



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR JEFF WRIGHT**

November 9, 2010

Newington Town Council Minutes

Mayor Wright called the regular meeting to order at 7:00 p.m. in the Helen Nelson Room of the Newington Town Hall.

**I PLEDGE OF ALLEGIANCE**

**II ROLL CALL**

**Councilors Present:**

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

**Staff Present**

John Salomone, Town Manager  
Ed Meehan, Town Planner  
Jaime Trevethan, Exec. Asst. to the Town Manager  
Mary Richard, Council Clerk

Mayor Wright called for a moment of silence for the passing of Shayne Wrobel, 14 years old Newington resident.

**III PUBLIC PARTICIPATION - NONE**

**IV. CONSIDERATION OF OLD BUSINESS**

A. Clem Lemire Artificial Turf Field Project - Preliminary Plans and Cost Estimates

**RESOLVED:**

**Pursuant to Chapter 8, Article X, Section 8-45(E), Project Building Committees, of the Newington Code of Ordinances, the Newington Town Council hereby approves the preliminary plans and cost estimates for the Clem Lemire Artificial Turf Field Project as reviewed by the Town Council and approved by the Clem Lemire Artificial Turf Field Project Building Committee.**

MOTION BY: Councilor Casasanta

SECONDED BY: Councilor Klett

VOTE: 9 – 0

Councilor Klett said that in the packet is a cost estimate that is being put forward with alternates which can or cannot be accepted depending on whether or not the Council is happy with the total cost estimates there is no obligation on our part to accept. Mayor Wright said that basically with this resolution we're essentially approving a concept and this doesn't tie into the upcoming budget process. Mr. Salomone said that at this point what the

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Council is approving is the concept of the scope of the project, the costs and estimate can come in higher or lower.

Councilor Lenares said that what the committee is saying is go out to bid thru lines 1 – 7 and 8, 9, 10 and 11 and Committee Member Don Woods suggested that we put the whole package out to bid so we'll know what the whole package will cost and we paid Malone & McBroom for prices on the whole package. Just because we going out for bid on the whole package doesn't mean we're accepting the whole package. These prices are based on one product there are many different products and many different prices, this is from the engineer and once we get these prices from him and his drawings then we can vote on them. He went on to be sure the Council knows that this vote tonight does not mean that we spending this money. Mr. Salomone said that the cost estimates are what they are and he doesn't want the people concerned that they are approving 1.6 or 1.3, this is not what this step is. He said that this step is only to approve the concept.

Councilor Klett said that some people are uncomfortable with the fact that we know that we have approximately \$670 plus thousand available and there was a lot of discussion as to the available dollars and there would be additional money put forward and we may not need those. This step does not commit the Town if the Council doesn't choose to do so. Councilor Lenares said that by moving this step forward tonight in sending out the bid, what the committee is doing is hopefully talk with Milone and MacBroom and try to get the project started sometime in late March. He said that there is a CIP meeting tomorrow night, scheduling for next year, with an additional \$640,000 in there and we don't know if we'll need some of that or most of that, and we don't where we are until we get a true figure. Councilor Cohen asked if this authorizes the project building committee to go forward with project plans and Mr. Salomone answered "yes". Councilor Cohen said that this doesn't say that, and the Council wants to know what they're voting on. She asked what happens if the bid comes back at more than \$673,000, and trying to start in March and our CIP plan which hopes to put in another \$643,000 won't be voted on until April and maybe that \$643,000 won't be voted on. She asked why should we wait to know how much money will be in the CIP plan? Mayor Wright said that this is only a move to go out to bid with no commitment of any dollars, and with the acceptance of any bid it will come back to this body which will be deliberating in the spring.

