



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

NEWINGTON TOWN COUNCIL

January 26, 2010

Mayor Wright called the meeting to order at 7:00 PM in the Helen Nelson Room of the Newington Town Hall

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Mayor Wright welcomed the new Council Clerk, Mary Richard to this meeting.

Councilors Present:

Councilor Banach
Councilor Casasanta
Councilor Cohen
Councilor Klett
Councilor Lenares
Councilor McBride
Councilor Nagel
Councilor Nasinnyk
Mayor Wright

Staff Present

John L. Salomone, Town Manager
Ed Meehan, Town Planner
Ann Harter, Finance Director
Jaime Trevethan, Executive Asst. to the Town Manager

III. PUBLIC PARTICIPATION – IN GENERAL (3 minute time limit per speaker on any item)

Sharon Braverman, 39 Churchill Way, Board of Education Liaison, asked about the cell tower that's going in Churchill Park, would the Council consider putting a "tree looking" tower instead of a tower type tower.

IV. CONSIDERATION OF OLD BUSINESS

A. National Welding Property/Fenn Road Redevelopment Opportunity Site

Mayor Wright invited Ed Meehan and Chairman Tom Shields of the Economic Development Division to the table.

Deputy Mayor Lenares moved the following:

WHEREAS, the Town of Newington acquired 690 Cedar Street, known as National Welding, by tax foreclosure in September 2008; and

WHEREAS, the Town of Newington has received Federal Environmental Protection Agency grants to evaluate National Welding's environmental conditions; and

WHEREAS, the marketing, remediation and reuse of the National Welding property could be enhanced by the Town and adjacent property owners agreeing to cooperate in the development of a public road with traffic signal control on Fenn Road, shared utility corridor and shared storm water management; and

NOW THEREFORE BE IT RESOLVED, the Town Manager is hereby authorized to negotiate with the adjacent property owners State of Connecticut, Department of Transportation and Fenn Road Associates, Hayes Kaufman Newington Associates, LLC, Hayes-Kaufman Fenn Road, LLC (collectively "Hayes") to prepare a draft public-private partnership Letter of Agreement subject to the review and approval of said documents by the Newington Town Council.

Mayor Wright stated that this was discussed at the last meeting as far as working with the parties mentioned in the Resolution so we can get a public road, and traffic signals for future access, probably our number one priority for the Town of Newington for well over a decade and the opportunity for development and hopefully affect part of our tax bills in the future. Mr. Meehan stated that the discussion was pretty thorough in the goal setting sessions. Mr. Shields adds that our priority is to get grants to get the site pushed up.

Mr. Salomone stated that is one additional item about eventually additional grants for access to a bus way which would allow the town to use funds to make it safe for crossing. The dollar amount is unknown, but might be costly and if the State wants to help, that would be another of the puzzle. Mr. Meehan added that the pilot grants applications will be due back on March 10, and these are the grants that Chairman Shields just mentioned that we have an advantage at this location to try to seek. That's a project we worked on about a year ago and didn't make the cut, but there's another two and a half million available so we should go for it before the deadline on March 10th.

Councilor Klett regarding the wording of the resolution, inquired whether is it required to have a partnership letter of agreement that would come back to the Town Council, to approve to negotiate and to prepare a draft public-private partnership letter of agreement subject to review. It appears that we are giving the go ahead, but then have to approve that letter down the road. Mr. Salomone stated that he was being rather conservative because there isn't a final letter of agreement. We don't have to do it that way.

Councilor Klett asked if it's a requirement to come back to the Council for approval. Mr. Meehan replied that 'yes', the full Council needs to see the final draft which is trying to signal the Department of Transportation, and the private sector partner that at the policy level we've moved beyond staff and at this point the Town Council is authorizing the Town Manager to move this forward.

Councilor Klett stated that we're committing to share the cost of the road, or is it that we are making a commitment here for you to move forward with the letter of agreement. Mr. Meehan stated that if the Council says no, we would stop all discussion with the neighbors. Mayor Wright stated that his impression was that we would be completed at this point, after all the work done, would not come back for another vote in the future. Councilor Klett asked if it is a requirement. Mr. Meehan stated that the letter of agreement can be a requirement only if we make it a requirement.

Councilor Cohen asked Mr. Salomone what specifically we'll be paying and what DOT will be asking for, and she thought it would come back to the Council because she doesn't know the specifics of this document will be. Mayor Wright stated that the only component that the Town of Newington is the construction of the road and signal, and then be reimbursed of \$150,000 to \$200,000 from the State. Mr. Meehan stated that there are only two components which would cost the town money are the Police force and the construction of portion of the road.

