

05-21-15 09:41 RCVD

**TOWN OF CROMWELL
TOWN COUNCIL
REGULAR MEETING
WEDNESDAY MAY 13, 2015
7:00 PM TOWN HALL ROOM 224/5**

RECEIVED FOR FILING
5-21-2015 at 9:41 AM.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Luis Lomacchia, Asst.
TOWN CLERK

**AMENDED MINUTES
(Bonding Resolution attached to minutes)**

Present: Mayor E. Faienza, Deputy Mayor R. Newton, A. Waters, A. Spotts,
M. Terry, F. Emanuele, S. Banic

Absent:

Also Present: Acting Town Manager A. Salvatore, Director of Finance M. Sylvester,
Captain D. LaMontagne, Director of Public Works L. Spina, Public and
Press

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

Shirley Banic led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

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

D. EXECUTIVE SESSION

1. Strategy

- a. Boat Launch
- b. Group Homes, if needed.
- c. Strategy and Negotiation
 - 1. Real Estate Acquisition

Motion made by A. Spotts seconded by F. Emanuele and *unanimously carried* to adjourn to Executive Session at 7:02 p.m. in Room 222.

Acting Town Manager Salvatore was invited into Executive Session.

R. Newton recused himself from item a. Boat Launch.

A. Waters did not go into Executive Session.

R. Newton and A. Waters went into Executive Session in Room 222 at 7:19 p.m. for items b and c.

Motion made by R. Newton seconded by S. Banic and *unanimously carried* to come out of Executive Session at 7:46 p.m.

2. Action if necessary

- a. Boat Launch

Motion made by A. Spotts seconded by M. Terry and *carried* that the Town Council will not take any action in renewing the Outboard Association lease at this time and will use the next year to explore all options.

Aye: S. Banic, F. Emanuele, M. Terry, E. Faienza, A. Spotts

Recused: R. Newton, A. Waters

Motion carried.

b. Group Homes

No action taken.

c. Real Estate Acquisition

No action taken.

E. COMMISSION CHAIRMAN REPORTS/LIAISON REPORTS

S. Schein, Co-Chair of CPAC, Spoke about a Mentoring Matters Program.

F. CITIZEN COMMENTS (*Rules at the end of the agenda)

1. D. Brandt, Hawthorne Court -Stated his opinion regarding the Town Manager Search.
2. S. Stachura, Geer Street -Spoke about the POCD (Plan of Conservation and Development) that was done a few years ago. His opinion is that the Boat Launch should be public.
3. R. Waters, South Street - Spoke about the great expense the town would incur if they took over the Boat Launch.
4. A. Kelly, Willowbrook Road -Stated that the Boat Club is open to all Cromwell residents, spoke about Registrar L. Duren's resignation; she and her husband have a great opportunity to do a documentary about the Cherokee Nation. Ms. Kelly also stated her displeasure with Cromwell's new web-page especially with the agenda and minutes page.

G. MAYOR'S REPORT

Mayor Faienza reported:

- The last business tour visit was held at the Mattabassett; it was a great tour and very interesting. Their upgrade project is nearly 98% complete.
- The next tour will be held on Thursday May 21st, they will start at Scoville Nursery and then move on to Green Mountain Landscaping.
- The Middlesex Chamber meets tomorrow at the Crowne Plaza.
- He received a letter from Webster Bank complimenting the Police Department's work in the robbery that occurred at their bank.
- Petsense has their Grand Opening on Saturday. All are invited to attend.
- He attended a reception for Cromwell High School's Don Luke who taught for many years. They dedicated the Track in his name.
- He attended the pension meeting that was recently held. Finance Director Sylvester puts a great deal of work into the pension and it is in great shape.
- The Rock-Cats Cromwell Day will be held on May 31, 2015 at 1:30 p.m.

- He wished Registrar Linda Duren all the best on her retirement.

H. TOWN MANAGER'S REPORT

Acting Town Manager Salvatore reported:

- Since being appointed Acting Town Manager he has received many complaints regarding field use in the Cromwell Parks. As a result of these complaints he met with Recreation Director S. Schein, Public Works Director L. Spina and Parks Supervisor M. Conant. His opinion is that we need to develop more parks in Cromwell and increase staffing in the Parks Department. Next year the Lacrosse teams will need use of three fields and that will put an additional burden on the fields.
- Commended Finance Director M. Sylvester and her staff for being awarded the Excellence in Finance Award once again this year.
- They are working on reclaiming many roads in Town.
- The Web-page is being worked on to bring it up to our specifications.
- After discussions with Mayor Faienza and our Town Attorney they filed a petition with the State Department of Public Health regarding the Reiman Road group home. The petition is attached to the minutes.

