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
Craig Minor, Town Planner
James E. Krupienski, Town Clerk
Susan Gibbon, Council Clerk

III. APPROVAL OF AGENDA

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

IV. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736)
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)
• None

V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION
• None

VI. CONSIDERATION OF OLD BUSINESS (Action May Be Taken)
A. Town Hall Project Update
• Town Manager Lane stated that the excavation backfill dewatering is going on around the jobsite; the water is the result of rain and not a high water table. They are working north to south towards Garfield Street. The concrete footings for the town hall should be completed this week; once that is done the contactors will pour the footings for the
All of the footings need to be in place prior to the steel being erected which is set to start Monday, September 16th. It is a four-week process; it has been pushed back one week. The overall goal is to make the building watertight and weather tight to withstand winter conditions. Regarding the water main relocation; all the drawings have been submitted and approved by MDC; their attorney approved the contract and we have received a copy back with fully executed signatures. The preliminary work was completed by MDC at the end of last week. Plan to be onsite Monday, September 16th to begin the relocation of the water main. It expected to be a five-week procedure. There is a building committee meeting tomorrow, September 11th. Hoping that a change order for Gerber for the for the water main relocation, estimated at $155,000, will be approved. The town issued an additional purchase order for $60,000 for MDC work on site. The building has so far approved two change orders – one was for $3,856 to remove and reinstall and existing gas line that was too close to the excavation of the existing building and for $106,766 for petroleum and asbestos contaminated soil removal. On change order number two there was a credit of $103,500 for the vat removal at the old junior high that is no longer required; there was an upcharge of $3,856 to remove an existing retaining wall in the foundation at the front of this building. Also received a credit of $140,000 for a bid reconciliation and $91,216 for the balance of the junior high soil removal. There will be another change order tomorrow to approve the $155,000. All told these add up to $116,512; started project with a contingency of $870,190 and now have a remaining balance of $753,678. The project is about 17% complete and have 91% of the contingency balance remaining.

- Councilor DelBuono asked if the $155,000 included in the contingency balance and if the $60,000 came out of that as well.
- Town Manager Lane stated that the $155,000 is included in the balance and that the $60,000 came out of the general fund for the moment. Needed to have this as soon as possible; the town could do it more quickly. May move over to project.
- Mayor Zartarian asked about the pile of dirt with a cover over it.
- Town Manager Lane stated that is impacted soil that needs to be removed. Looking for a new location to take it. The place that we were taking it to in Chicopee, MA have shut down until 2020. Will most likely be another upcharge for that removal.
- Councilor Manke asked if the project were on schedule and were they anticipating having the roof and sides up before the bad weather.
- Town Manager Lane stated that form what she understands things fell out of alignment with the original plan and the gymnasium will need to be covered with a tarp and heated and hoping to have the rest of it enclosed.

