AGENDA
September 10, 2019, 7:00 P.M.

I. PLEDGE OF ALLEGIANCE
II. ROLL CALL
III. APPROVAL OF AGENDA
IV. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736)
   (3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)
V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION
VI. CONSIDERATION OF OLD BUSINESS (Action May Be Taken)
   A. Town Hall Project Update
   B. TPZ Referral §8-24 CGS, Municipal Improvements
      1. Town Hall & Community Center Project-Revised Property Line Along
         Mazzoccoli Way
   C. TPZ Referral §8-24 CGS, Municipal Improvements
      1. Acceptance of Packard’s Way as a Town Street
   D. Discussion-Creation of a Public Facilities Review Committee
   E. Affordable Housing Moratorium
   F. Discussion Town Attorney Ordinance Updates
VII. CONSIDERATION OF NEW BUSINESS (Action May Be Taken by Waiving the Rules)
   A. Historic Documents Preservation Grant FY 2020
   B. Town Manager’s Evaluation
VIII. TAX REFUNDS (Action Requested)
   A. Approval of September 10, 2019 Refund for an Overpayment of Taxes
IX. MINUTES OF PREVIOUS MEETINGS
   A. August 27, 2019 Special Meeting Minutes
   B. August 27, 2019 Public Hearing Minutes
   C. August 27, 2019 Regular Meeting Minutes
X. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES
    AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

Phone: (860) 665-8510 Fax: (860) 665-8507
townmanager@newingtonct.gov
www.newingtonct.gov
XI. COUNCIL LIAISON/COMMITTEE REPORTS

XII. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736)  
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)

XIII. REMARKS BY COUNCILORS

XIV. EXECUTIVE SESSION
   A. PENDING LITIGATION §1-200(6)(B) – Dakota Properties, Inc.

XV. ADJOURNMENT
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, (On behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: Town Hall Renovation Project Update

The Town Manager will present an overview on the status of the Town Hall Renovation Project and answer any questions that the Council may have regarding the project.
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, (On behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: TPZ Referral §8-24 CGS, Municipal Improvements-Town Hall & Community Center Project-Revised Property Line Along Mazzoccoli Way

During the August 27, 2019 meeting the Town Council reviewed a proposed change to the existing easterly property line along Mazzoccoli Way. The mapping that was shown highlighted the revision of the lot line to include the entire new Town Hall structure within the site. The Town Council must refer the matter to the Town Plan & Zoning Commission (TPZ) for a report under CGS §8-24.

A Resolution has been added to this item for the Town Council to authorize the Town Manager to refer to the TPZ the revised Property Line along Mazzoccoli Way.

Attachment:

- Resolution – Referral of Town Hall & Community Center Project-Revised Property Line Along Mazzoccoli Way to TPZ
RESOLVED:

That the Newington Town Council hereby directs and authorizes the Town Manager to submit to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes, for the Town Hall & Community Center Project-Revised Property Line Along Mazzoccoli Way.

MOTION BY: ________________________
SECONDED BY: _____________________
VOTE: _____________________________
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, Town Clerk (on behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: Acceptance of Packard’s Way as a Town Road

During the August 27, 2019 Regular meeting, the Town Council was informed of a requested to have Packard’s Way accepted as a Town road. In accordance with the process for street acceptance, the Town Council must refer the matter to the Town Plan & Zoning Commission (TPZ) for a report under CGS §8-24. Upon the receipt of the report from the Town Plan & Zoning Commission, the Town Council must then schedule a Public Hearing on the proposed acceptance.

A Resolution has been added to this item for the Town Council to authorize the Town Manager to refer to the TPZ the acceptance of Packard’s Way as a Town road.

Attachment:
Resolution – Referral of Packard’s Way to TPZ
AGENDA ITEM: VI.C

DATE: 9/10/2019

RESOLUTION NO 2019-____

RESOLVED:

That the Newington Town Council hereby directs and authorizes the Town Manager to submit to the Town Plan and Zoning Commission for its report in accordance with Section 8-24 of the Connecticut General Statutes, the acceptance of Packard’s Way as a Town street.

MOTION BY: ________________________
SECONDED BY: _____________________
VOTE: _____________________________
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, Town Clerk (on behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: Discussion-Formation of a Public Facilities Review Committee

The Town Manager will present information, based on discussion at the August 27, 2019 meeting, regarding the use of a Consultant to act as the Facilities Director and complete the initial review and Study Report for the maintenance of Town facilities and structures.
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, Town Clerk (on behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: Affordable Housing Moratorium

Town Planner, Craig Minor reviewed the requirements for supplying an application to the Commissioner of Housing to request a moratorium on Affordable Housing applications during the August 27, 2019 meeting. A more detailed review of the moratorium process is outlined in his memorandum of September 4, 2019 included as part of this item.

