



Tanya Lane  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR ROY ZARTARIAN**

## MINUTES

**NEWINGTON TOWN COUNCIL  
L101 – Lower Level  
7:00 P.M.**

**February 28, 2017**

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Mayor Zartarian called the meeting to order at 7:05 p.m.

### **I. PLEDGE OF ALLEGIANCE**

### **II. ROLL CALL**

Councilor Anest  
Councilor Budrejko  
Councilor DelBuono  
Councilor Klett  
Councilor Manke  
Councilor Marocchini - absent  
Councilor Nagel  
Councilor Serra  
Mayor Zartarian

#### **Staff Attendees:**

Tanya Lane, Town Manager  
Ben Ancona, Town Attorney  
Jamie Trevethan, Asst. to the Town Manager  
Linda Irish-Simpson, Clerk of the Council

### **III. APPROVAL OF AGENDA**

Councilor Manke moved to accept the agenda and the motion was seconded by Councilor DelBuono. The motion passed 8 – 0 (Councilor Marocchini – absent).

### **IV. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736)**

Neil Ryan, 237 Brockett Street: He was disappointed with the lack of action the Council took regarding comments posted by the Town Attorney. He stated the comments reflected poorly on him and on the Town and should have been taken seriously by the Council.

Rose Lyons, 46 Elton Drive: She stated although there had not been any ethics complaints she felt the openings on the board should be filled. The last meeting had been held in May 2015. The Code of Ethics was to be read and signed by all elected officials but nowhere did it state they would abide by them. It was last revised in 1997 and thought it might be time to review it.

Patricia Lang's letter to the Council was read into the record by Councilor Anest. It was in response to the comments made by the Town Attorney. The letter is attached.

## **V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION**

Councilor DelBuono stated she disagreed there was a lack of response from the Council regarding Mr. Ancona's posting. She felt they did take it seriously and spent quite a bit of time reading comments into the record from residents. There were emails sent to the council that did not request they be read into the record but were taken into consideration.

Mayor Zartarian said the appointment and performance of Mr. Ancona was his responsibility and after the executive session and discussing the matter extensively with the Town Attorney, he felt no further action needed to be taken. The Mayor considered the subject closed.

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

### **A. Anna Reynolds Renovations/Project Building Committee**

Mayor Zartarian said there was a growing consensus among the Council that the creation of the building committee should be deferred until after the referendum on the Town Hall. He felt efforts should be concentrated on one effort at a time to ensure it was done correctly.

Councilor Klett said she expected the Council to not vote on the resolution. She disagreed with the Council and felt that the Committee should be created in order to get the paperwork started for the needed funding from the State by the June 30 deadline. It was unsure what funding might be available in the coming year and thought it was a good idea to submit paperwork this year.

There was discussion on the fact the resolution had not been read into the record so there was nothing to postpone and it had several blank spaces that would need to be filled in before the vote could be taken. Councilor Klett decided not to read the resolution because there was no Councilor who would second it.

The consensus of the Council was to bring the matter back to the agenda after the Town Hall referendum.

### **B. Discussion: MDC**

Ben Ancona explained he did not feel the MDC could force a town to create a reserve fund and had met with area towns who felt the same way. It was up to the Council as to how their money was spent. He stated the MDC had the right to ask for the money but had no right to enforce it.

Councilor DelBuono said she felt it would place an unfair burden on the residents of Newington. The residents of Hartford had paid their share of the money but the City of Hartford spent it on other bills.

Councilor Klett said the Town Manager and Mayor had attended hearings on the matter and wondered if the MDC was under the impression Newington was in agreement with their plans. The Mayor stated the meetings were not to get input from the towns but only to tell towns what they were planning on doing.

Councilor DelBuono said the Council had been proactive in asking the commissioners to attend a Council meeting but unfortunately the vote was taken before the meeting. Councilor Budrejko had attended the public hearing and indicated several mayors had spoken against the plan along with others. The vote was moved up due to a bonding issue deadline. Councilor Klett was concerned the MDC had deep pockets

and the Town would be involved in a lengthy legal battle. She asked if instead of a resolution they could just tell MDC no.

Councilor Manke said a legal battle was a concern but a line had to be drawn stating the Town's position. He was concerned about the following years and if the same situation would arise. Councilor Budrejko felt if the resolution was sent to other towns, the resolution would gain additional support.

Councilor DelBuono said if towns agreed to pay the money, Hartford could decide to not pay the bill and pay others instead. She hoped by taking a stand Hartford would decide to pay their portion of the bill. Councilor Nagel agreed and said although Mayor Bronin indicated they could pay their portion, not much else was positive for the City. He thought if Newington took a stand other towns would as well.

Councilor Budrejko said it was important to take a stand since the commissioners had voted yes and the MDC needed to know how the area towns felt about the situation.

Mr. Ancona stated in reply to a question about the MDC doing short term borrowing to pay the bill that the money borrowed would be paid by the area towns and he was against that. He felt it was a way of shifting the payment to residents.

Councilor Anest felt the commissioners should go to the Council before a vote is taken so they can get input from the Town. Councilor Serra agreed and felt the Council had been blindsided by the vote. Both felt the commissioners needed to understand better communication was needed.

