



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR MIKE LENARES

MINUTES

NEWINGTON TOWN COUNCIL MEETING

August 9, 2011

Mayor Lenares called the meeting to order at 7:05 PM in the Helen Nelson Room of the Newington Town Hall.

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present

Councilor Bottalico
Councilor Cohen
Councilor DelBuono
Councilor Klett
Councilor McBride
Councilor Nagel
Councilor Nasinnyk
Mayor Lenares

Councilor Banach - Absent

Staff Present

John Salomone – Town Manager
Ed Meehan – Town Planner
Richard Mulhall – Chief of Police
Tom Molloy – Highway Superintendent
Jaime Trevethan – Executive Assistant to the Town Manager

III PUBLIC PARTICIPATION – IN GENERAL

Rose Lyons, 46 Elton Drive: Ms. Lyons noted Councilor Cohen's question at the July 26, 2011 Town Council meeting of whether the proposed cell phone tower at Anna Reynolds School had ever been discussed by the Council. She stated that the Town Manager had replied in the affirmative, but noted that the conversation then turned to safety questions over the proposed Churchill Park cell phone tower location. She noted that the Town Manager had mentioned that the plans were on hold, but Ms. Lyons questioned whether the plans were on hold for the school location, the park location or both. She noted that the item was discussed at the January 24, 2009 TPZ meeting, and according to the minutes of that meeting, a public hearing is not required for 8-24 report referrals from the Town Council. She noted that any subsequent actions regarding these towers have occurred without public knowledge and that questions have been met with uncertain answers. Ms. Lyons inquired as to the status of the two towers. She also noted recent controversy over the proposed Victory Gardens housing to be built on the V.A. property and noted that it wasn't until she attended a public meeting that she learned all she needed to know about the project and she requested that when issues such as these arise in the future the Town should hold public meetings to hear opinions and answer questions. Ms Lyons asked that it be mandatory for area residents to be notified of such meetings.

IV CONSIDERATION OF OLD BUSINESS

A. Discussion: Draft Memorandum of Understanding: Transit-Oriented Development in the Capitol Region

Town Manager Salomone noted a discussion at the July 26 meeting about the item and indicated that he and Town Planner Ed Meehan have revised the application to focus exclusively on funding to remove the building from the former National Welding site. He stated that due to the short timeframe of the project, approval of the final grant application and Memorandum of Understanding (MOU) would occur during the September 13 Council meeting and he indicated that the application has been submitted in order to meet deadlines specified by the State. He noted that the applications from various towns include locations along both the proposed busway and the proposed railway. Town Manager Salomone noted that the Town may also be able to leverage funds from the capital budget, with Council approval, for construction of the access road and/or demolition of the building. He stated that he is unsure how competitive the Town's grant application will be, and reiterated that the application focuses on remediation of the National Welding site.

Town Planner Ed Meehan stated that the MOU would be required as a part of the final application. He noted the tight timeframe for the application and noted that the funding is from State bond sources which are specifically oriented towards transit. He stated that the application was filed at 4:00 p.m. on August 4, 2011 at which time the State Office of Policy and Management had already received 22 applications. He stated that the application is targeted and includes two categories, the first being for planning grants for items such as market studies, design studies, etc. He stated that the Town's application falls into the second category, facilitation grants, in which the Town is attempting to demonstrate that the removal of the National Welding building is a step towards returning the site to the tax rolls. Mr. Meehan stated that the project can begin in early winter if the Town is chosen to receive the funding. He stated that there are ten parameters that the Town needs to address in the application, and if the Town does not meet the parameters or the deadline the application may be rejected. He noted that the MOU must also be included in the application, to be submitted by September 15. He stated that if the Council authorizes the Town Manager to proceed with the final application by September 15, the Town should be aware of whether or not it will receive the funding sometime between late September and early December.

Mayor Lenares inquired whether the funding can be applied towards remediation or cleanup of the site. Mr. Meehan replied that the funding would be used to remediate and dispose of the asbestos from the building, which would require the use of a licensed contractor. He stated that at that point, the grant specifications request funding to have a structural engineer write specifications to demolish the steel portion of the building. He indicated that the Town may be able to salvage the steel, which has been estimated to have a market value of \$40,000 - \$50,000. Mayor Lenares inquired whether this grant application would affect any Brownfield applications for the site. Mr. Meehan replied that there are no active applications for Brownfield funds at this time. He stated that the remedial action plan for the site is to first get the building down, and to then consider the options for reuse. He stated that the most straightforward and cost-effective option for reuse is to demolish the slab and to use it as fill. He noted that while some areas of the soil would need to be removed due to contamination, other areas may just be capped and where any buildings are located on the property would affect any Brownfields. He noted that this will all be determined in the future. Mayor Lenares noted that the grant is just to demolish the building. Mr. Meehan agreed. Mayor Lenares commented that this grant has nothing to do with high density housing.