Councilor Klett suggested that we go ahead and amend the last paragraph wording. She moved the following amendment:

WHEREAS, the Town of Newington acquired 690 Cedar Street, known as National Welding, by tax foreclosure in September 2008; and

WHEREAS, the Town of Newington has received Federal Environmental Protection Agency grants to evaluate National Welding's environmental conditions; and

WHEREAS, the marketing, remediation and reuse of the National Welding property could be enhanced by the Town and adjacent property owners agreeing to cooperate in the development of a public road with traffic signal control on Fenn Road, shared utility corridor and shared storm water management; and

NOW THEREFORE BE IT RESOLVED, the Town Manager is hereby authorized to negotiate with the adjacent property owners State of Connecticut, Department of Transportation and Fenn Road Associates, Hayes Kaufman Newington Associates, LLC, Hayes-Kaufman Fenn Road, LLC (collectively "Hayes") to prepare and sign a ~~draft~~ public-private partnership Letter of Agreement. ~~subject to the review and approval of said documents by the Newington Town Council.~~

Councilor Casasanta seconded - Vote 9 -0. Motion to amend passed.

Mayor Wright requested a roll call vote for the resolution:

Councilor Banach – yes

Councilor Casasanta – yes

Councilor Cohen – yes

Councilor Klett – yes

Councilor Lenares – yes

Councilor McBride – yes

Councilor Nagel – yes

Councilor Nasinnyk – yes

Mayor Wright – yes

Motion passed 9-0

V CONSIDERATION OF NEW BUSINESS

A. Refunding of the 1999-2000 Bond Issue

Mayor Wright asked for a motion to wave the rules on the Public Hearing date for the bond issue refunding.

Councilor Lenares moved to wave the rules, seconded by Councilor Casasanta. Motion passed 9-0

Mayor Wright invited Ann Harter, Finance Director and Matt Spoerndle, the Town's Financial Advisor to the table.

Mayor Wright asked Ann Harter responding to these bonds should show a positive impact at a lower rate for Newington. The Financial Advisor answered that that's exactly it and the word 'refunding' is sometimes a term that is sometimes misinterpreted and in our world its called 'refunding bonds' issuing bonds at a lower rate and increasing the cash flow. Ann Harter stated that the original issue was the \$24,000,000 project for the improvements done in 1999 and 2000, half of that money was from the state, \$12,000,000 from the state and \$12,000,000 was we financed. That was the original two issues. Interest rates are low now and we want to move this forward for the exact dollar amounts when we start making adjustments to the Town Manager's budget.

Councilor Nagel asked whether we foresee this as being the most opportune time in getting the most value or any change in the market that this would be the best time, and how long it would be before those bonds. Mr. Spindle stated as we've seen, the rates are the lowest in the mortgage rates and also bonds going out at the lowest we've ever seen.

NOTE: DUE TO TECHNICAL DIFFICULTIES THE TAPE RECORDING STOPS HERE AND RESUMES WHERE NOTED BELOW. THE FOLLOWING PORTION OF THE MINUTES WERE COMPOSED WITHOUT A RECORDING OF THE MEETING.

Deputy Mayor Lenares introduced and moved the following:

INTRODUCTION: REFUNDING BOND RESOLUTION AND SETTING PUBLIC HEARING DATE
Resolution authorizing the issue of up to \$5,000,000 bonds to refund certain prior bonds of the town and to finance such additional amounts as are needed to pay all fees, costs, expenses and premium in connection with the refunding of the prior bonds and the authorization, issuance and sale of the refunding bonds and appropriating the proceeds of such bonds for the foregoing purpose

RESOLVED, that the Town Council of the Town of Newington hold a public hearing at the Town Hall, Helen Nelson Room, 131 Cedar Street in Newington, Connecticut, on Tuesday, February 9, 2010 at 6:55 p.m. to hear comments on the foregoing resolution.

BE IT FURTHER RESOLVED, that the Town Clerk post and publish notice of the time, place and purpose of said public hearing in accordance with the provisions of Section 406 of the Town Charter.

Motion seconded by Councilor Banach. Motion passed 9-0.

B. 8-24 Referral: Churchill Cell Tower

The Council discussed a preliminary proposal for a cell phone tower to be built by SBA Towers, LLC on the Churchill Park property. Town Manager Salomone and Town Planner Ed Meehan answered the Council's questions regarding tower placement, construction and maintenance. As per Section 8-24 of the Connecticut State Statutes the Town Plan and Zoning Commission must review the proposal. A resolution will appear on the Council's next meeting agenda to authorize the proposal to go to the TPZ.

C. TPZ Amended Fee Schedule (note: agenda item discussed out of agenda order by Council consensus)

Mr. Meehan and the Council discussed Public Act 09-03, Section 369 which increased fees municipalities collect for land use applications on behalf of the State. Effective October 1, 2009 fees collected by the municipality increase from \$30.00 to \$60.00 per application. The Council is responsible for collecting application fees.

