



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR STEPHEN WOODS**

## MINUTES

**NEWINGTON TOWN COUNCIL**  
Conference Room L-101 Lower Level – Town Hall  
7:00 P.M.

**Special Meeting**  
**April 21, 2015**

---

The meeting was called to order by Mayor Woods at 7:00 p.m.

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

Councilor Borjeson  
Councilor Castelle  
Councilor DelBuono  
Councilor Klett - Absent  
Councilor McDonald  
Councilor Marocchini  
Councilor Nagel  
Mayor Woods

**Staff Attendees:**

John Salomone, Town Manager  
Ann Harter, Finance Director  
Lisa Rydecki, Deputy Finance Director  
Jaime Trevethan, Asst. to the Town Manager

**III. PUBLIC PARTICIPATION (on agenda)**

Peter Arbur, 133 Tremont Street: Mr. Arbur commended the Council on a realistic budget and remarked that no Board of Education jobs were lost as a result of the budget. Mr. Arbur inquired about the size of the BOE's contingency fund.

Anna Eddy, 41 Churchill Way, Ms. Eddy thanked the Council on behalf of the Library Board of Trustees for restoring \$20,000 back to the Library's budget. She stated that this will allow the Library to continue to open on Sundays during the school year.

John Slusarski, 40 Grandview Drive: Mr. Slusarski inquired about the location of the proposed electric vehicle charging station and its effect on the farmers' market. He stated that the average cost per vehicle charged will be \$2.00 - \$4.00 rather than the previously discussed \$1.00. Mr. Slusarski remarked that the Council did a good job with the budget but cautioned them to take a close look at salaries and benefits.

Havital Miltz, 168 Nicholson Street: Ms. Miltz remarked that while some employees deserved raises of more than 3%, the reality is that the private sector is not getting 3% raises and it may not be appropriate

for town staff to receive a 3% increase during a time of budget cuts. Ms. Miltz noted the \$0.27 per ride Newington Dial-A-Ride fee and indicated that New Britain charges \$1.50 per ride and West Hartford charges \$25.00 per month. She remarked that while seniors are on a tight budget, so is the Town. She also remarked that having the Board of Education provide a laptop for every child is absurd and stated that residents should not pay this expense. She remarked that people who want to become parents should consider the expenses involved with raising children.

Roy Zartairan, 25 Stuart Street: Mr. Zartarian noted the 100<sup>th</sup> anniversary of the Armenian Genocide of 1915. He also spoke about the budget and indicated that a 3% annual increase is too much.

Daryl Gordon, 33 Apple Hill, Mr. Gordon stated that times are difficult and costs have increased but stated that she respects the Council's decision and remarked that the Council has the good of the community at heart. She remarked, however, that a 3% annual increase in taxes is unsustainable.

Steve Silvia, 45 Basswood Street: Mr. Silvia spoke of a parks and recreation software subscription service that is only \$4,500 per year, as opposed to the \$75,000 set aside in the budget for parks and recreation software. He indicated that the Board of Education is open to discussion on working with the town to consolidate departments. Mr. Silvia spoke of the proposed charging station and stated that he had looked into purchasing a GEM electric vehicle, however such vehicles are not allowed in Newington.

John Bachand, 56 Maple Hill Avenue: Mr. Bachand submitted his notes regarding the Toll Brothers' lawsuit to the Town Council (attached). He inquired about the Town's intent to recoup the funds spent for the Toll Brothers appeal. He also stated that while he respects the Council's work on the budget, he does not approve of the proposed budget increase.

**IV. CONSIDERATION OF OLD BUSINESS (Action May Be Taken)**

Councilor Castelle moved the following:

**RESOLVED:**

**That the following General Fund appropriations of the Town of Newington are hereby adopted for the fiscal year beginning July 1, 2015 and ending June 30, 2016, in accordance with Section 805 of the Charter of the Town of Newington:**

**APPROPRIATIONS:**

<b>Town Government Operations:</b>		
<b>General Government</b>	<b>\$4,771,190</b>	
<b>Public Safety</b>	<b>8,242,384</b>	
<b>Public Works</b>	<b>4,962,387</b>	
<b>Community Planning &amp; Development</b>	<b>522,269</b>	
<b>Public Health</b>	<b>157,675</b>	
<b>Community Services</b>	<b>1,027,616</b>	
<b>Public Library</b>	<b>1,735,113</b>	
<b>Parks &amp; Recreation</b>	<b>1,642,878</b>	
<b>Insurance - Miscellaneous</b>	<b>10,334,714</b>	<b>33,396,226</b>

