



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR ROY ZARTARIAN

NEWINGTON TOWN COUNCIL

MEETING MINUTES

January 22, 2019

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2019 JAN 30 AM 10:35

James E. Krupinski
Town Clerk

Mayor Zartarian called the meeting to order at 7:00 p.m. in Room L-101

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

Councilor Anest
Councilor Arace
Councilor Budrejko
Councilor DelBuono
Councilor Manke
Councilor Marocchini
Councilor Miner
Councilor Serra
Mayor Zartarian

Staff Attendees:

Tanya Lane, Town Manager
Ben Ancona, Town Attorney
Gary Fuerstenberg, Town Engineer
James E. Krupinski, Town Clerk
Susan Gibbon, Council Clerk

III. APPROVAL OF AGENDA

Motion to approve the agenda as published by Councilor Anest seconded by Councilor Marocchini. Motion passed 9-0.

Councilor Manke made a motion to remove Item X. C. Correction to the December 27, 2018 Meeting Minutes. Seconded by Councilor DelBuono. After a lengthy discussion, Councilor Manke withdrew his motion and Councilor DelBuono withdrew her second.

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

- William Gardner stated that every year you put up a budget for the town to plow, when the town doesn't use the budget, they use the budget to complete the budget for the following year, you are defeating the purpose. The weather could be worse the following year. What you should do is save the money you don't use for the following year or even following couple of years. It makes sense, if the town doesn't use the budget, it should be put away so that way you have money for when you have excessive snow storms. Made this suggestion about 16 years ago and no one did anything. This will be my last year in Newington. Hopefully you can start saving money instead of spending money.

V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION

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- Councilor Budrejko thanked Mr. Gardner for his comments and stated that she appreciates any suggestions we can get for the budget. It is something I have always struggled with, the use it or lose it concept. Good luck wherever you will be next year.
- Mayor Zartarian stated that we have enough scrutiny on all of the accounts that the opportunity to spend everything before June 30th is really restricted. Money can be carried over into the next fiscal year.

VI. CONSIDERATION OF OLD BUSINESS

A. 2019 Budget Meeting Schedule

Motion by Councilor Anest

RESOLVED:

That the Newington Town Council, pursuant to Section 805 of the Newington Town Charter, will hold two Public Hearings on the proposed Budget for Fiscal Year 2019-2020. These Public Hearings will be held at 6:00 p.m. in the Town Hall (unless otherwise indicated) as follows:

Tuesday, March 12, 2019	Town Manager's Proposed Budget
Tuesday, April 2, 2019	Town Council's Proposed Budget

Seconded by Councilor Marocchini. Motion passed 9-0.

B. LimeBike Update

- Town Manager Lane stated that LimeBike provided a list of potential hotspots throughout Newington. There are about 25. Each hotspot can hold up to 4 vehicles with the exception of 9 and 10, those only hold 2. Hotspot No. 12, which is at the Fastrak station, will accommodate 10-15 vehicles. Lyme suggested a three month trial period. We are working in concert with Hartford on this. I did have the town attorney review the contract and there was only one minor change we will incorporate. If you are good with the hotspots I can start working with Lyme on this.
- Councilor Budrejko stated that all the 25, they would like to use all the spaces?
- Town Manager Lane stated that is what was identified. It will probably depend on how many scooters we want to start with, which will probably dictate what hotspots have how many. The location at the Fastrak is probably the first place we will put them. They have located a lot of hotspots throughout the center of Town. There are some that can be eliminated but added back later on.
- Councilor Budrejko asked if at these stations there were going to be bike racks.
- Town Manager Lane stated that nothing is going to be affixed to the sidewalk. Rely on the bright green. They move around, not always will have four scooters at each point.
- Councilor Budrejko stated that there won't always be scooters at all these locations. If you look at the corners where Carvel is and the church is, some of these seem like overkill. They are very close to each other.
- Town Manager Lane stated that she agrees, they don't know our town. They were just pointing out spots that looked good to them.
- Councilor Budrejko stated that she thinks there needs to be more analysis.
- Councilor Anest asked how they are going to identify locations for the residents so they know where they can pick up a bike and drop one off.
- Town Manager Lane stated that there is no signage. If we want the signs, they will provide us with a logo and we can do our own signs. Think they are relying on the visibility of the vehicles.

- Councilor Anest stated that the bikes can be dropped off anywhere. Are they doing scooters and electric bikes?
- Town Manager Lane stated that they are just doing scooters. That is what they proposed for Hartford as well.
- Councilor DelBuono stated at the last meeting she asked about the question of liability from them. Have you checked with our agent of record about liability to the town to make sure there are now issues for the town in that regard.
- Town Manager Lane stated that there is something in the service agreement about insurance. Will check with our agent just to be sure.
- Mayor Zartarian stated that in the Sunday Courant there was an article about issues involving scooters. Not just moving accidents, but elderly people tripping over a scooter left on the sidewalk. It has become a problem in San Diego, which was one of the town's mentioned. Public sidewalks are ours, if that happens here are we responsible for medical bills or punitive damages? Same thing with moving incidents. Know it is a private operation and the damages should be sought by the person responsible for them, but litigation doesn't work that way and plaintiffs will go after as deep a pocket as they can find.
- Councilor DelBuono stated that it says they will be starting a 3-month pilot program in the spring. What happens after that, will it roll over or will we need to discuss it again then. Is there a time frame that we have to adhere to regarding the contract?
- Town Manager Lane stated she believes that the 3-month pilot program is about the number of scooters and how they are being used by the community, are they being used, is the community receptive? We have 60-days to void the contract.
- Councilor DelBuono asked how long the contract is for.
- Town Manager Lane stated that it is ongoing until we give 60 day notice.
- Councilor Budrejko stated that she did see a Lyme Bike in Newington at the corner of Hawley and East Cedar. It was just lying there across the sidewalk which made it difficult to get to the cross signal. Know that crossing area is used quite a bit by the people living in the senior and disabled housing there. People need to be educated. Would like to start out small and then grow it.
- Town Manager Lane stated that the scooters are picked up each night to be recharged.
- Councilor Miner asked the town manager if she had spoken with anyone in Hartford recently. Something has happened in Hartford, they might have changed their program, what they are allowing, what they are not allowing. Would like to see what they have to say. Don't want to make the same mistakes. This past weekend they went around picking up all the bikes in Hartford. Not sure what that was about, could just be because of the storm. Also check with West Hartford, there were discussions with them as well.