Councilor Manke moved the following:

### **RESOLUTION CONCERNING MDC'S IMPOSITION OF RESERVE FUND**

**WHEREAS, The Metropolitan District Commission ("MDC") is a non-profit quasi-municipal corporation chartered by the Connecticut General Assembly in 1929 to provide potable water and sewage services on a regional basis, and**

**WHEREAS, the MDC provides these services to eight member municipalities, including the Town of Newington; and**

**WHEREAS, the authority of the MDC is set forth in its "Compiled charter of The Metropolitan District" published by the MDC and as revised from time to time (the "Charter"); and**

**WHEREAS, the MDC generates revenue to fund its water services from the sale of that water to individual users, but finances the provision of sanitary sewer services through the imposition of an *ad valorem* tax directly upon the eight member municipalities; and**

**WHEREAS, this *ad valorem* tax system effectively makes each member municipality the collection agent for the MDC by requiring these municipalities to pass through the MDC's *ad valorem* tax to their local taxpayers; and**

**WHEREAS, the City of Hartford ("Hartford") currently faces extraordinary fiscal challenges and has put the MDC on notice that Hartford may not make all of its scheduled payments to the MDC in calendar year 2017, and**

**WHEREAS, the MDC in response to the possibility of Hartford defaulting on its payment obligations and potential bankruptcy has adopted a calendar year 2017 budget which includes a RESERVE FUND to be funded by the member towns to cover Hartford's potential unpaid 2017 *ad valorem* payments to the MDC, and**

**WHEREAS, while the amount of Newington's payment into the RESERVE FUND demanded by the MDC has fluctuated, it currently stands at \$719,000 for calendar year 2017, and**

**WHEREAS, pursuant to Charter Section 3-4, the MDC for budgeting purposes has the authority to estimate the fixed charges and running expenses (including a contingency fund) to be offset by the revenue to cover the expenses, and**

**WHEREAS, pursuant to Charter Section 3-13, if a member town defaults on its *ad valorem* payment obligation, the MDC has the authority to execute against the goods and estate of the inhabitants of such defaulting member town, and**

**WHEREAS, pursuant to Charter Section 3-9, if an emergency condition in the services or functions of the MDC arises during a fiscal year, the MDC has the authority to prepare a special emergency budget to be considered and voted on in the same manner as the annual budget, and**

**WHEREAS, no provision within the Charter provides for or otherwise authorizes the MDC to create this RESERVE FUND, and**

**WHEREAS, a RESERVE FUND of the type proposed by MDC has never been used to require the member towns to fund an account for the sole purpose of covering future payments of a member town if it defaults on its payment obligations, and**

**WHEREAS, representatives of the member towns of the MDC engaged in numerous meetings and discussions with the MDC to review alternatives to the RESERVE FUND but such efforts were unsuccessful, and**

**NOW, THEREFORE, BE IT RESOLVED, that the Town of Newington hereby expresses its position that the MDC lacks the authority under its Charter, or otherwise, to create a RESERVE FUND to be funded by the member towns to cover Hartford's potential unpaid 2017 *ad valorem* payments to the MDC, and the Town of Newington objects to making such payments.**

**BE IT FURTHER RESOLVED, that the Town of Newington expresses profound concern with the manner in which the MDC responded to the well-publicized nature of the financial distress facing the City of Hartford in that it did not undertake the planning necessary to address the potential impacts of those problems on its 2017 budget or upon its bond issue until far too late.**

**BE IT FURTHER RESOLVED**, that the Town of Newington expresses its concern that the City of Hartford has and will continue to divert any revenues it receives which are intended to serve as payment of some or all of the MDC *ad valorem* to other uses prior to fulfilling all of its obligations under the MDC Charter, thereby impairing the financial condition of Newington and the remaining member towns and violating its fiduciary obligations to those member towns and the MDC.

**BE IT FURTHER RESOLVED**, that the Town of Newington is deeply concerned that the additional levy adopted for calendar year 2017 may become a recurring event, particularly since any additional demand by the MDC for funds to cover additional defaults by the City of Hartford could occur in the middle of the Town's 2017-2018 fiscal year.

**BE IT FURTHER RESOLVED**, that the Town of Newington opposes any amendments to the Charter of the MDC which would allow MDC to impose additional financial obligations on the member towns or their residents or permit additional borrowing by the MDC for any deficits resulting from the failure of the City of Hartford to make all required *ad valorem* payments until such time as the MDC has exhausted the existing remedies contained in its Charter.

**BE IT FURTHER RESOLVED**, that because the Town of Newington fulfilled all of its obligations to the MDC and that the City of Hartford chose to divert its *ad valorem* tax dollars to other uses, the Town of Newington **WILL NOT** create a RESERVE FUND or enter any agreement that raises the tax obligation of the residents of NEWINGTON.

**BE IT FURTHER RESOLVED**, that this resolution be communicated to the MDC and the governing body of the member towns (Bloomfield, East Hartford, Hartford, Rocky Hill, West Hartford, Wethersfield, and Windsor.)