Debt Service	1,227,831
Metropolitan District	3,404,400
Capital Improvements	5,078,928
Equipment Reserve	553,241
Employee Leave Liability Reserve Fund	92,900
Board of Education	<u>69,840,928</u>
<b>TOTAL APPROPRIATIONS</b>	<b>\$113,594,454</b>

**BE IT FURTHER RESOLVED:**

That, in accordance with Section 805 of the Charter of the Town of Newington, the following General Fund estimated revenues be raised to meet these appropriations:

**ESTIMATED REVENUES:**

Current Taxes	\$89,713,037
Prorated Taxes	876,350
Prior Years Taxes	440,000
Interest & Liens	320,000
Payments in Lieu of Taxes	2,926,774
Assessments	14,729
Licenses & Permits	315,500
Rentals	107,600
Investment Income	68,500
Fines	36,500
Charges for Services	566,075
Refunds & Reimbursements	102,260
Sale of Town Property	200
State Aid	15,569,767
Federal Aid	9,000
Miscellaneous	58,500
Donations	1,750

Transfers from Other Funds	217,912	\$111,344,454
General Fund Balance Applied		2,250,000
<b>TOTAL ESTIMATED REVENUES AND APPLIED FUND BALANCE</b>		<b>\$113,594,454</b>

**BE IT FURTHER RESOLVED:**

That the Clerk is hereby instructed to place the accompanying General Fund Budget Summary on the record of this meeting to illustrate the above appropriations and revenue estimates.

**BE IT FURTHER RESOLVED:**

That the following budget is hereby adopted for the Public School Capital Improvement Projects Reserve Fund for the fiscal year beginning July 1, 2015 to June 30, 2016:

**APPROPRIATIONS:**

Painting	\$25,000
Carpeting	25,000
District-wide Security and Safety	25,000
District-wide Furniture Replacement	25,000
Technology Equipment	50,000
System-wide Air Conditioning Replacement	25,000
Athletic Improvements	50,000
District-wide Bathroom Renovations	25,000
Career Technical/STEM Facilities Modifications	<u>75,000</u>
<b>TOTAL APPROPRIATIONS</b>	<b>\$325,000</b>

**ESTIMATED REVENUES:**

General Fund Appropriations	\$125,000
Interest Earnings	800
Tuition Receipts	100,000
School Rental Receipts	60,000
Fund Balance	<u>39,200</u>
<b>TOTAL ESTIMATED REVENUES AND APPLIED FUND BALANCE</b>	<b>\$ 325,000</b>

Motion seconded by Councilor Borjeson.

Councilor Nagel remarked that while he appreciates the bipartisan effort on the budget he is not completely happy with the budget as a whole. He explained that the Republicans brainstormed ideas and spoke with members of the community and came up with nearly \$1 million in budget cuts, which was reduced to about \$277,000 in feasible cuts for consideration. He indicated that the Council accepted about \$97,000 of the cuts and remarked that while a 3% budget increase may have been acceptable a few years ago it is no longer a sustainable annual increase, therefore, he is not pleased with the proposed 3% increase. Councilor Nagel indicated that other area towns have passed budgets of 0% - 2% increase and remarked that although Newington is not like other Towns, it needs to look at streamlining budget and redundancies of Town government. Councilor Nagel stated that for these reasons he will not support the proposed budget.

Councilor DelBuono agreed with Councilor Nagel's comments and stated that while a 3% increase was the standard a couple of years ago it is no longer sustainable. She noted the effort put forth by both parties but indicated that she will not support the budget.

Councilor Borjeson remarked about the partisan vote and stated that he will support the budget. Councilor McDonald noted compromises by both sides and cautioned residents and Councilors not to compare Newington's budget with other towns. She noted that Manchester had a zero-percent budget increase but indicated that it also has a severely underperforming school system. She agreed that a 3% increase is not sustainable year after year but stated that there is no flexibility without economic development. She commented that smart, strategic development will keep the mill rate reasonable in coming years.

Councilor Castelle remarked that he understands and sympathizes with Councilors Nagel and DelBuono. He noted that while some residents could support a 5% increase, others cannot afford a 0% increase. He stated that he will reluctantly support the proposed 3% budget.

