

TOWN OF CROMWELL
TOWN COUNCIL
REGULAR MEETING
WEDNESDAY DECEMBER 14, 2016
7:00 PM TOWN HALL ROOM 224/5

RECEIVED FOR FILING
12-21 2016 at 3:18 M.P.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Jean Pulzani
TOWN CLERK

MINUTES

Present: Mayor E. Faienza, Deputy Mayor R. Newton, E. Widders, S. Slade,
F. Emanuele (left the meeting at 8:45), A. Waters, T. Tokarz

Absent:

Also Present: Town Manager A. Salvatore, Director of Finance M. Sylvester,
Director Public Works L. Spina, Chief of Police D. LaMontagne,
Town Engineer J. Harriman, Director of Recreation and Youth Services
C. Rusack, Sewer Administrator R. Peck, Town Attorney K. Olson,
Public

A. CALL TO ORDER

Mayor Faienza called the Regular Meeting to order at 7:01 p.m.

B. PLEDGE OF ALLEGIANCE

T. Tokarz led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Motion made by R. Newton seconded by S. Slade to approve the agenda.
Town Manager Salvatore requested that New Business #3 be moved up to the
beginning of the agenda.

Motion made by E. Widders seconded by F. Emanuele and *unanimously carried* to
approve the agenda as amended.

(N. NEW BUSINESS)

3. Grievance - Step 3

a. CILU-CIPU UE Local 222 - Neil Swanson

Withdrawn by Union

D. COMMISSION CHAIRMAN REPORTS/LIASON REPORT

P. Sousa - Board of Education Liaison -Updated the Council on recent Board of
Education Activities.

E. CITIZEN COMMENTS

None

F. MAYOR'S REPORT

Mayor Faienza reported:

- MARC was toured this month. It is a wonderful facility.

- He sent a letter to the Fire District Commission President Frank Seidl to discuss ways the Town and could share, regionalize to help save the tax payers of Cromwell. A meeting to discuss this issue will be held after the holidays.
- The meetings of Mayors and Managers will be continuing.
- The proposed dates of the joint meeting of the BOE, BOF and Town Council are either January 23rd or the 30th. The meeting will be held at the school.
- The Pension Committee met on November 22nd; they are doing well and as of September 30th the accounts value is \$20,825,445.
- He received a recognition letter from UCONN; Chief LaMontagne passed the Traffic Authority requirements.
- The Tree Lighting Ceremony was a great success.
- The Fill-a-Cruiser that was held at Stop and Shop was very successful.
- The Cromwell Merchants Association Lighted the gazebo across from the police station.
- The Mayor's Ball proceeds of \$1,500 each were distributed to the American Legion Post 105 for Valor Green Rededication and to the Middlesex Cancer Center. The Cromwell High School Music Program received \$250.00.

G. TOWN MANAGER'S REPORT

Town Manager Salvatore reported:

- He is amazed with the generosity of our residents and businesses donating food, toys and money for the Holiday Season. Mr. Gere is doing a phenomenal job as the Acting Senior/Human Services Director.
- The Gazebo looks very nice; the Cromwell Merchants did a great job decorating it for the Holiday.
- Valor Green is coming along and looks great; the work is shut down for the winter. Work will resume in April.
- The Dog Park is destroyed; it will be assessed in the spring. Putting stone in may be an option.
- He would like to purchase a portable 100' x 200' ice-skating rink this year if a suitable location can be found. If not they will look at doing it next year.
- All three union contracts are signed. Next year the Civilian Police Department Personnel contract will come up for negotiation.
- He has started the process to hire a new Senior/Human Services Director.
- It was brought to his attention that the Town Clerk's Office processed over 600 absentee ballots for the last election. He gave them kudos for a job well done.
- Town Manager is insulted with the e-mail that Mr. Water's sent out to the Mayor over the weekend that was completely unprofessional and unorthodox. The accusations that he is making are untrue. After consulting with the Mayor he invited the Town Attorney to attend this evening's meeting because in a sense it is accusing the three of them; the Mayor, Town Attorney and himself of being the decision makers. The Town Attorney was asked to explain to the Council why the Town is taking the position that it has taken on the Boat-Club lease as well as explain her legal opinion with regard to the lease as the Boat Club still has not signed the lease.