I. CHIEF OF POLICE'S REPORT

- The Monthly incident report was distributed for the Month of April.
- The Department has been busy with over 4,000 calls for service.
- They have been doing Distracted Driver Enforcement.
- Chief has met with the Traveler's Championship Security Team in preparation for the tournament.
- The Memorial Day Ceremony and Parade will be held on May 30th at 6 p.m.
- Officer Sherry Borgeson turned in her resignation effective July 15th. He will accept it with regret.
- Gave kudos to the Detective Division, who worked with outside agencies on the arrest of two women for prostitution at the Green Spa in Cromwell.

J. PUBLIC WORKS DIRECTOR'S REPORT

- They have been busy working on County Line Road, work should begin on Monday.
- They had a Preconstruction Meeting with Garrety and Tilcon and key officials regarding the Road Projects.
- Residents in the vicinity of the road projects have been notified.

K. FINANCIAL

1. Budget Reports

Finance Director Sylvester presented the April Budget Reports.

- There are no issues on the Expenditure side.
- Approximately \$200,000 - \$300,000 extra will be received because of increased tax collections.

- Transfers will be brought forward for consideration at the June meeting.
- The Pension Committee had their quarterly meeting in May. The pension account is in very good shape.

2. Tax Refunds

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

- ## 3. Discussion and approval to transfer \$785,393 from General Fund fund balance to the Capital/Non-Recurring (CNR) Fund for 2015-16 capital requests, as approved during the budget process.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve to transfer \$785,393 from General Fund fund balance to the Capital/Non-Recurring (CNR) Fund for 2015-16 capital requests, as approved during the budget process.

- ## 4. To consider and act upon a proposed authorization for the issuance of bonds to refund all or a portion of the Town's \$7,700,000 General Obligation Refunding Bonds, Issue of 2004.

Finance Director Sylvester presented the request.

Motion made by R. Newton seconded by A. Waters and *unanimously carried* to act upon a proposed authorization for the issuance of bonds to refund all or a portion of the Town's \$7,700,000 General Obligation Refunding Bonds, Issue of 2004. Resolution is attached to the minutes.

- ## 5. Discussion and action to transfer \$150,000 from General Fund fund balance to the Willowbrook Road Project Fund.

Motion made by A. Waters seconded by R. Newton and *unanimously carried* to transfer \$150,000 from General Fund fund balance to the Willowbrook Road Project Fund.

- ## 6. Discussion and action to refund Building Permit Fee of \$235.00 to NRG Home Solar for 1 Winthrop Blvd.

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to refund Building Permit Fee of \$235.00 to NRG Home Solar for 1 Winthrop Blvd.

- ## 7. Discussion and action to refund Building Permit Fee of \$305.00 to NRG Home Solar for 9 Palmer Circle.

Motion made by M. Terry seconded by F. Emanuele and *unanimously carried* to refund Building Permit Fee of \$305.00 to NRG Home Solar for 9 Palmer Circle.

L. STAFF REPORTS

None

Mayor Faienza called for a recess at 8:44 p.m. The meeting resumed at 8:57 p.m.

M. UNFINISHED BUSINESS

1. Presentation by consulting engineer on possible sites for a new DPW/CWPCA facility with discussion and possible action to follow. -*Tabled Left on table*
2. Continue discussion and possible action on Solid Waste Report. -*Tabled Left on table*