Mayor Woods stated that a 3% budget increase is sustainable only with a corresponding increase in revenue. He indicated that if the Town Council does not support the proposed budget, the Town Manager's original proposed budget could go into place, which would be devastating to the Board of Education. He stated that the Town will need to find a way to increase revenue, as costs will continue to increase. He remarked about the high value of the Town's services and its excellent schools and library. He stated that he will support the budget.

**Roll Call Vote:**

Councilor Borjeson – yes  
Councilor Castelle – yes  
Councilor DelBuono – no  
Councilor Klett – absent  
Councilor Marocchini – yes  
Councilor McDonald – yes  
Councilor Nagel – no  
Mayor Woods – yes

Motion passed 5-2 (per roll call vote)

Councilor Borjeson moved the following:

**RESOLVED:**

**The Newington Town Council hereby adopts the "Town of Newington Long-Range Capital Improvement Plan 2015-2016 through 2019-2020," a final copy of which will be on file in the Town Clerk's Office.**

**NOTE: This vote is binding only for the funds committed for fiscal year 2015-2016; the proposed funding for 2016-2017 through 2019-2020 is for planning purposes only and is subject to change through future budget deliberations.**

Motion seconded by Councilor Marocchini.

**Roll Call Vote:**

Councilor Borjeson – yes  
Councilor Castelle – yes  
Councilor DelBuono – no  
Councilor Klett – absent

Councilor Marocchini – yes  
Councilor McDonald – yes  
Councilor Nagel – no  
Mayor Woods - yes

Motion passed 5-2 (per roll call vote)

Councilor Nagel indicated that he will not support the CIP for the same reasons he did not support the budget. Councilor DelBuono concurred.

Councilor Borjeson moved the following:

**CERTIFICATION:**

**In accordance with Section 808 of the Town Charter, I hereby certify that there exists, free from encumbrances, in the following appropriations in the Capital and Non-Recurring Expenditure Fund, the amounts listed below:**

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
88524	Garfield St Realignment/Town Hall Site Improvements	\$600,000

*Ann J. Harter, Director of Finance*

**RESOLVED:**

**That the Newington Town Council hereby transfers the above-certified funds in the Capital and Non-Recurring Expenditures Fund to the following accounts in the Public Building Fund:**

<u>Account Number</u>	<u>Title</u>	<u>Amount</u>
88804	Town Hall Improvements	\$500,000
88101	Library Expansion/Town Hall Site Plan	\$100,000

Motion seconded by Councilor Marocchini. Motion passed 7-0.

Councilor McDonald moved the following:

**RESOLVED:**

**In accordance with Section 805 of the Town Charter of the Town of Newington, the Town Council hereby fixes a tax rate of 35.8 mills for the fiscal year beginning July 1, 2015 and ending June 30, 2016, which shall be levied on taxable property in the Town of Newington listed on the October 1, 2014 Grand List, and said tax shall become due and payable in accordance with Section 43-1 of the Newington Code of Ordinances. The Town Manager is hereby authorized to make out and sign the rate bill in accordance with this motion.**

Motion seconded by Councilor Borjeson. Councilor Nagel requested a roll call vote.

Roll Call Vote:

Councilor Borjeson – yes  
Councilor Castelle – yes  
Councilor DeIBuono – no  
Councilor Klett – absent  
Councilor Marocchini – yes  
Councilor McDonald – yes  
Councilor Nagel – no  
Mayor Woods - yes

Motion passed 5-2 (per roll call vote)

Mayor Woods thanked his fellow Councilors for working together over the past several weeks and stated that even if the final vote was not unanimous he understands why it was not and stated that both sides worked well together and tried to do the best they could. He cautioned that upcoming budgets will become very difficult unless the Town finds a way to grow its Grand List. Mayor Woods thanked the Town Manager and staff for their hard work on the budget. He also thanked the public for attending and voicing their opinions throughout the process.

D. 2015 Historic Documents Preservation Grant

Councilor Marocchini moved the following:

**RESOLVED: That John L. Salomone, Town Manager, is authorized to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for the Historic Documents Preservation grant.**

Motion seconded by Councilor Castelle. Motion passed 7-0 (Councilor Klett absent)

V. CONSIDERATION OF NEW BUSINESS

A. Appointment of Auditor

Town Manager Salomone indicated that this is the third year of the three year contract for Blum Shapiro and that per the Charter the Auditor must be reappointed annually during the three-year contract term. Mayor Woods indicated that this item will be on the April 28 Council meeting for action.