D. Downtown Project Update/Funding

The Council received an update of the municipal parking lot (Constitution Square) and Market Square projects from Mr. Meehan and Town Manager Salomone. Three options were discussed for continuation and funding of the projects:

- Completion of east parking lot, use contingency balance and CIP to fund east improvements at Quality Associate's unit bid cost and utilize value engineering where possible.
- Completion of east parking lot, use balance of contingency, combination of CIP funds and a portion of Market Square STEAP grant, and value engineering.
- Construct east-west transition with contingency balance and value engineering where possible. Leave east side, islands, lighting, etc. as-is.

TAPE RECORDING RESUMES BRIEFLY AT THIS POINT

Mr. Meehan stated that we have a contingency balance of over \$70,000. He estimates if needed to complete the transition from the West side to the East side approximate \$50,000 of that \$70,000 would be needed to blend both sides. The East side was bid back in September, Quality Associates bid \$495,250.50. We confirmed with them that they would hold those prices. They stated that they would hold the prices longer if the town would work with them, not knowing what might happen with petroleum costs. Mr. Meehan stated that concerning the Market Square Streetscape, we were awarded \$350,000. Grant acceptance was approved by the Town Council and we're waiting for the signed contract and authorization to proceed from DECD. Mr. Meehan stated that he believes that this will take longer than the Municipal Parking lot because of more property owner involved and traffic issues and other factors, and could take up to six months.

Mayor Wright suggested before getting into the options, stated that we all want to move forward with Market Square, but with the \$350,000 STEAP grant we can use funds from there to hire an architectural engineering service. Mr. Meehan stated that we'd be using about \$60,000 to design streetscape plan, could be up to

\$80,000 or \$90,000. Mayor Wright stated that the contractor will probably be here around June. Mr. Meehan stated that they would probably be here late April or early May.

Mr. Meehan offered options for discussion concerning completing east parking lot, and east-west transition with contingency balance. Mayor Wright asked if \$50,000 would be the cost of the transition work and would those costs be valuable in the future. Mr. Meehan stated that it's a one time cost to make the two side work together, with same lighting, landscaping etc.

Councilor Lenares questioned the dumpsters/enclosures, or will they stay as they are or be dressed. Regarding the transition is it part of the \$50,000. Also the stamped asphalt, how many areas. Mr. Meehan stated that they are on the north and south of the center green, behind Century 21 and top of the driveway coming in from Market Square on the south side. Councilor Lenares questioned the pricing on paving which might be cheaper than asphalt, or regular black top. He asked who makes decisions. Mr. Meehan stated that there would be someone from BL on site and also a tech from Quality Associated. Councilor Casasanta suggested we might segue how Market Square looks, maybe making it look similar.

TAPE RECORDING STOPS AT THIS POINT AND RESUMES WHERE INDICATED BELOW. THE FOLLOWING PORTION OF THE MINUTES WERE COMPOSED WITHOUT A RECORDING OF THE MEETING.

The discussion of the various options and funding continued.

D. Ordinance and Fee Changes: West Meadow Cemetery

With the West Meadow Cemetery expansion project substantially complete, the Council and Town Manager Salomone discussed the need to address changes brought about by the expansion, including amendments to Chapter 194 of the Town Code of Ordinances. The rules changes will involve fees and rules for the columbaria. The Council briefly discussed the status of the project as well as the timeline for the ordinance change.

E. Set Dates for Budget Public Hearings

The Council reviewed the proposed schedule of Public Hearings for the upcoming budget session. The Public Hearings have been tentatively scheduled for Monday, March 15 and Monday, April 5. Mayor Wright requested that the meeting tentatively scheduled for Monday, April 5, 2010 be moved to Tuesday, April 6, 2010. A resolution to set the dates will appear on the next meeting agenda.

TAPE RECORDING RESUMES AT THIS POINT

VII TAX REFUNDS

Councilor Nasinnyk moved the following:

BE IT RESOLVED:

That property tax refunds in the amount of \$23,443.44 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 seconded by Councilor Cohen. Motion passed 9-0.

VIII MINUTES OF PREVIOUS MEETINGS

A. Regular Meeting, November 24, 2009

Councilor Cohen moved to accept the minutes as previously amended. Motion seconded by Councilor Nasinnyk. Motion passed 8-0 (Councilor Nagel abstained)

B. Regular Meeting, December 8, 2009

Councilor Nasinnyk moved to accept the minutes as previously amended. Motion seconded by Councilor Cohen. Motion passed 8-0 (Councilor Nagel abstained)

C. Regular Meeting, December 22, 2009

Councilor Nagel moved to accept the minutes as submitted. Motion seconded by Councilor Klett. Motion passed 9-0.

D. Regular Meeting, January 12, 2010

Councilor Nagel moved to accept the minutes as submitted. Motion seconded by Councilor Cohen. Motion passed 9-0.

