



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR JEFF WRIGHT**

**NEWINGTON TOWN COUNCIL**  
**August 11<sup>th</sup> 2009**

## I. PLEDGE OF ALLEGIANCE

## II. ROLL CALL

<b>Councilors Present</b>	
Councilor Banach	
Councilor Boni	
Councilor Bottalico	
Councilor Bowen	
Councilor Cohen	
Councilor Lenares	
Councilor Nagel	
Councilor Nasinnyk	
Mayor Wright	

<b>Staff Present</b>	
Town Manager - John Salomone	
Executive Assistant - Jaime Trevethan	
Council Clerk - Scott Coleman	
Director of Finance - Ann Harter	
Town Assessor - Steve Juda	

## III. PUBLIC PARTICIPATION – IN GENERAL

None

## IV. CONSIDERATION OF OLD BUSINESS

### A. Revaluation Options (#2009-81)

Deputy Mayor Lenares moved the following resolution:

**WHEREAS, in accordance with Section 12-62 of the Connecticut General Statutes, the Town of Newington is mandated to revalue all real estate within its jurisdiction effective with the October 1, 2010 Grand List; and**

**WHEREAS, during the 2009 Legislative Session, Public Act 09-60 was signed by Governor Rell on May 15, 2009. The public act enables the Town Council – as Newington’s legislative body – to vote to delay revaluation to be effective no later than the October 1, 2011 Grand List; and**

**WHEREAS, the Newington Town Council wishes to take action delaying the revaluation process as mandated by Connecticut General Statutes §12-62;**

**NOW, THEREFORE, BE IT RESOLVED, that in accordance with Public Act 09-60, the Newington Town Council hereby postpones the revaluation of all real estate for a period of one (1) year and that as a result of such action shall conduct a revaluation of all real estate effective with the October 1, 2011 Grand List**

**Councilor Cohen** seconded the above motion

**Vote:** Motion passed unanimously 9 – 0

**A.1. Revaluation Options – Extension of Date for Submitting Rental Income & Expenses by Rental Property Owners Waiving Penalty (#2009-82)**

**Councilor Nagel** moved the following resolution:

**WHEREAS, in accordance with Section 12-63c of the Connecticut General Statutes, the Owner of property used primarily for the purpose of producing rental income shall annually submit to the Assessor not later than the first day of June the best information disclosing the actual rental and rental-related income and operating expenses applicable to such property; and**

**WHEREAS, submission of such information may be required whether or not the town is conducting a revaluation of all real property pursuant to section 12-62; and**

**WHEREAS, the Newington Assessor may grant an extension of not more than thirty days to file such information, if the owner of such property files a request for an extension with the Assessor no later than May 1st;**

**WHEREAS, any owner of such real property required to submit information to the Assessor for any assessment year who fails to submit such information or submits it incomplete or false shall be subject to a penalty equal to ten percent increase in the assessed value of such property for such assessment year;**

**WHEREAS, the Council wishes to take action allowing the waiver of such penalty upon receipt of such information by the Assessor;**

**NOW, THEREFORE, BE IT RESOLVED, that in accordance with Public Act 09-196, the Newington Town Council hereby authorizes an extension of thirty days for submission of rental income and expense information and waives the penalty of ten percent increase in the assessed value if the correct information is provided to the Assessor during such ~~assessment year~~ [extension period noted above] .**

**Councilor Cohen** seconded the motion

Discussion:

**Councilor Bowen** asked the Town Assessor, Steve Juda, to explain how the waiver would work.

**Assessor Juda** explained that “the waiver would be against the imposition of a 10% penalty for a filing that comes in during that extension period.” “All others would still be subject to a 10% penalty.” **Councilor Bowen** requested further clarification on the timing. **Assessor Juda** explained that the law was somewhat ambiguous. “The strict interpretation”, he continued, as per OPM (Office of Policy and Management) “is that it is for the previous Grand List (in our case it’s the ’08 Grand List), and that someone would have until July 1<sup>st</sup> to file without receiving a penalty.” **Councilor Bowen** asked if this meant July 1<sup>st</sup> of ’09. Assessor Juda answered, “yes”.

