



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR BETH DELBUONO**

## **NEWINGTON TOWN COUNCIL REGULAR MEETING AGENDA**

**Town Council Chamber, Room 103 – Town Hall  
200 Garfield Street**

**Tuesday, July 13, 2021, 7:00 P.M.**

**This meeting will be presented as a Zoom Webinar/Meeting. Information on how to attend will be posted on the website at <https://www.newingtonct.gov/virtualmeetingschedule>**

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- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. PUBLIC PARTICIPATION – IN GENERAL (**Via Zoom Application or Phone**)  
(4 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)
  - A. Public Comments
  - B. Email Correspondence
- V. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION
- VI. CONSIDERATION OF OLD BUSINESS
  - A. Health Update – COVID-19
  - B. Beautification Program Update
- VII. NEW BUSINESS (**Action May Be Taken by Waiving the Rules**)
  - A. Appointment of the Anna Reynolds Construction Manager (**Waiver Requested**)
  - B. Economic Development - Employee Incentive Program
  - C. Discussion – Capital Improvement Program
  - D. Discussion – Permanent Municipal Building Commission Creation
  - E. Discussion – Land Acquisition Fund
  - F. Discussion – Panhandling Ordinance Language
  - G. Cancellation of the August 24<sup>th</sup> Regular Meeting
  - H. Discussion of In-Person Meeting Requirements
- VIII. RESIGNATIONS/APPOINTMENTS (**Action May Be Taken**)
- IX. REFUNDS (**Action Requested**)
  - A. Approval of July 13, 2021 Refunds for an Overpayment of Taxes
- X. MINUTES OF PREVIOUS MEETINGS
  - A. June 22, 2021 Public Hearing Minutes, Neighborhood Assistance Act
  - B. June 22, 2021 Public Hearing Minutes, Town Technology Fund
  - C. June 22, 2021 Regular Meeting Minutes
- XI. WRITTEN/ORAL COMMUNICATIONS FROM THE TOWN MANAGER
- XII. COUNCIL LIAISON/COMMITTEE REPORTS
- XIII. PUBLIC PARTICIPATION – IN GENERAL (**Via Zoom Application or Phone**)

(3 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)

XIV. REMARKS BY COUNCILORS

XV. ADJOURNMENT



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 7, 2021  
Re: Health Update – COVID-19

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Keith Chapman, Town Manager, will update the Town Council on the status of the COVID-19 virus and the actions being taken within the municipality.



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Town Manager

# TOWN OF NEWINGTON

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NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 7, 2021  
Re: Beautification Program Update

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Theresa Avey, Chairperson of the Economic Development has supplied a memorandum outlining the steps the commission has taken with the Beautification program, for your review.

#### **Attachment:**

- Memorandum from Theresa Avey, dated July 9, 2021 to the Newington Town Council, re Beautification progress
- Press Release – Beautification Program



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

## Economic Development Commission

Theresa N. C. Avey, Chairman

### Memorandum

**To:** Newington Town Council  
**From:** Theresa N C Avey  
**Date:** July 09, 2021  
**Re:** Beautification

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We have ordered 175 "Fall in Love with Newington" flags. They will be put up first on Main St and then throughout the town.

We have ordered 12, 17 inch planters, 2 of which will be placed at Garfield and Willard Ave and the other 10 offered to local business through a raffle which was announced in a press release through Parks and Recreation Department last week. We have already received names of business who want to partake.



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

## Parks & Recreation Department

William A. DeMaio, CPRP  
Superintendent of Parks  
and Recreation

June 16, 2021

Contact: Parks & Recreation Department  
860-665-8666

### **PRESS RELEASE – For Immediate Release**

**Please print as many times as possible through September 30, 2021.**

### **Flower Pots Come to Newington**

The Economic Development Commission for the Town of Newington announces today a brand-new beautification program for businesses in Newington. The Economic Development Commission has committed to purchasing ten 26 by 30-inch self-watering flower pots. These clay brick colored pots have a 17-gallon reservoir underneath it in order to minimize the amount of watering needed for the flowers. These pots are valued at \$339.00 each. The Commission is accepting applications from Newington businesses that are interested in entering their names into a drawing to be selected to receive one of these ten flower pots for their business. The Newington Parks and Recreation Department has graciously accepted the responsibility for filling the pots with potting soil and planting a variety of annual flowers in the pots. Once the ten businesses are selected, the Newington Parks and Recreation Department will deliver the pots fully planted to your business or office front. The businesses will then be responsible for the ongoing maintenance including watering periodically and replanting the following year. When these pots are placed all around town, it will present a uniform beautification appearance. Examples of these flower pots are located in the center of town. If the business doesn't maintain the pots and/or do not replant them next year, the Town reserves the right to repossess them. Theresa Avey, Chairperson of the Economic Development Commission stated, "This is a wonderful opportunity for businesses to get involved with our town's beautification program." She went on to say, "If this program takes off and we receive many requests, the Commission will consider investing more funds towards it in the future." Applications can be sent to the Economic Development Commission with attention to: Theresa Avey at 200 Garfield Street Newington, CT 06111. The application form can be found on the Economic Development Commission's website at [www.newingtonct.gov](http://www.newingtonct.gov). Applications must be submitted by Wednesday, July 28, 2021 and the drawing will be held in the main lobby of the Town Hall on Friday, July 30, 2021. For more information, please contact Theresa Avey via email at [tavey@newingtonct.gov](mailto:tavey@newingtonct.gov). The Commission wishes all our Newington businesses good luck in the first ever drawing!

cc: Keith Chapman, Town Manager  
Town Council  
Newington Life

24 Hour Program Information: (860) 665-8686 Phone: (860) 665-8666 Fax: (860) 665-8739  
[parksandrec@newingtonct.gov](mailto:parksandrec@newingtonct.gov)  
[www.newingtonct.gov](http://www.newingtonct.gov)

New Britain Herald  
NCTV Channel 14  
Newington Town Crier  
Rare Reminder  
WFSB 3 Connecticut News  
NBC Connecticut News  
Fox News  
Hartford Courant  
CBS Connecticut News  
WRCH Lite 100.5  
WTNH – Channel 8



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 9, 2021  
Re: Anna Reynolds Project Construction Manager Recommendation

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At its July 1, 2021 meeting, the Anna Reynolds School PBC formally selected Newfield Construction of Hartford, CT, to perform Construction Manager services for the renovation of the Anna Reynolds Elementary School. The Committee is requesting that the Town Council consider a waiver this evening to ensure that the Construction Manager is in place to keep the project moving forward on time.

I have included for your review, a Memorandum from Jeff Baron, Director of Administrative Services to Keith Chapman, Town Manager, dated July 9, 2021, regarding Reynolds Project Construction Manager.

A Resolution, with a waiver provision, has been included as part of the packet for your consideration.

Attachments:

- Memorandum from Jeff Baron, Director of Administrative Services to Keith Chapman, Town Manager, dated July 9, 2021 - Reynolds Project Construction Manager
- Resolution – Appointment of Anna Reynolds Project Construction Manager





Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

**To:** Keith Chapman, Town Manager  
**From:** Jeff Baron, Director of Administrative Services *JB*  
**Date:** July 09, 2021  
**Re:** Reynolds School Construction Manager

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The Anna Reynolds School Project Building Committee met on July 1<sup>st</sup> and voted to recommend to the Town Council that they appoint Newfield Construction of Hartford as the Construction Manager for the Reynolds Renovation Project. This followed interviews with the four finalists for this appointment by the Project Building Committee. Nine firms responded to the Town's Request for Qualification Statements. Newfield Construction had the lowest estimated fee of the four finalists. Their estimated costs, for both the preconstruction and construction (the construction phase includes the General Requirements, Staffing, the CM Fee Cost, Insurance and Bond Costs) phases combined totaled \$2,369,661.30, plus \$52,400 per month for each extra month the project runs (this monthly amount would also be a credit due to Newfield Construction for each month if the project was to finish ahead of schedule). The actual Construction Manager's fee will be based on the actual cost of construction.

The Committee's decision was based on Newfield's written Qualification Statement, their interview with Newfield Construction on July 1<sup>st</sup>, and Newfield Construction's fee proposal. Time is of the essence for the Building Committee, as the Project Architect (Kaestle Boos Associates of New Britain) is already developing schematic concepts that need to be priced out in order to keep the project on schedule and under budget. The Committee therefore requests that the Town Council consider waiving their rules to take action on this appointment at their July 13<sup>th</sup> meeting.

AGENDA ITEM:  VII.A1   
DATE:  7/13/2021   
RESOLUTION NO.:  2021-

RESOLVED:

The Newington Town Council, in accordance with §11 of the Town Council, Rules of Procedure, adopted February 11, 2020, hereby moves to allow action on Agenda Item VII.A to authorize Keith Chapman, Town Manager to enter into an agreement with Newfield Construction of Hartford, CT, to provide Construction Manager services for the Anna Reynolds School Renovation Project.

MOTION BY: \_\_\_\_\_  
SECONDED BY: \_\_\_\_\_  
VOTE: \_\_\_\_\_

AGENDA ITEM:  VII.A2   
DATE:  7/13/2021   
RESOLUTION NO.:  2021-

RESOLVED:

That the Newington Town Council, upon the recommendation of the Anna Reynolds School Project Building Committee; hereby authorizes Keith Chapman, Town Manager to negotiate and enter into an agreement with Newfield Construction of Hartford, CT, to provide Construction Manager services for the Anna Reynolds School Renovation Project. This appointment is based on Newfield Construction’s response to the Town’s RFP No. 3, 2020-21, their interview with the Project Building Committee on July 1<sup>st</sup>, and their written fee proposal, totaling an estimated amount of \$2,369,661.30, plus \$52,400 for each month longer than anticipated that the project takes to complete.

MOTION BY: \_\_\_\_\_  
SECONDED BY: \_\_\_\_\_  
VOTE: \_\_\_\_\_



Keith Chapman  
Town Manager

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200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 7, 2021  
Re: Economic Development - Employee Incentive Program

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Keith Chapman, Town Manager, is proposing an incentive program for employees to assist in growing the grand List for the Town of Newington. This program, if approved, would be presented to the employees during the July Staff meeting, for rollout in August, 2021. This would incentivize employees to recommend the Town of Newington to businesses that they may frequent, and are not located within the surrounding area.

