



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR MICHAEL LENARES

**Minutes – Tuesday, May 24 2011
7:00 p.m.
Newington Town Hall – Helen Nelson Room**

I PLEDGE OF ALLEGIANCE

II ROLL CALL

Councilors Present:

Councilor Banach - absent
Councilor Bottalico
Councilor Casasanta
Councilor Cohen
Councilor Klett
Councilor McBride
Councilor Nagel
Councilor Nasinnyk
Mayor Lenares

Staff Present:

John Salomone, Town Manager
Ed Meehan, Town Planner
Tony Ferrara, Town Engineer
Mary Richard, Council Clerk

Gary Fontanella, Milone & MacBroom

Councilor Nasinnyk said that Councilor Banach was absent because his daughter is being presented with an award and he is attending that award banquet.

Also, she said that Jaime Trevethan delivered her baby girl on Saturday, mother and daughter are doing fine.

III PUBLIC PARTICIPATION – Mayor Lenares announced the phone for the public who wish to call in. 860-665-8736

Mady Kenney, 52 Crestview Drive – said that she saw the men repairing the steps at the Town Hall. She asked the men if they were going to repair the handicap ramp, after unsuccessfully pushing a shopping cart and was told that they were not told to do that. Ms. Kenney said that this ramp as it is absolutely unusable for a wheel chair or a walker and she asked that this be included in the repairs. She also said that driving down Cedar Mountain on the right side area she saw the grass was about a foot high which is not very inviting for anyone considering buying a home here. She said that we have to maintain what we have. It looks like we just don't care. She said she walked a path where the trees were planted and the town had made a commitment to maintain. She invited everyone to take a stroll and see for yourselves. This goes along with the Gateway concept and right now it looks like Tobacco Road.

Rose Lyons, 46 Elton Drive – said she couldn't attend the meeting two weeks ago but did hear the discussion of the Long Range plan 2011 – 2012 thru 2014 – 2015. She said it was mentioned that there wasn't time to discuss the future years and Mr. Salomone said that we could approve that year and go through the remainder another

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time. She said she sees a need to discuss this in front of everyone, and as an example in 2009 – 2010 monies were transferred for the artificial turf field because they didn't want to lose the grant. This year it was said at this table they didn't think that we needed to use all that money and said last year it would be spent this year so there will be some explaining to do. She said that for true transparency these plans for CIP monies should be discussed prior to the last minute.

IV CONSIDERATION OF OLD BUSINESS

A. Year End Transfers

CERTIFICATION:

In accordance with Section 808 of the Town Charter, I hereby certify that there exists, free from encumbrances, in the following appropriations in the General Fund, the amounts listed below:

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
350	Sanitation	\$30,000

Ann J. Harter, Director of Finance

RESOLVED:

That the Newington Town Council hereby transfers the above-certified funds in the General Fund to the following accounts in the General Fund:

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
320	Highway Department	\$30,000

BE IT FURTHER RESOLVED:

That the Newington Town Council hereby transfers the sum of \$500,000 in the Health Benefits Fund to the Other Post Employment Benefit (OPEB) Trust Fund;

BE IT FURTHER RESOLVED:

That the Town Manager is authorized to make additional transfers from unencumbered balance of appropriations within the General Fund to the OPEB Trust Fund to provide funds to meet this long-term obligation and to report at a later date on the amount of such transfers.

MOTION BY: Councilor Casasanta

SECONDED BY: Councilor Bottalico

VOTE: 8 – 0 Councilor Banach absent

Councilor Nasinnyk said that this had been discussed at the last meeting and Sanitation had the money and could transfer the funds to the Highway Department – that's where the \$30,000 came from and the OPEB Trust Fund is something that this Council is trying to fund for retirees and for benefits.

B. Suspense List

Mr. Salomone said that just because these are on a suspense list it doesn't mean that we're not still trying to collect.

RESOLVED:

The Newington Town Council hereby authorizes transfers in the amount of \$87,909.57 to the Suspense Tax Book for the years 2008-2009 through 2009-2010. This action is being taken upon the recommendation of the Revenue Collector and as shown in a report dated May 5, 2011.

MOTION BY: Councilor Bottalico

SECONDED BY: Councilor Cohen

VOTE: 8 – 0 Councilor Banach absent

Mayor Lenares asked Mr. Salomone about the \$87,909.57 still owed, are we still trying to collect that and have we ever collected back taxes or are we writing this off. Mr. Salomone said that no we're not writing this off,

