b>38,359.29</b>  | <b>63,442.09</b> | <b>109,566.14</b> |
| <b># Accounts</b> | <b>4</b>        | <b>11</b>         | <b>422</b>       | <b>437</b>        |

While the above are technically deemed uncollectible, transferring these items does not at all prohibit the Town from collection when and if the taxpayer is located, with the exception of the four small parcels of Real Estate which amounted to \$7,764.76 as a result of the Tax Sale. As a matter of example, the Town collected \$33,505.64 in suspense items in 2011-12 and still continues collecting on these aged accounts. The interest component is not included in the total but continues to accrue should collection occur. Efforts to collect beyond the dunning delinquency notices included warrants issued to the constable, as well as motor vehicle registrations reported to the Motor Vehicle Department and UCC Liens filed with the Secretary of State's Office on Personal Property. That measure too is often circumvented if the delinquent taxpayer elects to register under a different name. Other measures such as newspaper publication are quite costly with little or no financial return.

From an accounting perspective, this transfer presents a more accurate picture of the Town's accounts receivable by reducing it in the above amount. You will note that the majority of the accounts are in motor vehicles. A category which by its type is difficult to administer due to its transient nature. Newington has a large number of automobiles, approximately 29,714 or 1 car per capita. The Personal Property includes companies which have gone out of business, filed for bankruptcy, or have left the state.

Additionally, in accordance with Connecticut State Statute 12-164, the real estate accounts that are outstanding after 15 years are deemed uncollectible. The amount for the 1997 Grand List is \$6,669.16 and should be removed from the Town's receivable assets as of June 30, 2013.

Previous transfers to the Suspense Tax Book

2012 \$98,061.40  
 2011 87,909.57  
 2010 75,879.52

The Town continues to enjoy a high rate of tax collection of approximately 98.5% on the current list.

cc: Ann Harter, Finance Director

Phone: (860) 665-8540 Fax: (860) 665-8531  
 tax@newingtonct.gov  
 www.newingtonct.gov

AGENDA ITEM: V.B.1

DATE: 5-28-13

RESOLUTION NO. \_\_\_\_\_

RESOLVED:

The Newington Town Council hereby authorizes transfers in the amount of \$109,566.14 to the Suspense Tax Book for the years 2010-2011 through 2011-2012. This action is being taken upon the recommendation of the Revenue Collector and as shown in a report dated May 8, 2013.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_

AGENDA ITEM: V.B.2.

DATE: 5-28-13

RESOLUTION NO. \_\_\_\_\_

RESOLVED:

The Newington Town Council hereby authorizes the outstanding balance from the 1997 Grand List in the amount of \$6,669.16 be removed from the Town's receivable assets as of June 30, 2013 as per the recommendation of the Revenue Collector.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_

AGENDA ITEM: V.C.

DATE: 5-28-13

RESOLUTION NO. \_\_\_\_\_

RESOLVED:

Per Section 610 of the Newington Town Charter, the firm of Blum Shapiro  
is hereby appointed as auditor for the Town of Newington for the fiscal year ending June 30,  
2013; said firm agrees to file a complete report on or before December 15, 2013.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: John Salomone, Town Manager  
Date: May 24, 2013  
Re: Blighted Property Process Update

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On July 24, 2012 the Town Council adopted a revised chapter 184 of the Code of Ordinances – Blighted Properties. The new ordinance went into effect on August 8, 2012. With the new ordinance in effect, the Town has received a number of new complaints about potential blighted properties. A staff blight team has been formed to review, understand and determine how to administer and enforce the new regulations. Below is an overview of the blight process, as well as a synopsis of blighted complaints received to date.

#### The Blight Team & Intake Process

All blight complaints are received and processed through the Town Manager's office. Once a complaint is received, a file is created for the property and the property is added to a master list of potential blighted properties. Jaime Trevethan receives blight complaints, starts and maintains the files. Any updates or action taken is noted in the files. Residents who report potential blighted properties are welcome to leave contact information for follow-up or may choose to remain anonymous.

