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

***The Regular Town Council Meeting will begin at the conclusion of the 6:50 P.M. Public Hearing, but no earlier than 7:00 P.M.***

I. PLEDGE OF ALLEGIANCE
II. ROLL CALL
III. APPROVAL OF AGENDA
IV. AWARDS/PROCLAMATIONS
   A. Proclamation - 80th Anniversary of the Lucy Robbins Welles Library
   B. Proclamation - Community Media Day
V. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736) (3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)
VI. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION
VII. CONSIDERATION OF OLD BUSINESS (Action May Be Taken)
   A. Discussion- Public Facilities Review
   B. §8-24 TPZ Report on Packard’s Way - Street Acceptance & Scheduling of Public Hearing
   C. Ordinance Amendment Adoption- Chapter 415, Vehicles, Recreational
VIII. CONSIDERATION OF NEW BUSINESS (Action May Be Taken by Waiving the Rules)
   A. Development Update from Andrew Brecher
IX. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)
   A. Appointment – Aging and Disabled Commission
X. TAX REFUNDS (Action Requested)
   A. Approval of October 8, 2019 Refund for an Overpayment of Taxes
XI. MINUTES OF PREVIOUS MEETINGS
   A. September 17, 2019 Special Meeting Minutes
   B. September 24, 2019 Regular Meeting Minutes

Phone: (860) 665-8510   Fax: (860) 665-8507
townmanager@newingtonct.gov
www.newingtonct.gov
XII. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

XIII. COUNCIL LIAISON/COMMITTEE REPORTS

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

XV. REMARKS BY COUNCILORS

XVI. EXECUTIVE SESSION

A. SECURITY - MUNICIPAL COMMUNICATIONS - CGS §1-200(6)(A) & §1-210(b)(19)(viii)
B. REAL ESTATE – VILLAS AT CEDAR MOUNTAIN - CGS §1-200(6)(D)

XVII. ADJOURNMENT
PROCLAMATION
LUCY ROBBINS WELLES LIBRARY 80TH ANNIVERSARY

WHEREAS, the Lucy Robbins Welles Library was founded in 1939 and has served the residents of Newington for eighty years; and

WHEREAS, the Lucy Robbins Welles Library has been an important resource to the community for learning, leisure activity and historical research; and

WHEREAS, the Lucy Robbins Welles Library originally served the needs of 5,000 citizens and now serves the needs of over 30,000 town residents as one of the busiest libraries in the State of Connecticut; and

WHEREAS, the Lucy Robbins Welles Library had a circulation during its inaugural year of 1938-1939 of 14,826 and just completed the 2018-2019 year with a circulation of 300,029; and

WHEREAS, the Lucy Robbins Welles Library has a vast collection of 174,700 physical items and a digital repository of over 91,000 items available for public use; and

WHEREAS, the Lucy Robbins Welles Library has served the Town of Newington for 80 years, continues to be a leader in technology, staff dedication and a wide range of public programs; and

NOW, THEREFORE, BE IT RESOLVED, that the Newington Town Council hereby recognizes the 80th Anniversary of the Lucy Robbins Welles Library and recognizes the value that its founders placed upon knowledge and learning.

NOW BE IT FURTHER RESOLVED, that the Newington Town Council expresses its appreciation to the Library Board Members & Trustees, the Friends of the Library, staff and volunteers who have served the community through their involvement with the Library for the last eight decades and who make it the outstanding institution that it is today.

MOTION BY: __________________________
SECONDED BY: _______________________
VOTE: _______________________________
WHEREAS, the sharing of ideas and information helps to build common understanding and common values within a community; and

WHEREAS, access to information in today’s media environment is critical for the healthy functioning of our community; and

WHEREAS, community media organizations provide a means for diverse communities to tell their stories, hear each other’s stories, and create new stories together; and

WHEREAS, community media organizations provide information to the community that is not covered by mainstream commercial media; and

WHEREAS, community media organizations provide people with the skills necessary for the creation, sharing, and consumption of knowledge and ideas through media; and

WHEREAS, community media is an important resource for participating in local democratic policy and processes; and

WHEREAS, community media connects community organizations, schools, and local governments to their constituents; and

WHEREAS, in many communities, people are not aware of the diverse and valuable programming on public, education, and government access channels or community radio channels; and

WHEREAS, communities will benefit from increased general awareness of, viewing audiences for, and creators of media content created by and for the community;

NOW, THEREFORE, BE IT RESOLVED that October 20, 2019 is hereby proclaimed as Community Media Day within the Town of Newington, Connecticut and all people are hereby called upon to promote the importance of community media, training available at Newington Community Television, NCTV, and programming available on Channels 14 & 16 on Cox, 6049 & 6050 on Frontier, and streaming live at www.nctv.org.