there are some that cannot be collected but still some are collectible. Councilor Klett asked how we're trying to collect these. Mr. Salomone said that each year there's a certain amount returned to us and we have a search to get updated addresses, and in the past we have used a collection agency but have not done that this year. Councilor Klett said that there are some names that surprise her, and Mr. Salomone said that we have new technologies today. Councilor Klett mentioned the internet and wondered if that would be a viable option for the community. Mr. Salomone said there is always a debate about publishing names but sometimes there are circumstances that prevail. Councilor Klett said that there are certain businesses that are not paying their taxes. Mr. Salomone said that most businesses don't want their business closed and at the last minute they'll come in and pay their taxes. Councilor Bottalico said that often many of these delinquent accounts have received demand letters and phone calls do not respond. Is the next step a collection agency, and do we have the authority to knock on doors. Mr. Salomone said that we do have a 'tax sale' and we're in the process of doing that now. Councilor Bottalico asked about the uncollectible after 15 years, and Mr. Salomone said that we can still collect it but at that point it moves to another 'bucket' accounting wise. Councilor Bottalico also asked about the list from Anne Harter with the top 30 delinquent taxes adds up to \$840,000. Mr. Salomone said yes that could be because there are a lot of big business. Mr. Salomone said we have a good collection rate of 98.6% plus the 18% interest and we are successful in most of those collections. He said he would be happy to have the Tax Collector and the Finance Director come in and talk about our tax system and every time we do this there is certain number of names come up but the tax collector is very aggressive and people are very clever in trying to avoid paying taxes and it's a challenging job.

Councilor Klett asked how the State avoids paying taxes, and Mr. Salomone said he'd have to look at that and there's a legitimate explanation. Councilor Casasanta said she agreed with Councilor Bottalico in that it's important to stay on top of these and with a 98.6% collection rate the Tax Collector is doing a great job. Councilor Nagel said he agrees with Councilor Casasanta and he would like to know if we have done any comparison figures on surrounding towns, and Mr. Salomone said he would be happy to supply that information. Councilor Bottalico asked on the 1 ½% not collected, if we don't collect that where is it coming from. Mr. Salomone said that it's coming from the tax payers. Councilor Bottalico said that the tax paying Newington residents are being taxed because of other people who are delinquent. Mr. Salomone said that he doesn't dispute that. Councilor Bottalico said that is so unfair to the tax payers, and that's a lot of money. Mr. Salomone said that anyone in business knows how difficult it is to collect, and but you're right and in setting the budget we discount that amount and that amount gets rolled into the regular account and everyone else is subsidizing those who don't pay. Councilor Bottalico asked in the next year we add to that uncollected amount, does that money go back into revenue. Mr. Salomone said it goes back into revenue.

Councilor Nasinnyk said that Newington does have a good rate of collection compared to other towns and there is always room for improvement. Mayor Lenares said that owing a company he would love to collect 90% it's just part of doing business. Councilor McBride said that some of these accounts are people he has done business with and had to chase them around for payment and he said it may be a scheme, and some people make a living at it. He said that most people pay their taxes and he believes that this may be a policing of the system.

RESOLVED:

The Newington Town Council hereby authorizes the outstanding balance from the 1995 Grand List in the amount of \$6,203.97 be removed from the Town's receivable assets as of June 30, 2011 as per the recommendation of the Revenue Collector.

MOTION BY: Councilor Bottalico

SECONDED BY: Councilor Nasinnyk

VOTE: 8 – 0 Councilor Banach absent

V. CONSIDERATION OF NEW BUSINESS

A. Blight Ordinance Subcommittee

Mr. Salomone said he had received two calls from residents living next to a house with a lawn of about 1 ½ foot high and they're involved in a dissolution of marriage and not living there and neighbors asked what could they do. Mr. Salomone said that we could do something if it becomes a health risk. Councilor Klett said that ticketing has been done and an officer involved and Mr. Salomone said that the Town Attorney will be part of that blight committee. Councilor Bottalico said he is unclear about this blight ordinance issue, if the person qualifies and doesn't have the money and they go to see Ken Freidberg and he ok's it why does it not come out of his account. Mr. Salomone said that it's a check and balance on it and it's probably less than \$1000. a year.

C. Downtown Revitalization Committee Report – Market Square Streetscape

Mr. Gary Fontenella of Milone & MacBroom presented an illustration of the plans for the project. He explained the layout showing more sidewalk area and taking down some trees and adding trees, with lighting and allowing for some trash receptacles and bike racks so it's a very significant project as relates to improving pedestrian components on Market Square. He pointed out three cross walks area to slow speed in that area. He noted the memo from Mr. Meehan showing the schedule and budget and expenditures.