B. TPZ Referral §8-24 CGS Municipal Improvements

1. Town Hall & Community Center Project-Revised Property Line Along Mazzoccoli Way
   - Craig Minor stated that this was discussed at the last meeting and under Connecticut law any time a town wants to change a street that proposal has to be referred to the TPZ for a recommendation. In this case we are making two changes to the street, we are narrowing the roadway and reducing the right of way and for those reasons we are going to the TPZ. It is on the TPZ agenda for tomorrow.
   - Councilor DelBuono stated that at the last meeting she asked if there were any concerns regarding the width, the sidewalk access, snow shelf and emergency access and you mentioned other people would be brought in to look at that. Have you heard from anyone? I heard that there is an issue regarding fire access
   - Mr. Minor stated that the fire marshal sent him a one sentence email stating that he could not support the project. I suggested to the building committee that they have Mr. Arcari speak with the fire marshal directly to understand his concerns and I understand that has taken place.
• Mayor Zartarian stated that he understands the concern from the fire marshal is concerned about the impact of insurability of the building. Public perception is when you have a library, especially a children’s department; it will be all over Facebook that the library will be a fire trap. Hesitant is act on this until we get an answer.
• Councilor Budrejko stated that she is in agreement. What are we passing to TPZ, when I understand that fire marshal has concerns with what we are planning. Hesitant to pass something along and vote on something without further information.
• Mr. Minor asked Fire Marshal Schroder to review this prior to getting approval from the council.
• Councilor Budrejko stated that if there is a safety issue why would we vote on this and pass this along.
• Mr. Minor stated that Mr. Arcari did speak with the fire marshal. Don’t want to speak for him, that may not be the final recommendation from him. Waiting for a final decision from him.
• Councilor Budrejko asked if they will find out the answer tomorrow at the building committee meeting.
• Mr. Minor stated he does not know that he is talking about the TPZ meeting.
• Mayor Zartarian stated that an affirmative vote is us simply passing this along to TPZ, it does not mean we are approving moving the property line; basically complying with state statute.
• Councilor Budrejko stated that in her opinion we are approving passing something along that could have safety issues.
• Councilor Anest stated that TPZ can deny the referral and state the issues and then it will come back to us. Correct?
• Mr. Minor stated yes. They will provide a report. They don’t approve or deny an 8-34 referral, they will issue a report that will either be favorable or unfavorable or neutral.
• Councilor Anest stated that if it comes back unfavorable we don’t have to support the plan. Would like to hear further from the fire marshal and what his concerns are.
• Councilor Marocchini stated that we should hand it over to the governing authority of roads which would be TPZ. Obviously we all want to follow the rules regarding the width of the street for a fire truck turnaround. That is something we are not qualified to do, have TPZ take in all of their information and hand it back to us with all of their suggestions.
• Councilor Budrejko stated that personally at this point, knowing that there is a significant safety concern from the fire marshal, I don’t feel comfortable passing this along to TPZ and for somebody else to take the lead. If it can wait a week perhaps, we can address it at our special meeting next week and wait to hear what was said at the [town hall building committee] meeting tomorrow.
• Town Manager Lane stated that nothing is going to happen tomorrow at the meeting.
• Mr. Minor stated that this is on the agenda for TPZ.
• Councilor Budrejko stated that this should be discussed at the meeting tomorrow night, it is something significant.
• Councilor DelBuono is wondering procedurally, when we put it on the agenda, it was put off a couple of weeks for the building committee to discuss it, now do we look at putting it off again and getting more information from the building committee? Struggling with this, don’t want the public to get the perception we are approving something that there may be a safety concern with. If we know that the fire marshal has concerns, do we throw it back to the [building] committee and say please let us know what the fire marshal said do we send it to TPZ as is or do we need to change
the plans before sending it to TPZ. Wondering if that would be a course of action; I
don't know, that is not my expertise, that is why I am asking.