Should the Town Council be in favor of this recommendation, a Resolution to authorize the program implementation would be included as part of a future agenda. A Memorandum outlining the proposal has been included as part of this item for your review.

**Attachment:**

- Memorandum from Keith Chapman, Town Manager to the Newington Town Council Members, dated July 7, 2021, Economic Development – Employee Incentive Program



Keith Chapman  
Town Manager

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200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council Members  
From: Keith Chapman, Town Manager  
Date: July 7, 2021  
Re: Economic Development – Employee Incentive Program

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Over the last 18 months, since returning to Newington, the effort to enhance Economic Growth in Newington has reached remarkable heights with approximately \$200,000,000 of new development working its way through Federal, State and Local review processes. This accomplishment has involved an expert team of existing employees that were selected based on their experience, expertise and commitment. I anticipate this team will continue to foster the efforts to increase our Grand List, avoiding tax increases for our residents and business communities.

That being said, I am requesting that the Town Council authorize me to expand our recruitment efforts by incentivizing all of the remaining Town employees by offering a reward for businesses they entice to locate within our 13 square miles.

The plan is to offer to any Town employee, a reward for securing new businesses to locate and operate within Newington. Our employees are exposed to a variety of merchandizing stores as well as service-oriented businesses on a frequent basis that might be excellent additions to Newington, and help benefit employment opportunities while increasing revenue to the town. If an employee introduces a business to Newington, and that business locates their operations in Newington, then upon their arrival a payment will be made to the successful employee.

The reward issued to any successful employee will be based on the following scale:

1,000 square feet or less of space occupied by the new business will entitle the employee a reward a one-time payment of \$250.00.

1,001-5,000 Square Feet results in a one-time reward of \$500.00.

5001-10,000 Square Feet results in a one-time reward of \$750.00.

10,001-25,000 Square Feet results in a one-time reward of \$1,000.00.

25,001-75,000 Square Foot results on a one-time reward of \$2,000.00.

75,001 or more Square Feet results in a one-time reward of \$2,500.00.

I would like to introduce this plan to my staff in July and implement it in August. With the help of our recruitment staff, this is an opportunity for those businesses seeking to relocate, expand their operations or commence operations, who otherwise may go elsewhere, into success in growing and retaining our market place.

Please consider the advantages being proposed and if this is supported, I would like to place it on your July agenda for consideration.



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupinski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 7, 2021  
Re: Discussion – Capital Improvement Program

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The Town Council, during the November 24, 2020 Regular Meeting, approved Resolution #2020-142, to suspend the CIP Committee during the 2021-2022 Budget Year, and authorized the Town Manager and Finance Director to prepare the Capital Improvement Plan for presentation as part of the budget process.

This item has been added to discuss whether to repeal the original Resolution creating the Committee. Should the Town Council wish to move forward, a Resolution to repeal the prior Resolution could be included at a future meeting.

I have included a copy of the original Resolution which created the Committee, and the resolution to suspend for one year for your reference.

#### Attachments:

- Resolution #2006-114, Creation of the Capital Improvement Committee
- Resolution #2020-142, Suspense of the Capital Improvement Committee for 2021-2022 Budget Creation Year

AGENDA ITEM: IV.D.DATE: 11-14-06RESOLUTION NO.: 2006-114**RESOLVED:**

That the Newington Town Council hereby establishes a Town of Newington CIP Committee to determine long and short term needs for capital projects in town and to make recommendations during the budgetary process as to what projects will be funded and in what order, said Committee to be comprised of three members from the Newington Town Council and two from the Board of Education and staffed by the Town Manager and the Superintendent of Schools.

**BE IT FURTHER RESOLVED:**

That the Newington Town Council hereby appoints the following members to the Town of Newington CIP Committee:

Member	Address	Party	Term
Thomas J. Bowen	22 Woods Way	D	NTC term
Sheldon Sones	15 Coachmen Lane	D	NTC term
Cathleen Hall	26 Kowal Court	R	NTC term
Stephen R. Woods	94 New Britain Avenue	D	BOE term
Daniel W. Carson, Sr.	223 Little Brook Drive	R	BOE term

MOTION BY: Councilor BowenSECONDED BY: Councilor CohenVOTE: 9 Yes

AGENDA ITEM: VI.E

DATE: 11/24/2020

RESOLUTION NO. 2020-142

WHEREAS, the Newington Town Council created the Capital Improvement Committee (CIP) by Resolution #2006-114 on November 14, 2006; and

WHEREAS, the CIP Committee meets annually to review and recommend a 5-Year Plan for Capital Projects for placement within the Annual Budget; and

WHEREAS, the Capital Improvement Subcommittee, at a meeting held on November 23, 2020, recommends that the Newington Town Council suspend the Capital Improvement Committee (CIP) for the 2021-2022 Fiscal Budget year; and

WHEREAS, the Town Manager and the Finance Director are authorized to design the Capital Improvement Plan for submission to the Town Council as part of the Annual Budget review process.

NOW, THEREFORE, BE IT RESOLVED, that the Newington Town Council hereby endorses the Capital Improvement Subcommittee recommendation and suspends the Capital Improvement Committee for the 2021-2022 Fiscal Budget Year.

MOTION BY: Councilor Manke

SECONDED BY: Councilor Anest

VOTE: 9-0 (roll call vote)





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Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
 From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
 Date: July 7, 2021  
 Re: Discussion – Permanent Municipal Building Committee Creation

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The Town has previously discussed the creation of a Permanent Municipal Building Committee to manage all project within the Town. The membership of the committee would be primarily of individuals with training specific to construction trades. This would also allow for continuity of design creation across all Town projects.

Included for your review is the current Code language contained in Article X, Chapter 8, Project Building Committees, which are currently created for each individual project and a working draft for a Permanent Municipal Building Committee, which incorporates much of the original language, while bringing all projects under one review committee.

Once the Town Council has had the opportunity to discuss any changes to the draft language it will be supplied to the Town Attorney for his review and comment.

Once all necessary reviews and amendments have been completed, a Resolution for introduction and scheduling of a Public Hearing can be prepared for a future meeting.

The process for amending Town Ordinances is dictated by §C-405 and §C-406 of the Town Charter. The process generally spans up to three council meetings.

#### **Attachments:**

- Current Code Language, Chapter 8, Funds, Article X, Project Building Committees
- Draft Language, Chapter 8, Permanent Municipal Building Committee

## Chapter 8

# Permanent Municipal Building Committee

### Establishment.

Pursuant to **Article VI, § C-610**, of the Charter of the Town of Newington, there is hereby established a committee to be known as the "**Permanent Municipal Building Committee.**"

### Power and duties.

This committee shall be responsible for the execution of major construction and maintenance projects for the Town, including but not limited to responsibilities related to school buildings whether or not described in **C.G.S. §10-291**. The committee shall have the powers and duties set forth herein and shall be vested with such general powers as inure in a building committee and shall have and exercise responsibility for the construction or alteration of all municipal properties or structures for which it has been charged.

1. To work with the architectural firm(s) on project design issues, including structural, building systems, landscaping, and interior design;
2. To authorize and oversee the preparation of architectural drawings, development of building construction or renovation specifications, completion of professional services, and administration of the building project(s);
3. To approve design and construction expenditures pursuant to project construction and change orders;
4. To recommend to the Town Council, for its approval, contracts with architects, engineers, electronic consultants, building contractors, and others in the name of and on behalf of the Town of Newington with respect to the design and construction of the project(s), said contracts to be executed by the Town Manager;
5. To exercise such other powers as are necessary with respect to the construction of a municipal or school building project(s); and
6. To report biennially, to the Town Council, on the status of all municipal & school buildings and facilities.
7. Interim status reports shall be provided by the Committee to the Town Council on a quarterly basis or more frequently upon request. Upon completion of the project, the Committee shall make a complete report and accounting to the Town Council and the Town and recommend acceptance of the building project.

### Definitions.

The following definitions shall apply:

- 1) "**Building Project**" any construction or alteration of a Town facility, including but not limited to School District properties and structures, estimated to cost in excess of \$100,000 in the aggregate.
- 2) "**Construction**" and "**Demolition**" shall include excavation, filling and grading of the building or project site.

## Chapter 8

# Permanent Municipal Building Committee

- 3) “**Contract**” a signed agreement between the Town of Newington and the general contractor and/or architect/engineer/consultant, including any modifications issued after execution of the agreement.
- 4) “**Cost Estimates**” including, but not limited to construction, contingency, architect and/or engineering fees, clerk of the works, consultant services, furnishings, landscaping, paving, insurance, legal notices, inflation, and any other related costs.
- 5) “**Design**” includes selection of architects and consultants as needed in compliance with applicable provisions.
- 6) “**Extraordinary conditions**” are defined as conditions that are not known until after an operation has begun and that require unanticipated parts, equipment, or materials or services to complete the project.
- 7) “**Major maintenance**” shall not include routine maintenance and upkeep of a building or other structure, or its service equipment, which is performed on a regular basis and shall include projects that are capital in nature, that is, having a useful life of seven (7) or more years and an estimated cost of more than \$25,000, or such other amount as may be established from time to time by the Town Manager, subject to approval by the Town Council, in writing addressed to the Committee.
- 8) “**Municipal**” shall refer to public buildings that are not under the jurisdiction of the School Department.
- 9) “**Project Budget**” the committee's proposed budget as presented to the Town Council for review, prior to the Town Council’s authorization for the Town Manager to execute the contracts and commence the project.
- 10) “**Proposing Body**” means the Town of Newington department, appointed or elected board or committee sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the department, board or committee whose facility would be the recipient thereof. The Proposing Body is responsible for:
  - a) Determination of the program for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility’s availability, and overall effect on the Town.
  - b) Performance of feasibility studies and determination of the estimated size and cost requirements of the project.
  - c) Determination of the estimated requirements for equipment and furnishings.
  - d) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction

## Chapter 8

# Permanent Municipal Building Committee

takes place.

