



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

NEWINGTON TOWN COUNCIL

July 28, 2009

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Councilors Present	
Councilor Banach	
Councilor Boni	
Councilor Bottalico	
Councilor Bowen	
Councilor Cohen	
Councilor Lenares	
Councilor Nagel	
Councilor Nasinnyk	
Mayor Wright	

Staff Present	
John Salomone - Town Manager	
Jaime Trevethan - Executive Assistant	
Scott Coleman - Council Clerk	
Ann Harter - Director of Finance	
Chief Richard Mulhall - Police Chief	
Steve Juda - Town Assessor	
Attorney Ben Ancona - Town Attorney	

III. PUBLIC PARTICIPATION – IN GENERAL

None

IV. CONSIDERATION OF OLD BUSINESS (Action May Be Taken.)

A. STEAP Phase III Balance Reallocation

Councilor Bottalico moved the resolution.

Councilor Boni seconded.

RESOLVED:

That the Town Council directs the Town Manager to request the Office of Policy and Management to approve reprogramming the uncommitted balance of the 2007 STEAP (Small Town Economic Assistance Program) grant for Newington Town Center Streetscape, Phase III to the Town Center Municipal Parking Lot Improvement project. The balance available is \$145,894.

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Mayor Wright opened the floor for comments:

Councilor Cohen affirmed her belief that the balance of funding should stay where it is now. (Newington Town Center Streetscape). She expressed her desire to do something that makes the center of Town look attractive, and that Market square is a lot more visible than the parking lot. She noted that the final numbers on the parking lot were not yet available and didn't know whether this (funding) will be needed. She explained that it might be such a small amount that it wouldn't make any sense. Councilor Cohen advocated for keeping the funding where it is now, as she stated that the Town could put it to good use in Market Square.

Councilor Bowen Seconded Councilor Cohen's comments.

Councilor Nasinnyk believes that the Town had applied for another \$500,000 STEAP grant to work on the Market Square area. The Councilor agreed with the comments of Councilor Cohen than even if the Town did apply the current Market Square Steep funding balance, that it would not be enough to complete the Parking lot, and she feels that the money should remain funding the Market Square project for which it was originally intended.

Councilor Banach agreed that the money should be used for its intended purpose, that it would have much more effect at the street level where people actually see Town businesses, and where it can improve their appearance.

Mayor Wright explained that all the STEAP grants are intended for downtown revitalization, and that the next project on which the town is going out to bid for is the Municipal Parking lot, one of the original phases in the original concept. He noted that there's nothing, as far as plans, on the table for Market Square. He believes that it's something all agree should be done, and that there is an application grant in for it. He noted that at this time, if the leftover \$145,000 is not used by December 31st of next year, the Town will lose that money. The Market Square project is part of the downtown revitalization and he thinks it makes excellent sense to apply to get the funds reallocated.

The **Mayor** called for a roll-call vote:

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

V. CONSIDERATION OF NEW BUSINESS (Action May Be Taken Only by Waiving the Rules.)

A. Discussion: Illuminated Sign at Newington High School

Mayor Wright introduced the speakers from the Board of Ed and the TPZ. He explained that the Town attorney had issued a ruling on this matter yesterday relative to who has the authority to make the decision concerning the illuminated sign in front of the high school. Concerns had been expressed on the part of TPZ.

Dominic Pane, TPZ, thanked the Council and especially David Lenares for getting this issue back on the agenda and Chairman Cathy Hall for all her work on this issue. He noted that he was speaking for himself, not necessarily all TPZ.

Mayor Wright attempted to clarify the matter before the Council. He explained that the Town Manager had issued a letter in June setting an exemption allowing the Board of Education to build an illuminated sign in front of the high school to replace the sandwich boards used for public information. The Town Manager's understanding, which allowed him to make that exemption, was based on Administrative Letter #35. To further clarify this position, a legal opinion on this matter was issued by the Town attorney.