C. Economic Development Director Consultant vs. Employee

- Mayor Zartarian stated that at one point there was an issue brought up that a contractual person might be a better repository of confidential information provided by developers as opposed to a town employee subject to FOI. There are town's that have economic development directors as employees. Wonder if any other towns provided information regarding that.
- Town Manager Lane stated that she did not get that information from any towns other than West Hartford.
- Councilor Anest stated that we did get a legal opinion from Attorney Ancona regarding this. It was sent on January 10th.
- Attorney Ancona stated that if you read the FOI statute it says documents held by the municipality or government agency. He would not be a governmental agency and he is not within the municipality. Just like myself, if it weren't attorney client privilege. I have plenty

of documents that are not retained pursuant to FOI and they are not disclosable in that regard. There are certain exceptions.

- Mayor Zartarian asked even the repository is under contract by the municipality.
- Attorney Ancona stated that is different. If he is deemed a repository for the municipality then it is subject to disclosure.
- Mayor Zartarian stated that our economic development person is under contract. If he holds a set of plans from a developer that he deems confidential, would those plans be disclosable by FOI.
- Attorney Ancona stated that those plans are not disclosable under FOI either way.
- Mayor Zartarian stated that we are coming up to budget. Have stated many times to the town manager with the money that we are spending, that this position should be a town employee even though we might pay a little more money with fringes. That is a bridge to be crossed later.
- Councilor Miner asked if there is a reason we need to keep going over this? I thought we asked our questions and got our answers.
- Councilor DelBuono asked the mayor if he wanted to discuss this during the budget sessions. I did bring this up to have it on the agenda. Everyone knows my opinion on this, feel strongly that that this should be a full time position as opposed to a contract position which is not necessarily the will of the entire council. At this point, I have no need to keep this as an agenda item, but it may come up for discussion during budget.
- Councilor Anest stated that she wants to reiterate that the town manager entered in to a 2-year contract. Would not be prudent to discuss at this year's budget, but will be at next years, when his contract expires.

D. Economic Development Director Goals Discussion

- Town Manager Lane stated that she presented it, made a few changes based on conversations with Councilor Budrejko, circulated it to the council. Don't have anything else to add.
- Councilor Anest asked how do we proceed? Is there anything else for us to do?
- Mayor Zartarian stated that he would have council leadership, economic development commission leadership and Chamber of Commerce leadership go over his goals.
- Councilor Anest asked why the Chamber of Commerce?
- Mayor Zartarian stated that the Chamber of Commerce is an integral part of our economic development. They represent the business community. There have new perspectives and think it would be a mistake not to have them on board with helping us market this town. That is my suggestion.
- Councilor Anest stated that she is concerned. If goals going to be attached to the ED directors contract, what does the chamber have to do with something that is under the town manger's purview. They chamber is on the agenda for the EDC, they speak at the EDC and express their concerns. Why do they need to be an integral part of the goals that the town manager and the council put together for the economic development director?
- Mayor Zartarian stated is just looking at it as another set of eyes and perspective. Just something I am throwing out.
- Councilor Serra stated that she is concerned. The chamber has nothing to do with the contract. Tanya signed the contract and we adjusted some of the goals, but it is not the chamber that is going to oversee or implement these goals. That is the job of the town manager and she will be working the economic development director. The chamber has nothing to do with his goals.
- Mayor Zartarian stated that is just another set of eyes for getting different perspectives. That is why I thought it would be worthwhile to get them on board.

- Councilor Budrejko stated that the chamber is an integral part of working with the economic development director, but do believe that the marching orders or directions come from the town manager and town council. Certainly these goals should be shared, and the EDC and the chamber of commerce should be partners in helping achieve these goals, but do believe that the town should direct the activities and goals of the economic development director. Hear what you are saying and am willing to share with them, but think delaying it beyond what we have now is not going to really add to the process.
- Councilor Manke stated that we have reviewed these goals, we have weighed in on these goals, Councilor Budrejko made suggestions, don't think we need to vote on them, but think this is between the economic director and the town manager. Important that at some point all these groups get together and sit down and have a forum and a discussion. The goals are derived by the town manager and we have given our input.

E. Amendment of Resolution #2018-203

Motion by Councilor Anest

RESOLVED:

That the Newington Town Council hereby moves to further amend Resolution #2018-203, Development Commission to correct the Replaces column reference for Robert Rioux to read Replaces Jennifer Ancona (Defacto) instead of Expiration of Dan Fisher, as shown below.

