



Keith Chapman
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR BETH DELBUONO

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Town Clerk

NEWINGTON TOWN COUNCIL

REGULAR MEETING MINUTES

Tuesday, July 28, 2020

This meeting was presented as a Zoom Webinar/Meeting

Mayor DelBuono called the meeting to order at 7:02 p.m.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

- Councilor Anest
- Councilor Braverman
- Councilor Budrejko
- Councilor Camillo
- Councilor Donahue
- Councilor Manke
- Councilor Miner
- Councilor Nagel
- Mayor DelBuono

Also present:

- Keith Chapman, Town Manager
- Janet Murphy, Finance Director
- Craig Minor, Town Planner
- Ben Ancona, Town Attorney
- James Krupinski, Town Clerk
- Susan Gibbon, Council Clerk

III. APPROVAL OF AGENDA

Motion to approve the agenda, as amended by tabling Item X, Minutes of Previous Meeting by Councilor Manke, seconded by Councilor Anest. Motion passed unanimously.

IV. PUBLIC PARTICIPATION – IN GENERAL (Via Zoom Application or Phone)
(4 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)

- A. Public Comments
 - None
- B. Email Correspondence
 - None

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V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION

- None

VI. CONSIDERATION OF OLD BUSINESS

A. Health Update – COVID-19

- Town Manager Chapman stated he spoke with Charlie Brown with the CT Health District today and he stated that there is an uptick in cases in Connecticut. There have been 408 cases and 51 deaths in Newington. Mr. Brown doesn't think that schools should reopen; believes that there will be a rapid spread in the schools. Need to be ready for all possible scenarios. Planning for fall flu clinics (drive through model); outdoor setting; can't stress enough the importance of getting a flu shot this year. Newington public buildings continue to be closed. There is a backlog of orders for partitions (tempered glass); significant increase in cost; not anticipated to be installed earlier than mid-August. No town employees have reported coming down with COVID-19.
- Councilor Budrejko asked Mr. Chapman to update the public on testing tomorrow.
- Town Manager Chapman stated testing is being sponsored by the Human Services Department and will be under the tent in Newington center and it will run from 10 a.m. - 2 p.m. No cost. Will need insurance card and ID.
- Councilor Budrejko asked when the results will be available.
- Town Manager Chapman stated that he believes it is 72 hours.
- Councilor Budrejko asked if it is for all ages.
- Town Manager Chapman stated yes, for all ages.
- Councilor Miner asked what the transmission rate was.
- Town Manager Chapman stated that he doesn't have the figure, but it is going up.
- Councilor Miner asked if they had a team set up for contract tracing.
- Town Manager Chapman stated that there has been a delay in contract tracing.
- Councilor Miner asked if numbers for Newington could be provided.
- Town Manager Chapman stated that he will provide those.

B. Town Hall Project Update

- Town Manager Chapman stated that the new town hall is occupied, except for the gymnasium area, and it is substantially complete; signed off on that. 10 day move has been a struggle; working overtime to get moved. New town hall is about 25% smaller than old town hall; many files need to be kept; staging area is new council chambers. Once racks are received, files will be moved to basement area.
- Mayor DelBuono stated that she is attending meeting from her office in the new town hall. Did a walk through of the old town hall; building is basically empty. Not a lot left behind.
- Town Manager Chapman stated that the town hall is closed to the public.

C. Discussion – 2030 Plan of Conservation & Development (POCD)

- Councilor Anest stated she and Councilor Budrejko attend the Zoom meeting. Only 3 members of the public attended the public hearing. Another public hearing will be hold on August 12th. Hopefully more people will attend and participate.
- Mayor DelBuono stated that TPZ has done a great job with trying to the get the public involved in the process.
- Councilor Manke asked if the public hearing on the 12th will be via Zoom.
- Town Manager Chapman stated that at this point it will be a Zoom meeting. Protection will not be in place at the town hall.
- Councilor Anest asked if it could be a parking lot meeting in the center of town.