Dominic Pane continuing explained that Administrative Letter # 35 was started when the fire department requested a digital sign. He noted that this type of sign was not & is not allowed by the TPZ zoning regulations or its policies concerning signage and it doesn't follow the Plan of Development. "The TPZ and Town planner worked hard to form signage standards from the Town owned facilities which would conform to all the policies set by the TPZ's regulations and the Town's Plan of Development. The TPZ along with the Town Planner came up with the policy of Administrative letter #35, and asked the Town Manager to issue that administrative directive to Town departments advising them that a uniform sign style should be followed. It's Town Planning & Zoning's jurisdiction to cover all signage for the Town of Newington."

Commissioner Pane stated that he feels it's important for the Council to send this back to TPZ so that the Manager is not setting policy, which it appears he is now doing, and which is against the TPZ's regulations as well as the Town Plan of Development.

He agreed that the legal opinion from the Town attorney is correct, that the Town of Newington is exempt from its regulations. He explained that Town Planning & Zoning tries to hold the Town to a high standard so that the Board can hold the public to that same high standard. He feels that if the Council allows this, then this will open up a can of worms for the fire departments, possibly Newington Little League, Midget Football, senior center; who knows what else.

He suggested that if this is the way that the Council wants us to go, that a request should be sent back to TPZ to look at this type of signage and see if everyone wants us to change the policy.

With all due respect, Commissioner Pane stated his belief is that policy comes from TPZ and the Town Manager is to administer the policy of boards and commissions. The Council and TPZ set policy. The Town Manager administers it. While he said that he understands the attorney's position, he admonished that if the Council wanted to do it right, that it should be sent back to TPZ in order to have TPZ look at the whole issue again.

Tom Ganley, TPZ, explained his position, stating that it would seem that if the Manager modified the administrative letter that it was within his purview to do that. He believes that the use of public land is under the purview of the Town Council, that the Council has full control and full discretion, and that they don't need TPZ (approval). He asked for the Council not to set man against man. He advised the Council to retain the full authority to act, to dispose of and to decide how public land should be used. In his words, "keep it, it's extremely valuable."

"TPZ is a regulatory body. We will deal with private developers requesting signs. We'll deal with that; we are a regulatory board. On public property, don't give up your power and don't have it eroded away."

Cathy Hall, TPZ Chairperson, explained the two major issues surrounding the sign.

- 1) In 1970 TPZ exempted Town property from Town zoning laws
- 2) The Town Manager, in his own right, wrote a letter that gave permission for this sign on land that is exempt from Town zoning.

She explained further, that by having an exemption, the Town makes it difficult for the TPZ who has to administer business signs on non Town property. TPZ wants to make it perfectly clear that this is not the TPZ's doing, she emphasized. "The sign, given TPZ choice would not be the design it's going to be. You will have that sign in spite of us." She admonished that the TPZ doesn't expect that in the future, because of this decision, that Town property will be littered with other things that would not fit anywhere else in Town. She thanked the Council for hearing the issue.

Dan Carson, Board of Education, Chairman thanked the TPZ for their hard work, and emphasized that the Board tries to be good neighbors. He explained that he believes that this sign will expand the Town's ability to communicate with the public. He asked whether the Council had ever had such a sign issue before it.

Councilor Cohen responded and admitted 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 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. He wished to correct the record, noting that it was not until a full week after the Town Manager's approval to go forward that the Board of Ed had purchased the sign.

Steve Woods, Board of Education thanked the Town Manager for allowing the purchase to go forward. He stated his position that the Town Manager has the authority to make the signage decision.

May Cassasanta, Board of Ed, offered that she was really excited about moving the school system, the high school and the Town into the 21st century. "It's a positive way to communicate to the students, parents and the community what's going on at the high school."

Sharon Braverman, Board of Ed, The Board expressed support for the technology and for bringing the Town into the 21st century, and further believes that the sign can have emergency communication benefits for the whole Town.