N. NEW BUSINESS

1. Discussion and possible action to approve amending Chapter §178-8, B. Fees, §178-12, C. Exemptions; registration of charitable organizations.
Motion made by R. Newton seconded by A. Spotts to approve amending Chapter §178-8, B. Fees, §178-12, C. Exemptions; registration of charitable organizations. Discussion followed. Ms. Polke stated that she applied for and received verbal approval for a 501-3c. so the Farmer's Market should be considered a Charitable Organization. Acting Town Manager Salvatore stated that the Food Trucks will still be required to pay under 178-8a2.
Amended Motion made by M. Terry and seconded by F. Emanuele and *unanimously carried* to strike 178-8-a3, to charge a fee of \$40.00 per month for vendors other than farmers and growers.
Acting Town Manager Salvatore requested that Ms. Polke meet with him when the 501-3c is received.
Main Motion unanimously carried.
2. Discussion and action to approve Resolution to allow Acting Town Manager to sign Assistance Agreement between the State of CT (DECD) and Town of Cromwell for 2011 STEAP Grant in the amount of \$500,000 for the Northern Industrial Tier.
Motion made by R. Newton seconded by A. Spotts and *unanimously carried* to approve Resolution to allow Acting Town Manager to sign Assistance Agreement between the State of CT (DECD) and Town of Cromwell for 2011 STEAP Grant in the amount of \$500,000 for the Northern Industrial Tier.
3. Discussion and action to approve Resolution allowing the Town Manager to sign an assistance agreement of the DECD STEAP Grant for Historic Downtown Improvement Phase II (Kayak Launch and COA Wall).
Motion made by F. Emanuele seconded by A. Spotts and *unanimously carried* to approve Resolution allowing the Town Manager to sign an assistance agreement of the DECD STEAP Grant for Historic Downtown Improvement Phase II (Kayak Launch and COA Wall).
4. Discussion and possible action to apply 2013 Town Infrastructure Improvement Bond to reconstruct additional roads.
Public Works Director Spina presented the request. A list of roads is attached to the minutes. Arrowwood Drive is the additional road that will be done.

Motion made by S. Banic seconded by F. Emanuele and *unanimously carried* to apply 2013 Town Infrastructure Improvement Bond to reconstruct additional roads.

O. APPROVAL OF MINUTES

1. Regular Meeting, April 8, 2015

Motion made by S. Banic seconded by R. Newton and to approve the minutes of the Regular Meeting of April 8, 2015.

Request by the Secretary to clarify the first bullet under Town Manager's report to read: "A reduction was found in the Healthcare budget line, bringing the increase of the proposed Town budget to 1.3%."

Motion made by R. Newton seconded by A. Spotts and *carried* to approve the minutes of the Regular Meeting of April 8, 2015 as amended.

Aye: S. Banic, M. Terry, E. Faienza, R. Newton, A. Waters, A. Spotts

Abstained: F. Emanuele (was not present at this meeting)

2. Public Hearing, April 29, 2015

Motion made by R. Newton seconded by S. Banic and *unanimously carried* to approve the minutes of the Public Hearing of April 29, 2015.

3. Special Meeting, April 29, 2015

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve the minutes of the Special Meeting of April 29, 2015.

4. Special Meeting, May 5, 2015

Motion made by R. Newton seconded by A. Spotts and *carried* to approve the minutes of the Special meeting of May 5, 2015.

Aye: S. Banic, F. Emanuele E. Faienza, R. Newton, A. Waters, A. Spotts

Abstained: M. Terry (was not present at this meeting)

P. RESIGNATIONS

None

Q. APPOINTMENTS

1. Youth Services Board

a. Kym Banton LCSW

Motion made by R. Newton seconded by F. Emanuele and *unanimously carried* to approve the appointment of Kym Banton to the Youth Services Board.

R. TOWN COUNCIL COMMISSION LIAISON REPORTS

S. Banic -Inland Wetlands

F. Emanuele -Youth Services

M. Terry -ZBA

E. Faienza -Board of Finance

R. Newton -CWPCA

A. Spotts -Fire District

S. ADJOURNMENT

Motion made by S. Banic seconded by M. Terry and *unanimously carried* to adjourn the Regular Meeting at 9:30 p.m.

Respectfully submitted,

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

Re Matus
Secretary

Rules for Citizen Comments:

1. Each speaker will have a total of 3 minutes to speak on the issues of their choice;
2. The Mayor shall recognize only one speaker at a time;
3. The purpose of the Citizen Comment period is to give the residents of Cromwell, or others, the opportunity to make comments regarding matters of public concern, town policies or actions of the town, and to ask questions of the Council or Town Staff. All questions and comments will be taken under advisement and questions raised may be answered this evening or addressed at a later date. There will be no open debate with the Council members during the public comment period and all questions and comments shall be directed to the Mayor;
4. The Mayor shall have the right to discontinue recognition of any speaker whom the Mayor believes is not using proper decorum for a public meeting; is verbally abusive of a member, or members of the Council, Town Staff, or the public; becomes belligerent; or uses profanity.

PETITION NO.

IN RE:

GILEAD COMMUNITY SERVICES, INC.