- Mayor DelBuono stated that TPZ could do that if they chose to.
- Councilor Anest stated that she thinks it is difficult for people to get on to Zoom or view it on You Tube. Tough when you have a public hearing.
- Town Manager Chapman stated that he will look into doing that.
- Councilor Miner asked how long can this stay open for public comment.
- Craig Minor stated that this needs to be filed with OPM by December 8th.
- Councilor Anest asked if this could go to August 26th if necessary.
- Councilor Budrejko stated that there is a link on the town's website to the POCD. People can read the plan in full and submit their questions before hand so they are part of the record.
- Councilor Anest asked if POCD@newingtonct.gov was still working
- Mr. Minor stated that email address is still active.
- Councilor Nagel stated that it is a very clear document and it is very easy to read. Would like to hear more from the public. Good document; well put together.

D. Subcommittee of CIP Committee

- Mayor DelBuono stated that it would be the subcommittee would consist of the members of the council currently assigned to CIP.
- Councilor Manke stated that he agree. Councilors Anest and Nagel have been involved prior and Councilor Camillo new, with new ideas.
- Mayor DelBuono stated that she would like to see language added to the resolution with an end date, not left open; maybe wraps up at next budget season or until final recommendations are made to the council; some sort of language to indicate there will be an end to the subcommittee.
- Councilor Anest stated that she likes “until the final recommendations to the council.”
- Councilor Nagel stated that he agrees and is in concurrence with that; we need an end time, and do it before going into the next budget season. Also there is a misconception already that the subcommittee is trying to change specific things that are going to be considered for CIP in the future, that is not what we are thinking of. It what kinds of categories are acceptable or not acceptable, but not to prioritize or to choose one specific project that may be in the works over the other. That's for the total CIP committee and for the Council to decide, I think.
- Mayor DelBouno stated that it certainly not the intention of the subcommittee; thank you for clarifying that.
- Councilor Budrejko stated that she assumes that the goal would be to have recommendations done in order for them to be used before the next budget cycle. Isn't there a date before the new CIP committee starts.
- Councilor Anest stated that we're going to try to do whatever we can to bring it forward as soon as possible for the Council to review before the budget season, before CIP starts.
- Councilor Nagel stated that he would agree with that. And of course, the town needs to know what changes are that might affect what process they go through to what they can present and what they can't present. We are going to find that things that were there in the past, they really should be in the operating budget or some other budget on the town side or the BOE side.
- Councilor Budrejko stated that is why we formed the committee. Assuming one of the fist things you will do is come up with some sort of timeline so you can give it the Council to review and have it operational prior to CIP deliberations next year.
- Councilor Nagel stated that he agrees and it makes sense to have something, if not everything completed, before the next budget cycle or will only be repeating some of the things that have frustrated or were inappropriate that was recommended to CIP and the process will once again get complicated. We want to make the process clear and streamlined and what is in the best interest for the town and those of on the committee and the council.

- Councilor Budrejko asked if the guidelines need to be distributed to the departments when forming their budgets.
- Councilor Anest stated that is something, when the committee has their first meeting, to be discussed by the committee before making recommendations to the council.
- Mayor DelBuono stated that ultimately, this this committee is a subcommittee of the Council, so the committee would report back to the Council and then, as a Council, we would decide where we go with their recommendations.
- Councilor Budrejko stated that she is just concerned about the timing, because we're already into August, and know the three of you are very diligent about it and you know the issues and I just want to ensure that the timelines are kept in mind, and I'm sure you will.
- Councilor Anest stated that we will do everything under our power to get this to the council as quickly as possible, pending any further COVID. If we have to have a meeting next week, we will have a meeting next week.
- Councilor Nagel stated that obviously Mr. Chapman will be part, and watching over that as well. I'm certain the mayor will come in if she chooses to. So, I believe one of the first things we need to do is to talk to Mr. Chapman to see how realistic the timeline is for him and to get his input and to be all on the same page when we present whatever we're going to present in terms of changes or streamlining.
- Town Manager Chapman stated that he, as well as Janet Murphy, will be participating and involved in all meetings. I think that will help move things along so we're not doing anything that's in conflict with the financial functions of the town.