Development Commission

9 Members, 3 Alternates
3 year term - staggered
Party Max.: 6 members, 2 alternates

Name	Address	Party	Term	Replaces
Sharon Dunning	528 Churchill Drive	D	Immed. - 11/30/2020	Expiration of Clifford Stamm
Fernando Rosa	22 Chaplain Street	D	Immed. - 11/30/2020	Replaces Gary Turco
Robert Rioux	15 Beacon Street	D	Immed. - 11/30/2020	Replaces Jennifer Ancona (Defacto)

- Councilor Manke stated to be clear, this takes effect today, going forward.
- Councilor Anest stated that we are correcting the resolution from 2018. The way I look at it, it is a scrivener's error. The term was accurate, but the replace name was inaccurate, so it is just a scrivener's error. When we get the list of names from the boards and commissions, the names are not listed there, we just have the terms.
- Town Manager Lane stated she thinks there was a misunderstanding by the town clerk because of the de facto terms which are a nuance to Newington. When you put this resolution together, not sure how he did it, but the terms are the guiding factor. You have to keep a detailed history of all the people filing the slots, so you have a sense of which term is bring filled. The guiding factor is the term limit, and the name is just an added factor. That is the way it has been done.
- Councilor DelBuono stated that there are two items on our agenda tonight. This is correcting a motion, is this going to be reflected in tonight's minutes versus the changing of the minutes because of the other error which will reflect in the December 27th minutes.
- Councilor Anest stated that I am looking at this as correct the minutes as well. The intent was the term, not the replaces. Like I said, I look at it as scrivener's error. The names weren't put with the correct term expiration dates. You can get 20 different opinions on it. The intent was the term, not the names.
- Councilor DelBuono stated that if we are doing a resolution to correct this, it will be part of tonight's minutes. It is not retroactive is what I am getting at.

- Councilor Marocchini stated that he knows what you are saying, but does this have any effect on the economic development commission.
- Councilor Anest stated no.
- Councilor DelBuono asked what is the intent? Don't believe it should change anything, things have been put in to motion. The resolution on tonight's agenda will be in tonight's minutes moving forward.
- Councilor Serra stated that you are basically correcting the minutes because the term was wrong.
- Councilor Anest stated that the term is correct, the name was wrong.
- Councilor Budrejko stated that by making these corrections does it invalidate what was done earlier?
- Councilor DelBuono stated let's ask the town attorney on the process, not on the person.
- Councilor Anest stated that respectfully she doesn't want to do that, he is related to one of the people. He hasn't had time to review the process, historically it has been done by the terms not by the name.
- Councilor DelBuono stated that she is not questioning that, what she is asking is whether a resolution read as an agenda item tonight is reflected backwards and is part of tonight minutes moving forward. It is a procedural questions.
- Councilor Marocchini asks does it change any previous votes?
- Councilor Anest stated that we need to make a standard. If we submit the term, we go by term and not the replace. I think we need to figure that out going forward.
- Councilor DelBuono stated that we didn't have either one right then.
- Councilor Anest stated that I corrected it, I read it right, it wasn't reflected in the minutes. For Rob Rioux we had the term right, but when I submitted it we didn't have a name. In the future we should go by the term, because we don't know who it is replacing and when it is a board or commission not serving de facto, you have no idea who that person is, you are replacing vacant at that point. Think if we can come up to an agreement moving forward, we won't have this issue.
- Councilor DelBuono stated that she is fine taking action as long as it is moving forward.
- Councilor Manke stated that is ok with these motions as long as it is moving forward. We can't recreate history. We had already approved the minutes in January for the December 27th meeting. Going forward makes sense. Going backward is the crux of this issue.
- Councilor Anest stated that is fine. But going forward we need to go by the term and not the person's name. Don't even put the people's names if we don't have to. I think it just confuses things more.
- Town Manager Lane stated that is you don't pay attention to the details, you can cause a bigger problem than what we are trying to fix here tonight.
- Councilor Anest stated that when we give a name we don't always know who we are replacing, if there is a doubt a phone call needs to be made saying these are the names you gave me, who are they replacing.
- Town Manager Lane stated that the town clerk makes it a practice to be sure that the names are getting filled in are correctly and agree with the party who are giving them. His records should be detailed and it should outline that. I have run in to this in the past and trying to recreate terms over 3 or 4 years is very consuming and takes a lot of concentration to get it right.
- Councilor Anest stated that if it is a de facto board or commission, then maybe those names need to be submitted when you do the vacancy list.
- Town Manager Lane stated that they should be. Have they not?
- Councilor Anest stated no, they fall off the list. De facto falls off. If you have pen it in before you fax it to us, that will lessen the confusion.
- Councilor Budrejko stated that there are two issues. We will correct the process going forward, but still have concerns voting on this until I get an answer on what the impact will be passing this

specific situation that generated new processes for a clearer understanding going forward. By voting on this specific problem what impact will it have?

- Mayor Zartarian stated that he is the appointing authority for the town attorney, so he is asking the town attorney to come forward and respond to Councilor Budrejko's question.
- Councilor Marocchini stated that it may not even be our choice whether it changes anything behind us or not.
- Councilor Arace stated that within the resolution it says the term immediately. Is that as of 1/22/19?
- Councilor Anest stated it as of December 26th. Can we change it to read 12/26 or 12/27 instead of immediate? Where it says Immed. – 11/30/2020. Can we change it to read 12/26/18 to 11/30/2020.
- Councilor DelBuono stated that they are already on the commission. We are not voting on that.
- Attorney Ancona stated that he wanted to clear up a couple of things. The term de facto, it is not a nuance to Newington, it is state law. If you are a de facto member of a committee it means your term has expired but haven't resigned. Dan Fisher is in here and he resigned December 5, 2017. I don't know why his name is still floating around, his name should be vacant, that is how you should be looking at that. Retroactive conduct is impossible. You can put immediate to whatever you want here. Customarily you put the term immediate to the end of the term. Know what the elephant in the room is, it is the chairmanship of the development commission. There is no statutory authority to change anything that happens in another commission. It's like telling TPZ that you are going to change something because a person wasn't seated properly, you can't do that. Amending a resolution that was previously passed, you can't do that. Tonight's resolution is from tonight moving forward. The implications of those involved are in the future, not in the past.
- Councilor DelBuono asked Attorney Ancona if he had a chance to review the resolution.
- Attorney Ancona stated that it doesn't change anything. All he would say is that in the future when replacing people, you should take the vacant spot first; not remove somebody who is de facto and actually attends.
- Councilor Anest stated that they did. They had four vacancies and replaced all four. We go by the expiration date. That is the way it has always been going back to the early 2000's.