E. Special Meeting - January 14, 2010

Councilor Casasanta moved to accept the minutes as submitted. Motion seconded by Councilor Cohen. Motion passed 9-0.

Councilor Nagel noted that he abstained from the votes of the November 24 and December 8 minutes because the meetings occurred prior to his appointment to the Council. Councilor Nasinnyk thanked Jamie for doing the lion share of the amendments to the November 24 and December 8 meeting.

IX TOWN MANAGERS REPORT

Mr. Salomone stated that generally we are on schedule for the fiscal year.

X COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Banach stated that the town renovations are complete and other opportunities will be afforded for other departments.

Park & Recreation have been planning the Extravaganza, not fully finalized, possibly with two bands during the concert evening.

XI PUBLIC PARTICIPATION – IN GENERAL

Ms. Sandy Lallier, 27 Elton Drive, stated that she was watching regarding the Market Square money. She hopes that there would be more discussion on this. She said she wasn't convinced as a resident of Newington that going forward and putting all that money into the parking lot project to complete that all at once. She stated that it seems that that's how it's going to be. She said for the Mayor to say that the State of Connecticut is in dire straits now, and if you the Mayor were in charge that you would be pulling grants left and right, and just before that saying 'let's spend it' while we can, disturbs her. To be fiscally responsible in this town we need to slow down, she wouldn't be comfortable knowing we completed that parking lot. It was her understanding that once we got that grant it was ours to use, as long as we continued with the projects, we could use it. She thinks it needs more discussion. It's tax payers money and she is comfortable that continuing with Market Square project would be the way to go.

Ms. Rose Lyons, 46 Elton Drive, stated that in December 2009 we were sold a bill of goods that if we didn't transfer the moneys remaining in the grants on three accounts to the Municipal Parking Lot that we would lose the money. We were told that given the state of the economy it was doubtful that the grant the town applied for would be awarded. She stated that truth be told, moneys would have been lost if they were not used by December 2010. It came as a shock to her that the ground breaking for the parking lot with Governor Rell announced that the amount of \$350,000 had been awarded. When the previous Council approved the acceptance of the grant it was concerned that these moneys would not be used for Market Square and instead transferred to the parking lot. She stated that she is afraid that there may be some on the Council with tunnel vision seeing the downtown district as only a municipal parking lot and would vote to transfer the \$350,000 to that project. She hopes that this does not happen and asks that more thought is given.

Ms. Maddie Kenney, 53 Crestview Drive, was upset and angry and ashamed when hearing some Councilors saying that we need to finish the east side so we don't have to spend \$50,000 for transition money, when we spent a ton of money on a referendum last year that did not need to be spent. She stated that she is very angry, and hopes that the Town Crier will print her submission.

XII REMARKS BY COUNCILORS

Councilor Nasinnyk stated that at the last meeting the website would contain an attachment of the Agenda and wondered if anything was done about that.

Jaime Trevethan explained that each file needed to be converted and would be very time consuming with several steps, each being an 8 to 10 minutes process. This could turn into several hours of time. Mr. Salomone stated that at some point it might be possible for parts of the agenda to be on the website.

MAYOR WRIGHT REPLIES TO THE PUBLIC COMMENTS

Number 1 the STEAP grant was awarded before the ground breaking when the Governor stood there. When we reallocated some other funds of \$ 145,000 to STEAP III grant to the Constitution Square, we did that request around June so they weren't connected at all. He stated that he won't apologize for the simple fact I have enthusiasm and desire to have our complete downtown revitalization done, not one project over another. This Town can be proud of our downtown. If we had allocated that \$145,000 to the constitution project, we'd be sitting here with an unfinished, unstarted Market Square project. We'd be here with a bunch of grant money with no progress, and he's proud the way the previous council and this Council is moving forward with the revitalization project. He also stated that the council has to act differently with responsibility to the people once we have that grant to make sure the funds will work for the people of Newington. At the State level he thinks the decisions are not necessarily the same decisions that are mutually exclusive in the decision making process. Different people in different places have to look at the grant allocation in different ways. He absolutely believes that the action has been rock solid, in financial and fiscal decisions, and the best for Newington's future. He stated that being a financial planner he can understand what a good fiscal decision is. He respectfully disagrees with the three speakers that spoke a while ago and he believes that everyone on the Town Council is very much committed to downtown revitalization, we heard that important key element in the whole discussion during the year, and will work in a bipartisan basis to move forward. He thanks everyone for their time tonight, hard work and the fact that we move forward with the Fenn Road project and see good development.

XII ADJOURNMENT

Councilor Nagel moved to adjourn the meeting at 9:31 pm. Motion seconded by Councilor Klett. Motion passed 9-0.

Respectfully Submitted,

Mary Richard
Clerk of the Council