If the Town Council decides to move forward with the application process the Town Planner will advertise a “Notice of Intent to Apply”, and the complete application would be filed in the Town Clerk’s office. After advertising the Town has a twenty (20) day waiting period, which could involve the scheduling of a Public Hearing relative to the application.

A resolution to authorize the submission of the request for an Affordable Housing Moratorium has been included as part of the September 10, 2019 meeting agenda.

Attachment:

- Memorandum – From Craig Minor, Town Planner to the Newington Town Council, dated September 6, 2019 “Affordable Housing Moratorium”
- Resolution – Authorization to Apply for Moratorium
To: Newington Town Council  
From: Town Planner Craig Minor, AICP  
Date: September 6, 2019  
Subject: Affordable Housing Moratorium

The Affordable Housing Appeals Act (also known as “Section 8-30g”) states that 10% of the housing supply in every Connecticut town must be “affordable”. Towns that are not 10% affordable can be forced to accept an affordable housing project that does not meet the Town’s zoning regulations. Newington currently has 1,116 affordable housing units; we need 1,301 units to be exempt from 8-30g, so we are 185 units short. The Dakota Partners project contains 97 affordable apartments so if/when it gets built, we will be short by only 88 units. Once Newington has (and keeps) 1,301 affordable units, other developers like Dakota Partners will not be able to come to Newington.

The good news is that the Act contains relief for towns like Newington that are close to their 10%. Towns that actively promote affordable housing and have built affordable housing since the Act took effect are eligible for a three-year moratorium against future affordable housing applications.

To be eligible for this moratorium, Newington needs to have a certain number of what the Act calls “Housing Unit-Equivalent (HUE) points”. Newington needs at least 261 HUE points to be eligible for a moratorium. We have 320 HUE points, so we have more than enough to be eligible.

I use the word “eligible” because merely having enough HUE points does not guarantee that the Commissioner of Housing will approve Newington’s request. This just gets Newington in the door. I have not done a review of towns that were denied but I believe it was because those towns could not show a true commitment to increasing their supply of affordable housing.

If the Town Council decides to proceed with the moratorium application process, a legal notice must be published. If a petition signed by 25 Newington residents requesting a public hearing is submitted within twenty days, a public hearing must be held.

cc: file
RESOLVED:

That the Newington Town Council hereby authorizes Craig Minor, Town Planner to submit an application for an “Affordable Housing Moratorium” in accordance with Section 8-30g-6 of the Regulations of Connecticut State Agencies, Title 8. Zoning, Planning, Housing, Economic and Community Development and Human Resources.
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, (On behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: Updates from Town Attorney, Benjamin Ancona

The Town Attorney will be present to review research on existing Panhandling ordinance language from area Towns based on the discussion at the August 27th meeting. He will also discuss the proposed language that was previously supplied for the regulation of ATV’s and Sale of Town Property.

Attachments:
- Draft ATV Ordinance Language
- Draft Sale of Town Property Ordinance Language
§ 415 Proposed Amendment

AN ORDINANCE OF THE TOWN OF NEWINGTON, CONNECTICUT, PROVIDING FOR THE PROHIBITION OF ALL-TERRAIN VEHICLES, MINI BIKES, MINI MOTORCYCLES AND DIRT BIKES ON STREETS AND PUBLIC PROPERTY.

WHEREAS, the Town of Newington (hereinafter “Town”) is a duly formed municipality within the State of Connecticut with a population in excess of twenty thousand (20,000) people; and

WHEREAS, the Town has problems with persons operating all-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on public streets, sidewalks and public property in a manner that causes a nuisance and is also dangerous to the operator and the public at large; and

WHEREAS, General Statute §7-148(c) and its various subsections provides and authorizes the Town to, inter alia, control public parks, playgrounds and other municipal property; control streets, alleys, highways, boulevards, bridges, underpasses, sidewalk, public walks and parkways; regulate and prohibit, in a manner not inconsistent with the general statutes, the operation of vehicles on streets and highways; prohibit and abate all nuisances and causes thereof, and all things detrimental to the health, morals, safety convenience and welfare of its inhabitants; and regulate any business; and

WHEREAS, General Statute §14-390 authorizes the Town to regulate the operation and use of all-terrain vehicles within the Town, establish fines for violations thereof, and provide for the seizure and forfeiture of all-terrain vehicles used in violation thereof; and

WHEREAS, General Statute §14-390m authorizes the Town to regulate the operation and use of dirt bikes, mini bikes and mini motorcycles within the Town, establish fines for violations thereof, and provide for the seizure and forfeiture of dirt bikes, mini bikes and mini motorcycles used in violation thereof; and

WHEREAS, the Town wishes to protect the public health, safety and welfare of all of its citizens and guests by prohibiting the use of these types of vehicles within the Town limits, and prohibit the nuisance thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF NEWINGTON:

Section 1. That the Code of Ordinances of the Town of Newington be amended by adding a new section to read as follows:

1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:
**All-terrain vehicle** means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and also defined as any three (3) or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road uses by an individual rider on various types of non-paved terrain. Such vehicles do not include trail bikes, golf carts, agricultural tractors, farm implements and construction machines.