Mr. Salomone said we cannot avoid any bid and after the bid is received and analyzed then we know what the final number will be and we cannot award before we have the funds in place. Nothing gets done without funding in place. Councilor Cohen asked to what extent are we committing ourselves. Mr. Salomone said that we're not committing ourselves until the funds are in place, between now and the final budget process and this all depends on what happens in the budget process. Councilor Cohen said that she is uncomfortable with the wording in the resolution. She said that if the bids come back and may not be 1.3 million, Mr. Salomone said that it's 1.2 and who knows what the rest of the budget will look like, the \$643 thousand was promised and going forward now to what extent are we committing ourselves. Mr. Salomone said that we're not committing ourselves to anything at this point. Councilor Cohen said that she would be more comfortable if the wording was changed. Mayor Wright said that there are an unlimited number of possibilities which cannot go into every resolution and there is no awarding a bid unless funds are allocated and budgeted into the budget and this body votes to award that bid and move forward with the project. By nature of the procedure, he said that we don't need to put all this stuff in there. Mr. Salomone said that we are agreeing with the concept but not committing to any figures at this point.

Councilor Lenares said this is only moving forward with this project. He said that the Council will be back here with another committee, Chairman McBride will be back with Market Square and we'll be going out to bid and coming to the Council for approval of plans and we don't know what these numbers will be either. When this comes up we'll be doing the same thing, approving the plans not knowing what the true number will be. We don't know. Councilor Klett said that there are a number of steps to be taken and she would argue that there was a lot of discussion to protect the \$500,000 grant we had that was the reason for awarding the additional \$250 and it was clear that their that in was in the CIP for the following year and barring some catastrophe, if the Council doesn't move forward there would some explaining to make to the public. Either we go out and see what's the best we can do and use that grant or we don't do the project and don't use the money.

Councilor Casasanta said following up on Councilor Klett's remarks, there is an opportunity to go out to bid and we should follow through with projects that the public supports. Councilor Banach said that that there is no problem with going out to bid and asked if we could drop part of the resolution, 'and cost estimates' and he wanted the public to know that voting for this resolution is for the sending out for bid and that's all. If he votes for this concept it's only for the concept and that's all he would be voting for.

Mayor Wright asked Councilor Banach to read the amended Resolution reading.....approves the plans for the purpose of sending out to bid the Clem Lemire Artificial Turf Field .....

Seconded by Councilor Klett Vote 9 – 0. Councilor Klett asked if there was a certain amount of time that the bids are good. Mr. Salomone said usually it anywhere from 45 to 90 days. He referred to the Code of Ordinances and it's very specific and reads, Pursuant to Chapter 8, Article X, section 8-45(E) and specifically says 'and cost estimates' is included. Councilor Nagel said that this isn't the first time we've gone through this process he pointed out that we're not doing something unique in terms of process, and he agrees with both changes but are more a matter of semantics and he is in favor of the original form. Mr. Salomone said that he is a little uncomfortable taking out the 'cost estimates', and he said that ordinance section 8-45(F) which is not being addressed tonight addresses these concerns and he believes that the Resolution should stay as originally read. (F) is the next step.

Mayor Wright asked for a motion to remove the amendment to the resolution- Councilor Banach moved to remove the amendment, Councilor Klett seconded - Vote 9 – 0. Mayor Wright said that we should go back to the original resolution. Councilor Casasanta read the original resolution – Councilor Klett seconded and moved to call the question.

Mayor Wright called for a roll call vote for "calling the question"

Councilor Banach yes  
Councilor Casasanta yes  
Councilor Cohen no  
Councilor Klett yes  
Councilor Lenares yes  
Councilor McBride yes  
Councilor Nagel yes  
Councilor Nasinnyk yes  
Mayor Wright yes  
Vote passes – 8 yes – 1 no

Mayor Wright asked for a vote for the resolution – Vote passes 9 - 0

B. 8-24 Report: Market Square Sidewalk Easements

Mr. Meehan recognized the two property owners at 100 Market Square and 122-136 Market Square who have agreed to close gaps in the sidewalk system.

