

**TOWN OF CROMWELL  
TOWN COUNCIL REGULAR MEETING  
WEDNESDAY FEBRUARY 12, 2020  
7:00 P.M. TOWN HALL COUNCIL CHAMBERS**

RECEIVED FOR RECORD  
Feb 14, 2020 02:46P  
JoAnn Doyle  
TOWN CLERK  
CROMWELL, CT *pl*

**MINUTES**

**Present:** Mayor E. Faienza, Deputy Mayor J. Donohue, J. Henahan, P. Ahlquist,  
S. Fortenbach, A. Waters, J. Demetriades

**Absent:**

**Also Present:** Town Manager A. Salvatore, Director of Finance M. Sylvester, Chief of  
Police D. Lamontagne, Public Works Director L. Spina, Town Attorney K. Olson, and  
Attorney T. Gerarde

**A. CALL TO ORDER**

Mayor Faienza called the Regular Meeting to order at 7:06 p.m.

**B. PLEDGE OF ALLEGIANCE**

Jack Henahan led the Pledge of Allegiance.

**C. APPROVAL OF AGENDA**

Mayor Faienza added under New Business 3. Discussion and action on Capital  
Fund, Under N. Appointments, Library Commission, a. Marie Roberto, b. Martha  
Rennie, c. Margaret Colella,

**Motion** made by J. Demetriades seconded by J. Henahan and *unanimously  
carried* to amend the agenda.

**Motion** made by J. Donohue seconded by S. Fortenbach and *unanimously  
carried* to approve the agenda as amended.

**D. EXECUTIVE SESSION**

1. Pending Litigation
  - a. Update Gilead Matter
  - b. Action if necessary

**Motion** made by S. Fortenbach seconded by J. Donohue and *unanimously  
carried* to adjourn to Executive Session at 7:11 p.m., for the purpose of Pending  
Litigation, update Gilead Matter.

Town Manager A. Salvatore and Town Attorney K. Olson were invited into  
Executive Session.

**Motion** made by S. Fortenbach seconded by P. Ahlquist and *unanimously carried* to come out of Executive Session at 7:55 p.m.

*Mayor Faienza turned the meeting over to Deputy Mayor J. Donohue, who read the following Resolution into the record:*

RESOLUTION AUTHORIZING INDEMNIFICATION AND DEFENSE

WHEREAS, the Town is currently unjustly involved in a lawsuit with Gilead Community Services, Inc., et al. as captioned below (collectively, "Gilead"); and

WHEREAS, Gilead has named Mayor Enzo Faenza and Town Manager Anthony Salvatore in the lawsuit; and

WHEREAS, some of Gilead's allegations against the Town and these two officials suggest that Mayor Faenza and Town Manager Salvatore may be exposed to personal liability; and

WHEREAS, any finding of personal liability as to Mayor Faenza and Town Manager Salvatore is unlikely but nonetheless presents an unacceptable risk to these public officials; and

WHEREAS, it is in the Town's best interest to support its public officials in any legal action when acting in their official capacity and in the best interests of the Town; and

WHEREAS, the Town can and should defend and indemnify its public officials when acting in their official capacity on behalf of the Town.

NOW, THEREFORE, BE IT RESOLVED:

That the Town of Cromwell does hereby declare that it will indemnify, defend and hold harmless Mayor Enzo Faienza and Town Manager Anthony Salvatore for all money damages, if any, that either of them is required to pay as a result of the civil law suit brought by Plaintiffs **GILEAD COMMUNITY SERVICES, INC., RAINBOW HOUSING CORP., and THE CONNECTICUT FAIR HOUSING CENTER, INC.,** bearing docket number 3:17-CV-00627-VAB and captioned:

**GILEAD COMMUNITY SERVICES, INC., RAINBOW HOUSING CORP., and THE CONNECTICUT FAIR HOUSING CENTER, INC. v. TOWN OF CROMWELL, ENZO FAIENZA, Individually and in his official capacity as Mayor of the Town of Cromwell, ANTHONY SALVATORE, Individually and in his official capacity as Town Manager of the Town of Cromwell,**

and JILLIAN MASSEY, in her official capacity as the Zoning Enforcement Officer of the Town of Cromwell

This resolution shall remain in effect until the lawsuit is fully resolved and all appeals exhausted, whether Mayor Faenza and Town Manager Salvatore are still holding their respective official positions with the Town or not.