**All-terrain vehicle dealer** means any person engaged in the business of manufacturing, selling, leasing or renting all-terrain vehicles, mini bikes, as defined by this ordinance, mini-motorcycles, as defined by this ordinance, or dirt bikes, as defined by this ordinance, at retail having a regular and established place of business within the Town of Newington.

**Pocket bikes, mini bikes, mini sport bikes, mini dirt bikes, chopper scooters, motor scooters, bicycles with helper motors, and any other similar vehicle (hereinafter collectively "mini bikes") shall mean any wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.**

**Mini-motorcycle** shall mean a vehicle that has not more than three wheels in contact with the ground, has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the ride, and is propelled by an engine having a piston displacement of less than 50 c.c.

**Dirt Bike** shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, and also defined pursuant to General Statute §14-390m(d) as may be amended.

As used in this ordinance, All-terrain vehicle, mini bike, mini motorcycle and dirt bike shall not include the following:

1. Any registered "motorcycle" as defined in General Statute § 14-1(46);
2. Any registered "motor vehicle" as defined in General Statute § 14-1(47);
3. Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all Town of Newington ordinances;
4. Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;
5. Any self-propelled snow plow, snow blower or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;
6. Any vehicle owned or leased by the Town of Newington; and
7. Any Electronic Assistive Mobility Device.
2. **Operations prohibited.**

A. It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit the operation of his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike on any street or sidewalk in the Town of Newington or on any public property, including but not limited to school property, playgrounds and parks, within the Town of Newington.

B. It shall be unlawful for any person to ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit any person to ride as a passenger on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike operated in violation of subsection (A) above.

C. It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, and/or for any owner of an all-terrain vehicle or mini cycle to knowingly permit its operation on any private property, within the Town of Newington, without first obtaining the permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike.

D. This Ordinance shall not be applicable to any dirt bike being operated upon any road or highway provided that, (i) said dirt bike is properly and validly registered with the Connecticut Department of Motor Vehicles and (ii) is being operated in compliance with all applicable motor vehicle laws of the State of Connecticut.

3. **Penalty.**

A. Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(A) and/or 2(C) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits its operation in violation of subsection 2(A) and/or 2(C) above, shall be fined up to one thousand dollars ($1,000.00) for a first violation, shall be fined up to one thousand five hundred dollars ($1,500.00) for a second violation, and shall be fined up to two thousand dollars ($2,000.00) for a third or subsequent violation.

B. Any person who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(B) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits a passenger to ride on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(B), shall be issued a citation.

C. Any police officer that observes any person in violation of this ordinance may detain such person for purposes of enforcing the provisions of this ordinance. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike used in violation of this ordinance shall be seized by any police officer and shall be forfeited to the Town, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, including, but not limited to, a lien under General Statute §14-66c provided said person is found guilty administratively or in a court of law.

D. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike ordered forfeited pursuant to this ordinance shall be either (i) sold at public auction conducted by the Town, with the proceeds
of such sale being paid to the treasurer of the Town who shall deposit such proceeds into the general fund of the municipality, or (ii) be destroyed by the Town.

Section 2.

A. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.

B. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

C. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given affect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

D. This ordinance shall become effective after its passage as set forth in the Town of Newington Charter.
§ 415 Proposed Amendment

AN ORDINANCE OF THE TOWN OF NEWINGTON, CONNECTICUT, PROVIDING FOR THE PROHIBITION OF ALL-TERRAIN VEHICLES, MINI BIKES, MINI MOTORCYCLES AND DIRT BIKES ON STREETS AND PUBLIC PROPERTY.

WHEREAS, the Town of Newington (hereinafter “Town”) is a duly formed municipality within the State of Connecticut with a population in excess of twenty thousand (20,000) people; and

WHEREAS, the Town has problems with persons operating all-terrain vehicles, mini bikes, mini motorcycles and dirt bikes on public streets, sidewalks and public property in a manner that causes a nuisance and is also dangerous to the operator and the public at large; and

WHEREAS, General Statute §7-148(c) and its various subsections provides and authorizes the Town to, inter alia, control public parks, playgrounds and other municipal property; control streets, alleys, highways, boulevards, bridges, underpasses, sidewalk, public walks and parkways; regulate and prohibit, in a manner not inconsistent with the general statutes, the operation of vehicles on streets and highways; prohibit and abate all nuisances and causes thereof, and all things detrimental to the health, morals, safety convenience and welfare of its inhabitants; and regulate any business; and