Dominic Pane, TPZ, reiterated his position that the sign is a planning & zoning issue. He explained that the TPZ comes up with Town sign policy, and that if the issue were sent back to the Town's planning & zoning, it would have a formal hearing, then it would decide, as a board, whether or not it wanted to have digital signs for the Town. Dominic emphasized that it is not up to the Town Manager to make his mind up whether this one opportunity is good for the Town or not. This issue he feels belongs to the Town Planning and Zoning because it is in charge of all signage. He stated that he understands that the Town is exempt from regulations. He noted however, that the Town was exempt when the fire department requested a sign, but that the TPZ held it to the regulations because it felt that the Town should be held to a high standard in order to be able to hold everybody else to that same standard. He noted that maybe if this issue went back to the TPZ, there might be enough support for digital signs. He added that there needs to be consistency in signage throughout the Town of Newington. That's why letter 35 was drafted. "If the fire department can be held to the standard, then so should be the Board of Ed." "This is for TPZ to figure out, not the Council or the Town Manager." He maintains that the Town Manager doesn't set policy. TPZ sets the policy and the Town Manager administers it. He further stated that "What the Council is doing is disturbing many years of hard work by lots of members of Town Planning and Zoning." Adding, "The Council is throwing out all the work of the Town Planner who has worked so hard on regulations and consistency."

Steve Woods, Board of Ed, Commissioner Woods offered correction and clarification. He disagreed with commissioner Pane stating that the TPZ has no authority over the Board of Ed or Town property. He noted that Ed Meehan, the Town planner had stated that back on May 25th 1970, under Article 1.2.2 of the zoning regulations, that the Town of Newington, by the state statute, has the police power to regulate private property. "Section four of the sign standards states that private property cannot have flashing, rotating signs." He stated that Administrative letter 35 fully had input from TPZ and the Town planner, but that it was signed by the Town Manager. The Town Manager is the one who set that policy, not TPZ.

Mayor Wright called upon the Town attorney to address the question as to who ultimately has the authority to make this decision.

Town Attorney, Ben Ancona wished to clarify the misstatement of TPZ Commissioner Pane stating that there was nothing done illegally by the Town Manager, and that the Manager was completely within his authority to issue the directive and exempt the high school sign.

Domenic Pane, TPZ, interjected, explaining that he had misspoken, and that what he meant to say was that the decision was against (TPZ) regulations.

The **Town attorney** acknowledged that this is true. He continued, emphasizing that this was a choice that the Town made back in 1970, whether or not to exempt Town-owned property from the Town zoning regulations. This was exactly what was done by that Town Council. By doing so, this particular matter goes to the chief executive officer of the municipality which is Town Manager Salomone. "It was his call."

Domenic Pane, TPZ, noted that "never before in the history of the TPZ has its recommendation not been taken and held to its standard."

Mayor Wright summed up the foregoing statements and thanked all.

Councilor Bowen thanked both bodies, and agreed that this is under the purview of the Manager. He stated that the all would have to wait to see how the Manager's decision turned out, and by those results he would be judged. He expressed support for the Town Manager's decision.

Councilor Nasinnyk thanked the bodies for airing this issue before the public, and also expressed support for the Town Manager's position. She felt that the end result would be a compromise for the benefit of all

Councilor Boni thanked the Board of Ed and the TPZ. He expressed support for the Manager and hope that it would work out to make both sides happy. .

Councilor Bowen explained that there would be no second-guessing on the part of the Council of the rules and that the decision would remain within the guidelines of the two bodies

Councilor Cohen explained that no one was trying to step on the toes of the TPZ, but that it has to be recognized that certain authority falls to the Town Manager. She also expressed her opinion that she didn't believe that this is anything which should've come before the Town Council as it certainly was not their issue. She hopes that it will be resolved and that those who were unhappy will come to accept the fact that the Council did not intend to take away anyone's authority.

Councilor Cohen thanked the Board of Ed and the TPZ. He further noted that he hoped that the fire department doesn't come back and start the ball rolling. He hopes that this issue can be put to bed and end it there.