Mayor Faienza recognized Attorney K. Olson.

Town Attorney Olson stated that her intent is to go through her memorandum and see if the Council has any questions as to why they came to the conclusion that they did.

The boat club lease was due to expire December 31st. A committee was formed to determine what the best use of the property would be. In the interim a petition was filed asking to bring to the Council via a Special Town Meeting to vote on whether to extend the existing boat club lease for another 5 years. This Council took the petition up and decided to take it to all the voters so a notice of Referendum was posted. The Referendum question that was presented was based on the petition and a majority voted to extend the present lease. It then came to our attention that the boat club was taking the position that the rent that was in the lease that was expiring should not apply. Attorney Olson was asked to look into this to see if there was wiggle room, whether she recommended that they negotiate additional lease terms and what the legal ramifications were.

She put this memo together and what concerns her is that you did take this to a referendum vote. The referendum question that is presented to the voters is taken very seriously by the Election Enforcement Commission. That is why they are always a yes or no question and that they are vetted to make sure that they are not advocating a position one way or the other. In this case looking at the actual petition that was presented, which clearly questioned that the lease that was expiring on December 31, 2016 by virtue of the addendum that amended the lease that was due to expire as of July 1, 2016 should be extended for another 5 years. There was nothing in the petition question about changing any of the other terms what so ever in the existing lease. The question was; do we get to extend this lease for five years. She then looked at; well what is the existing lease? It concerned her that we have a lease that was going to expire as of June 30th that this lease was amended by an addendum which clearly sets forth the fact that it is an amended lease, that would be extended until December 31st and that it modifies the rent so that it would be \$1,500 for the six months. That is the only lease that was in effect when the petition was filed and the petition clearly asks whether that lease should be extended for another five years.

E. Wenners asked Attorney Olson to carefully read the Referendum question. Should the Town of Cromwell extend for another five (5) years its expiring lease agreement with the Cromwell Outboard Association, Inc. for the Town of Cromwell's boat launch property commonly known as 2 River Road?

E. Wenners asked if the lease that was going to expire at the end of June; was this called an amended lease?

Attorney Olson: Again the only lease that was expiring was the lease that took effect on July 1st there was no other lease in effect at that time. Based on the question and the petition it was set forth refers to the \$1,500 rent.

S. Slade asked what our course of action is.

Town Manager Salvatore replied that the Outboard Association has until December 31st to sign the lease and if not we will be in consultation to see what our next course of action will be.

Mayor Faienza stated that he was highly offended by Mr. Water's e-mail. He represents all the taxpayers and voters in the Town of Cromwell and to insinuate that he is playing games and to say that this is being done out of spite or that the Council is doing things behind closed doors is ridiculous. This process has been nothing but transparent. This council has received copies of all of the correspondence and he has been forthcoming to the taxpayers of the town. He has laid out what the Town Attorney and the Town Manager has recommended to this Council. As the head of the Council he stated they have to do what is right for all of the citizens of the town.

H. CHIEF OF POLICE'S REPORT

Chief LaMontagne reported:

- The monthly incident report was distributed for November.
- The Department has received over 9,850 calls for service so far this year, which is pretty much on par for the same time last year.
- Officer Augustine finished his FTO program.
- They are in the process of hiring 2 officers.
- The Community Conservation on Opiates that was held in November was very successful. Kudos were given to School Resource Officers S. Alicia and J. Tolton for their work in the program
- The Fill-a-Cruiser was very successful again this year. The generosity of the public is amazing.
- Officer Perricone and Sgt. Kogut participated in the Shop-with-a-Cop Event in Southington. They were very impressed with the program.
- A fund raising event will be held on January 29th at Chicago Sam's for the K-9 program.
- Patrols in Shopping Center were increased after the Thanksgiving Holidays.
- Car break-ins continue. Chief would like to remind everyone to keep their cars locked and not leave personal items in the car.