**Mayor Wright** inquired whether there might be a better wording of the resolution. **Assessor Juda** suggested replacing “assessment year” in the last sentence of the resolution with “extension period”.

**Councilor Bowen** recommended revising the language to “extension period noted above”.

**Councilor Bowen** asked Assessor Juda for clarification on the penalty. **Assessor Juda** explained by way of the following example:

Assessed property value	\$2,000,000
10% assessment penalty for being late	\$ 200,000
New assessed value (includes penalty)	\$2,200,000
Penalty (late or failing to file) = \$200,000 x mill rate	\$ 5,900 (mill rate = 29.5)

Both Councilor Bowen and the Assessor agreed that this was an extremely “harsh” penalty. Councilor Bowen added, “... if that’s the law, that’s the law”.

**Motion** to amend the resolution language:

**Councilor Bowen** proposed an amendment to the original resolution changing the language of the last sentence from “... during such assessment year” to “...during such extension period noted above”.  
**Councilor Bottalico** seconded the amendment:

**Vote:** Amendment passed unanimously 9 – 0

**Vote** on amended motion to extend submission date and waive penalty: Motion passed unanimously 9 – 0

#### B. Justice Assistance Grant (#2009-83)

**Councilor Boni** moved the following motion:

**WHEREAS, the federal government has initiated a new program entitled American Recovery and Reinvestment Act of 2009 Justice Assistance Grant (JAG) Program; and**  
**WHEREAS, the Town of Newington must file this application by August 26, 2009 in order to be eligible for consideration of said grant; and**  
**WHEREAS, obtaining the following equipment for the Town of Newington Police Department: two license plate reader systems and TASER units with related supplies which will enhance the functions of the department,**  
**NOW, THEREFORE, BE IT RESOLVED, that the Newington Town Council hereby authorizes the Town Manager and the Chief of Police to file said application and appropriate documentation.**

**Councilor Banach** seconded the above motion.

**Councilor Bowen** expressed his concerns: “The license plate readers make a lot of sense, but they’re also very ‘Big Brotherish’ ... technically ... you can track everyone’s whereabouts in town.” He stated that “as long as, as the Chief (of Police) said, this information is discarded after a period of time, whether it’s a month or two months, then I have absolutely no problems at all.” He added that he hoped that the information wouldn’t be stored, and that he finds it, “to a degree” an “invasion of privacy”. He stated that he would support the motion.

**Councilor Nasinyk** stated that she understood the “Big Brotherish” concerns, but commented that this was similar to the current “running of plates” by police, as she understood that the information obtained only remained, similarly, in the system for a month or two. She explained that she was aware of “great successes” in other communities. **Mayor Wright** commented that he had heard from other mayors, including the mayor of New Britain who has fantastic things to say about the license plate readers. He reiterated what the Chief had said that the information is dumped after two months.

**Vote:** Motion passed unanimously 9 – 0

#### C. Town Hall Renovations Update

**Councilor Bottalico** reported that the committee met the previous day, that it had approved \$105,504 in change-orders, the project downstairs was on-schedule, and that there was about \$37,000 remaining in contingency. **Councilor Bowen** added that the committee had allocated \$90,000 for a bill which came in at only \$40,000 so that the contingency amount is a little more than the \$37,000, but that it was still “pretty tight”.

**Councilor Bottalico** pointed out that there were quite a few things encountered which were unexpected. **Councilor Bowen** gave “kudos” to Bob on the leakage (\$20K in savings) and the asbestos which was removed for “nada”. **Councilor Bottalico** stated that he believed that Channel 14 would be down in the space by October 1<sup>st</sup>.

**Town Manager Salomone** mentioned that as per the attached chart that the project was right on schedule and offered to schedule tours of the construction for councilors with an interest. **Councilor Nasinnyk** clarified for benefit of the public that the work being undertaken downstairs was to accommodate Channel 14, which is being relocated, as its current location is being demolished to accommodate the age-restricted housing. She further explained that this is *not* the *full* "Town Hall Renovation", but only a "piece" of the renovation which remained after the police department renovation. **Councilor Nagel** inquired of the Manager whether the work accomplished so far was the most potentially problematic. **Manager Salomone** responded that indeed most of the issues are uncovered during the demolition, and that he felt that "the most difficult part is behind ... certainly most of the noise".