B. Electric Vehicle Charging Station

Town Manager Salomone stated that additional State grant funding has been released to cover the cost of building an electric vehicle charging station in the municipal parking lot at Market Square. He stated that the grant funding would cover the cost to build the charging station, but not the cost of usage. Town Manager Salomone indicated that the location of the charging station would not interfere with the farmers' market. He stated that the average cost per charge is about \$1 due to the transient use of the station. He stated that the Council is being asked to act on the item tonight due to the tight deadline for application.

Mayor Woods asked for a waiver of the rules to act on the item. Councilor Nagel stated that he is not in favor of waiving the rules due to the timing of the item and also inquired whether the item should go to the TPZ for 8-24 approval. He also indicated that there may be other funding methods in which the station may be built that would be less costly to the Town and questioned the accuracy of the \$2,000 annual cost to run the station and cautioned that it is a yearly cost to be added to the budget. Councilor DeIBuono stated that there has not been adequate time to consider the item prior to voting on it.

Motion to waive the rules by Councilor Marocchini. Motion seconded by Councilor McDonald.

Roll call vote to waive the rules:

Councilor Borjeson – yes  
Councilor Castelle – yes

Councilor DelBuono – no  
Councilor Klett – absent  
Councilor Marocchini – yes  
Councilor McDonald – yes  
Councilor Nagel – no  
Mayor Woods - yes

Motion passed 5-2 (per roll call vote)

Councilor McDonald moved the following:

**RESOLVED:**

**That the Newington Town Council hereby authorizes the application for the State of Connecticut Electric Vehicle Supply Equipment grant funding for the creation of an electric vehicle charging station in the Town of Newington;**

**BE IT FURTHER RESOLVED:**

**That the Newington Town Council hereby identifies John L. Salomone, Town Manager, as an individual authorized to sign the grant application and administer the grant. Such application is attached to and made a part of this record.**

Motion seconded by Councilor Borjeson.

Councilor DelBuono inquired about the longevity of the project and the cost to the Town. She expressed concern that the Town does not know what the future holds in terms of costs per charge and she also noted that there is an apartment complex nearby in which residents could use the station for more than a quick charge. She stated that she is not against a charging station but would like to weigh all the options. She remarked that an 8-24 report would have been beneficial and stated that for these reasons she will not support the resolution.

Councilor Borjeson stated that per the Town Planner, an 8-24 report is not necessary. He stated that this is a green project that will be good for local businesses. He stated that the resolution should have passed the last time it was brought to the Council and should be passed now. Councilor McDonald inquired about how the \$2,000 per year cost was calculated. Town Manager Salomone replied that the \$2,000 is the cost of electricity for 24-hour use daily. He stated that usage could be regulated and monitored if necessary. Councilor McDonald inquired as to whether signs could be posted to regulate use. Town Manager Salomone replied in the affirmative. Councilor Marocchini stated that he supports the project and that as it is a newer concept he would like to see Newington be a pioneer in this area.

Councilor Nagel reiterated his earlier statements and remarked that his objections have nothing to do with it being a green project and states that his concerns are about procedures and costs. Councilor Castelle inquired whether the cost to build the station will exceed the \$10,000 grant funding. Town Manager Salomone replied in the negative. Mayor Woods indicated that he asked to have this item placed on the agenda and remarked that it should have passed the last time. He indicated that an 8-24 report is not necessary. Councilor DelBuono stated that she is not against the project as a green project but stated that there may be smarter ways to do it. Councilor McDonald inquired whether the station could be metered to help defray the annual cost to the Town. Town Manager Salomone stated that the grant will not allow for that. Councilor DelBuono stated per the grant documents that the \$2,000 annual cost estimate is for both plugs to be used three times per day for 365 days per year.