WHEREAS, General Statute §14-390 authorizes the Town to regulate the operation and use of all-terrain vehicles within the Town, establish fines for violations thereof, and provide for the seizure and forfeiture of all-terrain vehicles used in violation thereof; and

WHEREAS, General Statute §14-390m authorizes the Town to regulate the operation and use of dirt bikes, mini bikes and mini motorcycles within the Town, establish fines for violations thereof, and provide for the seizure and forfeiture of dirt bikes, mini bikes and mini motorcycles used in violation thereof; and

WHEREAS, the Town wishes to protect the public health, safety and welfare of all of its citizens and guests by prohibiting the use of these types of vehicles within the Town limits, and prohibit the nuisance thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF NEWINGTON:

Section 1. That the Code of Ordinances of the Town of Newington be amended by adding a new section to read as follows:

1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:
**All-terrain vehicle** means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and also defined as any three (3) or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road uses by an individual rider on various types of non-paved terrain. Such vehicles do not include trail bikes, golf carts, agricultural tractors, farm implements and construction machines.

**All-terrain vehicle dealer** means any person engaged in the business of manufacturing, selling, leasing or renting all-terrain vehicles, mini bikes, as defined by this ordinance, mini-motorcycles, as defined by this ordinance, or dirt bikes, as defined by this ordinance, at retail having a regular and established place of business within the Town of Newington.

**Pocket bikes, mini bikes, mini sport bikes, mini dirt bikes, chopper scooters, motor scooters, bicycles with helper motors, and any other similar vehicle (hereinafter collectively "mini bikes")** shall mean any wheeled vehicle designed to transport one (1) or more persons that is powered by any type of motor.

**Mini-motorcycle** shall mean a vehicle that has not more than three wheels in contact with the ground, has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the ride, and is propelled by an engine having a piston displacement of less than 50 c.c.

**Dirt Bike** shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, and also defined pursuant to General Statute §14-390m(d) as may be amended.

As used in this ordinance, All-terrain vehicle, mini bike, mini motorcycle and dirt bike shall not include the following:

1. Any registered "motorcycle" as defined in General Statute § 14-1(46);
2. Any registered "motor vehicle" as defined in General Statute § 14-1(47);
3. Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the State of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all Town of Newington ordinances;
4. Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;
5. Any self-propelled snow plow, snow blower or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four (4) miles per hour;
6. Any vehicle owned or leased by the Town of Newington; and
7. Any Electronic Assistive Mobility Device.
2. **Operations prohibited.**

A. It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit the operation of his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike on any street or sidewalk in the Town of Newington or on any public property, including but not limited to school property, playgrounds and parks, within the Town of Newington.

B. It shall be unlawful for any person to ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike and/or for any owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike to knowingly permit any person to ride as a passenger on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike operated in violation of subsection (A) above.

C. It shall be unlawful for any person to operate an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, ride as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, and/or for any owner of an all-terrain vehicle or mini cycle to knowingly permit its operation on any private property, within the Town of Newington, without first obtaining the permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike.

D. This Ordinance shall not be applicable to any dirt bike being operated upon any road or highway provided that, (i) said dirt bike is properly and validly registered with the Connecticut Department of Motor Vehicles and (ii) is being operated in compliance with all applicable motor vehicle laws of the State of Connecticut.

3. **Penalty.**

A. Any person who operates an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(A) and/or 2(C) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits its operation in violation of subsection 2(A) and/or 2(C) above, shall be fined up to one thousand dollars ($1,000.00) for a first violation, shall be fined up to one thousand five hundred dollars ($1,500.00) for a second violation, and shall be fined up to two thousand dollars ($2,000.00) for a third or subsequent violation.

B. Any person who rides as a passenger on an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(B) above, or is the owner of an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike who knowingly permits a passenger to ride on his/her all-terrain vehicle, mini bike, mini motorcycle, or dirt bike in violation of subsection 2(B), shall be issued a citation.

C. Any police officer that observes any person in violation of this ordinance may detain such person for purposes of enforcing the provisions of this ordinance. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike used in violation of this ordinance shall be seized by any police officer and shall be forfeited to the Town, subject to any bona fide lien, lease or security interest in the all-terrain vehicle, mini bike, mini motorcycle, or dirt bike, including, but not limited to, a lien under General Statute §14-66c provided said person is found guilty administratively or in a court of law.

D. Any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike ordered forfeited pursuant to this ordinance shall be either (i) sold at public auction conducted by the Town, with the proceeds
of such sale being paid to the treasurer of the Town who shall deposit such proceeds into the general fund of the municipality, or (ii) be destroyed by the Town.