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.

Cathy Hall, Chairman TPZ commented that the job of TPZ has now been made a little more difficult i.e. to enforce the regulations. She explained that the TPZ's cannot make judgments on issues concerning property over which it does not have jurisdiction, but that the TPZ does intend to continue to enforce the regulations on property over which it does. She called upon the Council for their support in the future.

Mayor Wright thanked the Board of Ed, the TPZ and the Town attorney for their passion the thought which had gone into the process.

B. Justice Assistance Grant (JAG)

Police Chief Mulhall explained that the JAG grant is a pass-through grant, and it is part of the stimulus package, which had already been awarded. Specifically, the grant is directed to the law enforcement agency for enhancement equipment. The Chief requested permission from the Council to accept the funding. He cautioned that there is a deadline of August 26th to file it.

Mayor Wright inquired about the license reader included in the package. The chief explained that this reader is an automated system which would be placed in a marked vehicle, and that it has the capacity to read about 1500 to 3000 plates per minute. The system compares the plates to the NCIC's database, looking for stolen cars, and wanted persons. The police department is working with Commissioner Ward of the DMV to include registration suspensions and insurance issues on vehicles which are observed. The chief expressed enthusiasm about this as being a real enhancement to law enforcement in general.

Councilor Banach inquired whether this is a single unit of the license plate reader. **Chief Mulhall** responded to the affirmative, and that the department was probably going to modify the grant. He further explained that they did go to bid on the reader and that they were involved in a joint project which included Wethersfield Police Dept. where they had shared some revenues. They had already proceeded to get bids through Newington's purchasing department. He noted that this grant has caught the eye of CROG, and was bid as a regional system since two departments were involved. The vendor has now agreed to permit all 38 law enforcement agencies in the Capitol Region to use their server at no extra cost. This has now become a seven Town project.

Councilor Banach inquired further whether this was mounted on a patrol car, and asked how many units would be involved. **Chief Mulhall** responded that two units from the Newington fleet were involved and that one would be shared with Wethersfield PD.

Councilor Bowen inquired as to how long the data would be maintained. The **Chief** responded ninety days would be the shelf-life.

Councilor Nagel noted that all items sought under the grant were singular with the exception of tasers. The **Chief** explained that the request would probably include two license plate readers (\$12,000 ea), and that the remaining amount would go toward completing the taser program. \$6,000 will purchase about seven tasers

which completes the program. He summed up adding the two tasers at \$12,000 each plus the \$6,000 for the tasers for a total of \$30,000.

Town Manager Salomone informed the Council that Newington would not be receiving the COPS program funds which might have been seen on the news. He elaborated that forty-two (below numbers total forty-five) officers were funded under the federal grant. Chief Mulhall added that these officers went to New Haven (22), Bridgeport (20) and Hartford (23). The officers were directed to major cities. He expressed his disappointment, but was encouraged that we did meet all the grant criteria, and that if additional funds were made available we would be reconsidered.

MOTION:

Deputy Mayor Lenares moved to waive the rules in order to vote on a resolution to accept the police grant. He explained that the grant had actually already been accepted, but that the Council had to officially approve it before the 26th deadline.

Councilor Bowen did not favor canceling any of the upcoming meetings, and therefore did not favor waiving the rules.

Councilor Nasinnyk agreed with Councilor Bowen since this was set to be covered during the August 11th meeting.

Councilor Banach was opposed to canceling the meeting as one meeting had already been canceled.

Councilor Boni favored waiving the rules in order to vote on the grant tonight.

COUNCIL MEMBER	Yea	Nay
Councilor Boni	4	
Councilor Banach		4
Councilor Bottalico	4	
Councilor Bowen		4
Councilor Cohen		4
Councilor Lenares	4	
Councilor Nagel	4	
Councilor Nasinnyk		4
Mayor Wright	4	
TOTAL VOTES	5	4
The motion failed 5 yea, 4 nay. A 2/3 majority is required in order to waive the rules		

Executive Assistant Jaime Trevethan clarified that Robert's Rules stipulate that a two-thirds majority is required to waive the rules.

