



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR STEPHEN WOODS**

## **NEWINGTON TOWN COUNCIL**

**Helen Nelson Room (Main Level) – Town Hall  
131 Cedar Street**

**September 11, 2012**

**7:00 p.m.**

- 
- I. PLEDGE OF ALLEGIANCE
  - II. ROLL CALL
  - III. AWARDS AND PROCLAMATIONS
    - A. Leukemia, Lymphoma & Myeloma Awareness Month
  - IV. PUBLIC PARTICIPATION – IN GENERAL (**In Person/Via Telephone**)  
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)
  - V. CONSIDERATION OF OLD BUSINESS (**Action May be Taken**)
    - A. FY 2012-13 Capital Projects Appropriation Transfer
    - B. Transfer of Funds for Charter Revision Commission
  - VI. CONSIDERATION OF NEW BUSINESS (**Action May Be Taken Only by Waiving the Rules.**)
    - A. Approval of Explanatory Text – Charter Revision (**Action Requested**)
  - VII. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)
    - A. Town Plan and Zoning Commission
      - 1. Accept Resignation of Dana Woods
      - 2. Appoint a Replacement (TBD)
    - B. Appointments to Boards and Commissions
      - 1. Balf-Town Committee
      - 2. Newington Commercial Façade Easement Rehabilitation Loan Program Committee
      - 3. Committee on Community Safety
      - 4. Conservation Commission
      - 5. Development Commission
      - 6. Downtown Revitalization Committee
      - 7. Education Facilities Project Building Committee
      - 8. EMS Committee
      - 9. Employee Insurance and Pension Benefits Committee
      - 10. Environmental Quality Commission
      - 11. Board of Ethics
      - 12. Fair Rent Commission

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

13. Firehouse Expansion Project Building Committee
14. Human Rights Commission
15. NHS Track Renovation Project Building Committee
16. Open Space Committee
17. School Code Compliance Committee
18. Standing Insurance Committee
19. Vehicle Appeals Board

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

A. August 28, 2012

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

X. COUNCIL LIAISON/COMMITTEE REPORTS

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

XII. REMARKS BY COUNCILORS

XIII. EXECUTIVE SESSION RE: PERSONNEL & COLLECTIVE BARGAINING

XIV. ADJOURNMENT

AGENDA ITEM: III.A.

DATE: 9-11-12

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

WHEREAS, blood cancers currently afflict more than 894,543 Americans with an estimated 138,530 new cases diagnosed each year, and

WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 52,910 people in the United States this year, and

WHEREAS, The Leukemia & Lymphoma Society, through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support of those who suffer from them, and

WHEREAS, The Leukemia & Lymphoma Society maintains offices on Fairfield County and Meriden, Connecticut to support patients with these diseases and their family members in the Town of Newington, and

WHEREAS, the Town of Newington is similarly committed to the eradication of these diseases and supports the treatment of its citizens that suffer from them, and

WHEREAS, the Town of Newington encourages private efforts to enhance research funding and education programs that address these diseases,

NOW, THEREFORE BE IT RESOLVED, that the Town of Newington joins with The Leukemia & Lymphoma Society in designating the month of September 2012 as **Leukemia, Lymphoma & Myeloma Awareness Month** to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure.

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

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

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

AGENDA ITEM: V.A.1.

DATE: 9-11-12

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 Capital and Non-Recurring Expenditures Fund, the amounts listed below:

<u>Account</u>		
<u>Number</u>	<u>Title</u>	<u>Amount</u>
88113	Fenn Road Access Road	\$20,000

\_\_\_\_\_  
Ann J. Harter, Director of Finance

RESOLVED:

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

<u>Account</u>		
<u>Number</u>	<u>Title</u>	<u>Amount</u>
88329	National Welding - Engineering Services	\$20,000

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

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

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

AGENDA ITEM: VB. \_\_\_\_\_

DATE: 9-11-12 \_\_\_\_\_

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

RESOLVED:

That the Newington Town Council hereby authorizes an expenditure not to exceed ten-thousand five hundred dollars (\$10,500) from Program 962, Contingency, for expenses related to the duties of the Charter Revision Commission.