Seconded by Councilor Serra. Motion passed 9-0.

F. Amendment of Resolution #2018-204

Motion by Councilor Anest

RESOLVED:

That the Newington Town Council hereby moves to amend Resolution #2018-204 to correct the Replaces column reference only for Mark Hollis to read Vacant instead of Expiration of Jennifer Ancona, as shown below.

Development Commission

9 Members, 3 Alternates
3 year term - staggered
Party Max.: 6 members, 2 alternates

Name	Address	Party	Term	Replaces
Mark Hollis	323 Church Street	D	Immed. - 11/30/2019	Vacant

- Councilor Anest stated that she is going to change the wording of the resolution by taking Attorney Ancona's advice and remove "resignation of Dan Fisher (12/5/2017)" to have it read **vacant**.

- Town Manager Lane stated that the statute indicates, and correct me if I am wrong Counselor, but we first fill the longest standing vacancy and move forward. If you don't put a name in the replaces, you won't know which one has been there the longest. Why would put vacant there?
- Attorney Ancona stated how long would you keep his name on there?
- Town Manager Lane stated until somebody replaces him.
- Attorney Ancona stated that it is a year plus since he has been on a commission. At what point does he have the right not to have his name in your minutes.
- Town Manager Lane stated this is what happens when it is de facto.
- Attorney Ancona stated it is not de facto. He resigned December 5, 2017.
- Town Manager Lane stated that if there is a resignation it is vacant. So I concur, it should be vacant.

Seconded by Councilor Miner. Motion passed 9-0.

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

A. Clerk of the Works

- Town Manager Lane stated that this in on the tonight's agenda for discussion. The Clerk of the Works has been vacant for a number of years. I suggest that it be a part time position. It will ensure that the interests of the Town are protected during the New Town Hall construction process. We currently have a job description, but it will need to be reworded for this particular project as long as council is in favor.
- Councilor Marocchini stated that we discussed this briefly at our last building committee meeting. You have two different types of overseers. You can have an "owner's rep" or a clerk of the works. To me they are similar, but apparently one is different from the other. I think owner's rep is a little more...not sure if we are looking at it as a technical term or we are thinking the both mean the same thing.
- Councilor Miner stated that owner's rep is a little more involved.
- Town Manager Lane stated that it would be cleaner to fill the vacancy that exists. We can tailor the job description to be more of an owner's rep than clerk of the works.
- Councilor Marocchini stated that there is not one person currently on staff that has the time to devote to this project. They will be the avenue for staff and the building committee. I personally would like to see it as a consulting firm; they have back up. Also think that it should be a full time position for quite a while. A firm, mainly because there is backup and they have staff and someone to cover and who is knowledgeable. The will be attending the construction meetings and reporting to us.
- Councilor Budrejko stated that this would be...if we added a staff person, would you anticipate this as ongoing or just for this project? Just questioning whether it would be staff or consultant. Do you have any firms that do this type of work? The way we structure some of our consultants is very limited, you will work this amount of time, but most consultants are project based so we wouldn't be limiting them to a number of hours, we would be limiting them to results expected. Would like to see a cost analysis between a consultant and staff person because cost and length of service is going to be important. There are benefits to both, but I tend to think more as a consultant we are not obligated to them once this project is over. If we do decide we need a clerk of the works that is fine, but for this particular project a consultant may be the way to go.
- Councilor Miner stated that you have to look at it one of two ways. The existing clerk of the works scope is way outdated and use that as a bench mark. If we go that route, we are more inclined to get one individual exclusively for whatever the term of the project is. Whereas if we went with an Owner's Project Manager, OPM, they are specific to the industry, they watch over the general contractor and architects and they are the exclusive conduit to the

owner. They act as the owner's rep and their job is to look out for the owner. He will work with the construction manager and this job is too much for anyone currently on staff to do. More inclined to hire a consultant. Need to act on this relatively quickly.