Mayor Lenares said that he believes this is a good project and that we squeezed every penny we could. Councilor Casasanta hopes that there will be similarities to Constitution Square. Mayor Lenares noted the bike racks which is very nice. Councilor McBride thanked Mr. Fontanella for his work and wants to stress that the project should be done out in the open for the public and people really appreciated how it was presented to the public. Another issue was taking some trees down which sometimes covered the business signs, we wanted to make it a bit more business friendly and by slowing down the traffic and should be a fantastic project and we'll get a lot of bang for our buck. He was thankful for all the input from the public as well. Councilor Cohen said that we'll also be providing the electricity for events that will be taking place. Councilor Klett thanked the committee and she is hopeful that bids will come in and will result in a showcase for our community. Councilor Nasinnyk said it's a very important project that had been put on the back burner for Constitution Square and it should be as important. Councilor Nagel thanked everyone involved in this project and is happy to see that it does unify with Constitution Square and he is concerned about the access for those businesses. Mr. Fontanella said that traffic will be maintained and maintain access to buildings and there will be a lot of contact with the property owners about what's going on and will make every effort to keep it as seamless as possible. Councilor Bottalico asked Councilor McBride about the bidding that's coming in, if we are under budget can we finish up the signage on this budget. Mayor Lenares said the signage has to do with Constitution Square and nothing to do with this project. Councilor McBride asked Mr. Fontanella about the banner poles. Mr. Fontanella said that the banner poles are included in the project now. Councilor Klett asked if we could have an update on the project as it moves along. Councilor McBride said that most of this project will take place in July and August and typically July and August people are away on vacation and the timing is good. Mr. Salomone said that we learned from Constitution Square and tried to keep the businesses unaffected as much as possible.

Councilor Nagel moved to waive the rules and Councilor Bottalico seconded. Vote 8 – 0 Councilor Banach absent. Mayor Lenares asked for any input from the public. – NONE

RESOLVED:

The Newington Town Council hereby accepts the plans, specifications and cost estimations of the Newington Town Center Streetscape Improvement Project on Market Square Phase IV dated 5/16/2011 as presented by Milone and MacBroom Inc. and approved by the Downtown Revitalization Committee to be submitted to the Connecticut Department of Economic and Community Development and authorizes the Town Manager to proceed to bid.

MOTION BY: Councilor McBride
SECONDED BY: Councilor Klett
VOTE: 8 – 0 Councilor Banach absent

VI. RESIGNATIONS/APPOINTMENTS – NONE

Councilor Cohen noted that there are a lot of vacancies and can we also let people know that their term is up Mr. Salomone said that we can consider that. Councilor Cohen said **(inaudible)** Councilor Bottalico noted committees that are no longer active, for instance, the #4 Newington Commercial Façade is done. Mr. Salomone said that there's still funds in there they can't be closed. If there are no funds in there we can close that out.

VII. TAX REFUNDS

RESOLVED:

That property tax refunds in the amount of \$416.45 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 BY: Councilor McBride
SECONDED BY: Councilor Nasinnyk
VOTE: 8 – 0 Councilor Banach absent

VIII MINUTES OF PREVIOUS MEETINGS

- A. May 10, 2011
- B.

Councilor Nagel noted in Line 6, Page 7 eliminate the second 'need' and change the word 'heat' to 'meat'.
Councilor Cohen – Page 3, 2nd paragraph – should read 'we would just try'....to make a statement....
Councilor Cohen – Page 4 in the Resolution V.B.2 she added the comment following and any future.....
"Whereas this easement is required by the State to construct the abutting busway and Cedar/Fenn Station and"....
Also Page 8, Remarks by Councilors - Councilor Cohen noted that on May 17th the Conservation Committee was meeting which was omitted.
Councilor Casasanta for the public awareness (inaudible)
Councilor Cohen moved to accept the minutes as corrected.
Councilor Nasinnyk seconded
Vote 8 – 0 Councilor Banach absent

IX WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHE TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC - none

X COUNCIL LIAISON/COMMITTEE REPORTS

Councilor Klett Rules Committee met tonight and is not recommending any changes to the Council rules at this point and believe the rules work as-is.

XI PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive said she's pleased that no changes have been recommended from the Rules Committee. Speaking to the issue of signage the Market Square have been very informative and the public was heard and as to the Constitution Square parking lot it's the signage that's a concern. Business owners have asked about the signage, so in the next budget someone should look into this matter so the public and people from out of town can figure out where to park.

Mady Kenney, 53 Crestview Drive was thankful for the bike racks. She said at the Conservation meeting last week there was a presentation, none of which the public could see. She believes that a power point presentation should have been available for the public could be made aware and the people at home could see what people were talking about.

XII REMARKS BY COUNCILORS

Councilor Klett was thinking how nice the Toll Brothers headquarters are in Newtown which is a lovely little town with a lot of open space.
Councilor Cohen said that tomorrow night, (inaudible)
(portions of this item/recording was not audible)

XIII EXECUTIVE SESSION RE: LITIGATION

Councilor Nasinnyk moved to go to Executive Session at 8:30 pm. Councilor Klett seconded. Vote 8 – 0
Councilor Banach absent

Councilor Cohen moved to adjourn the Executive Session at 9:45 pm. Councilor Nasinnyk seconded – Vote 8 – 0
Councilor Banach absent

XIV ADJOURNMENT

Councilor Cohen moved to adjourn the regular meeting at 9:45 pm
Councilor Nasinnyk seconded. Vote 8 – 0 Councilor Banach absent.

Respectfully Submitted,

Mary Richard
Council Clerk