Motion by Councilor Nagel

RESOLVED:

That the Newington Town Council here by makes the following appointment(s), until it provides recommendations to the town council:

CIP Subcommittee

3 Members, 3. NTC
Party Max: 2

Name	Address	Party	Term	Replaces
NTC Rep: David Nagel	1175 Willard Avenue	R	NTC Term	
NTC Rep: Michael Camillo	126 Willard Avenue	R	NTC Term	
NTC Rep: Carol Anest	30 Harding Avenue	D	NTC Term	

Seconded by Councilor Manke. Motion passed 9-0 (roll call vote)

VII. NEW BUSINESS

A. Code of Ordinances Review – Chapter 43, Fiscal Year

- Councilor Miner stated that the he has been in discussion with a few other people from surrounding towns, and as time as progressed the cost of motor vehicles continue to rise, and I think the original ordinance intent probably did not see taxes exceeding the values that are limited because they're exclusive to both real property and real estate, but excluding motor vehicles and speaking personally this year, we've got two vehicles that are approaching condominium rates, that are you know substantially close to some people's property taxes - personal property and real estate property. So I just wanted to see what the councilor opinions

were of this see if we had done a little more research to see what surrounding towns are doing to try to help that out a little bit.

- Mayor DelBuono stated that she asked Janet Murphy to attend tonight's meeting and be present to weigh in on the kind impact this would have, if it would or if not, and what she knows to be true if she has, and I just mentioned this to her today so she may not have had a chance to do any real work on it. But if not, she, you know, hopefully will be amenable to doing some of that for us because.
- Janet Murphy stated that it's no problem I can do some research on it. I haven't looked into it much, I do have to say for the majority of the towns that I do know it's one payment, but I can look into the fact that it's over \$500. I'll put something out on GFOA to do a little bit of research for you.
- Councilor Miner stated that as a follow up he knows that East Hartford is one and either Wethersfield or Rocky Hill is the same. But just specifically for the threshold that we have for the other two installments being real estate and personal property to consider the third being motor vehicles.
- Councilor Camillo stated that they should get feedback from town assessor to see what he as to say also and get us these answers for our next meeting.
- Mayor DelBuono stated that Steve works Janet's department. That is why, as the department head, I asked her to comment on it and she can relay any information from Steve to us at our next meeting.
- Ms. Murphy stated that she will be getting information and coordinating with our tax collector and with the assessor.
- Councilor Donahue stated that he wants to make sure that we are not catering to people who have big cars. If you do it for one group, you have to do it across the board, we don't want to irritate people, just because your car is worth more than mine, why can't I pay in two installments too.
- Councilor Anest stated that she has a question regarding personal property taxes because those are over \$500 and would like to know what the average personal property tax is and how many are over \$500 and under \$500. Because if you're going to do a number, the number should be consistent. Understand what John is saying, but that would hold true with personal property taxes; if somebody has a bigger business, and has higher personal property taxes and your personal property taxes for you know 4,800 square foot office with a couple of computers is under \$500, why can't I pay in two installments. So I think when you have certain dollar amount you can split it in half, but I would like to know about the personal property tax because to me, there are a lot of that are under \$500 that are paying it once, and not as many split.
- Councilor Miner stated just one more clarification. This is not only necessarily for motor vehicle taxes for personal and homeowners, but also for businesses that we have in town that have trucks or equipment or equipment leases that would be under personal property, but motor vehicles would be single payment versus two payments. So I just like to have a little bit of continuity across the board that the dollar value established, whatever it may be, would be consistent from real, to personal, to motor vehicle. That's all I would like to see. Thank you.
- Mayor DelBouno stated that she shares Councilor Donahue's concern, it's difficult to say just one group versus all groups or how that would look. Know Janet will get some more information for us. But one of the questions would be is what would that impact be if we break it into payments or would there be any financial impact to the town in terms of collection and that kind of thing, or what's the thought process behind that; know that Janet is listening and she will get that information for us.