**Motion** made by S. Fortenbach seconded by A. Waters and *carried* to approve the resolution as read into the record and attached to the minutes.

Aye: J. Demetriades, A. Waters, S. Fortenbach, J. Donohue, J. Henehan, P. Ahlquist

Mayor Faenza recused himself and did not vote.

*Motion carries*

*Deputy Mayor Donohue turned the meeting back over to Mayor Faenza*

#### **E. COMMISSION CHAIRMAN REPORTS/LIASON REPORT/STAFF REPORTS**

None

#### **F. CITIZEN COMMENTS**

1. Michael Roberts and Thomas Foran introduced themselves to the Council and presented some items that the LGBTQ committee is working on. Their meetings are open to anyone who wishes to attend and offer suggestions and comments.

#### **G. MAYOR'S UPDATE**

Mayor Faenza reported:

- The Tri-Board Meeting scheduled for February 20<sup>th</sup> may be moved to another date, he will keep the Council advised.
- The Library rededication will be held on February 20<sup>th</sup>.
- The Pension Committee meeting will be held at the end of the month.
- The Fire District tabled the request to have a joint study done with the town.
- The Mayor, Recreation Department and Heather Polke are working on A Brew & Chew Event for Adults only, that will probably be held in September.
- The Chamber Cromwell Division will meet tomorrow.
- The Carrier Grand Opening was very successful and well attended.

#### **H. TOWN MANAGER'S UPDATE**

Town Manager Salvatore reported:

- Provided additional information regarding the Fire District and the Town's Joint Study. With the Council's permission he would like to offer that the town front the Fire Districts portion for the study and the District could then reimburse the town in July.

- They are working hard on the budget; the Department Heads did a great job keeping their budget requests lean.
- There is no movement with the Red Lion; they are delinquent with town taxes.
- River Road; the terminal is down. There were no violations of air standards.
- Presented information and photos of the County Line Road sign.
- Work continues on the Community Field Road Parking Lot.
- An update was distributed for the Public Works/Sewer project.
- Police Department SOP's and Rules and Regulations were distributed.
- Work is being done on the Town Hall's HVAC.
- The Union Grievance that the Council denied regarding sick time benefit is going to the State Labor Board.
- The Coles Road project has started.

#### **I. FINANCIAL/FINANCE DIRECTOR'S UPDATE**

Finance Director Sylvester presented an update to the Council.

##### **1. Budget Reports**

Revenue is coming in strong and expenditures are coming in as expected.

##### **2. Tax Refunds**

Motion made by A. Waters seconded by J. Henahan and *unanimously carried* to approve tax refunds 1 - 16.

#### **J. CHIEF OF POLICE'S UPDATE**

Chief Lamontagne reported:

- Monthly Incidents were distributed for January.
- Spoke regarding the incident that occurred at Walmart regarding two juveniles that were allegedly stealing items from Walmart. When Cromwell Police Officers tried to apprehend them in the parking lot they fled; hitting one Officer, knocking him to the ground. Chief LaMontagne gave praise to both Officers for the way they handled the situation. Officer Haughton was given the highest praise for his actions in handling a difficult 'officer down' situation.
- The Mobile Station was robbed.
- Spoke regarding a RING program.
- Spoke with Church members regarding approaching females at Stop and Shop attempting to recruit them.
- Officer Jespersen is doing well at the Academy and is scheduled to graduate in April.

#### **K. PUBLIC WORKS DIRECTOR UPDATE**

Public Works Director L. Spina reported:

- **Coles Rd. Reconstruction** - tree clearing has begun. Overhead utility and underground gas relocation to begin shortly.

- **North Road Extension culvert replacement** - Engineers final construction estimate is higher than original grant amount. An increase in Federal funding is pending. Once obtained we will be before Council and Board of Finance to request an increase in the allocation. This is an 80% grant, final numbers not yet available. Still anticipate construction this year.
- **Library** - final punch list being addressed prior to grand opening.
- **DPW Facility** - concrete foundation work continues. Full report update handed out.