- Councilor Marocchini stated that we need to do this quickly. Probably behind as it is.
- Town Manager Lane stated that she is struggling if this has to go out to bid if this is not an employee.
- Councilor Miner stated that she shouldn't. If you put out an RIF or RFP you can get back information on consultants and their fees.
- Town Manager Lane stated that if it is over \$30,000 you have to go out to bid and you are looking at 4-6 weeks.
- Mayor Zartarian stated unless there is a state contract you can piggy back on.
- Councilor Miner stated that might be something for Mr. Baron to look at.
- Councilor Manke stated that is a good idea to have someone looking out for our interests, whether it is a clerk of the works or an OPM, they would speak on behalf of the town?
- Councilor Miner stated that an OPM would be our exclusive point of contact. They will basically be doing what Mr. Langdon has done up to this point. That person will be responsible for this and nothing else in town like Mr. Langdon has been doing.
- Mayor Zartarian stated that he thinks that we would be better off with a firm, versus an individual because they have more resources available to them.
- Town Manager Lane stated that don't you agree that this position is to protect the town's interests so that what is in the bid is what is in the building. Not just there to answer questions that come up. To me the bigger issue is protecting our investment.
- Councilor Miner stated the commissioning agent we have now is responsible for mechanical, electrical and plumbing; that is the core of his responsibility. Anything beyond that is not his responsibility and this will pick up where he left off.
- Councilor Budrejko stated that thinking in terms of the time frame, it seems that a firm will be able to come in running and pick things up quicker. Not sure where to find someone that we need for a project this size. If you hire someone they will have to get familiar with the policies and practices for Newington. Think that a consulting firm will be able to, on day one, know what to do and where to go.
- Councilor Manke stated that his concern is, whichever way we go, how this will get paid for. Does it come out of the town budget? *[difficult to hear, mic not working]*
- Town Manager Lane stated that it can come out of the general town budget, it can come out of CIP, there is money there, I am sure we can find money for this.
- Councilor Manke asked if a clerk of the works and an OPM are of comparable cost. Is one cheaper than the other?
- Town Manager Lane stated that she can only equate it to the diesel spill, when looking for consultants there, word of mouth, conversations, negotiations, whatever worked best.
- Councilor DelBuono stated that she too was wondering about the funding source. Can you please reiterate why this can come out of the town side versus project, because that is a big scuttlebutt around town. People are asking why is it above and beyond the \$28.8 and why can we include that elsewhere.
- Town Manager Lane stated that her understanding is that it wasn't included in the scope of the bond resolution, so it would be outside the scope of the bond.
- Councilor DelBuono stated that she just wants to keep saying that because she doesn't want people to think we are breaking any rules. We are following the scope of the bond. Just want people to be cognizant of that. In terms of the cost, do we have any ballpark figure for this?

- Town Manager Lane stated that she doesn't know if they are accurate, but she has heard anywhere from \$100 an hour to \$100 to \$150 thousand and from as little as \$60 thousand. Until we actually start investigating I won't know.
- Councilor Anest asked how long it will take to get someone in place if we went with an OPM.
- Councilor Miner stated that if there is a state contract in place, that would expedite that process. An OPM is something you can accelerate pretty quickly, will need a little bit of lead time.
- Mayor Zartarian stated that at this point, by consensus, the direction we want to go in is an OPM, hopefully piggybacking on a state regional contract. Then going to bid as a last resort.
- Councilor Marocchini stated to keep an eye on your emails. All for special meeting if we need to; would waive rules tonight but don't feel everyone would be comfortable with that. If we can piggyback on DAS contract that would be good to know before we vote.

B. Public School CIP Funds Transfer

- Town Manager Lane stated that the payment for the diesel spill originally came out of the school CIP fund. The MOU executed, stated that if there were any funds available after all of the invoices were paid, it would be returned to the Board. When that happened, it put the School CIP fund over its \$1.2 million cap and anything in excess of that would be returned to the Town CIP fund for either John Wallace Middle School security issues or toward student transportation purposes. The request tonight is to transfer \$641,944 from School CIP fund to the Town CIP fund. The question is, and it was not stated in the MOU, is that is this going to John Wallace or student transportation and maybe it doesn't matter. I put that out for discussion or guidance.
- Mrs. Pamela S. Muraca, *Interim Superintendent of Schools* stated that the MOU states for either John Wallace wing project or, I think it reads, specifically for student transportation services. I would be fine leaving it as it states and that would give us some flexibility for that money and really do appreciate that fact that it was moved so we could have access to it. Thank you.
- Mayor Zartarian asked if there was a time constraint on this, or can this wait until our next meeting.
- Councilor Marocchini asked if we need to pick a line item.
- Town Manager Lane stated no, it is going in to the Town CIP and that will give the board flexibility for one of those projects.

C. LOTCIP – Complete Streets Grant

- Gary Fuerstenberg, Town Engineer gave a presentation regarding a LOTCIP Grant, Complete Street Project for Robbins Avenue and Maple Hill Avenue. In 2018 town staff became aware of money available, approx. \$25 million, and started looking around for scope of work within grant monies. The maximum each town can receive is approx. \$3 million. Thought this would be a good project for the LOTCIP Grant. This road was last paved 21 years ago; we have done crack sealing twice in that time period. It is on the town's CIP list for repaving. It is a long corridor, about 2 miles and will therefore carry a huge price tag. This project will use up huge chunk of the CIP. These roads are 48 feet wide. This carries about 9-10 thousand vehicles per day. The scope of the grant would be to mill and repave the entire corridor, with signal improvements at four of the traffic signal lights and drainage improvements. The Complete Street Project would consist of providing access for vehicles, bicycles and pedestrians. Vehicle access will be one lane in each direction through the entire corridor, as well as one bicycle lane in each direction and the pedestrian component will be using the existing sidewalks. The cost for the grant, the application amount for the grant, is about \$2 million. The way the grant is set up is they pay for 100% of construction, with town paying

for the design component. By doing the design component in house, we spent about \$20,000 doing test borings and inspections along that corridor to support the grant specifications and by doing the work in house we expect to save the town at least \$100,000. The existing section between Main Street and Willard Avenue is one lane with a very wide shoulder. The section of the road here (between Willard and Maple Hill) is exceptionally wide and it doesn't warrant four lanes. The middle portion is under evaluation for what we can do, looking at various left turn variations. We have a few challenges. A portion of Robbins by Willard is narrow, so we are looking at widening about a 200 foot long segment about 6 or 7 feet. In this corridor there are over 100 residential driveways and 18 uncontrolled intersections so there are a lot of traffic movements on this corridor. We need to coordinate the state DOT for the three signal lights that are in this corridor. The other change that would occur is that there would be no on street parking. We are anticipating that the DOT will commit to the project within the next 60 days or so. We will hold an informational meeting for the public that live within the corridor and other residents who live in town and are interested in the project. After that it three will be a conventional bidding process and expect the construction to take approximately three months. This project will be similar to other milling and paving projects throughout town but on a larger scale. Don't expect any major impacts on traffic.