4. **Posting by all-terrain vehicle dealer.**

Each all-terrain vehicle dealer offering for sale, lease or rental any all-terrain vehicle, mini bike, mini motorcycle, or dirt bike shall post this ordinance in a prominent location at said all-terrain vehicle dealer's place of business. Any all-terrain vehicle dealer who violates any provision of this section shall be fined one hundred dollars ($100.00).

5. **Sale of gasoline for illegal purposes.**

A. No retail dealer of gasoline shall sell, offer for sale, or attempt to sell, any article or product represented as gasoline for use in an all-terrain vehicle, mini bike, mini motorcycle, or dirt bike as defined in this ordinance, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle, as defined in General Statute § 14-1, as may be amended, and no individual shall purchase or attempt to purchase gasoline for this purpose.

B. Signs with the words "FUELING OF UNAUTHORIZED VEHICLES PROHIBITED" at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. The location of warning signs shall be based on local conditions but shall be visible and legible from all gas pumps.

C. An individual or retail dealer of gasoline who violates any provision of subsections (A) and/or (B) of this section shall be fined one hundred dollars ($100.00).

**Section 2.**

A. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this ordinance.

B. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

C. If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this ordinance that can be given affect without the invalid provisions or applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.

D. This ordinance shall become effective after its passage as set forth in the Town of Newington Charter.
CHAPTER 430 Sale of Town Property

§ 430-1 Sale Procedure

Any real or personal property of the Town which the Council shall determine to offer for sale shall be so offered by resolution, and a full description of such property shall be included in the notice of passage of the resolution. Such resolution shall invite sealed bids for such property to be opened publicly by the Town Manager and shall fix a minimum price therefor which shall be established by the Council after consultation with the Town Manager and the Assessor. Such property shall not be sold for less than the minimum price. All sales shall be to the highest qualified bidder unless the Council, within 30 days after the opening of the bids, votes to reject all bids. No bid shall qualify unless it is submitted together with cash or a certified check for at least 10% of the amount bid. The cash or certified check of the highest qualified bidder shall be applied toward the purchase price, and in the event that said bidder defaults, said sum shall be forfeited to the Town as liquidated damages. All sales of real property shall be by quitclaim deed. The Manager is authorized to sign on behalf of the Town all documents necessary to effect the sale of any property made pursuant to this section.

§ 430-2 Form of Resolution

The form of the resolution mentioned in § 430-1 shall be as follows: "RESOLVED: That the following described properties of the Town of Newington be offered for sale at not less than the minimum price stated for each such property; that sealed bids for any such properties be submitted to the Town Manager at his or her office not later than 12:00 noon on (at least 10 days after notice of passage of resolution is published); that cash or a certified check for at least 10% of the amount bid be submitted with each bid; that said sum submitted by the highest qualified bidder be forfeited to the Town as liquidated damages if said highest qualified bidder defaults; that such bids be opened publicly by the Town Manager at said time; that each of said properties be sold to the highest bidder therefor, provided that such bid is not less than the minimum price established for such property and provided that within 30 days from the date of the opening of said bids, the Council does not reject all bids:
Description of property Minimum price"

§ 430-3 Exemptions

The provisions of §§ 430-1 and 430-2 concerning the sale of the property shall not apply to sales of personal property having a value of less than $100, as determined by the Manager, nor shall such provisions apply to the sale of any items of personal property where the Manager recommends the disposal of such personal property by trade-in on other equipment, public auction or negotiation for the sale of the same, provided that the Council approves such recommendation prior to the transfer of the title to such personal property.

§ 430-4 Public Hearing When Required/Plan & Zoning Referral

Pursuant to C.G.S. § 7-163e, the Council shall hold a public hearing for all real property that may be considered parkland, open space or playground and all real property with a fair market value in excess of ten thousand dollars ($10,000.00) and shall further refer the sale of any real property to the Plan and Zoning Commission pursuant to C.G.S. § 8-24.
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, Town Clerk (on behalf of Tanya D. Lane, Town Manager)
Date: September 3, 2019
Re: FY 2020 Connecticut State Library Historic Documents Preservation Grant

The Town Clerk’s office is preparing to apply for the annual Historic Documents Preservation Grant from the State Library for preservation of records. The application deadline to apply is September 30th. The Municipal Chief Executive Office (MCEO) must be authorized to execute the Contract by Resolution of the Town Council.

By authorizing the Town Manager to sign all documents related to the Grant will allow the signed Contract to be immediately returned once it is received from the State Library.

This authorization for the Town Manager to execute the application must be approved by the Town Council prior to the application deadline of September 30, 2019.

After review, if the Town Council is in favor of the application, a Resolution will be placed on September 24th meeting for your consideration.