Councilor Klett noted page 7 of the application, item 6, which states: "Over the past two years Newington and the Department of Transportation staffs, lead by Deputy Commissioner Albert Martin, together with Mr. Richard Hayes, Fenn Road Associates, have frequently met to discuss design options for traffic management and safe access from Fenn Road to the Cedar Street busway station". She inquired whether housing was discussed at any time in those meetings. Mr. Meehan replied in the negative and explained that the meeting was to discuss the access road and site drainage. Councilor Klett noted the draft MOU in the Council's meeting packet. She stated that despite the removal of housing-related items from the application, page one of the MOU includes the verbiage: "... and encourage land use planning that will spur mixed use development, including commercial offices, housing, retail, and institutional uses, within a quarter to one-half mile radius of rail and bus rapid transit stations...". She noted that the Town would need to sign off on this document as part of the application. Mr. Meehan concurred. Councilor Klett commented that she is still concerned about housing due to the fact that it is included in the MOU despite not being included in the application. She remarked that by signing off on the MOU the Town is, in effect, signing off on housing and remarked that moving forward with the MOU the Town is committing to housing. She suggested that the Town should submit a request from the State in writing to assure

that the Town will not be committed to housing by moving forward with this process. She requested that a letter be sent to the State with such a request, with instructions that any reply from the State be submitted in writing. Mr. Meehan stated that the verbiage in the MOU merely lists examples of land uses that are typical of transit areas. He indicated that there is no commitment to housing or any specific land use, and stated that any land use is the purview of local land-use bodies. He stated that the grant funding would be used to remove the building. Councilor Klett stated that it is important that the Town is unequivocally certain that it is not committing itself to housing if it accepts this money from the State. Mr. Meehan stated that the Town is not committing itself to anything because the State and CRCOG do not exercise land use control for the Town. Councilor Klett again requested that the Town obtain something in writing from the State that indicates that the Town is not committed to housing if it accepts the grant.

Mayor Lenares noted that the State does not control land use. Mr. Meehan noted that the Council would authorize the release of the Request for Qualifications (RFQ), and the RFQ would outline the uses the Council feels appropriate. He also noted that the TPZ was very careful in its POCD not to identify an end use for the National Welding property. Mayor Lenares noted the phrase "encourage mixed-use development" in the document and noted that the word "encourage" indicates that the Town can choose whatever use it wants. He stated that the Town is not committing to housing. Councilor Klett disagreed. Mayor Lenares stated that it is a broadly worded paragraph.

Councilor Nasinnyk inquired as to who actually wrote the draft MOU. Mr. Meehan replied that it was drafted by CRCOG staff, possibly passed up through the CRCOG Policy Board. He explained that the towns received the draft and were given four days to critique the draft. He stated that the land use paragraph was expanded due to the feedback and stated that there is a range of land uses around any transit area. He reiterated that land use is a local decision. Councilor Nasinnyk noted that other towns may have other concerns with land use, noted that this is a broad paragraph and noted that all of the towns will not be utilizing all of the various types of developments. She inquired as to why the Town of West Hartford is not included in the MOU. Mr. Meehan stated that he is unsure as to why West Hartford chose not to participate. Councilor Nasinnyk noted that the National Welding property is owned by the Town, and therefore the Town will decide its use; however there are other properties in the area that are not owned by the Town.

Deputy Mayor McBride remarked that he does not want his fingerprints on anything that would bring high-density housing to Town and noted that he contacted the Director of CRCOG to inquire about the MOU. He stated that the Director assured him that the Town will retain all land use control. Deputy Mayor McBride stated that this is a fantastic opportunity to obtain funding to remove the building and disagreed that entering into the MOU would force the Town into building high-density housing. He stated that the Town Council and staff will do their jobs and have the final say in the land use. He noted that while none of the Councilors support high-density housing he does not feel that the Town should allow this funding opportunity to pass.