I. PUBLIC WORK DIRECTOR'S REPORT

Public Works Director Spina reported:

- Elevator Modernization is moving along. Technicians have scheduled a State inspection for Friday, December 23rd. If all goes well, it will be put back in service shortly after that date.
- Curbside Leave Collection was completed last Friday. The crews made their second pass thru the entire town.
- Ice Grant Update - the Crack Sealing Machine and the Bull Dozer (JD 550K) we purchased with the town of Portland have both been received and have been put to use.

- Street Light Project - I met with the Operations Staff of Power Secure this morning. They will be starting the LED installations on Monday, December 19th. Project expected to be completed in six weeks.
- Truck Rehabilitation - the first of two trucks to be rebuilt was delivered back to us last month. It came out great and is back in service. The second truck is being worked on now and is expected back soon.
- Pavement Management - Town Engineer and I have been looking ahead and have begun to select roads to be considered for preventative maintenance and resurfacing for the upcoming spring season.

J. FINANCE DIRECTOR'S REPORT

M. Sylvester reported:

- They closed on the bond on December 8th.
- The bond sale was held in November. They did relatively well. They decided not to do the refunding as interest rates were not favorable at this time.
- The Audit is being rapped up and they are moving into the budget preparation.

K. FINANCIAL

1. Budget Reports

Director of Finance M. Sylvester stated that we are pretty much on target and she has no concerns at this time. Tax Collections are very strong.

2. Tax Refunds

Motion made by A. Waters seconded by S. Slade and *unanimously carried* to approve tax refunds 1 - 10.

3. Discussion and action on request for a Special Revenue Fund for Sunshop Prize Monies.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve request for a Special Revenue Fund for Sunshop Prize Monies.

4. To consider and act upon a resolution recommending an appropriation of \$2,294,876, to be funded from borrowings to the extent not defrayed from grant receipts, for costs related to the reconstruction of Coles Road approximately from its intersection with Shunpike Road to its intersection with Route 9 and related work, and, if approved, referring such recommendation to the Board of Finance for its consideration; calling a Special Town Meeting to consider and act upon a resolution with respect to the appropriation and borrowing authorization for the project if approved by the Board of Finance; and making various determinations and taking various actions in connection therewith.

Motion made by R. Newton seconded by E. Wenners and *unanimously carried* to approve a resolution recommending an appropriation of \$2,294,876,

to be funded from borrowings to the extent not defrayed from grant receipts, for costs related to the reconstruction of Coles Road approximately from its intersection with Shunpike Road to its intersection with Route 9 and related work, and, if approved, referring such recommendation to the Board of Finance for its consideration; calling a Special Town Meeting to consider and act upon a resolution with respect to the appropriation and borrowing authorization for the project if approved by the Board of Finance; and making various determinations and taking various actions in connection therewith.

L. STAFF REPORTS

1. December Economic Development Coordinator Report
Written report was submitted and attached to agenda packet.

M. UNFINISHED BUSINESS

1. Continue discussion and possible action on Solid Waste Report. - Tabled
Left tabled
2. To consider and act upon Library Expansion Project. -Tabled
Left tabled

N. NEW BUSINESS

1. Discussion and action on request to waive the Bidding requirement for the continuation of Cardinal Engineering Associate Inc. engineering services for the Phase IV Sewer Rehabilitation.
R. Peck presented the request.

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to waive the Bidding requirement for the continuation of Cardinal Engineering Associate Inc. engineering services for the Phase IV Sewer Rehabilitation.

2. Discussion and action to authorize the Town Manager to sign the FFY 2016 State Homeland Security Grant Program Region 3 Memorandum of Agreement.

Motion made by E. Wenners seconded by R. Newton and *unanimously carried* to authorize the Town Manager to sign the FFY 2016 State Homeland Security Grant Program Region 3 Memorandum of Agreement.

3. Grievance - Step 3

a. CILU-CIPU UE Local 222 - Neil Swanson

Moved to after Approval of Agenda and withdrawn by Union.