Attachments:
- Memorandum from James E. Krupienski, Town Clerk
- Application-Targeted Grant FY 2020 & Narrative Page
MEMORANDUM

To: Tanya D. Lane, Town Manager
From: James E. Krupienski, Town Clerk
Date: September 3, 2019
Re: FY 2020 Connecticut State Library Historic Documents Preservation Grant

Since the inception of the Historic Document Preservation Grant Program, the Town of Newington has applied each year, and has received over $150,000 to date. The use of these funds has assisted the Town in completing projects ranging from:

- Integrating Map Indexes to the Land Record search terminals;
- Expansion of Land Record and Vital Vault shelving;
- Installation of new Land Record Index/Search System;
- Live Land Record Index from 1976-Current;
- Implementing print and web access for Land Record searching;
- Back scanning, image linking and microfilm preservation of Land Record books;
- Implementation of Laserfiche Enterprise Solution;
- Purchase of Copier/Kiosk solution;
- Military Discharge imaging, microfilm preservation and re-creation.
- Preservation of Town Grand Lists

The office is allowed to apply once per year, in either April or September, under one of five (5) categories:


This year, as part of the Grant process, I will be applying for the maximum amount of $7,500, for conservation and preservation of our existing Land Record volumes. We will be scanning and linking the images from Volume 282 through 522, through our existing Land Record vendor COTT Systems. Once completed this will complete the linking of all images to our existing searchable index from January 1976 to current day. This project has the added benefit of increasing online copy revenue while reducing foot traffic in the office. The proposed work would begin no sooner than January 1st for this Grant Cycle. This application must be approved by the Town Council prior to the application deadline of September 30, 2019.

Attachments:

- Application-Targeted Grant FY 2020
- Narrative Page & Supporting Documentation
APPLICATION
TARGETED GRANT FY 2020
Historic Documents Preservation Program
Connecticut Municipalities
GP-001 (rev. 1/2019)

This form may be completed and printed for submission at ctstatelibrary.org/publicrecords/hdpp

Name of Municipality: Town of Newington

Name of Municipal CEO: Tanya D. Lane
Title: Town Manager
Phone with Area Code: (860) 665-8510
Email: tlane@newingtonct.gov

Name of Town Clerk: James E. Krupienski
Title: Town Clerk
Phone with Area Code: (860) 665-8550
Email: jkrupienski@newingtonct.gov

TC Mailing Address: 131 Cedar Street, Newington, CT 06111

Grant Application Deadline:
☐ Cycle 1: April 30, 2019  ☑ Cycle 2: September 30, 2019

Grant Contract Period: The contract period begins after July 1, 2019 AND receipt of the fully executed contract. Grant projects must be completed and funds expended by June 30, 2020.

Maximum Grant Allowed:
- $5,500 Small Municipality Population less than 20,000
- $7,500 Medium Municipality Population between 20,000 and 69,999
- $10,500 Large Municipality Population of 70,000 or greater

Amount Requested: $7,500.00

Grant Category(ies):
- ☑ Inventory and Planning
- ☐ Organization and Indexing
- ☐ Program Development
- ☑ Storage and Facilities
- ☐ Preservation/Conservation

Budget Summary

<table>
<thead>
<tr>
<th>Budget Item</th>
<th>Grant Funds (A)</th>
<th>Local Funds (B)</th>
<th>Total Funds (A+B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Consultants/Vendors</td>
<td>$7,500.00</td>
<td>$2,650.00</td>
<td>$10,150.00</td>
</tr>
<tr>
<td>(Total cost for all consultants and vendors)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Equipment</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>(Total cost for eligible items, i.e. shelving)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Supplies</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>(Total cost for eligible items, i.e. archival supplies)</td>
<td>$</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>4. Town Personnel Costs</td>
<td></td>
<td></td>
<td>$</td>
</tr>
<tr>
<td>(Total cost for all town personnel)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Other</td>
<td>$1</td>
<td>$2</td>
<td>$</td>
</tr>
<tr>
<td>(Please specify on a separate sheet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. TOTAL</td>
<td>$7,500.00</td>
<td>$2,650.00</td>
<td>$10,150.00</td>
</tr>
</tbody>
</table>

1 Base pay only for personnel hired directly by the municipality for the grant project. Consultant/vendor costs should be listed on Line 1.
2 Personnel taxes, benefits and any overtime must be paid by the municipality.
Narrative Page & Supporting Documentation

- Answer on an attached page, numbering the answers for questions 1 through 3; and question 4 if required.
- If applying for more than one project, questions 1 through 3 must address each project separately; for example, number the answers 1a and 1b, 2a and 2b, 3a and 3b.
- Answers should be provided in the applicant’s own words, not by referencing the vendor’s proposal.

1. **Describe the project.** State what will be done and why. Identify the specific records involved, including volume numbers and date range.

2. **Identify the vendors or town personnel; and the project timeframe.** For **Vendors:** Identify the company and the timeframe for completing the work. For **Town Personnel:** Follow specific instructions on page 12 of the [Grant Guidelines](#) under Section D, Town Personnel Costs.