- Town Manager Lane stated just a point of clarification, when you get ready to widen, there is no taking of land.
- Mr. Fuerstenberg stated the widening is in the existing right of way and there will be no taking of land. That was a key component of the grant that there would be no land acquisition.
- Councilor Anest asked when they anticipate starting the project and would this have any impact on the people not going down Cedar to alleviate the MDC project and going down Robbins.
- Mr. Fuerstenberg stated that if this is fastracked it could start within 3 months. He doesn't anticipate any problems with the MDC project, it has been dormant for a few months. Can coordinate with them.
- Councilor Anest stated that she wanted them to be alert if there any streets closed.
- Mr. Fuerstenberg stated that there will be no street closures associated with this.
- Councilor Anest stated that she was talking about the MDC project.
- Councilor Budrejko stated that this seems to be about the same length of the Main Street project they recently did. So it should be about the same amount of disruption.
- Mr. Fuerstenberg stated that Main Street was significantly narrower. During the project there will be at two lanes available in both directions with probably less disruption.
- Councilor Budrejko stated that her concern when you are doing this is the intersection of Main Street and Robbins. It is horrible. The lefts, the rights, there are accidents all the time. If you are looking at signal improvements, that intersection you are taking your life in your own hands no matter which way you turn. It is very dangerous.
- Mr. Fuerstenberg asked Councilor Budrejko to talk to him about this after the meeting. He has looked at accident data from the police department and there were 75 accidents within this corridor in 3 years and the most accidents were at New Britain and Maple Hill intersection with 25 and the next one was Willard and Robbins.
- Councilor Budrejko asked Mr. Fuerstenberg to take a look at that and maybe even speak to Chief Clark.
- Councilor Miner stated that he thinks the biggest issue you are going to have at Main Street is it is so wide. I am one of the strongest advocates of doing a road diet and it is slowing the speed down. You are slowing the speed but not backing things up. That intersection in particular is so wide.

- Mr. Fuerstenberg stated that you can come see me in my office, my door is always open. One of the things we are not planning on changing are the signal delays and cycles. We are trying to keep those changes minimal. The one thing we are planning on doing is changing the signal activation systems so there are no more loops.
- Councilor Marocchini stated that he was going to mention that. We have a line item for signal safety for the ones we own by adding a camera, as opposed to cutting the asphalt which is great. If we get the grant, would the state do the same thing for the lights they own?
- Mr. Fuerstenberg stated we are just going to do it; we are going to include it in our scope of work. I have already spoken with the DOT about this and to the best of my knowledge they are on board, they support the project and they support the technology. One other thing about the signals is that we would also be incorporating EVPS, which is emergency vehicle preemptive system at all four of these interchanges.
- Councilor Miner stated that he is not a big fan of that. As a driver of fire apparatus, it gives a false sense of security that that light is going to be red all around.
- Mayor Zartarian asked if a public information session would be feasible.
- Mr. Fuerstenberg stated that as soon as we get a commit to the funding from the DOT we will have a public meeting. I am here because we believe that there is a very high probability that we will be awarded the grant. I am just briefing the council.

VIII. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)

A. Resignation – Library Board

Motion by Councilor Manke

RESOLVED:

That the Newington Town Council hereby accepts the resignation of Sharon Byron (Sharpe) as a member of the Lucy Robbins Welles Library Board of Trustees, in accordance with correspondence received January 14, 2019, and effective immediately.

Seconded by Councilor DelBuono. Motion passed 8-0 (Councilor Arace out of the room).

B. Appointment – Environmental Quality Commission-BALF Representative

Motion by Councilor Anest

RESOLVED:

That the Newington Town Council hereby makes the following appointment:

3. Balf-Town Committee

7 members, 2 NTC, 1 Env. Quality Comm., 2 Neighborhood Reps, 2 BALF Reps
 2 alternates
 Party Max: 5 regular, 1 alternates
 Reso. #2018-186

Name	Address	Party	Term	Replaces
Jay Slater Environmental Comm. Rep:	47 Piper Brook Avenue	D	Immed – 11/30/2021	Self

- Councilor Anest stated that it should read replaces “self”, or should it be vacant, because it is 2017. Based on what our town attorney said, it should be vacant.
- Councilor DelBuono stated de facto versus resigning. Vacant for resignation.
- Councilor Marocchini asked if it were a de facto commission.
- Councilor Anest stated no, Balf is not a de facto committee.