Councilor Bottalico expressed concern about Principle 2 on page 9 of the application, which states, "The present Planned Development zone district permits housing uses". Mr. Meehan explained that as part of the application the Town must include three or four points to explain why the application meets the broad strokes of the State's Plan of Conservation and Development. He explained that Newington has a planned development zoned district that covers portions of the Cedar/Fenn Road intersection which permits housing up to four stories with a density of up to 10 units per acre, net buildable area. He stated that this has been the regulation for about 30 years. Councilor Bottalico noted that the first paragraph contains the phrase "reuse of National Welding Property" and noted that the property is zoned industrial. Mr. Meehan concurred and stated that this is the reason that the POCD does not recommend changing the zoning of that property, to retain control of the use.

Councilor Cohen stated that she is satisfied with Mr. Meehan's explanation and stated that she is convinced that this MOU does not commit the Town to anything outside of the removal of the National Welding building. She requested that the Town contact West Hartford to inquire whether there is a specific reason as to why that town chose not to participate in the MOU. She also requested a copy of the bid documents for the State project no 93-108. Mr. Meehan stated that the document very large but that he could condense it into a few pages for the Council. Councilor Nagel emphasized that the final say with this item rests with the Town Council for any future RFP for the land. Mr. Meehan agreed and added that any land use decisions are the purview of the TPZ. Councilor Klett inquired as to why the State has decided to pay for the access road. Town Manager Salomone replied that the State wants to have some control over building the access road project, and therefore has decided to contribute funding. Councilor Klett inquired as to whether Deputy Mayor McBride asked the person he spoke to at CRCOG to place his answers regarding land use and housing in writing. Deputy Mayor McBride

replied that he explained the Council's position against housing as well as his personal fear of being involved in something that would lead to housing. He also noted that the word "housing" appears in the MOU. He indicated that he was told that the wording has to be vague and stated towns will have the authority to decide how to use the land. Councilor Klett remarked that she would prefer an answer in writing. Deputy Mayor McBride stated that he has received the same answer from CRCOG as well as Town Manager Salomone and Mr. Meehan regarding control over land use. Councilor Nagel inquired whether Deputy Mayor McBride spoke to CRCOG Director Lyle Wray on the issue. Deputy Mayor McBride replied in the affirmative.

Mayor Lenares inquired whether Council action is required at the current meeting. Town Manager Salomone replied in the negative and stated that action at the September 13, 2011 meeting would be adequate. Councilor Klett stated that she would not support the resolution without more information about what the MOU would require of the Town. Councilor Nasinnyk thanked the Town Manager and Mr. Salomone for their work on the application and stated that waiting until September to take action would increase everyone's comfort level. Town Manager Salomone stated that he will obtain more information for the Council prior to the next meeting. Councilor Bottalico inquired if Town Manager is required to have Council authorization to proceed with the application. Town Manager Salomone replied that there is a requirement for Council endorsement for this particular grant. Deputy Mayor McBride expressed support for this item and remarked that it does appear to be a straightforward item. He stated that he is unsure that there is more information regarding the item. Councilor Cohen thanked Mr. Meehan for attending the meeting and stated that she is satisfied with the answers to her questions. Councilor Klett requested a written answer from the State regarding her concerns about land use and the MOU. Town Manager Salomone replied that he would draft a letter to the State regarding her concerns. Deputy Mayor McBride noted that the Council should not waive the rules to vote on the item at the current meeting due to the absence of Councilor Banach and stated that all Councilors should be present to do so.

V CONSIDERATION OF NEW BUSINESS

A. Discussion: Police Overtime

Mayor Lenares indicated that there had been questions and concern at the last Council meeting regarding the Police overtime budget and actual expenditures. Town Manager Salomone stated that he relayed the Council's concerns to Chief Mulhall and staff and they put together the attached overtime cost analysis.

Chief Mulhall stated that there are some assumptions in place when determining the budget for the fiscal year but noted that there are factors that are uncontrollable by the Police department. He stated that the assumptions are based on past history of vacation time, sick time and workers comp. He stated that these assumptions are fairly accurate but there are sometimes exceptions. He reviewed the attached overtime cost charts with the Council.

Chief Mulhall noted a decline in overtime hours from 2006 – 2011 according to the patrol overtime chart. Town Manager Salomone noted that the charts compare overtime hours rather than dollar-amount costs in order to keep the data consistent and avoid other variables such as pay increases. Chief Mulhall reviewed the patrol budgeted overtime chart with the Council and noted that a number of new officers have been hired. He stated that these officers start at the base pay level and go through a series of wage step increases over the first five years of employment. He indicated that there is a drop in overtime from 2008-2009, and noted that officers hired in 2008 started to receive step increases in 2009, resulting in an increase in expenditures. He noted that as the Police Department matures the step increases level out.