- Town Manager Lane stated that prior to putting in their application to the state for the
grant, both the fire inspector and fire marshal needed to approve the plans. The fire
marshal had 30-35 days to do that. I have not seen it, but my understanding that this
is the same plan. Why there is a problem now, I don’t know. This doesn’t mitigate
your concerns, but I don’t know what the answer is.
- Mayor Zartarian asked if the fire marshal looked at the plans when they got changed.
- Town Manager Lane stated that she doesn’t know; will need to look into that. Until I
see it myself, I cannot say.
- Councilor Miner stated that that comes back to finding out the final revision was
done and submitted to both the MDC and the Department of Education. That is the
key. Those were sent to everybody and if it changed after the fact, we need to find
out why and when.
- Councilor DelBuono asked if it was the job of the TPZ or the committee to determine
that; I am leaning on sending it back to the committee to establish timelines and give
us the plans that were submitted so that we can see what happened before we send it
to TPZ.
- Councilor Anest stated that she agrees that we need that timeline. She also stated that
she is miffed that they didn’t know anything about the memo from the fire marshal
until they got to the table this evening. Upset about that knowing that we were going
to have to vote on something. Communication, communication, communication. The
fire marshal should be here or at the town hall reno meeting to discuss his concerns,
not just a one liner stating that he does not approve it. He probably should have been
here tonight to give us more information. You need to let the whole council know
when a development like this happens.
- Councilor Manke asked if we send this to TPZ, and the fire marshal doesn’t approve
it, it comes back to us?
- Mr. Minor stated that if TPZ issues a negative recommendation, the project will
continue on, the council can still approve it but it requires a 2/3 vote instead of a
majority. You will have to find out why TPZ didn’t approve the project.
- Councilor Manke stated that if this doesn’t go to TPZ, we aren’t holding up the
project.
- Councilor Miner stated that the biggest issue is finding out what changed and why
the fire marshal has concerns; sure that they are valid. At the last meeting, it was
stated that there is still going to be a 50-foot right-of-way.
- Councilor DelBuono stated that she is hoping that the chairman of the committee can
provide information regarding the timeline and documents and what happened. It
sounds like the fire marshal will be busy with ceremonies tomorrow evening and
won’t be able to be at the meetings, should we consider holding this referral and
addressing it again at our special meeting next Tuesday and passing it then when we
have additional information.
- Councilor Anest stated that the fire marshal should be in attendance as she does have
additional questions for him.
- Councilor Serra asked Mr. Minor when he received the email from the chief and if
anyone else besides him knows about it.
- Mr. Minor stated that he shared it with the TPZ chairman, and the town manager, Mr.
Harpie and the architect.
- Councilor Serra stated that they all knew about the email but for something we were
voting on we didn’t have to know about it?
- Mr. Minor stated frankly no.
Councilor Serra stated that it is a safety issue all around and cannot vote on this tonight without hearing from the chief what the issues are and what is going to happen and what plans were change and the timeline was. Feel that he should be present at our special meeting.

Mr. Minor stated that the reason he did not occur to share that important information with the council is because what the council was scheduled to do tonight was ask Planning and Zoning to comment on the project. It's not an endorsement of the project. You are sending it to them for a referral and their opinion.

Councilor Serra stated knowing that there is a safety issue, I couldn’t send it to TPZ for their opinion if we don’t know if it was the right thing to send off to them.

Mr. Minor stated that, with all due respect, he doesn’t agree with that. There may be lots of reasons that haven’t been flushed out that can be flushed out at the TPZ meeting. There are other staff that have been asked to comment on it and they will be brought up too. By no means by your referring it to TPZ for a recommendation is an endorsement of the project, you are asking them for their input and opinion and that is a good thing.

Councilor Manke stated that normally in the course of business, TPZ would have gotten the fire marshal’s opinion, as well as everyone else’s opinion.

Mr. Minor stated that it depends on the project.

Councilor Marocchini stated that his way of thinking is that architects, and professional engineers mapped it out knowing what our local and state codes are for roads, and ways and paths and theoretically they have done that properly and it got handed down to whomever needs to approve it. My suspicion is that the final plan of the whole project that everyone had to sign off on is this plan, because if it is not, we are really off the rails. I think, and I will concede and wait until next Tuesday before approving this but my brain takes me to sending it to the TPZ to get their opinion of the plan and hopefully the fire marshal and the architect have discussed it. Something doesn’t sit right with me on this whole ordeal. To request something from someone and to get a one-line answer back, we don’t know if there are safety concerns, we know that he said he didn’t like it. Don’t even know that if anyone else hasn’t seen it. I don’t want to make anyone nervous to stay there are safety concerns. I say we hand it to TPZ, because that is what our job is here, to get the next level of opinions. If we want to wait and figure this out that is fine, but it needs to be done expeditiously.

Town Manager Lane stated that she did have phone conversation with the architect yesterday after this came to light. If there are safety concerns and they are legitimate and are now only being discovered, which I truly hope is not the case, the architect can make it safe; he can alter the plans to make it safe. I can’t tell you what that is, but there is that provision. Not telling you to pass it or not, but I’m letting you know that the concerns can be addressed, and the plans altered.

Councilor Budrejko stated that you indicated early Mr. Minor is that we are passing along the project, but the wording of this specific...

Mr. Minor stated he is sorry, he would not say the project, TPZ already commented on the project a year or so ago, this is just the shrinking of the road.