3. **State what the municipality hopes to accomplish.** Explain how the project will impact the records, the office and/or the municipality.

4. **Provide a detailed budget.** Show the specific project expenses to be included under each line item (Consultants/Vendors, Equipment, Supplies, and Town Personnel Costs). Show the split between grant and local funds where applicable. If applying for only one project with one vendor, you may omit this question.

5. **Attach supporting documentation.** For vendors: provide a copy of the proposal or quote. For direct purchases of equipment or supplies: provide a copy of the product information/pricing.

---

**Designation of Town Clerk as Applicant**

This section to be completed only if the MCEO wishes to designate the Town Clerk to make the application for the grant.

I hereby designate, __________________________________________, the Town Clerk, as the agent for making the above application.

Signature of MCEO ________________________________

Date ________________________________

Name and Title of MCEO ________________________________

**Certification of the Application**

This section must be signed by the applicant. If the Town Clerk is designated above, the Town Clerk must sign. If the Town Clerk is not designated, the MCEO must sign.

I hereby certify that the statements contained in this application are true and that all eligibility requirements as outlined in the *FY 2020 Targeted Grant Guidelines* have been met.

Signature of Applicant (MCEO or Town Clerk if Designated) ________________________________

Date (must be same as or later than above date) ________________________________

Name and Title of Applicant ________________________________

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**For State Library Use Only**

Grant Disposition: □ Approved □ Denied

Grant Award: $__________________________

Grant Number: _________-________-_________

Signature of Public Records Administrator ________________________________

Date ________________________________
1. **Describe the project.** State what will be done and why. For records projects, identify the specific records involved, including volume numbers and date range.

   For our Fiscal Year 2019 Historic Documents Preservation Grant we will be completing the back filing of Land Record images consistent with our live index beginning in 1976. Images will be supplied to our existing Land Records vendor, COTT Systems to complete the remaining 241 volumes from January 1976 through January 1985. This will add an estimated 84,500 images to our Land Records to assist Attorney’s and the public with record access.

2. **Identify the vendors or town personnel; and project timeframe.** For consultants/vendors, identify the company and the timeframe for completing the work. For town personnel to be paid with grant funds, follow the instructions provided on Page 12 of the Grant Guidelines.

   a. The main vendor will be COTT Systems for all linking of the images.

3. **State what the municipality hopes to accomplish.** Explain how the project will impact the records, the office and/or the municipality.

   a. The Town of Newington is working to increase public accessibility for the Land Records. This will reduce wear and tear on the existing physical book and index pages, while ensuring that the imported images reflect all marginal notations that are recorded on the documents when accessed online and in the office.

4. **Provide a detailed budget.** Show the project expenses included under each line item (Consultants/Vendors, Equipment, Supplies, and Town Personnel Costs); and show the split between grant and local funds where applicable. If applying for only one project with one vendor, you may omit this question.

   a. **Primary Vendor:** COTT Systems  
      Volumes 282-522 (84,600 images @ $0.12 each) – Back-filing costs are estimated at $10,150, of which $7,500 would come from the HDPG and $2,650 would come from local funds.

5. **Attach supporting documentation.** For consultants/vendors, provide a copy of the proposal or quote. For direct purchases of equipment or supplies, provide a copy of the product information/pricing.
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, Town Clerk (on behalf of Tanya D. Lane, Town Manager)
Date: September 4, 2019
Re: Town Manager’s Evaluation

The Town Manager Evaluation Subcommittee has completed the Town Manager’s evaluation for FY 2018-19 and has requested an item on the September 10, 2019 Council Agenda to discuss her compensation. This item has been discussed in recent Executive Sessions.

A Resolution will appear on the September 24, 2019 Agenda for Council consideration.
RESOLVED:

That property tax refunds in the amount of $ 8,344.87 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.
### TAX REFUNDS – September 10, 2019