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: September 04, 2012  
Re: Explanatory Text – Charter Revision

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The Town Council has the authority to request that the Charter Revision Commission send a mailing to Town electors with information and/or explanation of the upcoming Charter revision referendum, scheduled to take place with the November elections.

Attached, please find several options for a draft explanatory text. Due to time constrictions for printing, the Council is requested to waive the rules to take action to approve one of the options at the September 11, 2012 meeting.

Attach.

(Town Seal)

TOWN OF NEWINGTON

EXPLANATORY TEXT

NOVEMBER 6, 2012 STATE ELECTION  
AND LOCAL REFERENDUM

This explanatory text has been prepared by the Town Clerk pursuant to § 9-369b (a) of the Connecticut General Statutes. It is intended to not advocate either the approval or disapproval of the referendum question appearing on the November 6, 2012 ballot.

Referendum Question:

***“Shall the Town of Newington adopt the proposed charter that was approved by the Town Council on July 24, 2012?”***

\*\*\*\*\*

General Explanation:

Acting under the authority and powers granted to municipalities by the Connecticut General Statutes, on February 28, 2012 the Newington Town Council passed a Resolution approving the initiation of action to amend and revise the Newington Town Charter. Five electors were duly appointed to serve on the Charter Revision Commission.

On March 13, 2012 the Town Council charged the Charter Revision Commission to review the current Charter for clarity and conciseness with an emphasis on monetary references and Town Manager appointments.

The Commission was specifically charged to:

1. Review all sections of the Charter that contain a set monetary reference to insure

that those amounts listed are set at reasonable levels for 2012 and beyond.

2. Explore the current language in §611 of the Charter requiring the Town Planner to be appointed by the Council, with consideration given to making this appointment a Town Manager appointment under § 503.
3. Address issues to update the Charter but avoid issues that would delay completion of the Commission’s Draft Report by June 29, 2012 because the Town Council intends to submit Charter Revision to the voters for the November, 2012 election.

**Charge #1**

**Review all sections of the Charter that contain a set monetary reference to insure that those amounts listed are set at reasonable levels for 2012 and beyond.**

Proposed Amendments:

§408—Obligatory referendum and ordinance—the current amounts of \$125,000 and \$325,000 have been increased to \$375,000 and \$975,000 as recommended by the Finance Director and endorsed by the Town Manager.

§410—Right of referendum on ordinances—currently the Charter states that the voters shall have the right to petition for a referendum on any ordinance passed by the Council (except an emergency ordinance) or a special appropriation of \$125,000 or more. This amount has been increased to \$375,000.

§813A—Competitive bidding—the \$10,000 threshold currently mandating an automatic bid process has been increased to \$30,000.

**Charge #2**

**Explore the current language in §611 of the Charter requiring the Town Planner to be appointed by the Council, with consideration**

**given to making this appointment a Town Manager appointment under § 503.**

Proposed Amendment:

Article VI §611—Town Planner has been removed and made a part of Article VII as §703. This change removes the hiring process from the Town Council and grants the power of appointment and removal to the Manager.

**Charge #3**

**Address issues to update the Charter but avoid issues that would delay completion of the Commission’s Draft Report by June 29, 2012 because the Town Council intends to submit Charter Revision to the voters for the November, 2012 election.**

Proposed Amendments:

There are many updates to the Charter. You may view all of the proposed changes:

- On the Town of Newington website at [www.newingtonct.gov](http://www.newingtonct.gov)
- At the Town Clerk’s Office
- At the Town Manager’s Office
- At the Lucy Robbins Welles Library

*On November 6, 2012 polls will be open from 6:00 a.m. until 8:00 p.m. For information on your voting location, contact the Registrar of Voters at 860-665-8516 or 860-0665-8517.*