**D. 8-24 Referral: Costello Industries Land Gift (#2009-84)**

**Councilor Bottalico** moved the following motion:

**RESOLVED:**

**That the Newington Town Council hereby refers to the Town Plan and Zoning Commission for an 8-24 Report a proposed transfer of two parcels of land totaling 1.75 acres from Costello industries to the Town of Newington.**

**Councilor Bowen** seconded the above motion.

**Vote:** Motion passed unanimously 9 – 0

**E. 8-24 Referral: John Scelza Land Gift (#2009-85)**

**Councilor Bottalico** moved the following motion:

**RESOLVED:**

**That the Newington Town Council hereby refers to the Town Plan and Zoning Commission for an 8-24 Report a proposed transfer of a 0.428 parcel of land from John Scelza of Ramblewood, Inc. to the Town of Newington.**

**Councilor Banach** seconded the above motion.

**Vote:** Motion passed unanimously 9 – 0

**F. Historic Preservation Grant Contract (#2009-86)**

**Councilor Nagel** moved the following motion:

**RESOLVED:**

**That John L. Salomone, Town Manager, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation grant.**

**Town Manager Salomone** referred to his memo which stated that the Town Clerk had been informed by the Connecticut State Library that a grant of \$10,000 had been approved to provide funding for "the paper restoration and conservation of historic documents".

**Councilor Bottalico** seconded the above motion.

**Vote:** Motion passed unanimously 9 – 0

**G. Consideration of canceling the August 25, 2009 Council Meeting (#2009-87)**

**Deputy Mayor Lenares** moved the following motion:

**RESOLVED:**

**That the Newington Town Council hereby alters its meeting schedule by canceling its regular meeting scheduled for August 25, 2009.**

**Councilor Boni** seconded the above motion

**Councilor Nasinnyk** inquired of the Town Manager whether the Council had pressing or pending business to consider before the next scheduled meeting in September. She reminded the Council that a May meeting had been canceled, and expressed her feeling that the Council should consider the potential loss of the opportunity for public-input when meetings are canceled. **Councilor Cohen** expressed her concern about the long gap between meetings and also about dealing public issues which might arise during that period. She reflected on the past when meetings were more plentiful, up to five per month. She said that “meetings were never canceled” ... and offered “I don’t know whether they had more business to discuss ...” **Councilor Bowen** echoed the input of Councilors Nasinnyk and Cohen, expressing his position that Council meetings are not just for what is on the Council’s agenda, but should also consider the public which may have pressing issues to bring before the body. He stated that he did not hold it against Councilors whose vacation time preempted a Council meeting. He continued “Missing a Council meeting ... I think it’s fine ... life goes on ... we are volunteers ...but I think we should be available two times a month for any questions the public would have for us.” He indicated that he would be voting against canceling the upcoming meeting. **Councilor Banach** indicated that he would be voting against canceling the meeting as the Council had already canceled another meeting. He also mentioned his concern over not being available for the public ... “this is why we were elected”. **Deputy Mayor Lenares** stated that he was in favor of canceling the meeting, as he was going to be on vacation, and as he was unaware of any pressing issues. **Mayor Wright** commented that he did not foresee any pressing issues ... that the issues awaiting votes could wait until September. He requested a roll-call vote:

<b>COUNCIL MEMBER</b>	<b>Yea</b>	<b>Nay</b>
Councilor Banach		X
Councilor Boni	X	
Councilor Bottalico	X	
Councilor Bowen		X
Councilor Cohen		X
Councilor Lenares	X	
Councilor Nagel	X	
Councilor Nasinnyk		X
Mayor Wright	X	
<b>TOTAL VOTES</b>	<b>5</b>	<b>4</b>
<b>The vote passed</b>		