C. Consideration of Postponing Revaluation

Steve Juda, the Town's Assessor, spoke on revaluation. He informed the Council that Connecticut passed a law past spring enabling Towns to defer revaluation. The Town's last reval was October 1 of 2005. The next schedule reval is October 1 of 2010. The legislation allows Towns which are scheduled for 2008, 09 or 10 revals, to defer until the year 2011.

The second item which Assessor Juda wished to have the Council consider concerns allowing a deferral for owners of investment property; an extension of one month from the time they have to submit their income-expense information to the Assessor. The current law requires those submissions by June 1st. This would extend those submissions to July 1st. The Assessor explained that the Town had sent out 765 income-expense statements in April requiring return by June 1st. One-hundred of those have not yet responded. This failure could result in a penalty of 10% (the assessment could go up 10%). He explained that the information is more valuable than the timeliness of receiving the information, and that this was a pretty hefty fine for being a little late.

The Assessor continued, elaborating on the technical statistics concerning Newington's assessment. The purpose of assessment equality is to insure that the tax burden is spread equally. This statistical detail is available through the Assessor's office.

Councilor Bowen inquired concerning the use of mean vs. median and about the ratio of commercial to residential property valuation. Assessor Juda explained that median was thought to be the more accurate statistical measure and that commercial property was currently about 5% undervalued at this time (if a reval was done using 2009 numbers, there would be a shift to commercial property).

Councilor Boni inquired about whether the Town had received an approval to conduct reval by computer. Assessor Juda responded that he was partially correct. He explained that the law had changed to allow less than a full physical inspection. In the strictest interpretation of state statute a full inspection involves ringing doorbells and inspecting 95% on the properties. In its place, the Town will substitute the income – expense statements of about 1000 properties. The second approach to be used involves employing data mailers which includes an image of the property. Property owners are asked to verify the information. The next method used involves taking new photos as well as using the Internet, including aerial photos of new additions. Assessor Juda believes that the Town can conduct a reval without having to ring 95% of the doorbells and finding 50% of the people not home.

Councilor Boni inquired as to whether the Assessor saw any advantage to delaying the reval. The Assessor responded that with the data he had, he did not see an advantage. His recommendation would be to go forward in 2010 with the reval.

Councilor Bowen pointed out that a shift in the growth of assessed values between residential and commercial could indeed affect who receives more of the tax burden. Since commercial values seem to have increased more than residential over the past five year period, the Assessor agreed that this might mean a shift of the burden toward commercial if a reval was conducted in 2010

Mayor Wright inquired whether there was a deadline in making the decision to defer reval another year. Assessor Juda responded "absolutely not." The **Mayor** expressed concern due to the uncertainty of the economy. The Assessor explained that the law allows the Town to make the decision to defer at any time, but that he would have to know within the next 45 days, (in order to start the vendor bidding process) if he was going to move forward with a 2010 reval.

Councilor Bowen inquired whether a crystal ball would be required to determine whether the shift between residential and commercial would make it more favorable to residential owners. The Assessor affirmed this and that he did not have such a crystal ball. He did divulge however that he has seen indicators that the market appears to be recovering. He did mention that his crystal ball was telling him that we might have bottomed out.

Councilor Bowen asked about the cost of a reval. The Assessor responded that the cost would be somewhere in the \$400K to \$500K range. The full knock-on-the-door would have been about \$750K. The estimates are based on what other Towns are doing and of what services we choose avail ourselves. Councilor Bowen asked the Town Manager how much had been set aside. Town Manager Salomone responded \$250K. The Councilor then calculated that the additional cost would be \$100 to \$250K in the next budget.