4. Discussion and possible action to amend Chapter 40 Park and Recreation Commission.

a. Authorize Mayor to set time and date of Public Hearing.

Town Manager Salvatore presented the request.

Motion made by R. Newton seconded by E. Wenners and *unanimously carried* to move forward to amend Chapter 40 Park and Recreation Commission.

Motion made by E. Wenners seconded by F. Emanuele and *unanimously carried* to authorize the Mayor to set time and date of Public Hearing.

5. Review, discussion and possible action to amend Recreation Special Revenue Fund #163 185.

Director of Recreation and Youth Services C. Rusack presented the request.

Motion made by R. Newton seconded by T. Tokarz and *unanimously carried* to approve procedure for fund 185. (attached to minutes)

F. Emanuele left the meeting at 8:45 p.m.

6. Town Manager's goals and objectives for 2017.

T. Tokarz -

- Review and Audit H/R processes and procedures for the town.
- Would like the Town Manager look into if it would be worthwhile to hire an H/R professional position.

A. Waters -Keep taxes low and cut the spending out.

R. Newton -

- Continue working with the Town Planner on the Economic Development effort.
- Take advantage of any EDC opportunities.
- Continue the effort making the budget more readable and understandable and establish goals and objectives for the Department Heads.
- Continue to modernize the budget.
- Would like to see a report from the Town Manager as to how the Department Heads did last year with their goals and objectives.
- Would like the Town Manager to look at reestablishing an H/R position.

E. Wenners

- Very impressed; the Town Manager does an wonderful job.
- Move forward on Library Expansion Project.
- Continue to monitor the crooked street signs, speed signs and stop signs
- Would like to see beautification program with trees and flower plantings.
- Increase and expand the sidewalk program to specifically include the area around Valor Green as well as other selected roads.

S. Slade

- Continue to look at vacant properties and look at ways we can entice a variety of businesses to come to Town.
- Find ways to be more business friendly.

- Be fiscally responsible to homeowners and businesses to keep additional fees to a minimum, the state is in deficit and we should try to not nickel and dime with various fees.

E. Faienza

- Continue with the Economic Development Efforts.
- Keep the Budget lean and mean as possible while still providing essential services.
- Agrees with expanding sidewalk program in town.
- Would like reports as to how the Department Heads are progressing.
- Thanked the Town Manager for all he does.

O. APPROVAL OF MINUTES

1. Special Meeting, November 9, 2016

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to approve the minutes of the November 9, 2016 Special Meeting.

2. Regular Meeting, November 9, 2016

Motion made by T. Tokarz seconded by A. Waters and *unanimously carried* to approve the minutes of the November 9, 2016 Regular Meeting.

3. Special Meeting, December 5, 2016

Motion made by R. Newton seconded by S. Slade and *carried* to approve the minutes of the December 5, 2016 Special Meeting.

Aye: E. Faienza, R. Newton, S. Slade

Abstained: T. Tokarz, A. Waters, E. Weners (they were unable to attend this meeting)

P. RESIGNATIONS

None

Q. APPOINTMENTS

1. Recreation Commission

a. Richard Nobile, reappointment, Term expires December 2019

Motion made by R. Newton seconded by S. Slade and *unanimously carried* to reappoint Richard Nobile to the Recreation Commission.

R. TOWN COUNCIL COMMISSION LIAISON REPORTS

T. Tokarz -Conservation Commission

A. Waters -Historical Society, Wreaths across America

E. Faienza -Charter Revision

R. Newton -CWPCA

E. Wenners -P&Z, Valor Green Memorial

S. Slade -Fire Commission, ZBA, Cromwell St. Patrick's Day Parade Committee

S. EXECUTIVE SESSION

1. Discuss the lease, sale or purchase, or acquisition of real estate by the Town of Cromwell.

a. Action if necessary

Motion made by S. Slade seconded by R. Newton and *unanimously carried* to adjourn to Executive Session at 9:25 p.m.

Town Manager Salvatore, Town Engineer J. Harriman and Town Attorney K. Olson were invited into Executive Session.