Chief Mulhall noted a chart that tracks the three primary sources of uncontrollable overtime from the FY 2009-10 and FY 2010-11 budgets: workers comp, retirements, and maternity. He stated that there is no way to guarantee whether or not there will be a retirement in any given year, since officers tend to not give a lot of notice when retiring. He stated that the Department works towards balancing the full-time account with the overtime account, and explained that last year there was a full year without two officers due to retirements, which takes away officers to fill shifts and drives overtime. He stated, however, that they try to match that expenditure with an unexpended salary. He stated that this is analyzed on a monthly basis. He stated that there was a \$70,000 surplus at the end of the last fiscal year, which was turned back in and noted that the department was run without two officers and a dispatcher, therefore driving up overtime costs. Chief Mulhall noted that there were a number of maternity leaves, the costs of which were absorbed into the system. He noted that the Police overtime section of the Town Manager's monthly report contains an explanation of overtime costs for the month and reiterated that the department is constantly analyzing the costs and re-

balancing the budget. He stated that one option for reducing overtime would be to shut down units or services for an extended period of time and he indicated that these services should be delivered and maintained constantly in order to provide full police service to the community.

Chief Mulhall detailed the overtime costs due to retirements, maternity leaves and workers comp injuries in the current and past fiscal years. Town Manager Salomone indicated that the two vacancies were filled by non-certified police recruits who need to go through the police academy and training. He noted that these two officers are nearing completion of their training and will be in service in the next three or so months. He stated that hiring certified officers would have cut back on training time; however there were no qualified certified applicants for these vacancies.

Mayor Lenares inquired about the \$70,000 surplus that was turned back into the Town, and noted the overtime overage of \$94,000. Chief Mulhall stated that the overtime and full time costs were covered, and the remaining \$70,000 was returned. He stated that the overage could have been as high as \$241,000; however the number was brought down through managing personnel. Mayor Lenares inquired as to where workers comp salaries are paid from. Town Manager Salomone replied that the Town's insurer, CIRMA, reimburses the Town for 80% of the worker's comp salary. The remaining 20% comes from the Police Department budget. Councilor Bottalico inquired whether this is in the Police contract. Town Manager Salomone replied in the affirmative. Councilor Bottalico inquired how many overtime hours would have to be used to cover the 3,500 hours of workers comp hours. Chief Mulhall stated that while he does not have an exact answer, the number of overtime hours used are less than the number of worker's comp hours. Councilor Bottalico stated that he is concerned with the overtime costs and inquired as to what parts of the police budget are used to cover the overage in overtime. Town Manager Salomone stated that shifts are filled by officers that would otherwise be assigned to different divisions. He clarified that the workers comp are only a portion of the 3,500 hours, the rest are for maternity leave. Town Manager Salomone stated that part of the overtime costs are due to vacant positions in the past year. Chief Mulhall stated that excess overtime costs are covered by unexpended salaries. He stated that while overtime may increase, the overall budget is managed through reassignment and delayed promotions. Councilor Bottalico inquired whether the workers comp reimbursement goes into the general fund. Town Manager Salomone replied in the affirmative. Councilor Bottalico inquired whether all hours used to cover absences due to workers comp are overtime hours. Chief Mulhall replied in the negative and explained that if all the hours were overtime then the overage would have been more than \$200,000. Councilor Bottalico expressed concern over the projected overtime for the current and upcoming budgets. Chief Mulhall stated that the department will continue to manage the costs. Councilor Bottalico inquired as to why Police personnel are not offered a bonus for giving early notice of retirement. Chief Mulhall replied that it is a contract issue and stated that even if it were in the contract it would still be up to the employee whether or not to give early notice.

Mayor Lenares inquired about the number of officers currently employed. Chief Mulhall replied that the Department is at full strength with 51 officers and one training slot. Mayor Lenares remarked that the Town has more officers than ever before, yet overtime is still high. Chief Mulhall noted that budgeted overtime is less. Town Manager Salomone noted that there are only 50 active officers, since two are still in training. He referred the Mayor to the first chart, which shows the downward trend in budgeted overtime hours. He stated that there will be undulations from year to year, but overall the trend is down. Councilor Klett stated that while you can estimate when officers are nearing retirement due to age, there is no way to know if officers may leave due to a job opening elsewhere. She inquired whether the maternity leave hours are only for female officers or do they include male officers on leave for his child's birth. Chief Mulhall replied that the hours are only for female maternity leave.