All complaints are first screened by the Police Department to determine whether there is any prior history at the location that may pose a danger to the Enforcement Officer during inspection. The Human Services Department is also notified of new complaints in order to reach out to the affected residents, if necessary. The Assessor's office researches ownership of the property.

Per the ordinance, I have appointed Zoning Officer Art Hanke as the Blight Enforcement Officer. Mr. Hanke is the first point of inspection and follow-up for all blight complaints and may determine whether a property meets the criteria to be listed as a blighted property. Mr. Hanke may receive assistance from the CCHD, Building Inspector or Fire Marshal as warranted.

#### Inspection, Notification & Enforcement

Once the property has been screened by the Police and Human Services department, the Blight Enforcement Officer will perform inspection(s) of the property. The Enforcement Officer may determine that a property does or does not meet the blighted property criteria, or may determine that the property doesn't currently meet the blight criteria but has potential to deteriorate to a

blighted condition in the near future. These properties are marked for re-inspection as the Enforcement Officer deems necessary.

Properties that do not meet the blight criteria are noted as such in the file and are moved to an “inactive” complaint list. When a property clearly meets the blight criteria, the Enforcement Officer will move forward with the notification process, including a Notice of Violation Warning Letter. The process for notification, enforcement and appeals will be administered as required by the ordinance (attached). Per ordinance, I have appointed three citizens to serve as appeals Hearing Officers: former Mayor Rod Mortensen and former Councilors Chris Banach and Kris Nasinnyk.

#### Current Statistics

Due to the rainy weather and spring growing season, the Town Manager’s office has received numerous blight complaints, the majority of which are overgrown grass complaints, in the past week. At the May 28 meeting the Council will receive up-to-date statistics on properties that are in the initial complaint, warning and enforcement phases, as well as the status of properties that have been identified as blight but are in the process of being rectified.

It should be noted that several properties on the list are abandoned, bank-owned or vacant and in the process of foreclosure. This will present challenges in notification and enforcement of properties that are determined to meet blighted conditions. The blight team will work with the Town Attorney to determine the proper course of enforcement of these properties.

Per the ordinance, a list of blighted properties will be made available to the Council at least once per year. The initial list will be provided once the properties that have been determined to be blight proceed through the notification, enforcement and appeals process without satisfactory improvement. At this time there are several properties that are in various phases of the process, but none have reached the appeals phase as of this date. Councilors should contact me with questions about any specific properties.

Attach.

## **FINAL VERSION ADOPTED ON 7/24/12 BY THE COUNCIL**

The Newington Town Council repealed Chapter 182 of the Code and adopted the Blighted Premises Code on 7/24/12.

### **TOWN OF NEWINGTON BLIGHTED PREMISES CODE**

#### **§ 1. Title**

This chapter shall be known as the “Blighted Premises Code of the Town of Newington” (“the code”) and the standards established by this code shall be referred to as and constitute the minimum property standards of the Town of Newington (“Town”).

#### **§ 2. Intent and Authority**

A. This code is intended to protect, preserve and promote public health, safety and welfare; to prevent and control the incidence of communicable disease; and to reduce environmental hazards to health, safety and welfare, insofar as they are affected by the maintenance of residential and non-residential structures, equipment and premises as provided by this code. This code is further intended to provide minimum standards governing the condition, occupancy and maintenance of occupied and unoccupied premises and establish reasonable safeguards for the health, safety and welfare of the occupants and users of said premises, the community and the general public. This code is intended to maintain and preserve the beauty of the neighborhoods and to allow for control of blighted premises.

B. This code shall establish minimum standards and responsibilities for the maintenance of all premises and delegates administrative responsibility and enforcement powers and creates enforcement procedures.