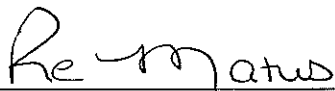
Motion made by S. Slade seconded by E. Wenners and *unanimously carried* to come out of Executive Session at 10:04 p.m.

No action taken

T. ADJOURNMENT

Motion made by E. Wenners seconded by T. Tokarz and *unanimously carried* to adjourn the meeting at 10:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Re Matus", is written over a horizontal line.

Re Matus
Secretary

Incident Statistics Report

11/01/2016 00:00 Thru 11/30/2016 23:59

Call Type Description	Total for Period
911 Hang Up Call	5
Administrative Matter	18
Alarm - All types	11
ALARM-FALSE BILLABLE	35
All Other Offenses	4
Animal Complaint	35
Assist Motorist	18
Assist Other Agency	22
Car Seat Installation	2
Civil Matter	2
Credit Card/ATM Fraud	3
Criminal Mischief / Vandalism	3
Dis Conduct/BOP	3
Domestic Incident	3
DUI	2
Escort	1
Fingerprinting	17
FV Protocol / P.A.	3
Identity Theft	4
Impaired / Intox Person	2
Juvenile Incident	3
Larceny - From Building	3
Larceny - From MV	6
Larceny -Shoplifting	9
Larceny, Bad Checks	1
Larceny- Other	2
Medical Emergency	47
Missing Person	1
MV Accident	42
MV Abandoned	1
MV Parking Violation	15
MV Theft	1
MV Violation	119
MVA NR PRIV PROP	5
Neighbor Dispute	3
Noise Complaint	7
Nursing Home Fax Report	2
Property Check	85
Property Lost/Found	8

Incident Statistics Report

11/01/2016 00:00 Thru 11/30/2016 23:59

Call Type Description	Total for Period
Record Only Call	8
Road Cond/TCS Out	9
ROBBERY	1
See Complainant	34
Suspicious Activity	51
TEST CALL	3
Threaten/Harass/Intimidation	5
Town Ordinance	2
Traffic Assignment	8
Trespassing	1
Unfounded Complaint	6
Untimely Death	1
Unwanted Person	5
Well Being Check	12
Total:	699

RECREATION PROGRAM
SPECIAL REVENUE FUND
FUND #163

The Town of Cromwell has established a special revenue fund for the purpose of providing recreation programs through the Town's Recreation Department. There shall be paid into such fund all fees, charges, donations and other receipts related to the operations of activities and programs by the Parks and Recreation Department. There shall also be paid into such fund any appropriations and transfers as the Town Council may, from time to time, authorize, plus any applicable interest earnings derived from the investment of fund balances. The unexpended balance of the Recreation Program Special Revenue Fund existing at the close of any fiscal period shall remain credited to such fund and shall not lapse to the General Fund.

~~The Recreation Commission, with~~ The Director of Recreation's guidance, is responsible for recommending, ~~by majority vote,~~ fees, charges, and prices intended to generate income support for the Recreation Program Special Revenue Fund to the Town Manager. The Town Manager is authorized to approve the Recreation Department's recommendations for programs and fees, as deemed appropriate. Annually, the Town Manager and Director of Recreation Finance shall provide the Town Council with a status of this fund and the programs supported through it.

The Recreation Department shall be authorized to accept donations in support of recreation programs and activities. Any and all money received for the purpose of recreation programs and activities must be deposited with the Finance Department, in accordance with the Town's procedures for revenue collection. Interest will be credited to the Fund at June 30.

Expenditures from the Recreation Program Special Revenue Fund shall follow established provisions within the Town Charter and the Town's Purchasing Policy. All such expenditures shall be used for the support of recreation programs and activities, under the direction of the Town Manager and Director of Recreation, ~~in consultation with the Recreation Commission.~~ No expenditures from this fund shall be used for capital improvements or capital equipment without the recommendation of the Town Manager and the approval of the Town Council.

The Recreation Program Special Reserve Fund shall remain in effect until such time as the Town Council deems it appropriate to dissolve said Fund. Any funds remaining at the time will be credited to the General Fund fund balance.