- Town Manager Lane stated that is the other problem. It only states six commissions as having de facto members.
- Attorney Ancona stated that this is the Balf Committee, not the Environmental Quality?
- Commissioner Serra stated that it is the Balf Committee, he is the environmental quality rep for the committee.
- Attorney Ancona stated it says he replaces himself.
- Councilor Serra stated that his term expired in 2017.
- Attorney Ancona stated that he is de facto.
- Councilor Serra stated that it is not a de facto commission.
- Councilor Anest stated that there are only five or seven that are de facto.
- Town Manager Lane stated that she agrees with the town attorney. You are either all de facto or not, but the Charter stipulates six commissions and we have a contingency here that think it is only those six.
- Attorney Ancona stated that the Charter also establishes other commissions.
- Councilor Anest stated right, but the Charter only lists seven commissions with de facto terms.
- Attorney Ancona stated that you are either de facto or you aren't.
- Councilor Anest states that even though the Charter states that there are seven boards or commissions you serve de facto on, you are de facto on everything.
- Attorney Ancona stated that the Charter doesn't state that, it is state law. State law interprets what de facto is. This Charter allows this body to establish multiple commissions that are not in the Charter, by ordinance.
- Councilor Anest stated that our Charter states that there are seven boards or commissions that you serve de facto. It is specifically laid out.
- Attorney Ancona stated that he is going to state law.
- Councilor Anest stated that state law states, not matter what board or commission, you serve de facto.
- Attorney Ancona stated that is correct.
- Councilor Anest stated that we need to change our boards and commissions guidelines book.
- Town Manager Lane stated that you have the federal government, state government and local government, it can get more restrictive but not less.
- Councilor Anest stated that it is only vacant when a person resigns, not matter what board or commission it is from.
- Attorney Ancona stated that is correct.
- Mayor Zartarian asked who is he replacing.
- Councilor Anest stated that he is replacing himself.

Seconded by Councilor Manke. Motion passed 9-0.

IX. TAX REFUNDS (Action Requested)

A. Approval of January 22, 2019 Refunds for an Overpayment of Taxes

Motion by Councilor Budrejko

RESOLVED:

That property tax refunds in the amount of \$2,595.79 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.

Seconded by Councilor Marocchini. Motion passed 9-0.

- X. MINUTES OF PREVIOUS MEETINGS
A. January 8, 2019 Regular Meeting Minutes
B. January 8, 2019 Public Hearing Minutes

Motion by Councilor Manke to accept the minutes of the January 9, 2019 regular meeting.
Seconded by Councilor Serra. Motion passed 9-0.

- Mayor Zartarian stated that he didn't see the minutes from January 8, 2019 Public Hearing. There should be a record that no one showed up but us.

- C. Correction to the December 27, 2018 Regular Meeting Minutes

Motion by Councilor Anest

RESOLVED:

That the Newington Town Council hereby moves to amend the minutes from the December 27, 2018 meeting for the Resolution #2018-203, Development Commission to correct the term expiration for Sharon Dunning to end 11/30/2020.

Seconded by Councilor Serra. Motion passed 9-0.

- XI. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC

- Town Manager Lane stated that it was always the plan to turnover Myra Cohen Way to the town after CTfastrak became operational. We want that to be a public road, we want it to be consistent with our zoning requirements and we want to make it easier for developers to obtain financing. However, it is not a normal street, it is basically a driveway that needs to be maintained to CTfastrak standards. Over the course of several meetings, we have been talking to DOT about the operations and maintenance agreement trying to clearly delineate which each side is doing. After our last meeting with DOT someone at the table said maybe the state can make Myra Cohen Way a state road. That would be a good resolution to the problem. Unfortunately, DOT has not followed through on any of the follow up we were expecting from them. Last week, I asked Mr. Brecher to meet with DOT, with their transit administrator to take the lead, for the transit administrator to take the lead within DOT so that all the departments can work together to come up with some sort of proposal. Those departments are CTtransit, CTfastrak, area maintenance and right of way and operations. Meeting with DOT is cumbersome, which is part of the reason it is taking so long. The transit administrator did agree to take on this role and there is a follow up meeting scheduled within the next three weeks. Because of the state budget crisis, CTtransit has enlisted the strategy that has communities taking over the maintenance and help CTtransit and DOT with facility maintenance. No matter what DOT decides, at the end of the day, Newington is going to have some piece of this. Overall this is good news, it is taking longer than expected but it is heading in the right direction. Think that the transit administrator is a good person to get this done. Last week the mayor and I attended the CCM legislative committee meeting. They presented an overview of the special education cost cooperative taskforce reports and that had to do with the costs of special education in our districts. Connecticut spends \$1.8 billion on special education; 65% of that money from property taxes. \$450 million of the ECS grant is dedicated to special education costs. That represents 18-22% of the ECS budget. Connecticut's current special education finance system is not working well for the students, districts or state. The costs are unpredictable and can wreak havoc on local budgets. What the taskforce focused on is the special education predicable cost cooperative, shortened to the co-op. The co-op is an education financing system which allows the state and districts to

share special education costs. The states contribution would come from reallocating the ECS grant, towns would make a contribution to the co-op for each special education student that lives within the town and out of fund, each district will be reimbursed 100% of whatever that cost was. This paradigm for special education costs makes sense, because it is predictable and allows for better planning. The other agenda item was shared services and this is a policy goal of the Lamont transition team. The goal is to reduce Connecticut's over reliance on property taxes by realigning the delivery of public services. There would be some challenges, we are not part of a county government and there is no local authority to pursue other revenue options. The best place to do this is public safety dispatch, public health and high level administrative and financial functions. The governor's goal is to reduce property taxes by 10% in order to achieve better economic growth and job creation. Did receive an email from Senator Lessor regarding federal employees effected by the shutdown by extending interest free loans, federal permission to extend unemployment benefits and it creates a new option program to allow towns to defer property taxes for federal workers.

- Councilor Miner asked when you were referencing CTfastrak and CTtransit, looking at having the municipalities taking over the maintenance. Are you referring to the stations themselves?
- Town Manager Lane stated yes, all of it. The station, the roadway, the lighting, the landscaping, the plowing. That is the challenge we are facing.