Authorized by the Newington Town Council  
Prepared by the Newington Town Clerk  
Approved by the Newington Town Attorney

(Town Seal)

TOWN OF NEWINGTON

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The Commission was specifically charged to:

1. Review all sections of the Charter that contain a set monetary reference to insure that those amounts listed are set at reasonable levels for 2012 and beyond.
2. Explore the current language in §611 of the Charter requiring the Town Planner to be appointed by the Council, with consideration given to making this appointment a Town Manager appointment under § 503.
3. Address issues to update the Charter but avoid issues that would delay completion of the Commission’s Draft Report by June 29, 2012 because the Town Council intends to submit Charter Revision to the voters for the November, 2012 election.

After a thorough review of the Charter, by consensus, the Commission agreed to adopt many changes suggested by the earlier 2009 Charter Revision Commission—several of which are substantive in nature and enumerated later in this text. The Draft Charter submitted to Town Council in 2009 became the template used to begin the 2012 charter revision project.

**Charge #1**  
**Review all sections of the Charter that contain a set monetary reference to insure that those amounts listed are set at reasonable levels for 2012 and beyond.**

Proposed Amendments:

§408—Obligatory referendum and ordinance—the current amounts of \$125,000 and \$325,000 have been increased to \$375,000 and \$975,000 as recommended by the Finance Director and endorsed by the Town Manager.

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**Explore the current language in §611 of the Charter requiring the Town Planner to be appointed by the Council, with consideration given to making this appointment a Town Manager appointment under § 503.**

Proposed Amendments:

Article VI §611—Town Planner has been removed and made a part of Article VII as §703. This change removes the hiring process from the Town Council and grants the power of appointment and removal to the Manager.

**Charge #3**  
**Address issues to update the Charter but avoid issues that would delay completion of the Commission’s Draft Report by June 29, 2012 because the Town Council intends to**

**submit Charter Revision to the voters for the November, 2012 election.**

Proposed Amendments:

*The more substantive changes to the Charter are highlighted below (please refer to the Draft Charter to view all recommendations).*

§202B—Board of Fire Commissioners-- language was added: “The Board is specifically authorized to delegate authority to the Fire Chief(s)”.

§202B (1)—Language was added to: The Board of Fire Commissioners’ role shall include acting as final board of appeal “for personnel matters from within the Fire Department. This function shall not be delegated”.

§203—Minority representation: the nomination of two constables was changed to one constable to conform to State statutes which allow electors to vote for only one constable.

§204—Vacancies in elective offices: the filling of vacancies in elective office was changed from “until the next regular Town election” to “until the end of the vacated term” eliminating a week when there was no one in the vacated office.

§205—Independent candidates: this section was re-written to conform to Connecticut General Statutes.

§303A—Salaried officials; “...and **both** shall serve at the pleasure of the Mayor” was added. (“Both” refers to the Town Attorney and the Clerk of the Council.)

§303A (2)—Salaried officials: Director of Health was eliminated.

§404B—Language amended to indicate that no votes may be taken at a work session meeting of the Town Council “except to adjourn or to go into executive session”.

§410 & §411—Right of referendum on ordinances and Initiative: Language was added to both sections to clarify when an ordinance would be null and void if it went to referendum, and when it would become effective if approved at a referendum.

§415—Concurrent offices: this was re-worded to allow holding concurrent office under certain circumstances as allowed by State Statutes.

§501—Appointment, qualification and tenure of the Town Manager: language was added to reflect that the Town Manager shall reside within the Town within a period of no more than six months “from the first date of work as Manager with the possibility of an extension of up to six months at the discretion of the Council”. This change was made at the Town Manager’s suggestion.

§603—Library Directors was changed to “Library Trustees” as requested by the President of the Library Board of Trustees.

§604—Board of Tax Review was changed to “Board of Assessment of Appeals” to conform to CGS.