**RESOLVED:**

**That the Town Manager is hereby directed and authorized to submit to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes, the proposed sidewalk easements located at 100 Market Square and 122-136 Market Square to be granted to the Town of Newington for municipal parking lot improvements.**

MOTION BY: Councilor Casasanta  
SECONDED BY: Councilor McBride  
VOTE: 9 - 0

**V. CONSIDERATION OF NEW BUSINESS**

A. TPZ Recommended Amendment to Town Ordinance – Public Street Vending

Mayor Wright welcomed Chairman Pruett of the Town Planning and Zoning Commission, Vice Chairman Pane, Commissioner Anest, Mr. Ed Meehan and Dave Lenares, Commissioner. Chairman Pruett read into the record a letter he had sent to Town Manager, John Salomone regarding Public Street Vending- Chapter 311 Peddling and Soliciting. A copy of this letter is attached to the minutes.

Mr. Pruett said that back in July of 2009 while reviewing the 2010 Plan of Conservation and Development, he said that some of the language should be reviewed and due to the fact that the Newington Fair shops opened and in the original ordinance stated that this area would be evaluated on installation of the traffic signal and the opening of the shops. Thus, he said, this recommendation being presented tonight for the Council's consideration. Mr. Meehan said that when the Administrative staff in early 1990's met with the then Police Chief and the then Town Manager to discuss problems with street vending, particularly food vendors. The result

concluded was to select possible street vending locations into the city of our industrial parks. He said the feeling was that these areas of Town were remote from established restaurants and would be unfair to compete with them, that we knew back 1992 - 1993 that the shops at would be a large commercial project and that the traffic count would certainly increase, which is why that site on Maselli Road would be continually monitored. Vice Chairman Pane added that Constance Leigh Drive should also be noted because the Town of Newington is putting millions of dollars of investment into our Town center and one day that Hartford Hospital piece of property will be developed. He said that some vendors feel that they have a right to a location forever, when in reality this permit is good for one year only and that's for the purpose of safety issues. He said that the Council should have received a copy of a memo from the Chief of Police to Mr. Meehan and with the utmost respect for the Police Department and the Chief of Police. He read the memo into the record.

Mayor Wright asked if ultimately if all street vendors should be eliminated. Mr. Pane said that he believes that all street vendors should be eliminated. He said that the traffic has increased in Newington to a point to where it's not a practical thing to have on the roadways. Mayor Wright asked if this body coming to the Council is due to a safety concern. Mr. Pane answered that yes it is of a safety concern. Mr. Pane read from the memo from the Chief of Police, and said he wasn't sure where the Chief was getting his information but the Chief stated that we have no traffic accidents, which is true, but with no complaints from any citizens. Mr. Pane said that he takes offense to that and after making reports to Officer Guthrie it lead to Sgt. Morgan coming there and they moved this vendor south, away from the intersection, but was still a safety issue. Mr. Pane handed out some photos of the vendor locations which showed a highly traveled truck area and he had tenants in his commercial building who had concerns because they have a lot of truck deliveries. He said that the photos don't show the heavy traffic which is probably why the Police Department hasn't seen it because they drive by but not monitoring it 24/7. Another photo shows that another safety issue is the fact that a car has to cross the yellow line to avoid the vendor and with vehicles coming from the opposite direction it creates a safety concern, also with people standing in the road at the vendor stand. Commissioner Anest said that in one photo the service window is on the street side which is extremely dangerous. She said that Commission believes that the service window should be on the property side rather than the street side if the vendors are to remain. She said that it's not because we are not small business friendly, because we are and she would eventually like to see the vendors open up restaurants in the center of Town. Mr. Salomone said that the regulations set forth in 1992 include the safety issues and when reviewed each year for renewal that the safety issue is taken into account. Mr. Salomone said that the regulations set forth in 1992 included an important portion in the Chief of Police determines the safety issues which was taken into account and the Police Department should be the one to make this determination.

Councilor Casasanta said since 1992 the Police Department has allowed the vendors to be where they are with permits and asked if the vendors come every year for their permits. Chairman Pruett said yes, they do request permits every year. She said that she has a problem with this with the exception of putting the window on the other side, the Federal Express truck looks more of a safety issue than the vendor.