- e) Approval of any design change or budget reprioritization having a material impact, as determined by the Proposing Body, on the programmatic design, transitional building plans, or outcome of the project.
- 11) **“Service equipment and major systems”** shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It shall not include information system technology (computers and computer systems).
  - 12) **“Statement of Needs”** a written narrative, provided by the proposing body, presenting the public-interest reasons for undertaking a building project, an explanation of the function and purpose(s) of the proposed facility and recommendations, if any, on its size, scope, location and special features.

### **Composition.**

1. The Committee shall consist of seven (7) voting members, five (5) of which shall be qualified because of their experience in the fields of architecture, landscape architecture, building construction, or building trades, two (2) of which shall be appointed by each major party, but shall not require additional qualifications, and all of whom shall be electors of the Town of Newington, and shall serve without compensation.
2. There shall be three (3) members appointed by the Town Council for a term of three (3) years, 2 members shall be appointed for two (2) years, and two (2) members shall be appointed for one (1) year, after the expiration of each initial term each member shall be appointed for a term of three (3) years. All terms shall begin on December 1<sup>st</sup> expire on November 30<sup>th</sup>, unless appointed to fill the remainder of a vacancy term.
3. Any vacancy in the committee shall be filled by the Town Council and the member appointed shall serve for the unexpired term of his predecessor. If any member shall cease to be a resident of the town, they shall cease to be a member of the Committee.
4. The Mayor and the Town Manager shall both be ex officio members of the Committee, but without the power to vote.
5. The Chairman of the Board of Education and the Superintendent of Schools, or their designee, shall serve as ex officio members of the committee for any project involving school grounds or structures, but without the power to vote.
6. The Fire Chief and the Chairman of the Board of Fire Commissioners, shall serve as ex officio members on any project having responsibility for the construction or alteration of Fire Department buildings, but without the power to vote.

## Chapter 8

# Permanent Municipal Building Committee

7. The Building Official, Facilities Director and Fire Marshal shall be non-voting advisory members to the committee.

### **Officers; Records.**

The committee shall elect a Chairman, Vice-Chairman and Secretary from its membership and shall keep a public record of its activities. All public meetings shall be recorded in accordance with the “Information and Guidelines for Boards, Committees and Commissions” adopted July 23, 2019, as may be amended.

Necessary expenses of the Committee shall be included in the cost of any project, including a Committee clerk, as authorized in the Town Charter, **Section C-610 & Article IX, Personnel**. All meetings and records of the Committee shall follow applicable state statutes, regulations and guidelines.

### **Building Project Procedures.**

A building project shall be undertaken in accordance with the following procedures:

- A. **Project initiation.** Any proposing body which considers that the needs of the Town require the construction or alteration of a Municipal facility shall initiate consideration of such need only by presenting a statement of needs to the Council. If the Council determines that a valid need for such construction or alteration exists, it shall, by majority vote, notify the permanent building committee in accordance with the provisions hereof.
- B. **Preliminary steps.** The committee shall, in consultation with the requesting agency, review the statement of needs and the proposed project location. It shall thereafter submit an estimate of the cost of project planning to the Council along with a preliminary estimate of the cost of the entire project.
- C. **Selection of architectural or engineering firm.** If the Town Council determines that the proposed building project is financially feasible, it shall authorize the committee to recommend the selection of a firm of architects and/or engineers, as may be appropriate, to prepare plans for the building project. Such recommendation shall be made from among firms which respond to a request for proposals. Notice of such request for proposals shall be published at least once in each of two newspapers having circulation within the Town of Newington. The committee shall review the proposals and shall interview prospective candidates. It shall refer to the Town Council, for approval, the name of the architectural and/or engineering firm for selection. The Town Council shall select such firm or shall ask for further recommendations from said committee. It shall authorize the Town Manager to employ the firm so named and shall appropriate sufficient funds for the preparation of preliminary plans. If the Council disapproves of the recommendation, the committee shall make another recommendation and refer it to the Town Council for its action. If the committee is unable to report to the Town Council the name of another architectural and/or engineering firm within 15 days following the Town Council's disapproval or the Town Council disapproves of said committee's

## Chapter 8

### Permanent Municipal Building Committee

recommendation for a second time, the Town Council shall select the architectural and/or engineering firm and authorize the Town Manager to employ it.

- D. **Proposed location.** The location for the proposed building project shall be referred by the Town Council to the Town Plan and Zoning Commission for its review consistent with **C.G.S. § 8-24**.
- E. **Preparation of preliminary plans.** The committee shall work with the architects and/or engineers on the preparation of preliminary plans. In so doing, it shall consult with the proposing body. There shall be such joint meetings of the Town Council, the committee, and the proposing body as may be deemed necessary. Upon completion, the committee shall submit the preliminary plans and cost estimates for the project to the proposing body for its recommendation. After action by the proposing body, the preliminary plans and cost estimates shall be submitted by the committee to the Town Council for its action.
- F. **Revision of preliminary plans.** If, in the judgment of the Town Council, the resources of the Town are inadequate to finance the estimated cost of the building project, the Town Council shall so notify the committee and the proposing body and shall advise them of how much the cost shall be adjusted. The committee shall thereupon work with the architectural or engineering firm to determine how the cost of the building project may be revised to a level acceptable to the Town Council. If the function or size of the facility as specified in the statement of needs must be modified, the committee shall confer with the proposed body to determine where adjustments may best be made.
- G. **Appropriation.** Should the Town Council approve the preliminary plans, it may appropriate the funds necessary for undertaking the project consistent with **Article VIII** of the Town Charter, provided that the Town Council shall have the option of proceeding to have final plans developed consistent with **Subsection H** hereto prior to acting on such appropriation.
- H. **Preparation and approval of final plans.** When the Town Council so directs, the committee shall, with the help of the retained architect or engineer, prepare final plans, cost estimates, a project budget and specifications for presentation to the Town Council. In so doing, it shall confer with the proposing body and, upon completion, shall submit same to the proposing body for comment and recommendation. Thereafter, the committee shall submit such final plans, cost estimates, project budget and specifications to the Town Council for its approval and for authorization to proceed with the construction of the building project.
- I. **Competitive bids.** Following the Town Council's authorization to proceed with construction of the project, the committee shall secure competitive bids for construction or alteration through the purchasing agent in conformance with **§C-815** of the Town Charter. The committee shall present to the Town Council, for review, a final project

## Chapter 8

### Permanent Municipal Building Committee

budget once bids are received. Upon acceptance of a bid, the Town Council shall authorize the Town Manager to execute appropriate contracts to accomplish such construction.

- J. **Construction procedure.** The Town Manager, or his designee, shall serve as the committee's agent in supervising the construction or alteration of the building project, meeting with the architect or engineer, contractor and committee when necessary. The Town Manager shall be authorized to approve change orders and disbursements within the project budget or as approved by the Town Council. The Town Manager shall be authorized to approve contract payments, upon certification by the architect and/or engineer that, based on on-site observation, the work and charges are in accordance with contract documents.
- K. **Project management coordination or supervision.** If the committee determines that consultant services for project management or coordination are needed, and the approved budget allows for such service, it shall, after soliciting competitive proposals and interviewing qualified candidates, recommend a candidate to the Town Council for its action. If the Town Council fails to approve of the recommendation, the committee shall make another recommendation and refer it to the Town Council for its action. If the committee is unable to report to the Council the name of another candidate within thirty (30) days following the Town Council's disapproval, or if the Town Council disapproves of said Committee's recommendation for a second time, the Town Council may make its own selection or determine the selection is unnecessary. Employment of the person, firm or corporation so selected shall be by contract approved by the Town Council and executed by the Town Manager. If consultant services for project management or coordination are deemed unnecessary, the Town Council may authorize the Town Manager to appoint a Clerk of the Works, in conformance with the Town Charter, to furnish project supervision and oversee the day-to-day operation of the construction, provided that the approved project budget allows for such a position. The Clerk of the Works shall attend all meetings of the committee, including job meetings, meetings of the full committee and joint meetings between the committee and the Town Council or proposing body. Committee members who wish to may attend job meetings. The Clerk of the Works shall maintain a daily log of all events at the job site. Any minutes of job meetings shall be distributed, and copies of the bid specifications and construction contract shall be made available to committee members.
- L. **Modifications or changes during construction.**
- (1) The committee shall be authorized and responsible to administer the project within the financial constraints of the project budget. If an emergency or extraordinary situation arises which precludes the committee from obtaining Town Council approval and requires a modification or change in the contract which does not affect the financial constraints of the project budget, the Town Manager may certify that an

## Chapter 8

### Permanent Municipal Building Committee

emergency or extraordinary situation exists. Emergencies are situations in which the project would be seriously hampered or in which public peace, health and safety are seriously threatened. Prompt written notification of such situations should be brought to the proposing body and the Town Council's attention.

- (2) If the committee determines that additional funding is needed above that requested in the project budget, it must refer the request to the proposing body for comment and to the Town Council for review and approval. Major changes which will affect the function or size of a Town facility or building project that arise during construction shall be referred for comment to the proposing body and to the Town Council for review and approval. When a request for additional funding is made to the Town Council, an accounting of the financial receipts, commitments and expenditures to date shall accompany the request. Any change order requiring an increase in cost above the original construction contract shall be subject to the approval of the Director of Finance as to the availability of funds.

M. **Final acceptance.** After construction and/or alteration of the building project has been completed to the satisfaction of the committee, as-built plans for the project have been received from the architect and/or engineer, and the proposing body has been asked for its comments, the committee shall refer the facility to the Town Council for acceptance with a report on the status of the facility and the comments of the proposing body together with any applicable warranties, guarantees, service manuals, surety bonds, original drawings, as-built drawings, Clerk of the Works' work log, etc., and operator training. When a project has been fully and satisfactorily completed and a final report has been received from the committee's Chairperson and the project has been accepted by the committee, the proposing body and the Town Council, and the committee has been dismissed, after all outstanding bills have been paid and the Town's independent annual audit has been completed, all unexpended balances in the building project's funds shall revert to the Town's general fund.



*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## Article X Project Building Committees

**[Adopted 10-26-1993 by Ord. No. 9193-10 (§§ 2-16 to 2-23 of the 1974 Code)]**

### **§ 8-38 Definitions.**

As used in this article, the following words and terms shall have the meanings hereinafter set out:

#### **BUILDING PROJECT**

Any construction or alteration of a Town facility estimated to cost in excess of \$250,000 in the aggregate.