XII. COUNCIL LIAISON/COMMITTEE REPORTS

- Councilor Marocchini stated that the Town Hall Renovation Building Committee met last week. We have slated for February 6th to get all the numbers in and over them. Keep you eyes out for a special council meeting around February 19th if everything were to move forward we can't change our construction schedule. Would like to everybody to be at the table to vote on this. February 6th will be an exciting evening. What they are doing is they get their bids in and review their scope with them; and while doing that they ask if there are any ways to save money. In doing scope reviews you come up with things you want or don't want; we will discuss which alternates we want. It will be quite stressful. Don't think we will be able to accomplish in one night.
- Councilor Miner stated that the Board of Fire Commissioners selected our new Deputy Chief who will be sworn in in February; it is Captain Craig Stegmeyer from Company 3 who is a long term veteran employee. Looking forward to working with him.

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

- Rose Lyons, 46 Elton Drive stated she doesn't know which is more painful, listening to the discussion about the vacancies and the de facto, the resignations or going to my dentist and having caps put on my teeth. Know that your minutes aren't verbatim, and don't know if anyone else around that table or watching could follow what you were saying or Attorney Ancona was saying regarding vacancies. Know that when I was on the Ethics, we had a gentlemen that served de facto because his term had expired, he kept coming to the meeting until his party replaced him. Really hoping that from this discussion you have a cut and dry policy set up as how to replacement work. You spoke about replacing the longest vacancy, but how do you figure out what the longest vacancy is. For instance, I think Mr. Fisher resigned in December 2018 and yet there were people serving de facto whose terms expired before that. I hope that both parties pay more attention to the vacancies, the resignations and things like that so that they have a better handle on who is being replaced and how they are being replaced. It just boggles my mind. Like I told the Economic Development Commission, when they held the election for officers, in the entire year of 2018 they only held four meetings; all the other meetings were cancelled due to lack of quorum or whatever

it may be. Hoping that since there has been such a big to do about who is serving and who is not serving going forward in 2019 all those that have been appointed show up at these meetings. Fortunately, Economic Development isn't like TPZ where big decisions are made at and am hoping, because of this discussion, there are some cut and dry rules as to how appointments should work. Thank you for going over, but I truly do not understand it; hope the rest of you do.

- John Bachand, 56 Maple Hill stated that he would like an update on the library parking lot. Know that there were core samples taken, curious as to how much of the pavement needs to be replaced. Was there a clerk of the works on that job? Also, if the lot isn't completed by construction season can it stay there and be replaced afterwards. Not against the clerk of the works for the town hall, it makes perfect sense, would say it is a necessity. Would like to know if that cost was ever considered previous to this. Heard now that it is not going to be part of the referendum amount, Councilor DelBuono did touch on it and there has been a lot of open criticism about it. And have been one of the loudest ones about it in general. Would like to know a cost. Heard \$60 to \$100 thousand, I assume that is a yearly number. That is a considerable amount of money to not be known about and then put on the project. Are we ever going to have a total number of the cost of this project? The referendum amount and all of these add ons. Is it fair to say that our taxes will be raised with all of these additional costs? There was a narrative that taxes wouldn't be raised by because there was a line item in CIP. Again, we deserve to know what the total number will be. There are so many costs outside of that \$28 million now.

XIV. REMARKS BY COUNCILORS

- Councilor Budrejko stated she wanted to respond to Mr. Bachand's question regarding costs outside the \$28.8 million; I know I asked the town manager about this before, I hope we are keeping track of costs that are incurred specifically for this project outside the referendum cost. Do agree, the town needs to know the true cost of this project. Attended the Library's Winterfest on Friday, it was a great event, I want to congratulate them on that. Wanted to give a shout out to Tom Molloy and his staff, it was a tough storm. Know that the roads are not good, but they are better than some towns I drove in today. I think they did the best they could and did a good job considering the conditions and think we are very lucky to have their services.
- Councilor Marocchini wanted to respond to Mr. Bachand's final statements. We will absolutely come up with a final number, whether there are things in CIP or not. When we decided to go to referendum, the Council decided to pull things out to put in to CIP such as the parking lot, IT equipment, fixtures, furniture and equipment. We decided those things around this table. Maybe some people weren't paying attention at the time and they forgot. We all stated, and I remember saying it personally, that the \$28.8 million was not going to be the cost of the project on its own. I know it was said. I will stand up for it, for us and the whole process because that is exactly what we did. Of course they will know, there is no way not too. CIP has it lined out, even if we didn't say it out loud you could find out. Those things will definitely be known. Let's not make any speculations until we get there.
- Councilor Anest stated that the Shared Services Committee will resume and will be meeting on January 28 at 5:30 p.m. and hopefully we can do some more brainstorming with the BOE and see if we can consolidate some of our services that we provide. She also wanted to mention that she will not be at the February 12th meeting
- Councilor DelBuono stated she wanted to thank Tanya for the update. Had seen the email from Senator Lessor as well. Like seeing that Connecticut is noticing what is going on with the shutdown and its families. My husband is one of the lucky ones that gets to work through it and not get paid. You hear Washington in the news all the time, but it is not just

Washington, it is the effecting families all over our nation. Many business are making exceptions, or offering feel meals and that is appreciated. As a town we made need to look at that.

- Councilor Serra stated that she will not be at the February 12th meeting.
- Mayor Zartarian stated that he has handouts from the CCM legislative committee meeting. He will have them scanned and distributed.

XV. EXECUTIVE SESSION – PENDING LITIGATION – DAKOTA PROPERTIES & AMY BERUBE

Motion by Councilor Marocchini

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 Ben Ancona, Town Attorney to discuss the Pending Litigation of Dakota Partners, Inc. & Amy Berube.

Seconded by Councilor Manke. Motion passed 9-0.

XVI. ADJOURNMENT

Motion by Councilor Marocchini to adjourn meeting at 9:22 p.m. Seconded by Councilor Budrejko. Motion passed 9-0.

Respectfully submitted,



Susan Gibbon
Council Clerk