Roll call vote:

Councilor Borjeson – yes  
Councilor Castelle – yes  
Councilor DelBuono – no  
Councilor Klett – absent  
Councilor Marocchini – yes  
Councilor McDonald – yes  
Councilor Nagel – no

Mayor Woods - yes

Motion passed 5-2 (per roll call vote)

**VI. RESIGNATIONS AND APPOINTMENTS**

Councilor Borjeson moved the following:

**RESOLVED:**

**That the Newington Town Council hereby makes the following appointment:**

**Newington Town Council**

**9 members, 2 year term  
Party max.: 5  
Remaining Members: 3 Rep., 5 Dem.**

<b>Name</b>	<b>Address</b>	<b>Party</b>	<b>Term</b>	<b>Replaces</b>
<b>Christopher Banach</b>	<b>145 Starr Avenue</b>	<b>D</b>	<b>IMMED.- 11/10/15</b>	<b>M. Cohen</b>

Motion seconded by Councilor Castelle. Motion passed 7-0 (Councilor Klett absent)

**VII. MINUTES OF PREVIOUS MEETINGS**

**A. Special Meeting, March 3, 2015 (Tabled 3/25/15)**

Councilor Nagel read the following email from Jaime Trevethan to the Town Council into the record regarding a resident's request to amend the March 3, 2015 Town Council minutes:

*A resident, Alan Paskewich, contacted me about the minutes of the March 3 Town Council meeting. He spoke twice during the second public participation of that meeting, but didn't give his name and address during his second set of comments (page 6, 6th speaker listed). He has asked the Council to amend the minutes to add his name and address, 100 Cambria Avenue. He also asked the Council to amend the minutes to include his remark in the same paragraph that "I've observed that some residents send e-mails to department heads on late Friday afternoon and on the weekend, and expect immediate answers by Monday a.m."*

*I told Mr. Paskewich that I would pass his request along to the Council, for one of the Councilors to make the amendments during the "minutes of previous meetings" portion of the agenda.*

Councilor Castelle moved to accept the minutes as amended. Motion seconded by Councilor Marocchini. Motion passed 7-0 (Councilor Klett absent)

**B. Public Hearing, March 10, 2015**

Councilor Castelle moved to accept the minutes as submitted. Motion seconded by Councilor McDonald. Motion passed 7-0 (Councilor Klett absent)

**C. Regular Meeting, March 10, 2015**

Councilor Castelle moved to accept the minutes as submitted. Motion seconded by Councilor McDonald. Motion passed 7-0 (Councilor Klett absent)

**C. Special Meeting, March 17, 2015**

Councilor Castelle moved to accept the minutes as submitted. Motion seconded by Councilor McDonald. Motion passed 7-0 (Councilor Klett absent)

**VIII. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC (none)**

**IX. COUNCIL LIAISON/COMMITTEE REPORTS**

Councilor Nagel reported the following:

- NCTV is continuing to work towards updating its facility and working towards HDTV capability.
- The Commission on Aging and Disabled is appreciative of funds restored to the Senior and Disabled Center budget and is instituting a number of new programs for up and coming "new" seniors.
- The Board of Fire Commissioners is appreciative of funds restored to the Fire Department budget.
- The Friends of the Library will hold its annual Spring Book Sale the weekend of May 1.

Councilor Castelle indicated that he will submit a report regarding the Employee Insurance Pension and Benefits Committee to the Council at an upcoming meeting.

Councilor Borjeson indicated that the Housing Needs Study Committee survey results will be discussed at the next Town Council meeting.

Councilor Marocchini indicated that the Town Hall Renovations Project Building Committee continues to work very hard and indicated that the next meeting will be held on May 5 at 6:30 p.m.