#### **CONTRACT**

A signed agreement between the Town of Newington and the general contractor and/or architect/engineer/consultant, including any modifications issued after execution of the agreement.

#### **COST ESTIMATES**

Include, but are not limited to construction, contingency, architect and/or engineering fees, clerk of the works, consultant services, furnishings, landscaping, paving, insurance, legal notices, inflation, and any other related costs.

#### **PROJECT BUDGET**

The project building committee's proposed budget as presented to the Council for review at the time the Council authorizes the Town Manager to sign contracts and commence the project.

#### **STATEMENT OF NEEDS**

A written narrative presenting the public-interest reasons for undertaking a building project, an explanation of the function and purpose(s) of the proposed Town facility and recommendations, if any, on its size, scope, location and special features.

#### **TOWN FACILITY**

Any building, park or land leased, owned or to be acquired by the Town, except roads, bridges, drainage, flood control measures and public parking commonly referred to as "public works."

### **§ 8-39 Committee required for each project.**

Pursuant to Article VI, § C-612, of the Charter of the Town, the Council shall establish a project building committee for each building project. For building projects in excess of \$100,000 but

less than \$250,000, the Council, at its option, may elect to establish a project building committee which shall follow the rules of this Code.

**§ 8-40 Members; appointment; representation.**

The number of members of each project building committee shall be determined by the Council at the time of committee establishment. Members of the project building committee shall be appointed by the Council and shall attempt to include at least one member who has had architectural/construction/engineering background in the area of the project. When the requesting agency is a board or commission, the Council may appoint members of that board or commission to the project building committee but no more than 1/3 of the project building committee membership shall be members of the requesting agency.

**§ 8-41 Ex officio members.**

The Chairman of the Board of Education and the Superintendent of Schools shall serve as ex officio members without vote on any project building committee which has responsibilities pertaining to the construction or alteration of a school building. The Fire Chief and the Chairman of the Board of Fire Commissioners shall serve as ex officio members without vote on any project building committee having responsibility for the construction or alteration of Fire Department buildings. The Mayor and the Town Manager shall serve as ex officio members without vote on all project building committees. Other ex officio members may be appointed by the Council to a project building committee to serve without vote.

**§ 8-42 Terms of members; vacancies.**

The terms of members of a project building committee shall terminate with the final acceptance by the Council of the project for which such committee has been responsible or the abandonment of such project by the Council, whichever is earlier, provided that the term of each member who is a representative of the requesting agency shall have a project building committee term which expires coterminous with his/her term on the requesting agency, and any elected official representing his/her board or the Council shall have a project building committee term which expires coterminous with his/her term as an elected official. Vacancies may be filled by the Council at its discretion, having regard to the status of the project and the members remaining on the committee.

**§ 8-43 Officers; records.**

Each project building committee shall elect a chairman and secretary from its membership and shall keep a public record of its activities. When physically feasible, public meetings shall be tape recorded.

**§ 8-44 Power and duties.**

A project building committee shall have the powers and duties set forth herein and shall be vested with such general powers as inure in a building committee and shall have and exercise responsibility for the construction or alteration of the Town facility for which it has been charged.

**§ 8-45 Building project procedure.**

A building project shall be undertaken in accordance with the following procedure, provided the Council may, by six affirmative votes, vary such procedure in a specific case wherein it determines that the interest of the Town would be better served:

- A. Project initiation. Any board, commission or other agency of the Town which considers that the needs of the Town require the construction or alteration of a Town facility shall initiate consideration of such need only by presenting a statement of needs to the Council. If the Council determines that a valid need for such construction or alteration exists, it shall, by majority vote, establish a project building committee in accordance with the provisions hereof.
- B. Preliminary steps. The project building committee so established shall, in consultation with the requesting agency, review the statement of needs and the proposed project location. It shall thereafter submit an estimate of the cost of project planning to the Council along with a preliminary estimate of the cost of the entire project.
- C. Selection of architectural or engineering firm. If the Council determines that the proposed building project is financially feasible, it shall authorize the project building committee to recommend the selection of a firm of architects and/or engineers, as may be appropriate, to prepare plans for the building project. Such recommendation shall be made from among firms which respond to a request for proposals. Notice of such request for proposals shall be published at least once in each of two newspapers having circulation within the Town. The project building committee shall review the proposals and shall interview prospective candidates. It shall refer to the Council for approval the name of the architectural and/or engineering firm for selection. The Council shall select such firm or shall ask for further recommendations from said committee. It shall authorize the Town Manager to employ the firm so named and shall appropriate sufficient funds for the preparation of preliminary plans. If the Council disapproves of the recommendation, the project building committee shall make another recommendation and refer it to the Council for its action. If the project building committee is unable to report to the Council the name of another architectural and/or engineering firm within 15 days following the Council's disapproval or the Council disapproves of said committee's recommendation for a second time, the Council shall select the architectural and/or engineering firm and authorize the Town Manager to employ it.
- D. Proposed location. The location for the proposed building project shall be referred by the Council to the Town Plan and Zoning Commission for its review consistent with C.G.S. § 8-24.
- E. Preparation of preliminary plans. The project building committee shall work with the architects and/or engineers on the preparation of preliminary plans. In so doing, it shall

consult with the requesting agency. There shall be such joint meetings of the Council, the project building committee, and the requesting agency as may be deemed necessary. Upon completion, the project building committee shall submit the preliminary plans and cost estimates for the project to the requesting agency for its recommendation. After action by the requesting agency, the preliminary plans and cost estimates shall be submitted by the project building committee to the Council for its action.

- F. Revision of preliminary plans. If, in the judgment of the Council, the resources of the Town are inadequate to finance the estimated cost of the building project, the Council shall so notify the project building committee and the requesting agency and shall advise them of how much the cost is to be adjusted. The project building committee shall thereupon work with the architectural or engineering firm to determine how the cost of the building project may be revised to a level acceptable to the Council. If the function or size of the facility as specified in the statement of needs must be modified, the project building committee shall confer with the requesting agency to determine where adjustments may best be made.
- G. Appropriation. Should the Council approve the preliminary plans, it may appropriate the funds necessary for undertaking the project consistent with Article **VIII** of the Town Charter, provided that the Council shall have the option of proceeding to have final plans developed consistent with Subsection **H** hereto prior to taking action on such appropriation.
- H. Preparation and approval of final plans. When the Council so directs, the project building committee shall, with the help of the retained architect or engineer, prepare final plans, cost estimates, a project budget and specifications for presentation to the Council. In so doing, it shall confer with the requesting agency and, upon completion, shall submit same to the requesting agency for comment and recommendation. Thereafter, the project building committee shall submit such final plans, cost estimates, project budget and specifications to the Council for its approval and for authorization to proceed with the construction of the building project.
- I. Competitive bids. Following the Council's authorization to proceed with construction of the project, the project building committee shall secure competitive bids for construction or alteration through the purchasing agent in conformance with § C-815 of the Town Charter. The project building committee shall present to the Council for review a final project budget once bids are received. Upon acceptance of a bid, the Council shall authorize the Town Manager to execute appropriate contracts to accomplish such construction.
- J. Construction procedure. The Town Manager shall serve as the project building committee's agent in supervising the construction or alteration of the building project, meeting with the architect or engineer, contractor and project building committee when necessary. The Town Manager shall be authorized to approve change orders and disbursements within the project

budget or as approved by the Council. The Town Manager shall be authorized to approve contract payments upon certification by the architect and/or engineer that, based on on-site observation, the work and charges are in accordance with contract documents.

- K. Project management coordination or supervision. If the project building committee determines that consultant services for project management or coordination are needed, and the approved budget allows for such service, it shall, after soliciting competitive proposals and interviewing qualified candidates, recommend a candidate to the Council for its action. If the Council fails to approve of the recommendation, the project building committee shall make another recommendation and refer it to the Council for its action. If the project building committee is unable to report to the Council the name of another candidate within 15 days following the Council's disapproval, or if the Council disapproves of said Committee's recommendation for a second time, the Council may make its own selection or determine the selection is unnecessary. Employment of the person, firm or corporation so selected shall be by contract approved by the Council and executed by the Town Manager. If consultant services for project management or coordination are deemed unnecessary, the Council may authorize the Manager to appoint a clerk of the works in conformance with the Town Charter to furnish project supervision and oversee the day-to-day operation of the construction, provided that the approved project budget allows for such a position. The clerk of the works shall attend all meetings of the project building committee, including job meetings, meetings of the full committee and joint meetings between the committee and the Council or requesting agency. Committee members who wish to may attend job meetings. The clerk of the works shall maintain a daily log of all events at the job site. Any minutes of job meetings shall be distributed, and copies of the bid specifications and construction contract shall be made available to building committee members.
- L. Modifications or changes during construction.
- (1) The project building committee shall be authorized and responsible to administer the project within the financial constraints of the project budget. If an emergency or extraordinary situation arises which precludes the committee from obtaining Council approval and requires a modification or change in the contract which does not affect the financial constraints of the project budget, the Town Manager may certify that an emergency or extraordinary situation exists. Emergencies are situations in which the project would be seriously hampered or in which public peace, health and safety are seriously threatened. "Extraordinary conditions" are defined as conditions that are not known until after an operation has begun and that require unanticipated parts, equipment or materials to complete the operation. Prompt written notification of such situations should be brought to the requesting agency and the Town Council's attention.
  - (2) If the committee determines that additional funding is needed above that requested in the

project budget, it must refer the request to the requesting agency for comment and to the Town Council for review and approval. Major changes which will affect the function or size of a Town facility or building project that arise during construction shall be referred for comment to the requesting agency and to the Council for review and approval. When a request for additional funding is made to the Council, an accounting of the financial receipts, commitments and expenditures to date must accompany the request. Any change order requiring an increase in cost above the original construction contract shall be subject to the approval of the Director of Finance as to the availability of funds.