C. This code is adopted in accordance with the provisions of Connecticut General Statutes §7-148 (c)(7)(H)(XV), § 7-148aa, 7-148ff and 7-152c and further incorporates all authority and power that currently or in the future is conferred under Connecticut General Statutes.

#### **§ 3. Scope of Provisions**

A. Applicability.

1. This code shall apply uniformly to the maintenance, use and occupancy of all premises now in existence or hereafter constructed, maintained or modified and shall include:
  - a. Dwellings or dwelling units, including one-family and two-family dwellings and buildings with multiple-unit dwellings;
  - b. Lots, plots or parcels of land whether vacant or occupied;

- c. Buildings of non-dwelling use, including commercial properties and mixed use properties that may include one or more dwelling units;
  - d. Accessory structures to any building;
  - e. All apartments, boarding houses, group homes, lodging houses, rooming houses, tenement houses and unrelated family units.
2. This code shall not apply to public property.

#### § 4. Definitions

The following definitions apply to this chapter.

**Accessory structure** shall mean a structure, the use of which is customarily incidental and subordinate to that of principal building, structure or use on the same lot.

**Blighted premises** shall mean:

- A. Any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any necessary structure, or fence, where at least one of the following conditions exists:
  - 1. The Blighted Premises Enforcement Officer determines that existing conditions pose a serious threat to the health, safety and welfare of town citizenry;
  - 2. It is not being maintained, as evidenced by the existence, to a significant degree, of one or more of the following conditions:
    - a. Missing, broken or boarded windows or doors;
    - b. Collapsing or deteriorating exterior walls, shutters, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors;
    - c. Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;
    - d. Foundation walls which contain open cracks and breaks;
    - e. Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay;
    - f. Chimneys and similar appurtenances which are in a state of disrepair;
    - g. Insect screens which contain tears or ragged edges;
    - h. Garbage or trash improperly stored or accumulated on the premises, or abandoned vehicles on the premises (unless the premises is a junkyard licensed by the State of Connecticut);
    - i. Overgrown grass or weeds at least one foot in height;
    - j. Vermin infestations;
    - k. In the case of a fence, broken or rotted boards or in an otherwise dilapidated condition; or
    - l. Any other exterior condition reflecting a level of maintenance which is not in keeping with community standards or which constitutes a blighting factor for adjacent property owners or occupiers or which is an element leading to the progressive deterioration of the neighborhood.

3. It is attracting illegal activity as documented in Police Department records;
  4. It is a fire hazard as determined by the Fire Marshal or as documented in the Fire Department records; and/or
  5. It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, the cancellation of insurance on proximate properties; or similar circumstances.
- B. Blighted premises shall not include any such building, structure or parcel of land located on any active farm or public property.

**Blighted Premises Enforcement Officer** shall mean an individual or individuals appointed by the Town Manager to inspect and re-inspect blighted premises, issue notice of violation warning letters in accordance with § 10 of this Code, and issue citations for violations of this Code in accordance with § 11 of this Code. Said individual shall not be the Town Manager or a Citation Hearing Officer

**Citation Hearing Officer** shall mean an individual or individuals appointed by the Town Manager to conduct hearings authorized by this chapter.

**Community standard** shall mean a judgment by a reasonable member of the community.

**Connecticut General Statutes** shall include any applicable amendments.

**Legal occupancy** shall mean occupancy in accordance with state building and fire codes, local zoning regulations, local housing ordinances and all other pertinent codes.

**Neighborhood** shall mean an area of the Town comprising all premises or parcels of land, any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

**Owner/occupier** shall mean any person, institution, foundation, entity or authority which owns, leases, rents, possesses, or is responsible for property within the Town.

**Proximate property** shall mean any premises or parcel of land within one thousand (1,000) feet of the boundary of a blighted premise.

**Public property** shall mean any building, structure or parcel of land owned by the United States, State of Connecticut or Town of Newington.