: STATE OF CONNECTICUT
:
: DEPARTMENT OF PUBLIC
:
: HEALTH

: MAY 6, 2015

PETITION TO DENY PROPOSED COMMUNITY RESIDENCE

Pursuant to Conn. Gen. Stat. § 19a-507b(b), the Town of Cromwell, in and through its Chief Executive Officer, Anthony J. Salvatore, hereby petitions the Commissioner of the Department of Public Health ("DPH") to deny Gilead Community Services authority to install another community residence in the Town of Cromwell for the following reasons:

1. The Town of Cromwell ("Town") is a municipal corporation lying within Middlesex County in the State of Connecticut.
2. According to the latest census, the Town of Cromwell has 14,059 residents.
3. Recently, the Town discovered that Gilead Community Services, Inc., ("Gilead") intended to install in a residential neighborhood within the Town a "community residence" as that term is defined and used in the general statutes.

4. Pursuant to §19a-507b(c), Gilead was obligated to apply for a license to operate a community residence and to supply to the Town a copy of that application.

5. Upon information and belief, Gilead has not properly applied to DPH for a license, nor has it supplied the Town with a copy of the required application.

6. Pursuant to Conn. Gen. Stat. § 19a-507b(a), no community residence is to be installed within one thousand feet of another community residence and the total capacity of all community residences in any one municipality shall not exceed one-tenth of one percent of the municipality's population.

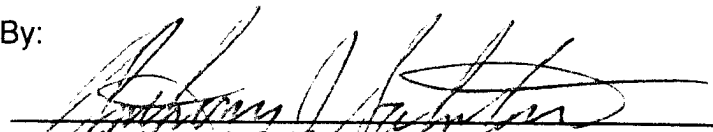
7. It is Gilead's obligation to establish through its application that it meets the requirements of § 19a-507b(a) and Gilead has failed to do so.

8. In addition, upon information and belief, the Town currently has nine (9) community residences and already exceeds the statutory limit for total resident capacity for all community residences combined.

For all the foregoing reasons, Gilead's proposal to establish another community residence in the Town of Cromwell should be denied.

PETITIONER – THE TOWN OF CROMWELL

By:



Anthony J. Salvatore, Acting Town Manager
Duly authorized

AND

By:

Kari L. Olson

Murtha Cullina LLP
CityPlace I - 185 Asylum Street
Hartford, Connecticut 06103-3469
Telephone: (860) 240-6000
Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Application was mailed first-class,
postage prepaid, on this 6th day of May 2015 to:

Agent for Service of Process for Gilead Community Services, Inc.:

Timothy Hollister, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Kari L. Olson

Incident Statistics Report

04/01/2015 00:00 Thru 04/30/2015 23:59

Call Type Description	Total for Period
911 Hang Up Call	13
Administrative Matter	13
Alarm - All types	51
All Other Offenses	3
Animal Complaint	39
Assault, Simple	2
Assist Motorist	34
Assist Other Agency	29
Car Seat Installation	2
Civil Matter	3
Counterfeit/Forgery	1
Credit Card/ATM Fraud	1
Criminal Mischief / Vandalism	5
Dis Conduct/BOP	3
Domestic Incident	6
DUI	3
Dumping	1
Escort	3
Fingerprinting	24
Follow Up	3
FV Protocol / P.A.	10
Harrassing Phone Calls	1
Identity Theft	40
Impaired / Intox Person	1
Juvenile Incident	5
Larceny - From Building	4
Larceny - From MV	4
Larceny - MV Parts/Access	1
Larceny -Shoplifting	9
Larceny- Other	7
Medical Emergency	52
MV Accident	35
MV Parking Violation	4
MV Theft	1
MV Violation	350
Neighbor Dispute	2
Noise Complaint	5
Poss >1/2 marj	1
Property Check	54

Incident Statistics Report

04/01/2015 00:00 Thru 04/30/2015 23:59

Call Type Description	Total for Period
Property Lost/Found	11
Property Seized	3
Record Only Call	5
Road Cond/TCS Out	11
See Complainant	30
Serve Warrant INFO	1
Suspicious Activity	56
TEST CALL	4
Threaten/Harass/Intimidation	5
Town Ordinance	3
Traffic Assignment	9
Unfounded Complaint	11
Untimely Death	1
Unwanted Person	5
Well Being Check	19
Total:	999

Streets to be reclaimed by June 30, 2015

Blackhaw Dr. (Washington Rd. to Arrowwwod Dr.

Loquot Dr. (all)

Sequoia Dr. (all)

Streets to be reclaimed (Capital Bond)

Cannata Dr. (all)

Cross St. (all)

SachemDr. (all)

Summer Brook Lane (all)

Doering Dr. (all)

Arrowwood Dr. (all;with TC approval)

Streets to be overlayed (Capital Bond)

North Ridge Dr.