- M. Final acceptance. After construction and/or alteration of the building project has been completed to the satisfaction of the project building committee, as-built plans for the project have been received from the architect and/or engineer, and the requesting agency has been asked for its comments, the project building committee shall refer the facility to the Council for acceptance with a report on the status of the facility and the comments of the requesting agency together with any applicable warranties, guarantees, service manuals, surety bonds, original drawings, as-built drawings, clerk of the works' work log, etc., and operator training. When a project has been fully and satisfactorily completed and a final report has been received from the project building committee's Chairperson and the project has been accepted by the project building committee, the requesting agency and the Council, and the building committee has been dismissed, after all outstanding bills have been paid and the Town's independent annual audit has been completed, all unexpended balances in the building project's funds shall revert to the Town's general fund.



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
 From: James E. Krupinski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
 Date: July 7, 2021  
 Re: Discussion – Land Acquisition Fund

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The following item has been added to discuss the existing language in the Newington Code of Ordinances, Chapter 48 Funds, Article V, Land Acquisition Fund, and specifically §48-21. This section refers to the **“...an amount not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax...”**. During the budget discussions this year the council felt the language did not specifically indicate a specific dollar amount to appropriate into the fund. This language is included in our existing ordinance based on the authorizing statute CGS §7-131r, a copy of which is included with this item for your review.

Based upon the current 2020 Grand List, \$2,726,777 is on Mil, and the Town Council had the ability to apply during the current budget year, based upon the fund language, up to a maximum amount of \$5,453,554 into the fund, or two Mills. This level of appropriation, would of course affect the overall Mill Rate within town.

Should the Town Council wish to move forward with an amendment, a Resolution for introduction and scheduling of a Public Hearing can be prepared for a future meeting.

The process for amending Town Ordinances is dictated by §C-405 and §C-406 of the Town Charter. The process generally spans up to three council meetings.

Attachment:

- Current Code Language, Chapter 48, Funds, Article V, Land Acquisition Fund
- Connecticut General Statute §7-131r

## Existing Code Language

### Article V Land Acquisition Fund

[Adopted 3-17-1998 by Ord. No. 9799-1 (§ 2-12 of the 1974 Code)]

**§ 48-18 Statutory authority.**

This provision is authorized pursuant to C.G.S. §§ 7-131r and 8-25.

**§ 48-19 Findings and purpose.**

It is hereby found and declared that open space is a limited natural resource within the Town of Newington. It is further found that the public health, safety and welfare mandate the preservation of open space to preserve agricultural lands, to protect natural resource areas and to maintain the Town's quality of life. The purpose of this provision is to establish a Land Acquisition Fund, pursuant to C.G.S. § 7-131r, so as to permit the acquisition of land and/or development rights for areas identified in the Plan of Conservation and Development and other recreation and conservation planning documents. It is the intent of this provision that the proceeds of the Land Acquisition Fund shall be used for the voluntary purchase of property or development rights for the purpose of preserving open space or for recreational or agricultural purposes.

**§ 48-20 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article:

#### **AGRICULTURAL LAND**

Any land in the Town suitable by reference to soil types, existing and past use of such land for agricultural purposes and other relevant factors for the cultivation of plants for the production of human food or the production of other useful and valuable plant products and for the production of animals, livestock and poultry useful to man and the environment and land capable of providing economically profitable farm units, which may include adjacent pastures, woodlands, natural drainage areas and other adjacent open areas.

#### **DEVELOPMENT RIGHTS**

The right or combination of rights of a fee simple owner of undeveloped real property to sell, lease, develop or otherwise improve the property. The acquisition of development rights pursuant to this provision is not intended to preclude the future development of the property to which such rights pertain, so long as any such development is consistent with the purposes of this provision and approval is obtained from the Town Council.

#### **LAND ACQUISITION FUND**

As set forth in § 48-21 of this article.

#### **PLAN OF CONSERVATION AND DEVELOPMENT**

The Plan of Conservation and Development for the Town of Newington adopted by the Town Plan and Zoning Commission pursuant to C.G.S. § 8-23.



## Existing Code Language

### **TOWN**

The Town of Newington or its duly appointed representative.

### **TOWN COUNCIL**

The Town Council of the Town of Newington or its duly appointed representative.

### **TOWN MANAGER**

The Town Manager of the Town of Newington.

#### **§ 48-21 Establishment.**

There is hereby established a Land acquisition fund for the purpose of acquiring, in the name of the Town, development rights or real property to be used for open space, recreational or agricultural purposes. There shall be deposited into said fund, annually, an amount not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax in such municipality pursuant to C.G.S. § 12-40 et seq., as may be appropriated by the Town. Such fund shall not lapse at the close of the municipal fiscal year.

#### **§ 48-22 Criteria for acquisition of real property or development rights.**

- A. The acquisition of real property and development rights pursuant to this provision shall be coordinated so as to maximize open space preservation; protect view corridors, natural vegetation, land forms and other features; minimize the appearance of visually intrusive structures; expand recreational and agricultural opportunities within the Town.
- B. Real property which possesses one or more of the following characteristics shall be given priority for the purposes of acquisition: a recommendation for open space or conservation in the plan of conservation and development; significant recreational value; significant scenic, topographic, conservation or natural resource value; significant historic or archaeological value based on the character of the land and/or improvement thereon; or the potential for use as a greenway.
- C. Development rights which possess one or more of the following characteristics shall be given priority for the purposes of acquisition: the tendency to maintain and enhance the conservation of natural or scenic resources; the tendency to protect natural topography, streams or water supply; the tendency to enhance public recreational activities; the tendency to protect historic or archaeological sites; the tendency to promote conservation of agricultural land; the tendency to promote agriculture; or the tendency to promote orderly development within the Town.

#### **§ 48-23 Administrative responsibility.**

The Town Manager may prescribe administrative procedures for the purposes of effectuating this article.

**Sec. 7-131r. Land acquisition fund.** Any municipality, by vote of its legislative body, may establish a special fund, which shall be known as the land acquisition fund. There shall be deposited in said fund, annually, an amount, not to exceed the amount which would be generated by the imposition of a tax of two mills against the property subject to tax in such municipality pursuant to chapter 203, as may be appropriated by the municipality. Such fund shall be used by the municipality for the acquisition of land to be used for open space, recreation or housing. Such fund shall not lapse at the close of the municipal fiscal year.



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 7, 2021  
Re: Discussion – Panhandling Ordinance Language

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This item has been added to discuss possible ordinance language relative to panhandling within the town limits. The Council previously discussed this issue during the June 12, 2018 meeting. I have included for your review ordinance examples from nine (9) towns throughout the state.

The Council could recommend the use of any of the examples to create a draft ordinance that could be supplied to the Town Attorney for review prior to the introduction and Public Hearing phase.

Attachment(s):

- Panhandling Ordinance Examples from East Hartford, Enfield, Manchester, Middletown, New Milford, Norwalk, Rocky Hill, Stratford & Vernon

# **Town of East Hartford**

## **Chapter 13. Offenses**

### **ARTICLE 7. Panhandling**

#### **Section 13-30.**

(a) As used in this section: “Panhandling” means any solicitation made in person requesting an immediate donation of money or the purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation. Except where the following activity is on private property without the written permission of the owner or tenant of such property, “Panhandling” does not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person;

(b) No person shall engage in panhandling: (1) between sunset and sunrise on any street, sidewalk, public right-of-way, or other public property; (2) at a bus stop; (3) in a vehicle on the street; (4) on private property, unless the person panhandling has written permission from the owner or tenant of the private property; (5) in a manner that blocks the path of the person being asked for a donation; (6) by following a person who walks away from the person who is panhandling; (7) by making any statement, gesture, or other communication by which the person panhandling knows, or should have known, that his action causes, or would cause, another to believe that the panhandler will cause physical harm to the person or property of the other person; (8) by knowingly making any false or misleading representation in the course of panhandling; or (9) by stating that the donation is needed for a specific purpose then spending the donation received for a different purpose.

(c) Any person violating the provisions of this ordinance shall be fined not more than one hundred dollars for each offense.

Voted: 06-03-14

Published: 06-10-14

Effective: 07-01-14

## **ARTICLE III. - PROHIBITION OF PANHANDLING, SOLICITATION AND OTHER ACTIVITIES FROM UNSAFE LOCATIONS<sup>[2]</sup>**

Footnotes:

--- (2) ---

Editor's note— Ord. No. 17-4 , adopted Sep. 18, 2017, repealed the former Art. III, §§ 58-61—58-66, and enacted a new article as set out herein. The former Art. III pertained to prohibition of aggressive and unsafe panhandling or solicitation and derived from Ord. No. 15-1, adopted Oct. 5, 2015. Sec. 58-61. - Purpose.

Generally, the purpose of this section is to preserve the public order, to protect the citizens of Enfield and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.

(Ord. No. [17-4](#), 9-18-2017)

### **Sec. 58-62. - Definitions.**

For purpose of this chapter, the following terms shall have the meanings indicated:

1. *Ask, beg, or solicit alms* includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation or money or thing of value.
2. *Panhandle* includes asking, begging, or soliciting alms.
3. *Unsafe location* means any roadway or roadway medians, including areas immediately adjacent to the roadway or roadway median, that have been designated by Town's traffic safety officer as a place where the presence of pedestrians is hazardous to the safe travel of persons or traffic.

(Ord. No. [17-4](#), 9-18-2017)

### **Sec. 58-63. - Prohibited location.**

No person may panhandle or conduct any other activity from an unsafe location, as defined herein. The traffic safety officer shall submit the list of the unsafe locations, which list may be revised from time to time as circumstances warrant, to the town clerk and the chief of police, which list shall be posted in the town hall and on the town website.

(Ord. No. [17-4](#), 9-18-2017)

### **Sec. 58-64. - Interpretation of provisions.**

- (a) No provision of this chapter shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or Constitution of the United States or the laws or Constitution of the State of Connecticut.
- (b) No provision of this chapter shall be interpreted or construed to prohibit the installation, construction, repair and/or maintenance of roadways, roadway medians, or utilities located above, upon or beneath such roadways, roadway medians or areas immediately adjacent thereto.

(Ord. No. [17-4](#), 9-18-2017)

### **Sec. 58-65. - Penalties for offenses.**

- (c) Upon a finding that a person is in violation of any provision of this ordinance, a written warning shall be issued.
- (d) Upon a finding of a second and subsequent violation of any provision of this ordinance, a fine of \$99.00 shall be imposed and the violation shall be deemed to be an infraction.