**X. PUBLIC PARTICIPATION (ON AGENDA)**

Dr. Marc Finkelstein, 272 Candlewyck Drive, Board of Education Chairperson: Dr. Finkelstein thanked Mayor Woods and the Council for their hard work and communication during the budget process. He indicated that while the final budget isn't entirely satisfactory, it does allow the school system to move forward. Dr. Finkelstein clarified the process of contractual negotiations for the current teachers' contract. He stated that it was collectively bargained according to State statutes and involved a tremendous amount of time and preparations from both sides. He stated negotiations lasted for weeks, with an obligatory mediator called in to the process. He stated that an agreement was reached just prior to the deadline for binding arbitration and that reaching an agreement without involving arbitration resulted in a better agreement for the Town and was also a fair settlement for the union staff. He stated that the staff stood by the agreement despite the difficult bargaining process and remarked on the high quality of school staff. Dr. Finkelstein stated that there was some loss of morale during the recent budget process. He indicated that while it was reported that 78 teachers had been laid off, there was never any intent of laying off that many teachers. He explained that layoff notices are contractually required when there is even a remote possibility of even one layoff. He also expressed disagreement over comments that there is too much administrative staff, citing the changing workloads and increased hours required of administrative staff. He assured the public that the school system is not "top heavy" in administration. Dr. Finkelstein stated that the Town and BOE work together and will continue to work together on shared services, citing the examples of shared clerical staff and outdoor facility maintenance, among other examples. He stated that they continue to explore shared services in IT, Human Resources and professional development. He also spoke of the Open Choice Program and indicated that the program has been successfully in place in Newington since 1976. He stated that the State pays the Town approximately \$4,000 per each the approximately 100 children that participate and attend Newington Schools. He stated that the vast majority of Project Choice students come to Newington in Kindergarten or first grade and that the many have been highly successful throughout the school system. Dr. Finkelstein commented that Newington has evolved into a white collar, middle management community and stated that the Town must continue to strive for a highly educated populace and continue to attract families to the Town who will support the excellent school system. He indicated that other towns such as Burlington, Canton, Granby and Glastonbury that have become attractive towns to live in, based on the excellence of their schools. He stated belief that the number one reason people are attracted to Newington is due to its schools. Dr. Finkelstein again thanked the Council for its work.

Gail Budjreko, 21 Isabelle Terrace: Ms. Budjreko thanked Councilors Nagel and DelBuono for their thoughtful comments on the budget and thanked Councilors McDonald, Castelle and Mayor Woods for

maintaining civil and respectful discourse in their opposing responses. She remarked that residents expect the Council to work cooperatively and with respect and stated that it is unfortunate that some Councilors use words that are inflammatory and hostile in ways that are unfitting to their office.

Rose Lyons, 46 Elton Drive: Ms. Lyons welcomed Chris Banach back to the Council. She noted that the Council did not ask for public participation prior to waiving the rules earlier in the meeting and asked for a clarification of the voting process and when a majority vote is needed versus a 2/3 vote. Mayor Woods stated that a minimum of five affirmative votes are always required to pass any resolution.

Steve Silvia, 45 Basswood Street, Mr. Silvia thanked the Mayor for clarifying his comments regarding the Board of Education meeting. He noted Dr. Finkelstein's comments that 80% of school salaries are tied to the contract, but Mr. Silvia indicated that it is his understanding is that the number is closer to 50%. He stated that this budget has been a learning project but he is disappointed that he has not been able to find more efficiencies for this budget. He stated that he intends to work with the Town Manager to find additional efficiencies within his training and expertise in the coming year.

Roy Zartarian, 25 Stuart Street: Mr. Zartarian noted Mr. Minor's indication that an 8-24 referral is not required for the electric vehicle charging station. He stated that Mr. Minor is not an attorney and that future questions regarding statute 8-24 should be referred to the Town Attorney. Mr. Zartarian noted Dr. Finkelstein's comments regarding the Open Choice and noted that the overall per-student cost to the Town, including CIP, is about \$17,000 per student.

## **XII. REMARKS BY COUNCILORS**

Councilor Borjeson thanked Mr. Silvia and Mr. Slusarski for their input and commented that this is true public participation – coming up with real suggestions and ideas rather than attacking people. He thanked Mayor Woods and remarked that his experience with the BOE and the Town is what made the budget process work. He also thanked Mayor Woods for his patience and fairness and stated that the Town is very lucky to have him.

Councilor DelBuono inquired about the Parks and Recreation Board of Director upcoming meeting schedule and requested that someone from the Board contact Beth Manke, a member appointed to the board earlier in the year. Councilor DelBuono thanked the Council for their efforts on the budget and thanked the members of the public who attended meetings and contacted Councilors regarding the budget and she thanked the Town Manager and staff for their efforts as well.

Councilor Nagel expressed his appreciation to his fellow Councilors, the public and staff for their efforts during the budget process. He also congratulated Newington High School students on their recent production of "Pippen" and he noted the recent volunteer recognition dinner for the Human Services Department and the CCHD ACHIEVE volunteer recognition breakfast.

Councilor Marocchini thanked his fellow Councilors for their efforts on the budget and stated that whether or not both sides agreed, both sides tried.