Councilor Bowen inquired of the Assessor whether there was an even more frugal, more statistical approach used by other communities. The Assessor emphasized that the Town would endeavor to use the least knock-on-door approach possible, which still complied with the law. Councilor Bowen inquired further whether the Assessor felt that there would be any change in legislation easing up on the requirements for a physical approach and possibly reducing the cost of a reval. The Assessor responded that the language today was loose enough as long as the Assessor is satisfied with the equality and accuracy of the results.

Councilor Bowen asked whether waiting another year might give the Assessor better statistics on which to base his assessments. The Assessor replied that he felt the available data obtained from 600-700 sales would be sufficient.

Councilor Bottalico inquired of the Assessor how it was determined whose doors were going to be knocked on. The Assessor explained that he does not knock on those to whom he has visited within the past five years as he already has an image in his mind of what he has seen, and much of the Berlin Turnpike will not get a visit as he has already toured many of the income-producing properties, and has the stats readily available. That's accounts for roughly 2,000 of the 12,500 properties. He further offered that because the Town is so

homogeneous, and the values tend to range from \$200,000 to \$250,000 as evidenced by our median and our mean sale prices, there's not much he feels that he will miss (by not door-knocking). The Assessor bottom-lined it stating that he sees knocking on 2000 doors, or about 20% of the 12,500. He added that he had the least amount of information on the Town's 25-30 year old condos.

Mayor Wright inquired about the cost of the last "statistical" revaluation. The Assessor replied about \$223,000, or about half of the upcoming projection. This would be the upper limit. He explained that it would be sort of an oxymoron to call the former reval "statistical" as both the past and current use statistical measurements and statistical analysis using computers, photos, and sketches. They both reach the same answer using the same procedure. The only difference is the knocking on doors.

Mayor Wright continued indicating that in discussions with many others Towns and their mayors, as well as at the capitol, the statistical approach appeared to be more favored due to its lower cost, about half the cost of that projected using the physical approach. His feeling is that he would prefer to defer the reval hoping that the legislature would move to permit more of the lower cost alternative. He asked an opinion of the Assessor. The Assessor stated that he did not feel that waiting a year would make a difference in the equity of the burden. He felt that there would be no major shift between one group to the another.

Councilor Bowen also advocated waiting a year to conduct reval if there was a possibility of saving on its cost.

Mayor Wright inquired concerning the timetable for the next reval, if this one was to be deferred. The Assessor responded that it would be delayed five years, moving the next reval to 2016, vs. 2015. That's five years from the date of the extension, not the originally planned date.

Councilor Cohen asked if an ordinance would be required. Town Manager Salomone responded that a resolution would be required, not an ordinance.

D. Costello Industries – Land Gift

Town Manager Salomone explained that the property being gifted is located at the extreme end of the Town's industrial park on Costello Drive. It is property which at this point is not developable. It consists of two properties measuring about 1 acre and $\frac{3}{4}$ of an acre in size. The taxes on the properties are about \$1,200 on one and about \$1,100 on the other. Since the properties are not developable it would be in the best interest of Costello to have the Town acquire them as open space. Manager Salomone indicated that if the Town did not take the property now, that it might end up so doing in the future if the developer refused to pay taxes. Manager Salomone added that the property is coterminous with other open space adjacent to it. He also indicated that the gifting by Costello would benefit the developer both by reducing his taxes and also possibly by permitting him to receive a tax benefit at the state and/or federal level. due to the gifting.

Councilor Nasinnyk inquired as whether there would be any maintenance required by the Town. Manager Salomone responded, no. The property is in the wetlands. It's actually a positive attribute for the existing ridgeline.

Councilor Boni expressed concern that this might become overgrown and blighted. Town Manager Salomone allayed his fears indicating that it's a natural woodlands area, not meadows. He added, with a touch of humor, it's certainly not going to be a soccer field.