Councilor Nasinnyk asked what initiated this discussion, this has been going on for over a year and are these the only two, Maselli Road and Constance Leigh Drive, in Newington and actually there's only one now because the Maselli Road vendor is no longer there. Mr. Pane answered that that is correct and there have been complaints and as far as the Chief of Police was concerned is that he, the Police Chief, didn't recognize that there have been legitimate complaints about the safety there. For some reason he, the Chief, has ignored the fact that Mr. Pane has made complaints due to some tenant problems that involved himself, Mr. Pane, as a landlord. Councilor Lenares asked if this is a conclusion of the Police Department or of Mr. Pane and the Police Department says it's not a risk and asked if Mr. Pane is acting as an enforcement for traffic study. Mr. Pane said that he is not the enforcing agent and what he is saying is that he has seen safety issue there and he has made legitimate claims and those complaints lead to an investigation which lead to moving this vendor to down the street and across the street. This was discussed back in 1994. Mayor Wright suggested that we be careful in criticizing the Chief of Police, and the Chief would not ignore a complaint. Mr. Pane said that the complaints made should be on record. Councilor Klett said that we did a study in August and she isn't sure if August is a good example of typical indicator of traffic problems. She said that having been there recently, she said that you have to hold on to your hat because that's how fast the cars are going. She said that one example of a safety issue is the corner of Cedar and Fenn which wasn't going to be a safety problem to put a gas station and it has, without a doubt, been a safety problem. She supports the TPZ on this and it makes sense.

Mayor Wright asked Mr. Salomone if we could follow up on Councilor Klett's comments and ask the Police Department to do another traffic survey. Councilor McBride said that having been at the vendor area recently and that everyone in the street had to move out of the way and he feels that just with the term alone "street

vendor” there is a risk. He said that after speaking with officers who admitted that there was a safety issue originally and by moving the trucks down the road might alleviate the issue. He said that just the nature of “street vendors” that they are or can become a safety issue. Councilor Cohen said that looking at the wording about prohibiting all merchandise and food vending except with Town sponsored events and does this definitely include allowing the Kiwanis, the Farmers Food Market and the Water Fall event. Mr. Salomone answered yes. Councilor Casasanta said that now there are two vendors in Newington. Councilor Nagel said that if this comes back to us in some way how the traffic was monitored, whether it was just a drive by or being monitored on a regular basis. Mr. Salomone believes that the Police Department does go down there and he and he doesn't want to second guess the Police Department for doing their survey of the road. He said that he relies on the Police Department to do the survey on each road and when Commissioner Pane quotes other officers for an investigation, that is not the proper chain of command, it would come from the Chief who would delegate the responsibility. He said that at his request there have been two surveys, one after Maselli was open because of Sam's Club and heavy traffic and wanted to avoid this tonight, and wanted the Police Chief to come to the next meeting. However now that the vendor is gone, there's no point in just examining the road. Chairman Pruet said that under no circumstances is he second guessing the Newington Police Department, that is not his issue, not the Town Planning & Zoning's issue, he has the greatest respect for them and wants to make sure that's it's not taken in improper context.

Councilor Klett said that when she referred to August not being a great example she wasn't talking about the number of people that would congregate around a truck, she was talking about the number of cars that will be traveling down the street and that's peak vacation time and you won't get the same amount of traffic that you might see for instance after kids go back to school. Mayor Wright asked Mr. Meehan about the Farmers Market and assumed that those vendors are selling produce or something that is grown. Mr. Meehan said that it's sponsored by the Connecticut Department of Agriculture. Mayor Wright said that he noticed some vendors were selling trinkets. Mr. Meehan said that he wasn't aware of the trinkets. Mayor Wright also asked about the vendors being outside the fence. Mr. Meehan said that the vendors are supposed to be inside the fence. Councilor Cohen said that the fence is put up by the Kiwanis Club to designate which areas can be fenced in for the vendors. Mr. Meehan said that next season it would be a good idea to sit down with the Kiwanis and establish boundaries. Councilor Banach asked if having the vendors service windows on the street side does this place the Town at any risk of liability. Mr. Salomone said that this is always a possibility. Mayor Wright suggested that the insurance agent would be the one to deal with it.