**Vacant** shall mean a period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.

**Vacant parcel** shall mean a parcel of land with no structure(s) thereon.

## **§ 5. Signs, Awnings and Marquees**

- A. Signs. All permanent signs and billboards exposed to public view permitted by reason of other ordinances or laws shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked or whose supporting members have deteriorated shall be removed forthwith or put into a good state of repair by the owner/occupier.
- B. Awnings and marquees. Any awning or marquee and its accompanying structural member which extends over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

## **§ 6. Removal of Weeds and Similar Vegetation**

- A. Every owner/occupier of properties upon which a building exists, or who is in possession of a vacant lot in an approved subdivision which fronts on a paved public road and to which a public water and/or public sewer lateral has been provided, shall cut, to a height of not more than one foot, all grass, weeds and similar vegetation not planted as a crop to be harvested or for ornamental purposes
- B. Every owner/occupier of property shall keep his property free from vegetation of any type which, based on the reasonable opinion of the Blighted Premises Enforcement Officer, is injurious to public health.
- C. Any violation of § 6A or 6B shall constitute a nuisance which may be abated by the town at the expense of the owner/occupier or any one or more of them to whom the Blighted Premises Enforcement Officer has given not less than 10 days written notice of intention to abate such nuisance. Such expense may be collected by the Town in a civil action against any one or more of the above-named persons responsible therefore.

## **§ 7. Solid Waste, Storage and Littering**

- A. Accumulation restricted. It shall be unlawful for an owner/occupier to allow solid waste to accumulate on premises in the town in such a manner as to create an offensive, unsightly or unsanitary condition.
- B. Storage requirements. In the event that property usage would result in the stacking or piling of materials, including equipment and appliances, even if wanted and useful, they must be so arranged as to prohibit the creation of a blighting factor to their neighbors. Furthermore, all useful, wanted material, including equipment and appliances, stored out of doors shall be stored in an orderly fashion and, to the extent reasonably feasible, shall be located in the rear yard and not visible from the adjacent public street.

## **§ 8. Blighted Premises List**

- A. No owner/occupier of real property within the Town shall cause or allow blighted premises to be created nor shall any owner/occupier allow the continued existence of blighted premises.
- B. Blighted Premises List
  - 1. Upon enactment of this ordinance, the Town Manager shall request that all Town department heads report any property of which they are aware which appears to be blighted, as defined by this ordinance. Such reports shall be submitted within thirty (30) days of the Town Manager's request.
  - 2. The Town Manager shall use all available relevant information to complete a list of blighted properties to be known as the Blighted Premises List.
  - 3. The Town Manager shall maintain and update the Blighted Premises List.
  - 4. At least ten days prior to placing a property on the Blighted Premises List, the Town Manager shall provide written notice to the owner/occupier of the subject property of the intended placement. Said written notice shall indicate the conditions on said property that shall cause placement on the Blighted Premises List, unless corrected, and the steps necessary for removal from said List.
- C. For the purpose of documenting continuous blighted conditions, the Blighted Premises Enforcement Officer shall undertake regular inspections of all properties that are:
  - 1 on the Blighted Premises List, or
  - 2 actively under a Notice of Violation of Warning Letter in accordance with § 10 of this Code, or
  - 3 actively under a Citation in accordance with § 11 of this Code.

The Blighted Premises Enforcement Officer shall have all power and authority prescribed by Connecticut General Statutes to enter a suspected Blighted Premises or a designated Blighted Premises for purposes of performing his duties hereunder.