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidonion Pereira</td>
<td>28 Lydall Road</td>
<td>23.59</td>
</tr>
<tr>
<td>Sandra or Joseph</td>
<td>96 Brockett Street</td>
<td>73.93</td>
</tr>
<tr>
<td>Yuriy Shuvalov</td>
<td>40 Woodsedge Dr Apt 2c</td>
<td>73.46</td>
</tr>
<tr>
<td>Civitillo Masonry Inc</td>
<td>30 Elmwood Court</td>
<td>196.07</td>
</tr>
<tr>
<td>Susan or Todd Muller</td>
<td>1 Butternut Lane</td>
<td>81.74</td>
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<tr>
<td>Dreaming Green Corp</td>
<td>Nelson Pinhancos</td>
<td>233.55</td>
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<tr>
<td>Vilson Kurti</td>
<td>43 Adam Drive</td>
<td>16.13</td>
</tr>
<tr>
<td>David Farley</td>
<td>48 Apple Hill</td>
<td>14.79</td>
</tr>
<tr>
<td>Robert or Maria</td>
<td>1860 Main Street</td>
<td>172.79</td>
</tr>
<tr>
<td>Roberto Gomez</td>
<td>33 Meadow Street</td>
<td>20.71</td>
</tr>
<tr>
<td>Gabrielli Truck</td>
<td>277 New Park Avenue</td>
<td>1172.92</td>
</tr>
<tr>
<td>Clare Rogala</td>
<td>100 Windmill Lane</td>
<td>6.55</td>
</tr>
<tr>
<td>Manocchio Enterprises</td>
<td>204 Kelsey Street</td>
<td>20.91</td>
</tr>
<tr>
<td>Theodore Lapierre</td>
<td>48 Chestnut Road</td>
<td>14.60</td>
</tr>
<tr>
<td>James Drieu TR</td>
<td>78 Cypress Road</td>
<td>69.07</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Amount</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Ann Hutchinson</td>
<td>20 Stage Coach Lane Newington, CT 06111</td>
<td>26.16</td>
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<tr>
<td>Roger Veilleux</td>
<td>23 Laurel Circle Newington, CT 06111</td>
<td>12.74</td>
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<tr>
<td>All Seasons Landscaping</td>
<td>762 N Mountain Road Newington, CT 06111</td>
<td>374.97</td>
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<tr>
<td>Michelle Ambrosio</td>
<td>19 Glen Hollow Road Unionville, CT 06085</td>
<td>5.13</td>
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<tr>
<td>Lori or Gustavo Basigalup</td>
<td>207 Nicholson Street Newington, CT 06111</td>
<td>6.87</td>
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<tr>
<td>John or Barbara May</td>
<td>68 Allston Road Newington, CT 06111</td>
<td>43.28</td>
</tr>
<tr>
<td>Daniel T Lewis</td>
<td>55 New Britain Avenue Newington, CT 06111</td>
<td>32.04</td>
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<tr>
<td>Kelmendi Flamur or Enkeleda Kelmendi</td>
<td>263 Cedar Street Newington, CT 06111</td>
<td>26.63</td>
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<tr>
<td>Kathleen Gorman</td>
<td>3819 Pegasus Circle Syracuse, NY 13209</td>
<td>147.34</td>
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<tr>
<td>Honda Lease Trust</td>
<td>600 Kelly Way Holyoke, MA 01040</td>
<td>1,112.26</td>
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<tr>
<td>Robert Brelsford 3rd</td>
<td>200 Main Street Newington, CT 06111</td>
<td>12.27</td>
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<tr>
<td>Patterson Enterprises LLC</td>
<td>PO Box 9697 Forrestville, CT 06011-9694</td>
<td>360.58</td>
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<tr>
<td>Mark Jastrzebski</td>
<td>47 Gildersleeve Avenue Canton, CT 06019</td>
<td>38.82</td>
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<tr>
<td>Susanne Mantel</td>
<td>3 John H Stewart Drive Apt 108 Newington, CT 06111</td>
<td>19.57</td>
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<tr>
<td>Richard Whinnem</td>
<td>30 Berry Street #3214 North Andover, MA 01845</td>
<td>34.33</td>
</tr>
<tr>
<td>Defrim Arapi</td>
<td>1 Berntson Way Newington, CT 06111</td>
<td>18.46</td>
</tr>
<tr>
<td>Name</td>
<td>Address</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>----------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Byran Tyrell</td>
<td>78 Lamplighter Lane Newington, CT 06111</td>
<td>118.43</td>
</tr>
<tr>
<td>ACAR Leasing LTD</td>
<td>PO Box 1990 Attn Property Tax Fort Worth, TX 76101</td>
<td>914.77</td>
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<tr>
<td>USB Leasing LT</td>
<td>1850 Osborn Avenue Attn Tax Servicing Oshkosh, WI 54902</td>
<td>678.35</td>
</tr>
<tr>
<td>Hyundai Lease Titling Trust</td>
<td>3161 Michelson Drive Ste 1900 Irvine, CA 92612</td>
<td>334.14</td>
</tr>
<tr>
<td>Nissan Infiniti LT</td>
<td>Tax Operations PO Box 650214 Dallas, TX 75265-0214</td>
<td>1,836.92</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$8,344.87</strong></td>
</tr>
</tbody>
</table>
RESOLVED,

That the Newington Town Council, in accordance with CGS §1-200(6)(B) hereby moves to go into Executive Session, and invites the Town Council members, the Mayor, Tanya D. Lane, Town Manager and Benjamin Ancona, Town Attorney to discuss Pending Litigation: Dakota Partners, Inc.