§605—Board of Parks and Recreation: language deleted to reflect that the Town Manager does not require the concurrence of

the Board to hire personnel within the department. The Chair of the Board of Parks and Recreation agreed with this change.

§607—Conservation Commission was changed to “Conservation/Inland Wetlands Commission” with new language added to clarify the Inland/Wetlands responsibilities per Connecticut General Statutes. Input was solicited from the Chair of the Conservation Commission.

§609—is now “Auditor”.

§611—Town Planner—eliminated from this section.

Article VII has been totally re-worked:

§701 is now “Removal by Manager” with new language.

§702 is now Town Clerk.

§703 is now Town Planner with new language.

§704 is now Highway Department.

§705 is now Engineering Department.

§706 is now Tree Warden.

§707 is now Department of Parks and Recreation.

§708 is now Department of Building Inspection.

§709 is Department of Human Services.

§710 is Department of Senior and Disabled Center Services.

§711 is Department of Police.

§712 is Department of Finance.

§712B—residency requirement for the Tax Collector has been removed.

§713 is now Purchasing Agent who is no longer part of the Department of Finance.

§805—Duties of the Council on the Budget: added ten days to the timeline for Council to adopt the budget.

§808—Transfer of appropriation: now includes, “Transfers among any capital project funds may occur at any time and are not subject to the six-month limitation stated above”.

§812—Borrowing in anticipation of taxes—has been eliminated at the suggestion of the Finance Director and endorsed by the Town Manager.

§813D—was added allowing the Manager to waive the procurement of a competitive bid during a state of emergency as defined by issues of public health, safety and welfare.

§815—Payments of claims: updated to indicate that all checks must be signed by the Treasurer and the Manager. All checks against the Board of Education must be countersigned by the Town Treasurer “who shall only serve in this role to verify the amount of funds to cover such payments”.

§1003—Existing office holders: added to insure a smooth transition from the current Charter to the adoption of the revised Charter.

*A full copy of the Draft Charter can be found on the Town Manager’s homepage at the Town of Newington website: [www.newingtonct.gov](http://www.newingtonct.gov).*

Authorized by the Newington Town Council  
Prepared by the Newington Town Clerk  
Approved by the Newington Town Attorney

(Town Seal)

EXPLANATORY TEXT  
FOR ELECTION DAY REFERENDUM QUESTION ON AMENDMENTS TO  
THE NEWINGTON TOWN CHARTER

TUESDAY, NOVEMBER 6, 2012

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For information on your voting location contact the Registrar of Voters at (860) 665-8516 or 860-665-8517.

Authorized by the Newington Town Council  
Prepared by the Newington Town Clerk  
Approved by the Newington Town Attorney

AGENDA ITEM: VI.A.

DATE: 9-11-12

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

WHEREAS, §9-369b (b) of the Connecticut General Statutes authorizes the preparation and printing of concise explanatory text of local proposals or questions approved for submission to the electors of a municipality at a referendum, and;

WHEREAS, the Statute further authorizes the explanatory text to be prepared by the municipal clerk, subject to the approval of the municipal attorney;

NOW THEREFORE BE IT RESOLVED, that the Newington Town Council approves the explanatory text hereto attached.

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

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

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



AGENDA ITEM: VII.A.1.

DATE: 9-11-12

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

RESOLVED:

That the Newington Town Council hereby accepts the resignation of Dana Woods as a member of the Town Plan and Zoning Commission in accordance with correspondence dated August 31, 2012.

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

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

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

AGENDA ITEM: VII.A.2.

DATE: 9-1-12

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

RESOLVED:

That the Newington Town Council hereby appoints the following to the Town Plan and Zoning Commission:

7 members, 3 Alternates, 4 year term  
Party Max: 5 Regular, 2 Alternate

Name	Address	Party	Term	Replaces
			IMMED – 11/30/15	D. Woods (resigned 9-2012)

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

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

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