## **§ 9. Removal from Blighted Premises List**

- A. If the owner/occupier of a property that is included on the Blighted Premises List has remedied the conditions that caused the property to be placed on the Blighted Premises List, and no other blighted condition exists on the property, the owner/occupier may make written request to the Blighted Premises Enforcement Officer requesting inspection of the property. The Blighted Premises Enforcement Officer shall inspect the property within five days of receipt of the written request for the purpose of determining whether the blighted conditions on the property no longer exist. Within ten (10) days of the inspection, the Blighted Premises Enforcement Officer shall provide a copy of the written report of his/her inspection of the property to the owner/occupier.
- B. If after inspection of a property that is on the Blighted Premises List, the Blighted Premises Enforcement Officer determines that the conditions that caused the premises to be placed on the List have been remedied, and that no other blighted condition exists on the premises, then the Blighted Premises Enforcement Officer shall provide written notice to the Town Manager that the premises is no longer a Blighted premises along with a copy of his/her written report of inspection of the premises. Upon receipt of a determination that a premises is no longer a Blighted premises, the Town Manager shall

remove the premises from the Blighted Premises List, with written confirmation to the owner/occupier.

#### **§ 10. Complaints - - Notice of Violation Warning Letter**

- A. Any person or legal entity, including but not limited to a civic organization, municipal agency, or town employee may report a complaint of violation of this ordinance with the Blighted Premises Enforcement Officer.
- B. The Blighted Premises Enforcement Officer, upon his or her determination that there is a violation of this code, shall forward a notice of violation warning letter to the owner/occupier at the time such determination has been made and shall include the property for consideration of inclusion on the Blighted Premises List. Such a notice of violation warning letter from the Blighted Premises Enforcement Officer shall be issued prior to issuing a citation. Such notice of violation warning letter shall include:
  - 1. A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
  - 2. A due date, within a reasonable time, for the performance of any act required to remedy the violation; and
  - 3. The amount of the civil penalties/fines, liens, special assessments, costs or fees that may be imposed for noncompliance.
  - 4. Contact information for the Town Director of Human Services for the purpose of encouraging social work assistance to those in need.
- C. The owner/occupier may not contest a notice of violation warning letter before a Citation Hearing Officer.
- D. Delivery of a notice of violation warning letter or citation to the owner/occupier shall be by one or more of the following methods:
  - 1. By personal delivery to the owner/occupier or by leaving the notice of violation warning letter or citation at the usual place of abode of the owner/occupier with a person of suitable age and discretion;
  - 2. By certified, register or regular mail addressed to the owner/occupier at his last known address, with postage prepared thereon; or
  - 3. By posting and keeping posted for 24 hours a copy of the notice of violation warning letter or citation in placard form in a conspicuous place on the premises.

#### **§ 11. Enforcement by Citation**

- A. If the corrective actions specified in the notice of violation warning letter are not taken the Blighted Premises Enforcement Officer or his/her designee shall issue a written citation to the owner/occupier.
- B. A citation shall be in writing and include:
  - 1. A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required;
  - 2. Detailed information regarding the contents of the notice of violation warning letter (which may be a copy of such notice of violation warning letter) and the failure of the owner/occupier to take the corrective actions specified therein;

3. Notice of potential liens that may be asserted by the Town pursuant to § 14 of this Code.
  4. The amount of the civil penalties/fines, special assessments, costs or fees due for noncompliance; and
  5. Contact information for the Town Director of Human Services for the purpose of encouraging social work assistance to those in need.
  6. A statement that the owner/occupier may contest his liability and request a hearing before the Citation Hearing Officer by delivering in person or by mail written notice of objection within ten (10) days of the date of receipt of the citation.
- C. Delivery of the citation shall be by the manner provided in § 10 D.