Councilor Nagel asked whether there were any other positive reasons for the Town to acquire the property. Town Manager Salomone indicated that since watercourses flow through it, it's a benefit to keep it open in that sense. He added that open space is always a valuable asset to the Town. It will basically stay in its natural state. It's not going to be developed, so we are not losing its revenue potential. He further explained that at the next Council meeting the property would be referred to Town plan and zoning for an 8-24 review. All he'd be requesting is for that review, a referral, not a final decision.

E. John Scelza – Land Gift

Town Manager Salomone described the property on Lamplighter Lane as the last piece of allegedly developable property. An aerial photograph was supplied to the Council. The reason the Manager felt it is really not developable is due to the steep slope. It is felt that even if it were developed that erosion problems would cause it to infringe on other neighboring property. The Manager recommended that it be accepted by the Town as open space.

Mayor Wright inquired whether there was any garbage existing on the site. The Manager indicated that an environmental study had not been done, but that he did not see any garbage on the site or reason for concern as there was no title history which might lead one to believe such.

Councilor Bottalico enumerated that the tax revenue loss would be about \$1,200. This was confirmed by the Manager. The Councilor calculated the losses (through gifting) discussed at this Council meeting to be \$3,539.

Councilor Nagel inquired whether any maintenance would be required on the property by the Town. Town Manager Salomone stated that he would have to check on whether the front of the parcel might require some mowing since it is located in a residential area.

Councilor Cohen, for the record, explained that in the past, due to maintenance being required, the Town had actually donated the property to the property owner, rather than absorb the costs. While this is the reverse, it is acceptable for good reason.

F. Consideration of Canceling the August 25, 2009 Council Meeting

Mayor Wright asked the Council whether they would consider canceling one of the August meetings. Town Manager Salomone indicated that there was nothing pressing in the pipeline except approval of the JAG grant, mentioned earlier in the meeting.

Councilor Nasinnyk expressed opposition to canceling the meeting. She felt that it would precedent setting to go an entire month without a meeting.

Councilor Cohen asked how long it would be between meetings if the meeting on the 25th was canceled. Town Manager Salomone responded four weeks.

It appeared that all were in favor of voting at the next meeting on the August 25th meeting cancellation.

VI. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)

(none)

VII. TAX REFUNDS (Action Requested)

Councilor Bowen moved the following

RESOLVED:

That property tax refunds in the amount of \$ 4,784.74 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 Nasinnyk**
Motion passed 9-0

VIII. MINUTES OF PREVIOUS MEETINGS

A. Regular Meeting, June 23rd, 2009

Councilor Nagel moved to accept the minutes of the June 23rd regular meeting of the Town Council as submitted

Motion seconded by **Councilor Cohen**.
Motion passed 9-0

B. Regular Meeting, July 14th, 2009

Councilor Nasinnyk moved to accept the minutes of the July 14th regular meeting of the Town Council as submitted

Motion seconded by **Councilor Boni**.
Motion passed 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

Town Manager Salomone submitted his monthly report.

Councilor Bottalico inquired about why the police overtime appeared so high. The Manager explained that this was due to the overlapping schedule in effect certain times of the year which requires that more shifts have to be replaced. It evens out during the year, but statistically for this month extra shifts have to be covered. The Councilor further inquired why the overtime savings anticipated due to the hiring of three new police officers was not reflected. The Manager explained that the overtime savings were already accounted for in the budget, and that the savings benefit is not realized until the following year due to the training, etc. required of the officers.

Councilor Bowen explained that he believes that the real savings are about \$130K compared to last year.

Town Manager Salomone elaborated that the reason for the hiring of additional police was not only to contain the overtime, but to even out the shifts for better coverage, and to avoid having officers working 60 to 70 hours per week.

Councilor Lenares inquired about the hiring of a youth officer for the traffic division as previously discussed. Town Manager Salomone noted that the Town does now have a youth officer.

Councilor Lenares inquired as to whether additional detectives had been hired. **Town Manager Salomone** responded that none had been added.

Councilor Banach referred the Manager to page 13 of the Manager's June report and inquired about the fact the Juvenile Review Board had handled only one referral. He asked whether this was an anomaly.