The motion was seconded by Councilor Nagel and passed 8 – 0 on a roll call vote (Councilor Marocchini – absent).

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

### **A. Administrative Group Wages**

Tanya Lane requested administrative wage increases that had already been budgeted for. There was a total of 44 with 16 department heads and the remainder were entry level and up to department head level. She felt they were dedicated employees, who were not entitled to overtime but asked to work many hours beyond their scheduled amount. She wanted to be able to give 2 1/4% to 2 1/2% based on performance evaluations. There were some supervisors who made the same or less than their staff.

Councilor Klett indicated she thought it should be spelled out how the money was awarded regarding performance. The administrative staff knew they do not get overtime when they take the job. She said the salary ranges should be looked at if they are considered inadequate.

Councilor DelBuono was in favor of raises being given on a performance basis that would have some structure. Councilor Nagel said the pay would be retroactive and thought it was unfortunate it could not be done on a more timely basis for the employees.

Councilor Klett said in the past salary amounts were distributed by the Town Manager and not everyone was at the 2% range. Councilor DelBuono agreed and said it had been subjective and needed to be performance based in the future. Councilor Klett stated the raises were to be retroactive but the union raises were not. The Town Manager explained the union fought hard for keeping seniority and gave up the retroactive pay instead. She said the town employees had no one to fight for them but her and felt retroactive pay was fair. Councilor Budrejko asked if the reviews would have two signatures; the immediate supervisor and someone higher to ensure objectivity. Tanya Lane indicated there was no current process in place to do that, and she would like to complete them as quickly as possible.

**VIII. RESIGNATIONS/APPOINTMENTS (Action May Be Taken)**

Councilor DelBuono moved the following:

**RESOLVED:**

**That the Newington Town Council hereby makes the following appointment(s):**

**5. COMMISSION ON AGING AND DISABLED**

**9 members, 3 year term**

<b>Name</b>	<b>Address</b>	<b>Party</b>	<b>Term</b>	<b>Replaces</b>
<b>Tony Boni</b>	<b>50 Millbrook Court</b>	<b>R</b>	<b>Immed. – 11/30/2018</b>	<b>Vacant</b>

**7. CENTRAL CT HEALTH DISTRICT BOARD OF DIRECTORS**

**4 members, 4 year term**

<b>Name</b>	<b>Address</b>	<b>Party</b>	<b>Term</b>	<b>Replaces</b>
<b>John Richter</b>	<b>87 Fisk Drive</b>	<b>R</b>	<b>Immed. – 6/30/2019</b>	<b>Vacant</b>

The motion was seconded by Councilor Nagel and passed 8 – 0 (Councilor Marocchini – absent).

**IX. TAX REFUNDS (Action Requested)**

Councilor Budrejko moved the following:

**RESOLVED:**

**That property tax refunds in the amount of \$6,170.00 are hereby approved in the individual amounts and for those named on the “Requests for Refund of an Overpayment of Taxes,” certified by the Revenue Collector, a list of which is attached to this resolution.**

The motion was seconded by Councilor Manke and passed 8 – 0 (Councilor Marocchini – absent).

**X. MINUTES OF PREVIOUS MEETINGS**  
**A. Regular Meeting, February 14, 2017**

Councilor Anest moved to accept the minutes and the motion was seconded by Councilor Serra. The motion passed 7 – 0 – 1 (Councilor Nagel – abstained, Councilor Marocchini – absent).

**XI. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER, OTHER TOWN AGENCIES AND OFFICIALS, OTHER GOVERNMENTAL AGENCIES AND OFFICIALS AND THE PUBLIC**

None

**XII. COUNCIL LIAISON/COMMITTEE REPORTS**

Councilor Nagel said the Firemen's Ball was scheduled for March 18, and they were in the process of planning the annual St. Patrick's Day Parade. He attended a CRCOG meeting and items discussed were integrated refugee immigration sources and the process, and teacher pensions being the responsibility of the towns in the latest budget. Tolls and special education funding were discussed as well.

**XIII. PUBLIC PARTICIPATION – IN GENERAL (In Person/Via Telephone: 860-665-8736)**

Rose Lyons, 46 Elton Drive: A member of the public had confronted her regarding statements she had made about the busway and the gentleman wanted to tell her how wrong she was about it. She was upset at his approach and did not appreciate his efforts to back her into a corner. She stated again that she felt the Ethics Commission should be a priority of the Council to get it fully filled staffed.

(inaudible): He complained about the noise at the basketball courts near his home and asked the Council to do something about it. He had gone to the Parks and Rec Department but they were unable to help him.

**XIV. REMARKS BY COUNCILORS**

Councilor Nagel stated he had heard the complaints about the basketball courts and was sorry the situation had not been resolved as yet. He would continue to look into it.

**XV. EXECUTIVE SESSION RE: PENDING LITIGATION**

Councilor Manke moved to adjourn the meeting at 8:45 p.m. to go into executive session and the motion was seconded by Councilor Nagel. The motion passed 8 – 0 (Councilor Marocchini-absent).

**XIV. ADJOURNMENT**

Respectfully Submitted,

Linda Irish-Simpson  
Clerk of the Council