## **§ 12. Hearing**

- A. An owner/occupier may request a hearing after receiving a citation. Said owner/occupier must make his/her request for a hearing within ten (10) days of his/her receipt of the citation.
- B. The Citation Hearing Officer is designated to conduct hearings in accordance with Conn. Gen. Stat. Sec. 7-152c when requested by an owner/occupier who has been cited under this chapter.
- C. If the owner/occupier who was sent a written citation pursuant to § 11 of this Code wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the assessed civil penalties/fines, special assessments, costs or fees in person or by mail to the Town Manager. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any owner/occupier who does not deliver or mail written demand for a hearing within ten days of the date of receipt of the citation shall be deemed to have admitted liability, and the Town Manager shall certify such person's failure to respond to the Citation Hearing Officer. The Citation Hearing Officer shall thereupon enter and affirm the civil penalties/fines, special assessments, costs or fees provided for by the code and shall follow the procedures set forth in Conn. Gen. Stat. Sec. 7-152c (f).
- D. Any owner/occupier who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided the Citation Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the Blighted Premises Enforcement Officer shall be filed and retained by the Town, and shall be deemed to be a business record within the scope of Conn. Gen. Stat. Sec. 52-180 and evidence of the facts contained therein. The presence of the Blighted Premises Enforcement Officer shall be required at the hearing if such person so requests. A person wishing to contest his/her liability shall appear at the hearing and shall present evidence. A designated Town official, other than the Citation Hearing Officer, shall present evidence on behalf of the Town. If the owner/occupier who requested the hearing fails to appear, the Citation Hearing Officer may enter a default against him/her upon a finding of proper notice and liability under this ordinance. At the hearing the Citation Hearing Officer shall accept relevant evidence that may include copies of police reports, investigatory and citation reports, and other documents. The Citation Hearing Officer shall conduct the

hearing in the order and form and with such methods of proof as is fair, reasonable and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Citation Hearing Officer shall provide a decision upon completion of the hearing. If the Citation Hearing Officer determines that the person is not liable under the citation, the Citation Hearing Officer shall dismiss the matter and enter his/her determination in writing accordingly. If the Citation Hearing Officer determines that the person is liable under the violation, the Citation Hearing Officer shall enter his/her determination in writing accordingly and include any assessment of civil penalties/fines, special assessments, costs or fees against such person as apply, and shall further provide a copy of his written decision to the Town Manager for his review under Section 8B of this Code.

### **§ 13. Appointment of Citation Hearing Officers**

The Town Manager shall appoint three residents to serve as the Citation Hearing Officers pursuant to § 182-5 of Newington Code of Ordinances. Said residents shall not be the Town Manager, a police officer or employee or person who issues citations, zoning enforcement officer, or blighted premises enforcement officer or other code compliance authority.

### **§ 14. Penalties for Offenses - - Prejudgment Lien**

- A. The owner/occupier of premises where a violation of any of the provisions of this code shall exist or who shall maintain any building or premises in which such violation exist may:
1. Be assessed a civil penalty/fine of not more than \$100 for each violation. Each day that a violation exists after a citation as described in § 11 is given to the owner/occupier shall constitute a new violation and a civil penalty may be imposed for such violation; and/or
  2. Be required to abate the violation at the owner/occupier's expense.
  3. Be subject to the town's remediation of the blighted condition and assessing the costs of said remediation against the subject property by levying a lien on the subject real estate.
  4. Be subject to special assessment pursuant to Conn. Gen. Stat. Sec. 7-148ff.
- B. Once a finding by the Citation Hearing Officer is made that a person is in violation as provided by Section 12 above, a prejudgment lien on the real property that is the subject of the violation may be imposed by the Town for any unpaid civil penalty imposed by the Town pursuant to the provisions of this code which is adopted pursuant to Conn. Gen. Stat. Sec. 7-148 (c)(7)(H)(xv) and shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien shall be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.
- C. Where the Blighted Enforcement Officer has determined that a blighted condition exists as defined by this code, the Town Manager may order the remediation of the blighted condition and assess the costs against the subject real estate in the form of lien which shall be recorded in the land records in the same manner as provided in § 14 B.

- D. In addition to all other remedies and any civil penalties/fine, special assessments or lien imposed herein, the provisions of this code may be enforced by injunctive proceedings in the superior court. The Town may recover from such owner/occupier any and all costs and fees, including reasonable attorney's fees, expended by the Town in enforcing the provisions of this code.