(Ord. No. [17-4](#), 9-18-2017)

# **Town of Manchester, CT**

## **Chapter 236 Panhandling and Loitering**

### **Article III: Panhandling**

#### **§ 236-5 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

#### **AGGRESSIVE MANNER**

- A. Approaching, speaking to or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- B. Touching another person without that person's consent in the course of asking for alms; or
- C. Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or
- D. Following the person solicited before, after or while asking, begging or soliciting alms; or
- E. Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- F. Directing abusive or profane language toward the person solicited, either while asking, begging or soliciting alms, or following a refusal by the person solicited.

#### **ASK, BEG, OR SOLICIT ALMS**

Includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

#### **FALSE OR MISLEADING MANNER**

Includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value, through utilization of any of the following representations:

- A. Stating or expressing that the donation is needed to meet a specific need, when no such need exists; or
- B. Stating the fact that the solicitor is from out of town and stranded, when that is not true; or
- C. Wearing or displaying an indication of physical disability or wearing a military uniform or other indication of military service, when the solicitor does not suffer the disability indicated; or
- D. Use of any makeup or device to simulate deformity; or
- E. Stating that the solicitor is homeless when the solicitor is not.

#### **SOLICITOR**

Anyone who asks, begs, or solicits alms, including money and other things of value.

#### **§ 236-6 Prohibited conduct.**

- A. No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public.
- B. No person may ask, beg, or solicit alms, including money and other things of value, in a false or misleading manner.
- C. No person may ask, beg, or solicit alms in any public transportation vehicle, or within 25 feet of any bus stop.
- D. No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic

on a public street, unless prior approval is obtained from the Chief of Police.

**§ 236-7 Law enforcement action; notice; penalties for offenses.**

- A. Whenever any police officer in the exercise of reasonable judgment decides that a person is engaging in aggressive panhandling in a manner and at a location that constitutes prohibited conduct as defined in this article, he or she may, if deemed necessary for the preservation of the public peace and safety, advise the person of the prohibited conduct and order that person to cease and desist, thereby giving the person an opportunity to comply with this article.
- B. Any person who continues to engage in such prohibited conduct after being so advised by a police officer shall be guilty of violating this article and shall be subject to a fine not exceeding \$99.

**§ 236-8 Exemptions.**

The passive display of a sign requesting donations without making a vocal request will not be considered prohibited conduct under this article provided such activity is conducted in a manner and at a location which does not block or interfere with the safe and free movement of individuals and vehicles along the public sidewalks and public streets.

***Town of Middletown, CT***  
***Chapter 192: Loitering and Panhandling***

**§ 192-4 Panhandling control.**

- A. Generally. The purpose of this section is to regulate behavior to preserve the public order, to protect the citizens of Middletown and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.
- B. Definitions. For the purpose of this section, the following terms shall have the meanings indicated:

**AGGRESSIVE MANNER**

- (1) Approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- (2) Touching another person without that person's consent in the course of asking for alms; or
- (3) Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or
- (4) Following the person solicited before, after or while asking, begging or soliciting alms; or
- (5) Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- (6) Directing abusive or profane language toward the person solicited, either while asking, begging or soliciting alms, or following a refusal by the person solicited.

**ASK, BEG or SOLICIT ALMS**

Includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation or money or thing of value.

**FALSE OR MISLEADING MANNER**

Includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value, through utilization of any of the following representations:

- (1) Stating or expressing that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact; or
- (2) Stating that the solicitor is from out of town and stranded, when that is not true; or
- (3) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or
- (4) Use of any makeup or device to simulate deformity.

**SOLICITOR**

Anyone who asks, begs, or solicits alms, including money and other things of value.

**C. Unlawful acts.**

- (1) No person may ask, beg, or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including, but not limited to, sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations and the grounds enclosing buildings.
- (2) No person may ask, beg, or solicit alms, including money and other things of value, in a false or misleading manner.



- (3) No person may ask, beg, or solicit alms in any public transportation vehicle; or within 25 feet of any bus or train station or stop.
  - (4) No person may ask, beg, or solicit alms within 25 feet of any automatic teller machine (ATM).
  - (5) No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.
- D. Interpretation. No provisions of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or Constitution of the United States or the laws or Constitution of the State of Connecticut.
- E. Penalties. Any person convicted of violating any provision of Subsection C shall be fined \$90.

# ***Town of New Milford, CT***

## ***Chapter 4B: Panhandling Control***

### **§ 4B-1 Purpose.**

**[Ord. of 5-12-2014]**

The purpose of this ordinance is to preserve all persons' right to be free from harassing, disruptive, obstructive and/or intimidating behavior by individuals engaged in panhandling or begging to maintain and protect the physical safety and well-being of the public and to foster a safe and harassment-free climate in public places within the Town of New Milford by curtailing such behavior.

### **§ 4B-2 Definitions.**

**[Ord. of 5-12-2014]**

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

*Aggressive panhandling* — means:

- (a) To beg in a manner intended to threaten, intimidate or coerce another person into giving money or goods or a favor.
- (b) To beg in a manner which a reasonably prudent individual would perceive as threatening, intimidating, obstructive of free passage or coercive.
- (c) To beg in a manner intended to obstruct or which, regardless of intent, actually obstructs pedestrian or vehicular traffic.
- (d) To beg in a manner which could deter a reasonably prudent individual from passing through or remaining in or near any thoroughfare, doorway or public place because of fear, concern, contact or apprehension caused by such behavior.

*Obstruct pedestrian or vehicular traffic* — means to walk, stand, sit, lie or place an object in such a manner as to block or obstruct free passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact or to circumvent such obstruction.

*Panhandling and begging* shall be considered synonymous and means conduct by which a person demands or asks for money or goods or a favor or favors as a charity or gift, or for payment of an unrequested service, whether such conduct is through words, actions, bodily gesture, signs or other means.

*Public place* — means an area open to or traversable by the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings and doorways and entrances to buildings.

*Public transportation vehicle* — means any bus, taxi or train available for use by the general public.

### **§ 4B-3 Prohibited acts.**

**[Ord. of 5-12-2014]**

The following activities and conduct are prohibited, and any violation shall be conduct that violates the provisions of this section:

- (a) No person may engage in aggressive panhandling in any public place within the Town of New Milford. To constitute a violation of this subsection, the violator's conduct must be such that it exhibits a specific intention to threaten, intimidate or coerce the recipient to comply with the violator's request or demand for money or goods or a favor on behalf of the violator or some third person.
- (b) No person may engage in panhandling or begging in any public transportation vehicle or within 25 feet of any bus or train station or stop.
- (c) No person may engage in panhandling or begging on school grounds.

- (d) No person may engage in panhandling or begging within 25 feet of any automatic teller machine.
- (e) No person may engage in panhandling or begging from the operator or any occupant of a motor vehicle that is in traffic on a public street or in such a manner as to obstruct free passage of any pedestrian or vehicular traffic.
- (f) No person may engage in panhandling or begging so as to require patrons, customers, clients or patients of any business to take evasive steps to avoid physical contact with the violator while such patron is entering or exiting any place of business.

**§ 4B-4 Interpretation.**

**[Ord. of 5-12-2014]**

No provision of this chapter shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or constitutions of the United States or of the State of Connecticut.

**§ 4B-5 Penalty.**

**[Ord. of 5-12-2014]**

Penalty for violation. Any person violating this section shall be fined not more than \$250.

# City of Norwalk, CT

## Chapter 72A: Panhandling and Loitering

### § 72A-1 Legislative findings; purpose.

- A. The Common Council finds that the increase in aggressive solicitation or panhandling throughout the City has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder. The Common Council finds that the same concerns have been found with respect to loitering, which obstructs, impedes or interferes with the use of streets and public places.
- B. Aggressive solicitation usually includes approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian and vehicular traffic. The Common Council further finds that the presence of individuals who solicit money from persons at or near banks, automated teller machines, or in public transportation vehicles is especially troublesome because of the enhanced fear of crime in those confined environments. Motorists also find themselves confronted by persons seeking money who, without permission, wash their automobile windows at traffic intersections, despite explicit indications by drivers not to do so. Such activity carries with it an implicit threat to both persons and property. People driving or parking on City streets frequently find themselves faced with persons seeking money by offering to open car doors or locate parking spaces.
- C. The Common Council is enacting this chapter pursuant to its police power. The chapter is not intended to limit any persons from exercising their constitutional right to solicit funds, picket, protest or engage in other constitutionally protected activity. Rather, its goal is to protect citizens from the fear and intimidation accompanying certain kinds of aggressive solicitation that have become an unwelcome presence in the City.

### § 72A-2 Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

#### **AGGRESSIVE MANNER**

Means and includes:

- A. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
- B. Following the person being solicited, if that conduct is:
  - (1) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
  - (2) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- C. Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is:
  - (1) Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
  - (2) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
- D. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of the vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic;

E. Intentionally or recklessly using:

- (1) Obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
- (2) Words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or

F. Approaching the person being solicited in a manner that:

- (1) Is intended to or is likely to cause a reasonable person to fear imminent harm or the commission of a criminal act upon property in the person's possession; or
- (2) Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

### **AUTOMATED TELLER MACHINE (ATM)**

A device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries and mortgage and loan payments.

### **AUTOMATED TELLER MACHINE FACILITY**

The area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

### **CHECK-CASHING BUSINESS**

Any person duly licensed by the State Banking Department to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

### **LOITERING**

Standing around, moving slowly about, or lingering or lagging behind.

### **PUBLIC AREA**

An area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, public parking garages, parking lots, parks, playgrounds, schools, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

### **SOLICIT**

To request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

### **§ 72A-3 Solicitation restricted.**

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

- A. In an aggressive manner in a public area;
- B. In any public transportation vehicle or bus or within 25 feet of any bus or train station or stop;
- C. In any public garage;
- D. Within 25 feet of any entrance or exit of any bank or check-cashing businesses or within 25 feet of any automated teller machine; provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

- E. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
- F. From any operator of a motor vehicle or a bicycle that is in traffic on a public street, whether in exchange for cleaning the bicycle or the vehicle windows or for blocking, occupying or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle or bicycle.