**V. CONSIDERATION OF NEW BUSINESS**

**A. Regional Driving Simulator Agreement Renewal**

**Town Manager Salomone** identified the facility as that located at 160 Pascone Place. He stated that the DOT has requested that the Town renew the agreement. He mentioned that the agreement was of no cost to the Town. **Councilor Cohen** inquired whether the Council would receive a copy of the agreement when the issue was to be considered on the agenda. The Town Manager replied, “absolutely”. **Councilor Bowen** inquired whether the contract was a yearly contract. Manager Salomone replied that it was for a “little more than a year”. Councilor Bowen suggested that the item should be put in a tickler file “in order to avoid the potential of losing the opportunity”.

**B. Transfers within Capital and Non-Recurring Expenditures Fund**

**Direct of Finance, Ann Harter** explained that it would be necessary to “move some funding around within the capital projects funds” to cover the estimated \$60,000 cost required for the demolition of the property at 90 Wells Rd”. She further explained that within the capital projects budget, three projects have been completed, and that the remaining funds (appropriated years ago) in the following accounts could be used to fund raising the Wells property (NCTV).

- 1) Town Hall elevator modernization
- 2) Library roof repair
- 3) Stamm Rd – Liberty Street flood control study

**Deputy Mayor Lenares** inquired whether a line item existed (for Channel 14 demolition at 90 Wells Rd.) had existed within the CIP or elsewhere.

**Town Manager Salomone** responded that he believed that it had been discussed previously, but never funded.

**Deputy Mayor Lenares** inquired of Director Harter how long had the monies been sitting in the above-mentioned accounts, and whether other accounts existed which also held available balances. **Director Harter** responded that the projects are several years old, and that the Town has probably 60 ongoing projects totaling about \$53 mil., \$3.5 mil. of which remains. She added that “there are about ten projects totaling \$72,000 which are considered complete”, and that about \$60,000 would be used to fund the Wells project. She explained that if a project is overseen by a Project Building Committee, that the funds could not be utilized until that committee is “dismissed by the ordinance”, the funds had been audited; it was “then that they (the reserve funds) reverted back to the Town’s General Fund”. **Deputy Mayor Lenares** asked when the projects would be “wrapped up” and the remaining funds, sitting in the accounts, dating back as far as 2003, would be returned to the General Fund so that they could be used elsewhere.

**Director Harter** explained that it would be up to the individual Project Development Committees when the project is complete.

**Councilor Bottalico** asked Director Harter about the \$50-\$60,000 Police Dept. elevator sprinkler system and how it would be funded. **Mayor Wright** interjected that, at this point, this was still an unresolved issue, but that it was his understanding that there’s a contingency from the current project funds being used now which might be available. **Councilor Bottalico** disagreed, and inquired further of the Town Manager where the money would come from and whether it would have to be budgeted next year. **Town Manager Salomone** explained that the funding would not be charged against the current project, and that it would have to be determined at a later time “if there was agreement” whether or not the elevator sprinkler system was required now, or whether it would be phased in. **Councilor Bowen** agreed with Councilor Bottalico’s question, and questioned whether “it might make sense” to find a different fund from which to take the \$43,000, and to save the \$43,000 Town Hall elevator modernization ... actually, applying it to work done on the elevator”. He added that if this was the only place the money could come from then he would probably say to go ahead, but otherwise he wouldn’t mind putting a down payment of \$43,000 on what could be \$100,000 [cost].

**Councilor Bowen** mentioned that he remembered something about discussing a grant to cover the Wells Rd. demolition. The Manager responded that it had been determined that this was not eligible under the “small cities project”. Councilor Bowen suggested that the Town Manager and he “sit down offline” because it was his understanding, from a previous Council, presentation that certain other work was not applicable [to the grant], but that this was ... “that as the work moved farther from the street, grant money could be used ... we were told by Ed Meehan that we were going to try to get a grant to raise this [the Wells Rd. demolition]”. Manager Salomone explained that Wagner & Assoc., the consultant, had determined that this project “would not eligible under the competitive small cities grants”.