### **§ 15. Appeals - - Special Consideration**

- A. Any person aggrieved by any order, requirement or decision of the Citation Hearing Officer may take an appeal in accordance with Conn. Gen. Stat. § 7-152c (g).
- B. Notwithstanding anything herein to the contrary, special consideration may be given to individuals who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein. Such special consideration shall be limited to the reduction or elimination of civil penalties/fines, special assessments and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this code.

### **§ 16. Report to Town Council**

The Town Manager shall report, at least annually, to the Council on the Blighted Premises List and the civil penalties/fines, special assessments, liens or any other remedies imposed herein and may revise same.

### **§ 17. Severability**

In the event that any part or portion of this code is declared invalid for any reason, all the other provisions of this code shall remain in full force and effect.

### **§ 18. Terms and Provisions**

- A. Where terms are specifically defined or the meaning of such terms are clearly indicated by their context, that meaning is to be used in the interpretation of this code.
- B. Where terms are not specifically defined and such terms are defined in the Charter and Municipal Code of the Town of Newington, such terms shall have the same meaning for the interpretation and enforcement of this chapter.
- C. Where terms are not specifically defined in this chapter, they shall have their ordinarily accepted meaning or such meaning as the context may imply.
- D. The provisions of this code shall not be construed to prevent the enforcement of other codes, ordinances or regulations of the Town of Newington.
- E. In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Charter and Municipal Code of the Town of Newington or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Newington shall prevail.



John Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: John Salomone, Town Manager  
Date: May 24, 2013  
Re: Agreement Between Newington and New Britain re: Land Acquisition

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Please see attached letter to the City of New Britain Office of Corporation Counsel regarding an agreement between Newington and New Britain for land acquisition for the purpose of the COSTCO project in New Britain.

Town Attorney Peter Boorman will be in attendance at the May 28 Council meeting for discussion of this agreement. If the Council concurs, action will be taken at a future meeting.

Attach.

May 7, 2013

John C. King, Esq.  
City of New Britain  
Office of Corporation Counsel  
City Hall, 27 West Main Street  
New Britain, CT 06051

Re: COSTCO development project – 15.5 acres located in Newington

Dear Mr. King,

I write to you today in my capacity as Newington Town Attorney and by way of follow up to my May 3, 2013 telephone conversation with Seth Feigenbaum, Esq., (New Britain corporation counsel) as well as Thomas P. Cody, Esq. (COSTCO). Our intention was to finalize a letter agreement to address the above matter. Please accept the following:

In consideration of the promises contained herein, and other good and valuable consideration, The Town of Newington (hereinafter Town) and the City of New Britain (hereinafter City) hereby agree as follows:

1. The Town will cooperate in the City's efforts to obtain the 15.5 acres located in Newington from the State of Connecticut for the sole purpose of the COSTCO development project. The parties hereto anticipate that Proposed House Bill – 6672 "An Act Concerning the Conveyance of Certain Parcels of State Land" (hereinafter Act) will soon be acted upon by the General Assembly and ultimately signed into law. Anticipating this passage, the concern is that the Town of Newington is being asked to take no position on the bill, and therefore forego its right of first refusal for the 15.5+- acres at issue. To address this concern, the parties agree that the City shall not proceed to closing with regard to the transfer of the 15.5+- acres from the State to the City until and unless the COSTCO development project proceeds in accordance with the provisions of Section 4 of the Act, a copy of which is attached, or legislation which accomplishes substantially similar purposes.
2. The City will use the 15.5 acres exclusively for golf course or open space purposes.
3. The 15.5 acres is to remain subject to land use regulation as defined by Newington zoning, inland wetland and other applicable municipal regulations and law.
4. The City, or its designee, will timely pay to the Town of Newington real property taxes (and personal property taxes, if applicable) as determined by the Newington Assessor, subject to all of the normal and usual rights of taxpayers under law, including right of appeal.

5. Town residents, subject to proper verification, shall be charged at the same rate as City residents for all golf matters (greens fees, etc.) at Stanley Golf Course. This provision is to take effect once the 15.5+- acres is transferred from the State to the City and shall continue as long as Stanley Golf Course is in operation.
6. The parties hereto agree to take all reasonable measures necessary to insure that the provisions of this Agreement are successful.