- Councilor Miner stated that he's not looking to have a multitude of payments, just the same structure that we have set up for real estate and personal property being two payments, one in July and one in January; anything over the threshold value of \$500 would hold that same thing in continuity across all three.
- Councilor Manke asked if there would be any increase in cost to send out a two part bill as opposed to the one part bill for the tax over \$500.
- Mayor DelBouno stated that we'll continue this for our next meeting, and Miss Murphy, if you could be at our next meeting to discuss that as well, we would appreciate that.

B. Code of Ordinances Review – Chapter 361, Special Events

- Mayor DelBuono stated that she requested this be on the agenda this evening. Town Attorney Ancona is in attendance as well. I want to make sure that we are following what we need to follow if we consider this. Essentially our current language, which is provided, is related to having special events in town, and it would require quite a lengthy procedure to get an event on the books, but it is limited to events that are 4,000 people or more. So the reason I'm bringing this forward for consideration is that recently we have had some events in town - rallies, protests, not sure on the proper term or what the intent was. My reason for bringing this forward is at last week's events, there were two scheduled that came forward and they were not noticed to the town in any way which, right now they don't need to be, but they did occur on town property and the only concern I have is that there were youth programs scheduled to be at the same locations, at the same time and luckily we were able to find out about these events on Facebook ahead of time, but we were never noticed in any way, officially through town, and so we did move those youth events, Mr. DeMaio, through Parks and Rec, moved some of those events to different areas, just to make sure that there were no issues with having more than one group at a time and at a place. So I just wanted to have Attorney Ancona here to see if there's any way we could work on developing a process or procedure for those types of events so that they can occur, certainly not trying to stop anyone from having an event, but just trying to make sure that we are able to handle everything that comes our way effectively and efficiently.
- Attorney Ancona stated that I don't want to be difficult, but I'm not sure about the logistics of actually doing something like this. I'm not sure it's wise, I feel like we're going to be fixing something that ain't broke. We could run afoul of the First Amendment and Section 14 of the State Constitution, the right to peaceably assemble, and I think we could be running afoul of both of those provisions in a manner that could expose the town to some serious litigation.
- Mayor DelBuono stated Okay, so in terms of asking people if they're using town property to let us know is that that's not reasonable to do.
- Attorney Ancona stated I think the provision here, special events, is geared toward business enterprises where somebody's going to put on an event such as a concert and we'd like to be prepared for something like that when we have an attendance of people in excess of 4000. When you're looking at the right to assemble where there might be a rally or a protest or something of that fashion, the first issue is, who is the promoter, is there really a promoter and are we going to require somebody who promotes such an event to register. To actually be required to come in and apply for a permit to exercise a constitutional right. Now there are time, place, and manner restrictions that are certainly constitutionally permissible. But when you're dealing with free speech and the right to assemble, you're also dealing with this, the test of strict scrutiny and it really, really holds municipalities and so forth to a higher standard when there might even be the possible infringement of a constitutional right, such as free speech or assemble. So I, I don't know, I think it's a high hurdle and I'm not sure we should be touching this issue at this point