Councilor Budrejko stated that it specifically says “refer the revised property line along Mazzoccoli way” and that is what we are being asked to forward. Until I have more information I don’t feel it can vote to pass this along to TPZ.

Councilor DelBuono stated that Councilor Marocchini said that this was done by professionals and theoretically should have already been done – quite honestly, and I don’t mean any disrespect, but I am having trouble trusting the theoretical part of this. Theoretically we shouldn’t have a bump out into the roadway, theoretically we
weren’t supposed to be tearing up Mazzoccoli Way; theoretically we weren’t supposed to have an issue with the MDC pipe. So, these professionals that have been leading us, there have been several bumps in the road that are causing me to have more apprehension than I would have if we didn’t have these bumps in the road. Perhaps that is why I am questioning procedure and protocol as we go forward.

What did the fire marshal say in the email? I’m hearing that he did not approve of it. Typically does TPZ get more information than yes I approve or not I do not approve, do they get a report? How does that process work with the fire marshal?

- Mr. Minor stated that in regard to your first questions, as he recalls it was a two-sentence email and the second sentence was along the line of “I cannot recommend approval.” In regard to your second question, every project is different, sometimes I will ask my colleagues for more information. I did ask the fire marshal when I got his email on Friday for more information, because this is significant, I need more than a one-line sentence and I have not yet heard back from him.
- Councilor Anest stated that somebody stated something about the insurability of the buildings, is there a way to reach out to CIRMA and ask them if there would be an issue because of the width of the roadway or change our rating?
- Councilor DelBuono stated that if the fire marshal issues an opinion that it should not move forward and it did move forward, would there be a liability on our part.
- Mayor Zartarian stated that if Mazzoccoli Way when finally constructed and was designed in a way that the fire marshal did not approve, would there be an impact on the insurability on the new building and the library.
- Councilor Manke stated that he wants to make it clear, no one around this table it going to build a building that is not safe. We are all going to take what needs to be done to get that done. We aren’t trying to cut corners. At this point I don’t see how waiting one week will hurt.
- Councilor Minnersated that is makes sense to wait to move forward. Maybe some code violations popped up, would be extremely surprised if something changed to make it out of code, but stranger things have happened. Just leave it for now.
- Councilor Marocchini stated that tomorrow we will have the architect in front of us and we may have information regarding the fire marshals concern then.
- *Tabled until the special meeting

C. TPZ Referral §8-24 CGS, Municipal Improvements
   1. Acceptance of Packard’s Way as a Town Street

Motion by Councilor DelBuono

RESOLVED:

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

Seconded by Councilor Anest. Motion passed 9-0.

D. Discussion-Creation of a Public Facilities Review Committee
   - Town Manager Lane stated that this has converted from a committee model to a contractual model. I have a meeting with someone from OR&L on Friday morning. The company offers comprehensive services and provides management and operation functions to buildings such as ours. So the idea is talk to this person and see. I hope to procure a consultant from this firm who will tour our buildings and make an assessment about a timeline, schedule as far as maintaining and repairing the building, but also with
an eye for capital improvements. I suggest we leave this on and talk about it at the next meeting.

- Councilor Manke stated that they will be looking at all of our buildings.
- Town Manager Lane stated that they will be looking at all of the buildings that our current facilities staff oversees and maintains.
- Mayor Zartarian stated that it would be expanded to include the schools.
- Councilor Budrejko asked what the cost estimate would be on this. This is the only firm that you reached out to?
- Town Manager Lane stated that she has not had a chance to discuss cost and this was the first firm she reached out to.
- Councilor Budrejko asked if there were going to be others.
- Town Manager Lane stated that she will see what she has to say and if it is under $30,000 we will see where we have to go. I have it on good authority that this a reputable firm and unless they can’t find someone at this moment, I imagine we would move forward with them.