VI RESIGNATIONS/APPOINTMENTS

Councilor DelBuono moved the following:

RESOLVED:

That the Newington Town Council hereby makes the following appointments:

EMS Committee

**5 members, 2 year term
Party Max: (4)
Remaining members: 1 Rep., 1 Dem.**

Name	Address	Party	Term	Replaces
Scott Woods	77 Northwood Road	R	IMMED – 12/31/11	John Griffin (Term exp. 12/31/09)

Motion seconded by Councilor Nasinnyk
 Motion passed 8-0 (Councilor Banach Absent)

VII TAX REFUNDS

Deputy Mayor McBride moved the following:

RESOLVED:

That property tax refunds in the amount of \$1765.18 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 8-0 (Councilor Banach Absent)

VIII MINUTES OF PREVIOUS MEETINGS

A. July 26, 2011

This item was tabled until the September 13, 2011 meeting.

IX Town Manager REPORTS

None.

X COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Klett stated that there is a problem with about a four-foot area of the turf field. Town Manager Salomone explained that a portion of the fill settled and stated that the problem should be rectified by the end of the week. Councilor Bottalico stated that the area will need to be dug out by hand and repaired. Town Manager Salomone noted that the rest of the job is right on target and stated that the project will be completed by the end of next week. Councilor Klett stated that the Clem Lemire Artificial Turf Field grand opening ceremony will be held on September 18 at 1:00.

Councilor Nagel stated that the Blight Subcommittee met recently to discuss recommendations and indicated that there will be draft ordinance proposals discussed at an upcoming meeting.

Deputy Mayor McBride stated that the Market Square streetscape project is underway.

XI PUBLIC PARTICIPATION

None.

XII REMARKS BY COUNCILORS

Councilor Klett stated that there is a public meeting regarding the proposed busway scheduled for August 11 at 6:30 p.m. at CCSU. She also noted that while there was a presentation given to the Council and public regarding the Victory Gardens housing, the housing will be located on federal property. She stated that it is not a Town project.

Councilor Cohen requested that someone review the Town’s job descriptions and salary range classifications to determine whether any updates are needed. Town Manager Salomone replied that most of the job descriptions have been updated within the past year or two, and they will come to the Council for approval as needed.

Councilor Nasinnyk noted that at the July 26 Council meeting there was a unanimous vote against administrative salary increases in her absence. She indicated that she would have voted in favor of the item had she been present at the meeting. She remarked that while these are difficult financial times, the Town of Newington is not in the same situation as the State or Federal government. She stated that the employees in this group are highly qualified individuals and routinely save the Town money with their efforts. She stated that this would have been a good opportunity to thank these employees. Councilor Nasinnyk indicated that the cost of the increases would have totaled about \$60,000, an expenditure that was already approved in the budget. She stated that a significant portion of the Administrative employees make well below \$100,000 per year. She stated that this group now reflects a small group including the Town Manager and Superintendent of Schools that will not be receiving an increase, and she requested that the Council consider revisiting this item in the future.

Councilor Nagel reminded the public that while there will not be another regular Council meeting until September 13, there is still work going on with the Council and the various subcommittees. He noted a comment by a member of the public regarding the various cell towers and requested a status update of the various towers. Town Manager Salomone replied that the Churchill Park tower never went forward after comments from the public and the Council. He stated that the Anna Reynolds tower had received approval to move forward, but is no longer planned due to economic conditions.

XIII EXECUTIVE SESSION

Councilor Bottalico moved to go into Executive Session re: Property Acquisition and Service Contracts at 8:48 p.m. Motion seconded by Councilor Klett. Motion passed 8-0 (Councilor Banach absent).

In attendance at the Executive Session: all Councilors in attendance at the regular meeting, Town Manager Salomone and Highway Superintendent Tom Molloy.

Councilor Bottalico moved to adjourn from Executive Session at 10:10 p.m. Motion seconded by Councilor DelBuono. Motion passed 8-0 (Councilor Banach absent).

XIV ADJOURNMENT

Councilor Nagel moved to adjourn the meeting at 10:11 p.m. Motion seconded by Councilor DelBuono. Motion passed 8-0 (Councilor Banach absent).

Respectfully Submitted,

Jaime Trevethan
Executive Assistant to the Town Manager