Millinium Dr.

Kristen Lane

Streets to be reclaimed by June 30, 2015

Scope of work

Blackhawk Dr. (Washington Rd. to Arrowwood Dr.

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Loquott Dr. (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Sequoia Dr. (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Streets to be reclaimed (Capital Bond)

Cannata Dr. (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Cross St. (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Sachem Dr. (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Summer Brook Lane (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Doering Dr. (all)

pulverize existing asphalt, rough & fine grade, remove excess materials, install 2" class 1 binder, install 6" curb, install 1.5" surface course

Arrowwood Dr. (all;with TC approval)

Streets to be overlaid (Capital Bond)

North Kidge Dr.

Cut key ways, apply tack coat, furnish & install 1" class 2 surface course

Millinium Dr.

Cut key ways, apply tack coat, furnish & install 1" class 2 surface course

Kristen Lane

Cut key ways, apply tack coat, furnish & install 1" class 2 surface course

RESOLUTION OF TOWN COUNCIL

RESOLVED, that the Town Council of the Town of Cromwell hereby adopts the resolution presented to this meeting authorizing the issuance of bonds to refund all or a portion of the Town's \$7,700,000 General Obligation Refunding Bonds, Issue of 2004. A copy of the resolution shall be inserted in or attached to the minutes of this meeting and made a part thereof.

Attachment to Town Council minutes:

1. Refunding Bond Resolution

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF CROMWELL**

**AUTHORIZING THE ISSUANCE OF REFUNDING BONDS FOR PAYMENT OF THE
OUTSTANDING PRINCIPAL OF AND INTEREST AND ANY CALL PREMIUM ON
TOWN OF CROMWELL'S \$7,700,000 GENERAL OBLIGATION REFUNDING
BONDS, ISSUE OF 2004 AND COSTS RELATED THERETO**

RESOLVED,

(a) That the Town of Cromwell issue its refunding bonds, in an amount not to exceed THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000), the proceeds of which are hereby appropriated: (1) to the payment in whole or in part, as to be determined by the Town Manager and the Finance Director/Treasurer of the Town of the outstanding principal of and interest and any call premium on the Town's \$7,700,000 General Obligation Refunding Bonds, Issue of 2004 (consisting at original issue of \$1,710,000 General Purpose Refunding Bonds, \$4,595,000 School Refunding Bonds and \$1,395,000 Sewer Refunding Bonds), including the payment of interest accrued on said bonds to the date of payment, and (2) to pay costs of issuance of the refunding bonds authorized hereby, including legal fees, consultants' fees, trustee or escrow agent fees, underwriters' fees, bond insurance premiums, net interest and other financing costs and other costs related to the payment of the outstanding bonds described above. Such payment of the bonds to be refunded pursuant to this resolution may be accomplished, without limitation, through the funding of one or more escrows, and the application of the balance held in such escrows, together with the investment earnings thereon. The refunding bonds shall be issued pursuant to Section 7-370c of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(b) That the Town Manager and the Finance Director/Treasurer of the Town shall sign the bonds by their manual or facsimile signatures. The Town Manager and the Finance Director/Treasurer of the Town are authorized to determine the bonds to be redeemed and the amount, date, interest rates, maturities, redemption provisions, form and other details of the refunding bonds; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds and escrow agent with respect to any refunding escrow or escrows to be funded with proceeds of the bonds; to designate a law firm as bond counsel to approve the legality of the bonds; to provide for the keeping of a record of the bonds; to sell the bonds at public or private sale; to deliver the bonds; and to perform all other acts which are necessary or appropriate to issue the bonds.

(c) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that costs of the refunding may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the refunding. The Town Manager and the Finance Director/Treasurer of the Town are authorized to

amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(d) That the Town Manager and the Finance Director/Treasurer of the Town are authorized to make representations and enter into written agreements for the benefit of holders of the bonds to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds.

(e) That the Town Council, the Town Manager, the Finance Director/Treasurer, and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Town's outstanding \$7,700,000 General Obligation Refunding Bonds, Issue of 2004, and to issue refunding bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with holders of the bonds to be refunded, underwriters, trustees, escrow agents, bond insurers and others to facilitate the issuance of the refunding bonds, any escrow of the proceeds thereof and investment earnings thereon, and the payment of the outstanding bonds in whole or in part.

(f) That the above authorization to issue refunding bonds shall lapse on June 30, 2016.