E. Affordable Housing Moratorium
- Mr. Minor stated that it is called a moratorium, which is a misnomer, I call it a safe harbor. If for three years an affordable housing developer could not force the town to accept an affordable housing project, however, they can still work with a developer and have a friendly 8-30g. This would only prevent and unfriendly 8-30g application within those three years.
- Mayor Zartarian stated that, if the moratorium were approved, It does not excuse the town from planning and expanding its affordable housing to meet the state requirement.
- Mr. Minor stated that is correct, in the cover letter I am writing, I will include what the town will intend to do to increase its supply of affordable housing.
- Councilor Budrejko stated that she has comments. In her opinion, Newington has more affordable housing than we are being given credit for. Because we are a mature community a lot of our properties were developed prior to the 8-30g, but the 8-30g cutoff only credits affordable units that were deed restricted after 1990, so in terms of affordability I think Newington is doing its fair share. But that statutory definition kind of distorts the affordability of our housing stock and makes us vulnerable to developers coming in with proposals that are not in character with what we want. For example, Dakota, in addition to the safety concerns highlighted, there was a lot of discussion about the design and look and concerns about the construction. So this moratorium would prevent us from those types of development for a time. I believe that in Newington we support affordable housing, we all want to remain within reach. We want young families to move and we want our seniors to be able to stay here. In reviewing this, I support the moratorium. It is not going to stifle developers from providing affordable housing for Newington, because if we use the time appropriately, we can develop plans for affordable housing in an orderly manner. We will be able to do it in concert with our zoning regulates, rather than dealing with developers trying to circumvent our zoning regulations. I plan on supporting and whether or not it is granted we need to start working on a plan on how we are going to address affordable housing in the future.
- Town Manager Lane stated that she and Mr. Minor talked about the difference between the regulations of state agencies and the state statutes and the regulations deal with points, housing unit equivalents and that would apply to the three-year safe harbor. If you look at the statute, that is where the number comes in based on the census. So, if you meet that threshold of 1,301 units that is forever.
• Mr. Minor stated that when they created this moratorium, he doesn’t understand why it wasn’t stated that town that have 75% affordable housing can apply for this moratorium. They created this byzantine application only when applying for the moratorium.

• Councilor Manke stated that he applaud Mr. Minor for his efforts on our behalf. In favor of the moratorium, but need to work on an affordable housing plan that is our plan and meets our needs.

• Councilor Anest stated that she agrees with what Councilor Budrejko and Councilor Manke just said. Where are we with our numbers?

• Mr. Minor stated that we have 1,116; 280 units short. If the Dakota units get built, that will bring us very close to our threshold.

• Councilor Anest stated that she wanted that on the record for the people and public to know as well. We are a lot closer to the 1,300 based on your calculations.

• Councilor Miner stated that if the Dakota units get built that will add 97 units.

Motion by Councilor Budrejko

RESOLVED:

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

Seconded by Councilor Manke. Motion passed 9-0.

F. Discussion Town Attorney Ordinance Updates

• Attorney Ancona stated that he is here because Councilor Serra wanted to discuss the Vernon panhandler ordinance.

• Councilor Serra stated no, that was Councilor Miner, she wanted to discuss the gasoline portion of the ATC ordinance.

• Attorney Ancona stated that before he comments on it, he wants to hear what the councilors opinions of the ordinance from Vernon are.

• Councilor Manke stated that regarding the ATV ordinance he has no problem with it except for the section where it states we are going to fine gas station owners. It puts an extra burden on the person running the gas station. Would rather get the ATV owner than the gas station owner. Regarding the panhandler ordinance, the only time I see people is at intersections standing there asking for money.

• Attorney Ancona stated that he thinks the ordinance is hysterical. It would be very difficult to enforce.

• Councilor Manke stated that if someone is standing there with a sign, you don’t give them money, it’s not really panhandling. It’s not like he going up to cars and asking for money and if he does you can fine them $100. He will then have to go out and panhandle more to get the $100.

• Attorney Ancona stated that if the sign says they are going to use the money to buy food and they buy soda, is that a lie?