Councilor McDonald stated that she was unable to attend the Human Services volunteer dinner but thanked the volunteers. She cautioned against the negativity around the Open Choice program, which has been in place since the 1960's, particularly about the relation of student cost versus state reimbursement. She noted that Newington residents attend Hartford magnet schools as well and stated that this is done at no cost to the Town. She called for perspective rather than allowing emotions to take control. Councilor McDonald thanked Town Department Heads for expressing their departments' needs as they related to the budget. She thanked the public for their input, particularly Mr. Silvia, Mr. Slusarski and Mr. Arburrr and stated that she is looking forward to more collaboration between the parties, staff and other boards. She indicated that future budgets will require out of the box thinking and Grand List growth. She thanked the Mayor for his tireless work on the budget and stated that he is the hardest working volunteer at the table.

Councilor Castelle thanked the public and stated that he agrees with the other Councilors' comments. He stated that he appreciates Dr. Finkelstein's comments and his defense of the Open Choice program and remarked that adding one more student will not increase the Town's expenses by \$17,000.

Mayor Woods thanked the Town Manager, Department Heads and staff for their efforts during the budget. He thanked the Town Manager for his openness on the budget issues and he reiterated the difficulty facing future Councils for future budgets. He stated support for the Open Choice program and stated that while the students sleep in Hartford, they are Newington students and stated that it has been a wonderful program for the Town and the children and has served the community very well. He thanked the public for their input during the budget process.

### XIII. ADJOURNMENT

Councilor Marocchini to adjourn the meeting at 9:15 p.m. Motion seconded by Councilor McDonald. The motion passed 7 – 0 (Councilor Klett absent)

Respectfully Submitted,



Jaime Trevethan  
Asst. to the Town Manager - Administration

Attach.

## Town Council Meeting Notes 4/21/15

1. Regarding the recent announcement that Toll Brothers was dropping their suit against the town. Two things, first, as reported in the press, the Town manager was quoted as saying that the Toll appeal cost the town "thousands" in legal expenses.  
Can we quantify that, exactly how much we spent on the mediation process?  
Is there any plan of recovering that money from Toll thru a counter suit?
2. I attended the final disposition of the land use appeal at Hartford's Superior Court on March 31, 2015. During the hearing, Toll attorney Thomas Regan offered as reasoning for the withdrawal, an understanding and agreement that the town of Newington was to pursue the purchase of the Balf parcel on Cedar Mountain. He cited newspaper accounts of such an agreement as proof. At that point it became clear to me that, he was merely defending his client, from a frivolous suit clam to recover our legal expenses.
3. During the hearing, Judge Marshall K. Berger, allowed me to make a statement. I explained that though I was not there in any official capacity, I felt that I expressed the consensus of the town when I said I had no opposition to the withdrawal request. I went on to explain how Toll Brothers, through their representatives, offered false and misleading information for the record during their Wetlands application hearings. I also brought up the question of the town recovering legal expenses from Toll.
4. There are two aspects of the way this was finalized by the town that I am not satisfied with, the first is the question of legal expense recovery as I've mentioned. The second is the message we are sending regarding our Conservation Commission, the way it was left by the Mayor's statement was more as if Toll Brothers did us a favor in dropping their suit. This attitude is truly flawed in both fact and perception. The fact is Toll had an indefensible case, and though no minutes are kept of those Alternative Dispute Resolution sessions, I strongly suspect the Judge referee made that evident to them. By accepting Toll's public reasoning for withdrawal, we are impugning the tremendous body of work the Conservation Commission was forced to endure during that lengthy application, our volunteer Wetlands Commission went above and beyond, in their consideration of the complex technical data the proposal hinged on. It was by no means a simple decision, to not recognize the fact their decision was ultimately upheld is something that needs to be corrected for the public's perception to be formed properly, based on the facts. Simply put, Toll Brothers does not do favors when it comes to litigation, they were proven wrong.

John Bachand

DOCKET NO: HHDCV136043336S

SUPERIOR COURT

ORDER 080096

TOLL CT III LIMITED PARTNERSHIP  
V.  
NEWINGTON CONSERVATION  
COMMISSION

JUDICIAL DISTRICT OF HARTFORD  
AT HARTFORD

3/31/2015

ORDER

ORDER REGARDING:  
02/27/2015 114.00 MOTIION TO WITHDRAW LAND USE APPEAL

All Counsel Present.

The foregoing, having been considered by the Court, is hereby:

ORDER: GRANTED

Short Calendar Results Automated Mailing (SCRAM) Notice was sent on the underlying motion.

080096

---

Judge: MARSHALL K BERGER