The Manager responded that he did not have the answer immediately and that he would have to look into it further. The Councilor then further asked, based upon this low a number, whether this was indeed a viable board. The Manager said that he would have Ken look into it further.

X. COUNCIL LIAISON/COMMITTEE REPORTS

Community Safety: **Councilor Nagel** - A PowerPoint presentation was made to PTO members, as well as other groups. The plan is to present it to a focus group of seniors citizens at the senior citizen center in August.

Councilor Bowen added that what the committee is attempting to do is gain more support for their survey. They'd like to see some support from the Council. They haven't received support from the Board of Ed. He praised the presentation and recommended viewing it for those who have not.

Councilor Bottalico reported that the NHS Gymnasium Committee has encountered some problems. Termites were discovered and tests were to be conducted. They have not yet received back the report as yet. Additionally, other problems involving the OCR committee and getting the bleachers removed will delay the project. He projected that the project would definitely not be completed this year.

XI. PUBLIC PARTICIPATION – IN GENERAL

Rose Lyons Resident 46 Elton Drive Newington

Ms. Lyons pointed out that this was the first time in all the numerous meetings she has attended that someone actually came up with the answer that a 2/3 majority is required to waive the rules. She expressed disbelief that it took two years. She suggested that rules be made readily available for the public to look at as well. She complimented Jaime Trevethan, Executive Assistant to the Manager, for being "right on the spot". She expressed her concern that the Community Safety committee regular attendance which appears to stand now at four members. She complimented the committee on doing a wonderful job, but thought that maybe someone should work on improving the attendance.

Meg Casasanta Board of Ed 110 Steeplechase Drive Newington
Resident and Board of Ed member Casasanta commented on Councilor Bowen's assessment of the Board's support for community safety. She explained that while she has been unable to attend some meetings due to scheduling conflicts, that the Board always supports the (inaudible) community. She further noted that the Board has to follow certain administrative guidelines with respect to surveys which have been implemented throughout the district. She stated that she believes that communication will be going forward on the subject to the community safety chair in terms of the regulations which are needed to be enforced.

XII. REMARKS BY COUNCILORS

Councilor Nasinnyk wished to thank Lori Verreault, the former executive assistant, for all her hard work.

Councilor Bowen followed up on the comments of Meg Casasanta regarding his comment on the Board of Ed's community safety cooperation. He stated that he stands corrected. What he meant to say was that in the past they had not participated in the survey and that if in the future they could find a way that it fits their guidelines and they could support the survey, he thought that it would be very positive.

Councilor Nagel commented concerning comments he made at the last meeting. He stated that he was happy to see that the traffic problem on Garfield St. with the busses appeared resolved; that now the busses are facing out, and that, at least a couple of times when observed, a police car was present when they were being moved.

Councilor Boni wished to complement the highway department which he stated is going full bore repair of several streets in Town.

Mayor Wright commented that he thought the Extravaganza Week was a big success and wished to thank all members of the Parks & Rec Department and Board as well as all of the community groups involved. "It was a showcase of what a great community Newington is." Mayor Wright then read into the record a letter from the Mayor of Wethersfield thanking the Town for its assistance after the tornado which Wethersfield.

XIII. EXECUTIVE SESSION RE LITIGATION/COLLECTIVE BARGAINING

Councilor Bowen moved to go into executive session at 9:15 pm.

Councilor Boni seconded the motion.

The motion passed 9-0.

All Councilors, Town Manager Salomone and Attorney Petree were present.

Councilor Bowen moved to adjourn from executive session at 9:35 pm.

Councilor Boni seconded the motion.

The motion passed 9-0.

XIV. ADJOURNMENT

Councilor Bottalico moved to adjourn the meeting at 9:35 pm.

Councilor Cohen seconded the motion.

The motion passed 9-0.

Respectfully Submitted,

Scott Coleman
Clerk of the Council