• Councilor Manke stated that this would make sense if people were jumping out in the street and asking to wash your windows or people stopping you on the streets; we don’t have that here in Newington. We have people passively standing there with a sign

• Attorney Ancona stated that it is so unconstitutional and the risk to Vernon is significant because there is a case called Green v. Town of Gilbert, Arizona which specifically makes this ordinance illegal and they still went ahead and passed it.

• Councilor Manke stated that if someone was standing with a sign asking for money or food on private property, the property owner can ask them to leave.
• Councilor Miner stated that the problem is that we don’t have any type of standing structure in Newington. If there is a larceny at Walmart, there is a log, so if you are arrested for stealing at Walmart, you are listed on a log that the police department maintains. To my knowledge, there is not trespass log for panhandling and usually they move from shopping center to shopping center. The issue is in Vernon they can enforce the property owner’s right. We don’t have a system here, stating that you are allowed on this property or not.

• Mayor Zartarian asked the Town Manager to check with Chief Clark to see if they maintain any type of log; and what happens in the case of a simple act of trespassing, is a warning issued? The community should take and not give them any money. It’s like a business, if they get no money they close and move away.

• Attorney Ancona stated that is the answer, that is correct.

• Mayor Zartarian stated that the people are there because its paying for them to be there. Time for motorists and others to wise up.

• Councilor Budrejko asked if Attorney Ancona made the revisions from the last time.

• Attorney Ancona stated that he had not.

• Councilor Budrejko stated that open space wasn’t listed and it still stated that the item would be sold at public auction. You will revise that?

• Attorney Ancona stated that if you like, he wasn’t sure you were actually going forward with the ordinance.

• Councilor Budrejko stated that under Operations Prohibited, 2A, I would like to suggest that you add...

• Attorney Ancona stated that to be quite candid, I forgot.

• Councilor Budrejko stated that places like Cedar Mountain, Deming Young Farm. Also under Item D, Penalty, remove the option of selling at public auction. Chief Clark didn’t want that option because it puts it right back on the streets.

• Councilor Serra stated that she wanted to discuss the gasoline portion of this. At the last meeting I asked you to contact New Britain and Hartford to see how they handle it and what they do with the gas station owners. They have the ordinance in place. Are they monitoring it or collecting fees?

• Attorney Ancona stated that they have the ordinance in place, and no, they are not.

• Councilor Serra stated that if we were to leave it in ours, it is just in there. And they would put the signs up that they were not to be selling gasoline to these all-terrain vehicles or dirt bikes.

• Attorney Ancona stated that the question is does this body want to enforce that. Why pass legislation if you don’t want to enforce it.

• Councilor Serra stated that we are making an ordinance to have them not drive on the streets or in parks. In order to get the gasoline they need to drive on the streets, correct.

• Attorney Ancona stated that when you have elaborate system, his guess is that they have a gas tank off site somewhere.

• Councilor Anest stated that maybe we should offer the gas station an award for calling in an ATV on the street.