**§ 72A-4 Loitering prohibited.**

It shall be unlawful for any person or group of persons:

- A. To loiter on the streets, sidewalks, crosswalks, walks in public parks or any other public area so as to obstruct, impede or interfere with the use of the street, sidewalk, crosswalk, walk in a public park or other area by any other person;
- B. To loiter on the grounds or within any building of a school within the City so as in any way to obstruct, impede or interfere with or interrupt the operation of any school or class within such school; or
- C. To loiter on private property within the City if ordered to quit the private property by the owner, his agent, a tenant or lawful occupant thereof, or if said private property is posted with a sign or signs stating that loitering thereon is prohibited.

**§ 72A-5 Severability.**

Severability is intended throughout and within the provisions of this chapter. If any section, sentence, clause or phrase of this chapter is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of; the remaining portions of this chapter.

**§ 72A-6 Intent.**

This chapter is not intended to proscribe any demand for payment for services rendered or goods delivered. Nor is it intended to prohibit constitutionally protected speech or conduct.

**§ 72A-7 Penalties for offenses.**

- A. Any person who violates any provision of this chapter shall be fined not more than \$99 for each offense.
- B. Any police officer may order any person violating the loitering provisions of this chapter to cease and desist from obstructing, impeding or interfering with the right of any other person to use the streets, sidewalks, crosswalks, walks in public parks or any other public area. Any person in charge of any school grounds or buildings, or his designee, may order any person violating § 72A-4B to immediately quit such premises. The refusal by any person to obey a police officer's request to cease and desist from obstructing, impeding or interfering with the right of any other person to use the streets, sidewalks, crosswalks, walks in public parks or any other public area shall constitute a separate offense subject to the aforementioned penalty. A refusal of a person to obey the request to quit school grounds or buildings by the person in charge or his designee shall also be considered a separate offense subjecting that person to the aforementioned penalty.

***Town of Rocky Hill, CT***  
***Chapter 170: Loitering and Panhandling***  
***Article II: Panhandling***

**§ 170-4 Purpose.**

Generally, the purpose of this section is to preserve the public order, to protect the citizens of Rocky Hill and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.

**§ 170-5 Definitions.**

For purpose of this chapter, the following terms shall have the meanings indicated:

**AGGRESSIVE MANNER**

- A. Approaching, speaking to or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- B. Touching another person without that person's consent in the course of asking for alms; or
- C. Continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or
- D. Following the person solicited before, after or while asking, begging or soliciting alms; or
- E. Intentionally blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- F. Directing abusive or profane language toward the person solicited, either while asking, begging or soliciting alms, or following a refusal by the person solicited.

**ASK, BEG, OR SOLICIT ALMS**

Includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation or money or thing of value.

**FALSE OR MISLEADING MANNER**

Includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value, through utilization of any of the following representations:

- A. Stating or expressing that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose the fact; or
- B. Stating the fact that the solicitor is from out of town and stranded, when that is not true; or
- C. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or
- D. Use of any makeup or device to simulate deformity.

**SOLICITOR**

Anyone who asks, begs, or solicits alms, including money and other things of value.

**§ 170-6 Prohibited conduct.**

- A. No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including, but not limited to, sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations and the grounds enclosing buildings.
- B. No person may ask, beg, or solicit alms, including money and other things of value, in a false or misleading manner.
- C. No person may ask, beg, or solicit alms in any public transportation vehicle, or within 25 feet of any bus stop.

D. No person may ask, beg, or solicit alms from any operator or occupant of a motor vehicle that is in traffic on a public street.

**§ 170-7 Interpretation of provisions.**

No provisions of this chapter shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or Constitution of the United States or the laws or Constitution of the State of Connecticut.

**§ 170-8 Penalties for offenses.**

Any person convicted of violating any provision of § **170-6** shall be fined \$99 per offense.



***Town of Stratford, CT***  
***Chapter 116: Hawkers, Peddlers and Solicitors***  
***Article VII Panhandling***

**§ 116-33 Purpose.**

Generally, the purpose of this article is to preserve the public order, to protect the citizens of Stratford and to ensure the safe and uninterrupted passage of both pedestrian and vehicular traffic, without unconstitutionally impinging upon protected speech, expression or conduct.

**§ 116-34 Definitions.**

For purpose of this article, the following terms shall have the meanings indicated:

**AGGRESSIVE MANNER**

- A. Intentionally approaching, speaking to or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or
- B. Intentionally touching another person without that person's consent in the course of asking for alms; or
- C. Intentionally continuing to ask, beg, or solicit alms from a person after the person has made a negative response; or
- D. Intentionally following the person solicited before, after or while asking, begging or soliciting alms; or
- E. Intentionally or recklessly blocking or interfering with the safe or free passage of a person or vehicle by any means, including unreasonably causing a person or driver of a vehicle to take evasive action to avoid physical contact; or
- F. Intentionally directing abusive or profane language toward the person solicited, either while asking, begging or soliciting alms, or following a refusal by the person solicited.

**ASK, BEG, OR SOLICIT ALMS**

Includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation or money or thing of value.

**FALSE OR MISLEADING MANNER**

Includes, but is not limited to, the asking, begging, or soliciting of alms, including money and other things of value, through utilization of any of the following representations:

- A. Stating or expressing that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose the fact; or
- B. Stating the fact that the solicitor is from out of town and stranded, when that is not true; or
- C. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated; or
- D. Use of any makeup or device to simulate deformity.

**SOLICITOR**

Anyone who asks, begs, or solicits alms, including money and other things of value.

**§ 116-35 Prohibited conduct.**

- A. No person may ask, beg or solicit alms, including money and other things of value, in an aggressive manner in any place open to the general public, including, but not limited to, sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, near automatic teller machines and gasoline service stations and the grounds enclosing buildings.
- B. No person may ask, beg, or solicit alms, including money and other things of value, in a false or

misleading manner.

- C. No person may ask, beg, or solicit alms in an aggressive manner in any public transportation vehicle, or within 25 feet of any bus stop.
- D. No person may ask, beg, or solicit alms in an aggressive manner from any operator or occupant of a motor vehicle that is in traffic on a public street.

**§ 116-36 Interpretation of provisions.**

No provisions of this article shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws or Constitution of the United States or the laws or Constitution of the State of Connecticut.

**§ 116-37 Penalties for offenses.**

Any person found to be in violation of any provision of this article shall be fined \$150 per offense.

**ORDINANCE #300**  
**AN ACT CONCERNING PANHANDLING**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VERNON THAT:**

**Section 1. Findings.**

The Town Council finds that residents of Vernon and others visiting the Town are increasingly being solicited for money or donations on the streets and sidewalks of the Town in unwanted ways. It is the intention of the Town Council to pass the following solicitation ban:

- (1) To protect potential citizens and visitors from solicitors in the environment where the freedom of movements is restricted;
- (2) To accommodate and encourage the safe, efficient ordinary movement of pedestrians;
- (3) To protect all people using the business ways from activities; and
- (4) To protect the local merchant economy.

**Sec. 2. Definitions.**

As used in this section: Panhandling means any solicitation made in person requesting an immediate donation of money or the purchase of an item for an amount far exceeding its value under circumstances where a reasonable person would understand that its purchase is, in substance, a donation.

**Sec. 3. Exceptions.**

Except where the following activity is on private property without the permission of the property owner or tenant of such property, Panhandling does not include passively standing or sitting with a sign or other non-verbal indication that one is seeking donation, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

**Sec. 4. Offenses.**

No person shall engage in panhandling: (1) between sunset and sunrise on any street, sidewalk, public right-of-way, of other public property; (2) at a bus stop; (3) in a vehicle on the street; (4) on private property, unless the person panhandling has the written permission from the owner or tenant of the private property; (5) in a manner that blocks the path of the person being asked for a donation; (6) by following a person who walks away from the person who is a panhandling; (7) by making a statement of gesture, or other communication by which the person panhandling knows or should have known, that their action causes, or would cause, another to believe that the panhandler will cause physical harm to the person or property of the other person; (8) by knowingly making any false or misleading representation in the course of panhandling; (9) by stating that the donation is needed for a specific purpose then spending the donation received for a different purpose; (10) by standing on the median or shoulder of a public highway where upon the person Panhandling must enter onto the traveled portion of a public highway to seek donations thus endangering themselves or the motoring public.

**Sec. 5 Penalty.**

Any violation of this section shall be fined not more than 100 dollars for each offence.

**Sec. 6 Severability.**

If any part of this Ordinance is held by the Courts to be in conflict with any State or Federal Laws or Constitutions, the validity of the remaining portions shall of said Ordinance shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Ordinance did not contain the provision held to be invalid.

**ORDINANCE #300**

**AN ACT CONCERNING PANHANDLING**

**Sec. 7 Effective Date.**

This Ordinance shall be effective upon passage.

**Sec. 8 Sunset.**

This Ordinance shall be effective for not more than ten (10) years from the date of adoption at which time, if the Town Council does not or has not acted to renew this Ordinance, it shall be deemed repealed.

This Ordinance shall become effective on May 7, 2016.

Introduced:	April 5, 2016	
Advertised	April 13, 2016	Journal Inquirer
Public Hearing Date:	April 19, 2016	
Town Council Action:	April 19, 2016	
Publication Date:	April 22, 2016	Journal Inquirer
Effective Date:	May 7, 2016	



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
Date: July 7, 2021  
Re: Cancellation of the August 24th Regular Meeting

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The agenda setting committee requested to place an item on the July 13, 2021 Town Council agenda to consider canceling the August 24<sup>th</sup> Regular meeting.

As always, should the need arise, a Special meeting may be scheduled in the event of an emergency or other pressing issue.

If the Council is in agreement, a Resolution to cancel the August 24<sup>th</sup> meeting would appear on the July 27, 2021 Regular Meeting Agenda for adoption.

#### **Attachment:**

- Draft Resolution to Cancel the August 24, 2021 Regular Meeting

AGENDA ITEM: \_\_\_\_\_

DATE: 7/27/2021 \_\_\_\_\_

RESOLUTION NO 2021- \_\_\_\_\_

RESOLVED:

That the Newington Town Council hereby moves to amend the approved meeting schedule by canceling its Regular Meeting of August 24, 2021.