Very truly yours,

Peter J. Boorman, Esq.

The parties, by their signature below, accept the terms and conditions as provided above.

**Town of Newington**

\_\_\_\_\_  
John Salomone, Town Manager  
Duly Authorized

\_\_\_\_\_  
Date

**City of New Britain**

\_\_\_\_\_  
Duly Authorized

\_\_\_\_\_  
Date

Cc: Seth Feigenbaum, Esq.

AGENDA ITEM: VII.A.

DATE: 5-28-13

RESOLUTION NO.: \_\_\_\_\_

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

**11. Employee Insurance and Pension Benefits Committee**

9 members, 2 alternates, 2 year term  
Party Max.: 6

| Name                          | Address            | Party | Term              | Replaces |
|-------------------------------|--------------------|-------|-------------------|----------|
| Specialist:                   |                    |       | Immed. – 11/30/13 | Vacant   |
| Specialist:<br>John Slusarski | 40 Grandview Drive | D     | Immed. – 11/30/14 | Vacant   |
| Alternate:                    |                    |       | Immed. – 11/30/14 | Vacant   |
| Alternate:                    |                    |       | Immed. – 11/30/14 | Vacant   |

**18. Library Board of Directors**

15 member board  
6 appointed by NTC – 6 year term  
Party Max (NTC Appointments): 4  
Remaining members: 4 Dem., 1 Rep

| Name           | Address            | Party | Term             | Replaces                |
|----------------|--------------------|-------|------------------|-------------------------|
| Helen Vessella | 31 Northwood Drive | R     | IMMED – 11/30/13 | S. Wright<br>(resigned) |

**22. Standing Insurance Committee**

9 members, 2 alternates, 2 year term  
Party Max.: 6

| Name                          | Address            | Party | Term              | Replaces                                      |
|-------------------------------|--------------------|-------|-------------------|---|
| Underwriter/Claim Spec.:      |                    |       | Immed. – 11/30/14 | Donald Roberts<br>( <i>de facto</i> 11/30/07) |
| Underwriter/Claim Spec.:      |                    |       | Immed. – 11/30/14 | Sue Carlson<br>( <i>de facto</i> 11/30/08)    |
| Claim Spec:<br>John Slisarski | 40 Grandview Drive | D     | Immed. – 11/30/14 | Mike Longo<br>(term exp. 11/30/10)            |
| Alternate:                    |                    |       | Immed. – 11/30/14 | Mike Casasanta<br>(term exp 11/30/10)         |
| Alternate:                    |                    |       | Immed. – 11/30/14 | Vacant  |

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_

AGENDA ITEM: VIII

DATE: 5-28-13

RESOLUTION NO. \_\_\_\_\_

RESOLVED:

That property tax refunds in the amount of \$4,927.49 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.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_

**TAX REFUNDS – May 28, 2013**

|  |                   |
|--|-------------------|
| Alyssa Brideaux<br>2414 Laluna Drive<br>Henderson, NV 89014-3611               | \$28.69           |
| Corelogic Tax Service<br>1 Corelogic Drive<br>West Lake, TX 76262              | \$1,504.06        |
| Kim Towler<br>38 Main Street<br>Newington, CT 06111                            | \$76.05           |
| VW Credit Leasing LTD<br>1401 Franklin Boulevard<br>Libertyville, IL 60048     | \$201.71          |
| TD Auto Finance<br>Attn: Mark Smith<br>2050 Roanoke Road<br>Westlake, TX 76262 | \$242.05          |
| Ryder Truck Rental Inc.<br>99 Murphy Road<br>Hartford, CT 06114                | \$2,874.93        |
|  |                   |
|  |                   |
|  |                   |
|  |                   |
|  |                   |
| <b>Total</b>   | <b>\$4,927.49</b> |