Mr. Pane again stated that he has the greatest respect for the Police Department and isn't sure why the complaints were not acknowledged. He also wants the Council the not to lose sight of the real issue which is that the Town Planning and Zoning feels that vendors are not in the best interest of the Town of Newington for the future.

**VI. RESIGNATIONS/APPOINTMENTS**

**A. Appointments to Other Boards and Commissions**

**RESOLVED:**

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

**5. Commission on Aging and Disabled**

9 members, 3 year term  
 Party Max.: 6  
 Remaining Members: 6 Dem., 1 Rep., 1 Unaff.

Name	Address	Party	Term	Replaces
<b>Karen Brecher</b>	<b>120 Stagecoach Lane</b>	<b>R</b>	<b>IMMED.-11/30/10</b>	<b>Vacant (B. Boni res. 1-15-10)</b>

MOTION BY: Councilor Lenares  
 SECONDED BY: Councilor Banach  
 VOTE: 9- 0

Councilor Cohen said that this is a very welcome appointment, the commission has had a problem in making a quorum and Ms. Brecher is an excellent choice.

## **VII MINUTES OF PREVIOUS MEETINGS**

- A. Public Hearing, October 26, 2010 – Councilor Nasinnyk moved to accept the minutes  
Councilor Banach seconded - Vote 8 - 0 Councilor Klett abstained
- B. Regular Meeting, October 26, 2010 – Councilor Cohen noted on Page 3 – under Consideration of Old Business – Mr. Salomone’s statement should read “.....can **use** the bond to make those corrections. Councilor Lenares moved to accept the minutes with the one correction. Councilor Banach seconded - Vote 8 – 0 Councilor Klett abstained.

## **VIII WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC - NONE**

## **IX COUNCIL LIAISON/COMMITTEE REPORTS**

Councilor Nagel - attended the NCTV and the connection with AT&T is supposed to happen in the middle of November. Also an update on Newington’s Got Talent, the new date is April 15, 2011 at the High School, with auditions at the Town Hall in the Council chambers on February 19, 2011. He also attended the meeting of the Library Board, and the Friends of the Library’s fall book sale is November 20<sup>th</sup> and November 21<sup>st</sup> at the Senior Disabled Center, 9 to 5 Saturday, and 12 to 4 PM on Sunday.

Councilor McBride said that the work shop was very well attended by the property owners, with lots of good ideas, and the next meeting will be next Monday November 15<sup>th</sup> at 5:30 PM.

## **X PUBLIC PARTICIPATION – IN GENERAL**

Ms. Rose Lyons, 46 Elton Drive – commented on Councilor McBride’s mention of the meeting last night was very informative and was interesting to hear that business owners and property owners express their feelings about spending more money than we have to spend on Market Square. She said it was very refreshing to hear that they would be happy with minimum that needs to be done. She urged everyone to keep listening and attend the budget meeting. She feels that if the public comes out and express their feeling and input maybe some changes can be made.

## **XI REMARKS BY COUNCILORS**

Councilor Klett reminded the Mayor to mention that Veteran’s Day is November 11<sup>th</sup>, at 11 AM, at the lobby of the Town Hall with gathering at 10:30 AM with the ceremony at 11 AM.

Councilor Cohen said that also on the 11<sup>th</sup> of November at 7 PM at St. Mary’s for the blessing of the badges for the Fire Department.

Councilor Nasinnyk thanked the Registrars of Voters for doing a very good job. Mayor Wright also thanked the organizers for the great job done. He also wished the Marine Corps a very Happy Birthday. .

## **XII ADJOURNMENT**

Councilor Banach moved to adjourn at 8:30PM – Councilor Klett seconded – Vote 9 – 0

Respectfully Submitted,

Mary Richard  
Council Clerk