DRAFT

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

## OFFICE OF THE TOWN MANAGER

### MEMORANDUM

To: Newington Town Council  
 From: James E. Krupienski, Town Clerk (On behalf of Keith Chapman, Town Manager)  
 Date: July 7, 2021  
 Re: Discussion of In-Person Meeting Requirements

During the past fifteen months the Town has attempted to ensure that all commissions have had the ability to meet, and the ability for the residents to have multiple avenues of access for attendance or viewing. At the start of the process the Town choose to utilize the Zoom platform, which allowed for the public to easily attend the meetings in real time or to utilize our YouTube Government page to view the meetings at any time.

Many of the processes that were required under the Governor's Executive Orders, have now been incorporated into Public Act 21-2. Additionally, some new requirements have been implemented through April 30, 2022, until the completion of a report by multiple organizations to the Connecticut Advisory Commission on Intergovernmental Relations on the feasibility of remote participation and voting during hybrid meetings. This can be reviewed on page 214 & 215, Sec. 154 of the Public Act for more details.

The Freedom of Information Commission has created a remote meeting primer, and I have included it as part of this item. This outlines, in more detail, the new requirements that affect some of our current processes that we have followed during the pandemic. The Council will be supplied the complete Public Act through their share folder due to the size, and it may be viewed by the public on the State site.

Town staff, in coordination with our vendor, is currently working on the completion of the necessary hardware connection to allow for NCTV to broadcast the Town meetings. Until this has been completed commissions will still need to utilize Zoom virtual software in order to comply with the requirement to record or transcribe meeting and post to our website within 7-days of the meeting. This would not preclude the possibility of in-person/virtual meeting, but I would caution that all boards consider having a quorum of members present physically in the room to prevent the possibility of a quorum loss due to technology connection issues.

I look forward to discussing how the process would function going forward, to allow for everyone to return in-person meetings.

#### Attachment:

- CT FOIA Remote Meeting Primer

*The following summary of section 149 of Public Act No. 21-2 (June Special Session) was drafted by counsel at the FOIC. It is provided only as a guide. The FOIC has not yet issued any formal rulings regarding the new requirements and procedures in section 149 of Public Act No. 21-2, which took effect on July 1, 2021. While every effort has been made to ensure an accurate interpretation of its provisions, the public is encouraged to consult an official copy of the public act.<sup>1</sup>*

**Section 149 of Public Act No. 21-2:**  
**A Primer Regarding Public Meetings Held Using Electronic Equipment**

Section 149 of Public Act No. 21-2 authorizes public agencies to hold a public meeting solely or in part using electronic equipment<sup>2</sup> *until* April 30, 2022, and establishes requirements and procedures for holding such meetings. Section 149 of Public Act No. 21-2 does not require a public agency to hold meetings using electronic equipment.

Agencies that hold a public meeting using electronic equipment must comply with the requirements and procedures set forth in section 149 of Public Act No. 21-2, and in accordance with the provisions of section 1-225 of the Freedom of Information (“FOI”) Act.

❖ **Regular Meetings Held Solely or In Part Using Electronic Equipment<sup>3</sup>**

➤ Notice and Agenda:

- Not less than 48 hours before a public agency conducts a regular meeting using electronic equipment, the agency must provide:

- (1) Direct notification in writing or by electronic transmission<sup>4</sup> to each member of the public agency; and
- (2) Post a notice that the agency intends to conduct the meeting solely or in part using electronic equipment. Such notice must be posted as follows:
  - i) in the agency’s regular office or place of business;

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<sup>1</sup> <https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00002-R00SB-01202SS1-PA.PDF>

<sup>2</sup> "Electronic equipment" is defined in section 147 of Public Act 21-2 as “any technology that facilitates real-time public access to meetings, including, but not limited to, telephonic, video or other conferencing platforms”.

<sup>3</sup> These requirements do not apply to meetings of the General Assembly.

<sup>4</sup> "Electronic transmission" is defined in section 147 of Public Act 21-2 as “any form or process of communication not directly involving the physical transfer of paper or another tangible medium, which (A) is capable of being retained, retrieved and reproduced by the recipient, and (B) is retrievable in paper form by the recipient.”



ii) in the office and on the website of the Secretary of the State for any state or quasi-public agency; in the clerk's office for any agency of a political subdivision of the state; or in the clerk's office for each municipal member of any multitown district or agency; and

iii) on the agency's website, if available.

- Not less than 24 hours before a public agency conducts a regular meeting using electronic equipment, the agency must post a meeting agenda. Such agenda must be posted as follows:

i) in the agency's regular office or place of business;

ii) in the office and on the website of the Secretary of the State for any state or quasi-public agency; in the clerk's office for any agency of a political subdivision of the state; or in the clerk's office for each municipal member of any multitown district or agency; and

iii) on the agency's website, if available.

- The notice and agenda must (1) be posted in accordance with the provisions of section 1-225 of the FOI Act and (2) include instructions for the public to attend and provide comment or otherwise participate in the meeting, if permitted.

➤ **Additional Requirements for Regular Meetings Held *Solely* Using Electronic Equipment:**

- If a public agency intends to hold a regular meeting solely using electronic equipment, the agency must:

(1) Provide any member of the public, upon request, with a physical location and any electronic equipment necessary to attend the meeting in real-time.

a. Such request must be submitted in writing and not less than 24-hours prior to the meeting.

(2) Allow such individual the same opportunities to provide comment or otherwise participate in the meeting as would be afforded if the meeting was held in person, with the following exception:

a. The public agency is not required to adjourn or postpone a meeting if such person loses the ability to participate because of an interruption, failure or degradation of such person's connection to the meeting by electronic equipment.

(3) Record or transcribe the meeting, except for any portion of an executive session.

- a. Any recordings or transcriptions must be posted on the agency's website and made available to the public to view, listen to and copy in the agency's office or regular place of business not later than 7 days after the meeting.
- b. Any recordings or transcriptions must be available to the public for at least 45 days after the meeting.

(4) If a quorum of the members of a public agency attend a meeting by means of electronic equipment from the same physical location, permit members of the public to attend the meeting from that physical location.

- If a member of a public agency loses the ability to participate because of an interruption, failure or degradation of that member's connection to the meeting by electronic equipment, the public agency is not required to adjourn or postpone a meeting unless such member's participation is necessary to form a quorum.

#### ❖ **Special Meetings Held Solely or in Part Using Electronic Equipment**<sup>5</sup>

##### ➤ Notice and Agenda:

- The notice and agenda must:
  - (1) Be posted not less than 24 hours prior to the special meeting in accordance with the provisions of section 1-225 of the FOI Act;
  - (2) Include whether the special meeting will be conducted solely or in part using electronic equipment; and
  - (3) Include instructions for the public to attend and provide comment or otherwise participate in the meeting, if permitted.

#### ❖ **Votes Taken By Roll Call at Regular and Special Meetings Held Using Electronic Equipment:**

- Any vote taken at a meeting during which any member of the public agency participates using electronic equipment must be taken by roll call, unless the vote is unanimous.

#### ❖ **Minutes for Regular and Special Meetings Held Using Electronic Equipment:**

- The minutes for a meeting during which any member of the public agency participates using electronic equipment must list the members who attended the meeting in person and those members who attended the meeting using electronic equipment.

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<sup>5</sup> These requirements do not apply to public meetings of the General Assembly.

- The minutes must also be made available and posted in accordance with the provisions of section 1-225 of the FOI Act.

❖ **Participation at Regular and Special Meetings Held Using Electronic Equipment:**

- Opportunity for Public to Comment or other Otherwise Participate:
  - A public agency is not required to offer members of the public who attend a meeting using electronic equipment the opportunity for public comment or other participation if such opportunity is not required for members of the public who attend a public meeting in person.
- Requirement for Member of Public Agency and Public to Identify Self:
  - Any member of a public agency or the public who participates orally in a meeting held using electronic equipment must make a “good faith effort” to state such person’s name and title, if applicable, at the outset of each occasion that such person participates orally during an uninterrupted dialogue or series of questions and answers.

❖ **Interruption of Regular or Special Meeting Due to the Failure, Disconnection or Degradation of Electronic Equipment - Resumption of Meeting:**

- If a meeting is interrupted due to the failure, disconnection or, in the chairperson’s determination, unacceptable degradation of electronic equipment, or if a member necessary to form a quorum loses the ability to participate due to the failure, disconnection or degradation of the member’s connection, the public agency may resume the meeting in accordance with the following:
  - The meeting may be resumed not less than 30 minutes and not more than 2 hours from the time of interruption or the chairperson’s determination.
  - The meeting may be resumed:
    - (1) in person, if a quorum is present in person, or
    - (2) if a quorum is restored by means of electronic equipment, solely or in part by such equipment.
  - If a meeting is resumed, then the public agency must:
    - (1) Restore electronic access to the public if such capability has been restored; and
    - (2) Post, if practicable, a notification on the agency’s website of the expected time of resumption or of the adjournment or postponement of the meeting.

- At the beginning of any meeting, the public agency may announce what preplanned procedures are in place for resumption of a meeting that is interrupted.

❖ **Interruption of Regular or Special Meeting Held Using Electronic Equipment Due to Disorderly Conduct:**

- If a meeting is interrupted by any person or groups of persons attending such meeting by electronic equipment so as to render the orderly conduct of such meeting unfeasible and order cannot be restored, the public agency may terminate such person's or group of persons' attendance by electronic equipment until such person or persons conforms to order, or, if need be, until such meeting is closed.

AGENDA ITEM: IX.A

DATE: 7/13/2021

RESOLUTION NO. 2021-

RESOLVED:

That property tax refunds in the amount of \$ 937.61 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.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

VOTE: \_\_\_\_\_

**TAX REFUNDS – July 13, 2021**

Acar Leasing LTD PO Box 1990 Fort Worth, TX 76101	\$ 111.71
Bustamante, Carradine Po Box 340423 Hartford, CT 06134	\$ 86.02
Carrabino, Jack 21 Deming Farm Dr Newington, CT 06111	\$ 37.59
Pigg, Gary 37 Goshen St Hartford, CT 06106	\$ 84.42
Vibberts, Kristen 37 White Ave West Hartford, CT 06119	\$ 617.87
<b>TOTAL</b>	<b>\$ 937.61</b>