• Councilor Marocchini stated that this is an epidemic nationwide. The Chief asked us to do something to help make their job easier, quite honestly the gas station portion of it, is it enforceable? The enforceability of all of this is a pain in the neck. We all know the struggles we go through. It’s tough to grab them, but at least we have something in place. I am good with the ordinance, as far as the gas station piece, it people don’t want it and we remove it and helps get the ordinance passed, then remove it.
• Councilor Manke stated that he is in agreement with Councilor Marocchini. He would be willing to pass the ordinance without the gas station part in it and the changes suggested by Councilor Budrejko.
• Attorney Ancona stated that he will make those changes and have it ready for the next meeting. He also stated that the nine offenders arrested in New Haven weren’t charged with violating an ordinance, they were arrested for criminal conduct.
• Mayor Zartarian asked Attorney Ancona to give the high points on the sale of property.
• Attorney Ancona stated it hasn’t changed, it seems to have died in the last session here.
• Mayor Zartarian asked if anyone had any questions regarding the sale of property.
• Councilor Marocchini stated that we may have talked about this a couple of weeks ago, but do we have an ordinance now?
• Attorney Ancona stated that there is no ordinance in place right now.
• Councilor Marocchini asked where did this come from?
• Attorney Ancona stated that he reached out to the Municipal Attorneys Association for ideas and one of the lawyers kicked back what they do in Wethersfield and I took it from there.
• Councilor Marocchini stated that his problem is with the sealed bids. That’s the opposite of how you deal in real estate. Yes, we are a municipality and we do things different than the private sector, but we are taking our way out of the negotiation process for a piece of property.
• Attorney Ancona stated that is a valid point. We didn’t have a mechanism and I was just presenting something as an option. Some towns have it and some towns don’t.
• Councilor Marocchini asked for the reason why Wethersfield had this.
• Attorney Ancona stated that they found it to be more equitable this way and so that there is no preferential treatment to a particular company or person.
• Councilor Miner stated that in terms of real property, there are quite a few internet auction sites that tend to have a better yield in terms of a larger audience. I know that the BOE uses an internet site. Maybe get with them to find out what they use. With real estate that is a whole different topic.
• Councilor Anest asked the Town Manager if she had the chance to ask what our IT department does.
• Town Manager Lane stated that she did receive a lengthy memo from the IT department, but they destroy it, because it takes more time to sanitize and strip it and there is no way to prove the authenticity of what is being sold.
• Attorney Ancona stated that are protections in place regarding real property, 8-24 applies and there is a state statute that requires a public hearing by this body for any property over $10,000.
• Mayor Zartarian asked to keep this on the agenda to be discussed at the next regular meeting.

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

A. Historic Documents Preservation Grant FY 2020
• James Krupienski, Town Clerk stated that this is a continuing program that was started when we first got the COTT System in 2006. Our last import occurred during the 2016/2017 grant year. That handled about 76 volumes bringing us back to 1985. I received a quote from my vendor which I am working on, not sure of the numbers he gave me so that number may change. Once done, we will have a live index and images dating back to 1976 by June of next year. We will have 44 years of land records online that will be available 24 hours per day for use by title searches, attorneys, the public to review, look and print. We receive $1.00 per page for every copy and we have been
averaging between nine and twelve hundred dollars per month. With those additional documents online we hope to see an increase in that and a decrease in foot traffic to the office itself.

- Mayor Zartarian stated that we will act on this at the special meeting next Tuesday.

B. Town Manager’s Evaluation

- Councilor Anest stated that yesterday she, the Mayor and Councilor Serra met with the Town Manager and presented the goals that the council has set for her. She was very receptive and agrees with many of them. We had her do a self-evaluation and what she wrote and the council wrote basically match; so she knows where she needs to improve or the other areas where she is doing an outstanding job. We are very fortunate to have her because she is very fiscally responsible and knows how to troubleshoot when situations arise. She took care of the oil spill and is now handing the town hall reno with complete confidence. The one issue we did bring up to her was the evaluations for non-union employees and she has agreed to start working on those so this way their retroactive pay won’t be 6 or 8 months, they will be able to enjoy their raise a lot sooner.

- Mayor Zartarian stated that we will be acting on this at the special meeting on September 17th.

VIII. TAX REFUNDS (Action Requested)

A. Approval of September 10, 2019 Refund for an Overpayment of Taxes

Motion by Councilor Budrejko

RESOLVED:

That property tax refunds in the amount of $8,344.87 are hereby approved in the individual amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.

Seconded by Councilor Marocchini. Motion passed 9-0.

IX. MINUTES OF PREVIOUS MEETINGS

A. August 27, 2019 Special Meeting Minutes

B. August 27, 2019 Public Hearing Minutes

C. August 27, 2019 Regular Meeting Minutes

Motion to accept the minutes of the above meetings by Councilor Manke. Seconded by Councilor Serra. Motion passed 9-0.