**Deputy Mayor Lenares** asked Director Harter whether there were other additional accounts which have money balances remaining, and why balances remained in project accounts dating back to 1987. **Director Harter** explained how the system worked, and that the accounts were ongoing. The Deputy Mayor disagreed citing the Parks & Rec. Improvement CIP account to which was added additional funds this year. This account he noted contains \$173,000 in reserve. The Director further explained that every year the town allocated funds to 18-20 “ongoing capital projects reserve funds”. **Deputy Mayor Lenares** expressed concern that every year managers request money for CIP and then the money goes unspent. “It’s almost seems like they’re hiding money in these certain accounts.” He cited examples such as “drainage improvement” in which remains \$340,000, and “municipal parking lot” in which \$15,000 remains since 1987. He opined “there’s a lot of money sitting here that can come back to the General Fund”. **Councilor Cohen** clarified that the money remaining in an account had not necessarily been sitting in that account since the date shown and that there were many “ins-and-outs” since the original date. “The date is not necessarily equal to the dollar amount.” **Deputy Mayor Lenares** then asked whether the \$17,000 remaining in the Park & Rec improvements account “could be left over from last year’s CIP”? Director Harter affirmed this. The Deputy Mayor commented that he would have to look further into the matter

**Councilor Cohen** inquired as to when the demolition of 90 Wells Rd. was anticipated. The Manager answered late September, early October.

**Mayor Wright** asked Finance Director about account #88022, "Newington Center Improvements", in which \$145,000 shows remaining, and whether this was the S.T.E.A.P. grant which was requested to be reallocated. Director Harter explained that she would have to double check on what this amount related to. The Mayor also asked to have her check on account #88712, "Municipal Parking Lot" in which \$15,003 remains. Director Harter explained that this related to a 1987 project, the thought being to leave the balance in that account in case further repairs ever need to be made in the parking lot. **Mayor Wright** further inquired concerning the interest generated from account balances and where it gets credited. Director Harter responded, "into the General Fund".

**Deputy Mayor Lenares** inquired whether there were any other open capital accounts which had money "sitting" in it., other than which were listed before the Council on the pages presented. The Finance Director replied "no", other than those which were just adopted July 1<sup>st</sup>.

**Councilor Botalico** inquired whether the Town was drawing interest on the entire \$3,300,000 reserves as listed. Director Harter responded that yes, that the interest was credited to the General Fund.

## VI. RESIGNATIONS/APPOINTMENTS

(none)

## VII. TAX REFUNDS

**Councilor Bowen** moved the following

**RESOLVED:**

**That property tax refunds in the amount of \$3,761.73 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.**

**Councilor Banach** seconded the above motion.

Vote: Motion passed unanimously 9 – 0

## VIII. MINUTES OF PREVIOUS MEETINGS

### A. Regular Meeting, July 28<sup>th</sup> 2009

**Councilor Nagel** requested the minutes be amended as follows:

V.A.

**Councilor Nagel** reminded the Council that this issue goes back to letter # 35, and that the Council has no control over what happened in the past. He expressed appreciation for what the TPZ does, thanked the Town attorney for clarifying the decision, and hoped that in the future, those involved would be able to resolve these issues about which people are passionate before it reaches ~~to~~ this point.

**Councilor Cohen** requested the minutes be amended as follows:

V.A.

**Councilor Cohen** responded and ~~admitted~~ [stated] that she didn't recall anytime that the Council has ever heard an issue on signage. She further stated that the Council doesn't make policy on signs.

**Dan Carson** Continued. He ~~admitted~~ [stated] that the current sandwich board signs might not themselves be in compliance with what TPZ would like, and furthermore that the Board recognizes its responsibility and has made some additional adjustments after consultation with the TPZ chairman

**Councilor Botalico** moved to accept the minutes of the July 28th regular meeting of the Town Council as amended

**Councilor Banach** seconded the above motion.

Vote: Motion passed unanimously 9 – 0

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

**A. Town Manager Reports**

None

**X. COUNCIL LIAISON/COMMITTEE REPORTS**

**West Meadow Building Project**

**Councilor Cohen** commented that the project is almost completed, and that it's a very attractive project. She also explained that the committee was developing suggestions for fee and ordinance adjustments.