#### **L. NEW BUSINESS**

1. Discussion and action to amend Ordinance 221-2 All night parking.  
**Motion** made by P. Ahlquist seconded by J. Henahan and *unanimously carried* to approve amending Ordinance 221-2 -All night parking. (striking the word from in 221-2 A. first sentence).
2. Discussion and action to approve Resolution of Endorsement and Authorization, Regional Performance Incentive (RPI) Program.  
**Motion** made by A. Waters seconded by J. Donohue and *unanimously carried* to approve Resolution of Endorsement and Authorization, Regional Performance Incentive (RPI) Program. (Attached to minutes)
3. Discussion and action on Capital Fund.  
Finance Director M. Sylvester presented the request.  
**Motion** made by J. Demetriades seconded by A. Waters and *unanimously carried* to approve the Capital Fund (as amended; removing the word shall in the second sentence).

#### **M. APPROVAL OF MINUTES**

1. Regular Meeting, January 8, 2020  
**Motion** made by J. Donohue seconded by S. Fortenbach and *unanimously carried* to approve the January 8, 2020 Regular Meeting minutes.
2. Special Meeting, January 21, 2020  
**Motion** made by J. Donohue seconded by S. Fortenbach and *carried* to approve the January 21, 2020, Special Meeting minutes.  
Aye: P. Ahlquist, J. Donohue, E. Faienza, S. Fortenbach, A. Waters,  
J. Demetriades  
Abstained: J. Henahan  
*Motion carries*
3. Special Meeting, January 29, 2020  
**Motion** made by J. Donohue seconded by P. Ahlquist and *unanimously carried* to approve the January 29, 2020 Special Meeting minutes.

#### **N. APPOINTMENTS**

1. Economic Development Commission
  - a. Mo Islam, Alternate, Reappointment, Term Expires 3/24
  - b. Paul Warena, Alternate, Reappointment, Term Expires 3/24
2. Inland Wetlands and Watercourses Agency
  - a. Bob Donohue, Term Expires 12/23
  - b. Wynn Muller, Term Expires 12/20
3. CWPCA
  - a. Bob Donohue, Term Expires 1/24
4. Board of Finance
  - a. Dave Adametz, Alternate, Term Expires 12/21
5. Library Commission
  - a. Marie Roberto, term expires 2/24
  - b. Martha Rennie, term expires 2/24
  - c. Margaret Colella, term expires 2/24

**Motion** made by J. Demetriades seconded by S. Fortenbach and *carried to* approve appointments 1 - 5.

Aye: J. Demetriades, A. Waters, S. Fortenbach, E. Faienza, J. Henahan,  
P. Ahlquist

Abstained: J. Donohue

*Motion carries*

#### **O. COUNCIL LIAISON REPORTS**

J. Demetriades - PP&Z, Support People w/disabilities, LGBTQ

A. Waters -CWPCA - EDC - Senior Advisory

S. Fortenbach

E. Faienza

J. Donohue -Fire District -Committee to Support People w/Disabilities

J. Henahan -Board of Education

P. Ahlquist - Senior Services Commission

#### **P. ADJOURN**

**Motion** made by P. Ahlquist seconded by J. Donohue and *unanimously carried* to adjourn the Regular Meeting at 9:24 p.m.

Respectfully submitted,

Re Matus

Re Matus  
Secretary

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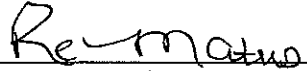
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\_\_\_\_\_  
Secretary of the Town Council

## CAPITAL FUND

The Town of Cromwell has established a special Capital Fund to account for the acquisition or construction of facilities, major infrastructure improvements, or large equipment. The Capital Fund will be financed from long- and short-term debt proceeds, grants, investment income, and transfers from the General Fund fund balance. The unexpended balance of the Capital Fund existing at the close of any fiscal period shall remain credited to such fund and shall not lapse to the General Fund.

Specific projects or acquisitions funded by the Capital Fund would typically require financing outside of the Capital/Non-Recurring budget line in the General Fund operating budget and may necessitate more than one year to finance due to the anticipated cost. The Town Manager shall recommend such projects for approval by the Town Council. Expenditures from the Capital Fund shall follow established provisions within the Town Charter and the Town's Purchasing Policy, under the direction of the Town Manager. Appropriations for approved projects do not lapse at year-end but they continue until the project is complete. Any remaining appropriation balances are returned to the Capital Fund. Annually, the Town Manager and Director of Finance shall provide the Town Council with a status of this Fund.

The Capital 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.