- Mayor DelBuono stated that she is certainly not trying to stop anyone from having an event; she is just trying to be proactive and manage our space and resources. One of these things that come up, just, you know, we had to move those youth programs pretty quickly.
- Attorney Ancona stated that he understands that and know that the most recent protest or rally was considered a success. The Newington PD did a phenomenal job, they were there, they were calm. There was good order. There was somewhat of an excited exchange of the parties, but overall the Constitution did what was there for a good reason or was met its purpose and I think it worked out well.
- Councilor Budrejko stated that the concern she has with this is that the ordinance doesn't state anything about damages or expenses to the town or unexpected extensive expenses to the town. Chief Clark stated that there was \$12,000 in overtime costs and \$3,000 worth of damages. How does the community protect the rights of people to assemble, but also protect themselves financially?
- Attorney Ancona stated that he understands that concern, but in his personal opinion he thinks that is a very small price to pay to protect a constitutional right. Now if you are going to attempt to redeem that money or to try to go after it, how do you do it logistically, and I'm asking rhetorically, do you ask each attendee to sign a sheet with their name and their address and maybe a checking account number, and I'm not trying to be flippant, but how do you actually do it, and I just don't think it's a good idea, I think it's a slippery slope and it's something that we probably should just avoid.
- Councilor Budrejko stated that's why I believe, for the larger events they do require a permit or somebody to go back to should there be some issues. The ordinance was last done in 1971; but it doesn't match the state ordinance which was done in 2010. The state ordinance defines a special event by 2000 persons as opposed to 4000 persons and also we charge \$20, which I guess maybe 1971 was a lot, but the State is now saying I believe \$100 for a license. So I'm just wondering if we could at least bring ours up to the standards of the state.
- Attorney Ancona stated that certainly for thought. Cannot remember the last time anyone came in for a special permit, it is an antiquated concept. Probably long before Mohegan, Foxwoods XL Center, stuff like that. I think we're probably coming off of the 1960's and we all wanted to do something.
- Mayor DelBuono stated that the only event she could think of in recent history is the Lantern Festival.
- Attorney Ancona stated that the town is exempt.
- Mayor DelBuono stated that it was a private vendor through Parks and Rec.
- Councilor Donahue stated that he has to fill out more paperwork to rent the pavilion at Mill Pond than people coming into argue, layout in the street and do whatever else. What is the difference?
- Attorney Ancona stated that it is an enormous difference. The difference being that it is a constitutionally protected right to enter a public property and to voice your opinion. The pavilion is Parks and Rec run they're trying to have an organized fashion on how you can reserve the place, I understand your example but it to me it's very different.
- Councilor Donahue stated that I can come into Churchill Park or Mill Pond park and take over the pavilion and that will be ok.
- Attorney Ancona stated not if somebody else had it reserved, you would be trespassing on that person's right to occupy that space.
- Councilor Donahue stated as long as no one has it reserved, it's fine.
- Attorney Ancona stated it is a public place.

- Councilor Donahue stated so, on the flip side, if I'm in that pavilion. Nobody has it reserved and somebody comes up to me and asks do you have a reserved, I can say no I'm having a picnic protest.
- Attorney Ancona stated I'm sure we could come up with a multitude of examples like that.
- Councilor Manke stated that he wonders if it wouldn't be a good exercise to compare our ordinance with the state ordinance and try to make them at least match number wise from 4000 to 2000 and permit wise from \$25 to \$100 and then maybe see what other what other towns do. I assume they have the same reservations as Attorney Ancona. It's a good idea to see how area municipalities handle the same situation.
- Town Manager Chapman stated he will do research on it. Fairly easy to do. Will work with Ben on looking at the language to conform what the estate has. When event happened like last week, if someone is occupying space, does the town have the ability to say that space is occupied, however, we can accommodate you at another location.
- Attorney Ancona stated that that's absolutely permissible. It's called a time place manner restriction happens all the time. There's nothing wrong with that.
- Town Manager Chapman stated that that that would eliminate the conflicts that we may have with a program that's already going on in the park as we did last week.
- Mayor DelBuono stated that her intent was simply to make sure we don't have a youth program and some other adult program happening at the same time, same place. That's really my only intent with bringing this up for discussion. Was if there was any way to try and avoid that preemptively, so to speak, but if not in it I'm certainly not looking to go against anyone's constitutional rights and that's why I asked Attorney Ancona to be here. So if that's the case that asking someone to, you know, notify us is not able to be done or appropriate, then at least knowing we have the right to say, hey, can you please move to this different location, then that makes sense.
- Attorney Ancona stated that he agrees.
- Councilor Donahue stated that the protest, rally, whatever it was called, one group was supposed to be by the waterfall and the other group was supposed to be up top. Well, the people at the waterfall didn't abide by the rules and they came up. But we didn't know this because they could just show up. So, the only reason we knew about is because we looked at Facebook. I mean, can you imagine this rally and the police saying you have to go somewhere else. Oh my God.
- Mayor DelBuono stated that I think we in concept we have the same concern, it's a matter of just trying to maintain peace in order and make sure that we're respecting the rights of one group. The same as we are any other group. And so when you have two groups that are at the same place. We want to make sure that somehow we respectfully honor both of their needs in in a manner that makes sense, so that you know that's what we're hoping to do. So if we can get some more information in terms of the special events piece we can look at updating that and then in terms of these small events that may pop up as an Attorney Ancona has said, if that's you know constitutionally what is able to happen, then we need to abide and respect that, and do the best we can to help out when that happens. It doesn't happen often and if it does we did. I think we did proactively this this past week manage to move those programs to another site. So we would just have to continue to do that if we can. All right, we're all set that I think we'll get that information from Mr. Chapman will get that some information for us and we'll discuss this further on a future agenda.