**Mayor Wright** inquired whether it was the charge and responsibility of a building committee to be making suggestions concerning fees and ordinances. He suggested that these concerns might better be addressed by forming another committee. **Councilor Cohen** responded that the committee was just being helpful because they understood so well the changes which had been made and what benefits might accrue. (some comments inaudible) **Councilor Bowen** agreed exactly with the Mayor's concerns and commented that he had stepped down from this committee over "the philosophical role that this committee should play". He agreed that pricing policy was not the charge of this committee, and that this might be a bigger discussion on how this facility should be priced. There was some comments made by the Councilor about Dennis, his role and authority relating to the facility. The manager confirmed that Dennis reported to him directly. Council Bowen continued to explain that Dennis had sole authority over the operation and pricing. He noted that he was open to listen to the recommendations from the individuals on the committee, but not as a building committee. **Councilor Cohen** stated that the process "was started when staff suggested it". The Mayor responded reiterating that he just thought that "the policy decisions should be made somewhere else, not by a building committee". He added that he thought the committee was doing a great job.

**XI. PUBLIC PARTICIPATION – IN GENERAL**

**Rose Lyons** Resident 46 Elton Drive Newington

Ms. Lyons commented on the poor audio quality both in the room and over NCTV. She suggested that maybe someone should check the mikes, and that the Council might treat itself in the next budget to improving the sound system. She thanked Councilor Bowen and Deputy Mayor Lenares for opening the discussion on the Small Cities Grant funding of the Wells demolition project. She had, herself, thought that money other than from the town would pay for the demolition. She also commented on the CIP balances and thought that these monies could have been used to fund projects rather than from where they were being funded. Ms Lyons suggested that possibly the Council could hold a special meeting several times a year in which the public could ask questions which would be answered, rather than just the usual one-way public comments. She commented that she would like to see the lines of communication open up between the Town Council and the public.

**XII. REMARKS BY COUNCILORS**

**Councilor Bowen** responded to the above public comment concerning a public Q & A session, asking the Town Manager about the possibility of putting in place a system to track written responses to the public's questions and concerns. **Councilor Cohen** also commented on the responses officials give to public inquiries. She explained that she feels the public deserves a public response to a public question

**Councilor Boni** remarked on the appearance of property north of the Dutch Point Credit Union. He cautioned that the property was in danger of becoming blighted, and that he was "perturbed" by property owners who let the appearance of their property degenerate. He asked the Manager to look into the problem. The Manager agreed.

**Councilor Bottalico** agreed with resident Lyons that the mikes were hard to be heard on NCTV broadcasts. The Manager responded that "they (the mikes) are showing their age". He stated that also he

agreed with Councilors Bowen and Cohen, regarding responses to the public, and suggested that the Council might be able to set up a format for responding to questions at meetings subsequent to the inquiries.

**Mayor Wright** wished all a happy holiday. He noted that he often heard from members of the public and invited written inquiries directly to councilors. He explained that all councilors could be reached using the same format:

first name initial, followed by the councilor's last name @ newingtonct.gov

Example: [jwright@newingtonct.gov](mailto:jwright@newingtonct.gov)

(This information is available on the town's website: [www.newingtonct.gov](http://www.newingtonct.gov) located under E-Directory)

The Mayor provided his direct cell phone: 860 519-8177

### **XIII. EXECUTIVE SESSION RE PERSONNEL**

**Councilor Lenares** moved to go into executive session at 8:10.

**Councilor Bottalico** seconded the motion.

The motion passed 9-0.

All Councilors were in attendance.

**Councilor Boni** moved to adjourn from executive session at 8:45 pm

**Councilor Cohen** seconded the motion.

The motion passed 9-0.

### **XIV. ADJOURNMENT**

**Councilor Nasinnyk** moved to adjourn the meeting at 8:46 pm

**Councilor Bottalico** seconded the motion

The motion passed 9-0

Respectfully Submitted,

Scott Coleman  
Clerk of the Council

August 18, 2009