BE IT FURTHER RESOLVED, that Newington Community TV plays a vital role in the building our community by encouraging conversations about our common interests, increasing discourse around policy issues, fostering understanding of local cultures, and sharing information to improve our lives.

More information at communitymediaday.com | 1020@communitymediaday.com | 315.888.1020

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: October 1, 2019
Re: Discussion- Public Facilities Review

This item has been added to continue the discussion 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, (On behalf of Tanya D. Lane, Town Manager)  
Date: October 2, 2019  
Re: §8-24 TPZ Report for Packard’s Way Acceptance

During the September 25, 2019 Town Plan & Zoning Commission meeting the commission voted to issue a favorable recommendation on the acceptance of Packard’s Way as a Town Road. The report drafted by Craig Minor, Town Planner is included as part of this item for your review.

Upon review, if the Town Council is in agreement with the report, a Resolution to formally accept the report and schedule a Public Hearing to receive public comments has been included for your adoption.

Attachment:

- Resolution – Acceptance the TPZ Report and Schedule a Public Hearing for the Acceptance of Packard’s Way
TOWN OF NEWINGTON
131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

September 27, 2019

Tanya D. Lane
Town Manager
Town of Newington
131 Cedar Street
Newington, CT 06111

Dear Ms. Lane:


This is to inform you that at the regular meeting on September 25, 2019 the Town Plan and Zoning Commission voted to issue a favorable recommendation on the above-referenced proposal to accept “Packard’s Way” as a Town Road.

A legal notice to that effect will be published in the New Britain Herald on or about September 30, 2019.

Yours truly,

Craig Minor, AICP
Town Planner

cc: file
RESOLVED:

That the Newington Town Council hereby moves to accept the favorable report of the Town Plan & Zoning Commission (TPZ), dated September 27, 2019, for the acceptance of Packard’s Way as a Town Road, and

BE IT FURTHER RESOLVED:

That the Newington Town Council hereby schedules a Public Hearing for October 22, 2019 at 6:50 P.M. to receive public comments on the acceptance of Packard’s Way as a Town Road.

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: October 2, 2019  
Re: Ordinance Amendment Adoption: Chapter 415, Vehicles, Recreational

At the September 24, 2019 meeting, the Town Council received for introduction and scheduling of a Public Hearing, an amendment to Chapter 415, Vehicles, Recreational.

The Public Hearing was held prior to this meeting to receive public comments on the proposed amendment to the ordinance. The Council may choose to make any changes prior to the adoption based on comments received during the Public Hearing.

The process to amend Town Ordinances is dictated by the Newington Town Charter §C-405 & §C-406. Once the ordinance has been adopted it would go into effect 15 days after publication.

Attached please find the Resolution for adoption of the Proposed Ordinance.

Attachment:  
- Resolution – Adoption of Amended Chapter 415, Vehicles, Recreational
AGENDA ITEM: VII.C
DATE: 10/10/2019
RESOLUTION NO. 2019-

RESOLVED:

That the Newington Town Council hereby approves the amendment to the Newington Code of Ordinances, Chapter 415, “Vehicles, Recreational”, a copy of said ordinance is attached to this resolution.

MOTION BY: ______________________
SECONDED BY: ___________________
VOTE: __________________________
Chapter 415
VEHICLES, RECREATIONAL

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:

That Chapter 415, Vehicles, Recreational, of the Code of Ordinances of the Town of Newington is hereby repealed and the following is hereby substituted 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, and open space 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 liable administratively or guilty 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 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.
MEMORANDUM

To: Newington Town Council
From: James E. Krupienski, Town Clerk (on behalf of Tanya D. Lane, Town Manager)
Date: October 1, 2019
Re: Update on Economic Development Activities

This item has been added for the Town Council to receive information, from Andrew Brecher, Economic Development Director on current and future development projects and efforts within town.
RESOLVED:

That property tax refunds in the amount of $ 55,592.62 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.
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RESOLVED,

That the Newington Town Council, in accordance with CGS §1-200(6)(A) & §1-210(b)(19)(viii): hereby moves to go into Executive Session in Conference Room L-100, and invites the Town Council members, the Mayor, Tanya D. Lane, Town Manager and Stephen Clark, Police Chief to discuss a Security Issue: Municipal Communications.
RESOLVED,

That the Newington Town Council, in accordance with CGS §1-200(6)(D) hereby moves to go into Executive Session, and invites the Town Council members, the Mayor, Tanya D. Lane, Town Manager and Andrew Brecher, Economic Development Director to discuss a Real Estate issue for the Villas at Cedar Mountain.