VIII. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)

Motion by Councilor Manke

RESOLVED:

That the Newington Town Council hereby makes the following appointment:

EMS Committee

7 Members--2 Years; Maximum from one party: 5
Members with a background in a public safety or a medical discipline would be preferred.

Name	Address	Party	Term	Replaces
Member: Daniel Interlandi	653 Main Street	R	7/28/2020 – 12/31/2021	Replaces Self (DeFacto since 1/1/2020)

Seconded by Councilor Nagel. Motion passed 9-0 (roll call vote)

IX. TAX REFUNDS (Action Requested)

C. Approval of July 28, 2020 Refunds for an Overpayment of Taxes

Motion by Councilor Budrejko

RESOLVED:

That property tax refunds in the amount of \$164.11 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 Braverman. Motion passed 9-0 (roll call vote)

X. MINUTES OF PREVIOUS MEETINGS

D. July 14, 2020 Regular Meeting Minutes - *Tabled*

XI. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER

- Town Manager Chapman stated that he wanted to remind everyone that the town hall and all town buildings are closed until further notice, want to get them open as soon as we can. Taxes are delayed for three months; you have time; you have until October.

XII. COUNCIL LIAISON/COMMITTEE REPORTS

- Councilor Donahue stated that there will be a Mill Pond PBC meeting on Monday at 5:15 p.m.
- Councilor Miner stated that there will be an Anna Reynolds PBC meeting tomorrow for an update.

**XIII. PUBLIC PARTICIPATION – IN GENERAL (Via Zoom Application or Phone)
(3 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)**

- None

XIV. REMARKS BY COUNCILORS

- None

XV. EXECUTIVE SESSION

E. PENDING LITIGATION – Town Hall/ Community Center Project

Motion by Councilor Anest

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, Keith Chapman, Town Manager,

Mark Schweitzer, Colliers Inc., Town Attorney Benjamin Ancona and Paul Boutot of the Town of Newington, to discuss Pending Litigation for the Town Hall/Community Center Project.

Seconded by Councilor Manke. Motion passed 9-0 (roll call vote)

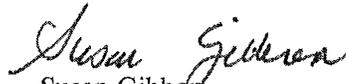
The council adjourned to Executive Session at 8:05 p.m.

Executive Session ended at 8:49 p.m.

XVI. ADJOURNMENT

Motion by Councilor Manke to adjourn the meeting at 8:50 p.m. Seconded by Councilor Anest. Motion passed 8-0 (Councilor Braverman absent).

Respectfully submitted,


Susan Gibbon
Council Clerk