X. 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 she wants to share an update on the library parking lot which is moving along well at this point. Over the past two weeks, the town engineer has met with the abutting residence to talk about the rows of arborvitae that they intend to plant. The town engineer also attended the TPZ meeting on August 28th to discuss the site plan modifications and has also met with the library board and staff. The work to be completed within the next two weeks includes reseeding and irrigating the grass near the building; the landscape screen with arborvitas has been staked out; they will be removing some trees and downed wood and will be pruning trees as needed. The town engineer is meeting with TPZ tomorrow night hoping to get approval of the site plan modification. They are planning on tackling the installation of the drainage system, which is a big piece of the parking lot. They are going to maintain the erosion controls and are going to reset a tree that was planted by B&W that is leaning and will secure it with cables. I have seen some of the emails going back and forth
between the town engineer and library trustees who are very happy and appreciative of the work that has taken place. Would like to recognize both Parks & Grounds for the landscaping they have done and they highway department as well as the town engineer. They have really jump started a situation that was challenging to start with. The Mayor and I attended an MDC kick-off discussion, this is the beginning of the budget season for them. The meeting was all about the integrated plan. Last year we met with MDC and they went over a couple of plans that needed to be submitted to the EPA and DEEP in December. The long-term control plan is designed to reduce the flow of sanitary overflow into the Connecticut River. The integrated plan will fund the upgrades to the clean water project charge as opposed to the ad valorem. MDC stated that this approach will limit a sizeable budget increase and offers more affordability to customers and the member towns. They are proposing this as a solution to upgrading the infrastructure for water and sewer. DEEP is not in favor the plan because it goes over 40 years and DEEP is anxious to get something sooner than that. MDC was asking the member towns to support the integrated plan, but DEEP is not accepting this. They are asking us to dialogue with our legislators so they can go to DEEP and have an educated discussion with them. It is a work in progress, this was the first workshop they had, they didn’t mention potential increases in the budget, but that will be forthcoming.

XI. COUNCIL LIAISON/COMMITTEE REPORTS
- None

XII. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736)
(3 MINUTE TIME LIMIT PER SPEAKER ON ANY ITEM)
- John Bachand, 56 Maple Hill stated that he was following the meeting tonight. Not going to comment property line encroachment issues but warned about that for a while. Want to talk about the ATV issue; think it was discussed about people who have ATV’s on trailers going to gas station should not be banned from fueling their vehicle. Do have reservations about impounding these vehicles on the first offense, not sure if that accurate. Know that everyone is against ATV on the road for obvious safety reasons, but I am thinking about the local guy or kid, confiscating or destroying them on the first offense I would not be for. Also, I hear someone mention that they should be confiscated if they are on public property. I was recently on Cedar Mountain and some of the paths, especially on the Marcat property which we own, are now impassable because there has been no ATV traffic up there. Someone needs to get up there and mow to make those trails passable again. I just want to remind everyone that those trails were kept open by these guys on quads and dirt bikes. I don’t like it when I see irresponsible drivers when people are hiking and guys on dirt bikes zoom past, but the occasional guy who wants to ride on the trail once a while I think it is severe to impound their vehicle and destroy it without the option of buying it back or getting it back with a fine. Not promoting that we open it up to use, but think what I heard is a little extreme. Thank you very much.

XIII. REMARKS BY COUNCILORS
- Councilor Manke stated that he has heard from many people in the community regarding the closing of Local Market at the end of this month. Hope that our Economic Development Director gets on top of this and that the plaza doesn’t because an empty shell like it was before.
- Mayor Zartarian stated he wanted to remind everyone that the Newington Fire Company 1 will be observing 9/11 with events at 8:30, 8:45 and 9:03; they will also be having a more formal ceremony at 6:30 p.m. honoring the fallen and first responders.

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

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 Benjamin Ancona, Town Attorney to discuss Pending Litigation: Dakota Partners, Inc.

Seconded by Councilor DelBuono. Motion passed 9-0.

Council adjourned to executive session at 8:20 p.m.

Executive Session ended at 8:35 p.m.

XV. ADJOURNMENT

Motion by Councilor Marocchini to adjourn meeting at 8:35 p.m. Seconded by Councilor Manke. Motion passed 9-0.

Respectfully submitted,

Susan Gibbon
Council Clerk