

## **REGULAR MEETING FEBRUARY 4, 2008**

The Wethersfield Town Council held a meeting on Monday, February 4, 2008 at 7:30 p.m. in the Auditorium of the Silas Deane Middle School.

Present: Councilors Cascio, Console, Forrest, Hemmann, Kotkin, Roberts, Walsh, Deputy Mayor Montinieri, and Chairperson Adil.

Also present: Bonnie Therrien, Town Manager and Dolores G. Sassano, Town Clerk.

All stood for the pledge of allegiance to the flag which was led by Councilor Hemmann.

Chairperson Adil stated that they would be returning to executive session at the end of the meeting.

### **ECONOMIC DEVELOPMENT PRESENTATION BY PETER GILLESPIE**

Peter Gillespie, Town Planner, said that:

- Approved Development Projects Under Construction - 580 Silas Deane Highway, Wild Rover Restaurant and Pub, is applying for a CO now. Former Porch and Patio building is being renovated for Pelton's Home Health Care for a Spring opening.
- Planning/Design Stage - The applicant for Comstock Ferre and Co has not yet presented applications; fencing has gone up at Town Line Rd for a new restaurant and larger office building; an application has been submitted to Design Review and a building permit application has been filed for 271 Main St will reopen as The Bean and Grape, a coffee house which will also sell select foods and wine. A sports bar will reopen in the former Amici's space which has been approved by PZC.
- Developer/Propert Owner Contact - Berlin Turnpike, Arrow Road mixed use preliminary plans submitted; 974 Silas Deane Highway New England Patio and Hearth expanding to vacant rear space of the building; Natalia's European Deli submitted plans for a takeout deli, a restaurant at 638 Silas Deane Highway.
- Silas Deane Highway Revitalization Program - The Town has received a notice of approval for State Bonding on the Silas Deane Hwy streetscape project and completed the grant applications for additional federal monies from Congressman Larson.
- Other News and Initiatives - Tourism will use the horse and buggy for select weekends. The Redevelopment Agency will be soliciting additional public input at public information strategy sessions in early May and a second session in early June. Planning and Zoning Commission approved a series of amendments to the sign regulations and they are posted on the website. The Commission approved the first rear lot application under the new regulations.

Councilor Hemmann asked for an estimated target date for the finish of projects mentioned.

Peter Gillespie, Town Planner said that he will try to do that, but it is a moving date.

Councilor Kotkin said it seemed like a lot of activity all of a sudden and wanted to know if there was a common thread with the activity and projects.

Peter Gillespie, Town Planner, said that he thought it was a culmination of the past and ongoing work just beginning to bear fruit.

Councilor Forrest wanted to know if the former Amici's was going to apply for façade assistance funds.

Peter Gillespie, Town Planner, said they were only doing interior changes at this time.

Councilor Forrest told the Mayor that he thought the Bliss shopping area façade changes were a great success and the end result could only enhance the small convenient commercial property.

Deputy Mayor Montinieri moved **"TO TAKE OFF THE TABLE ITEM B.2.C. - CONTRACT RENEWAL - ROOF CONSULTANT"** seconded by Councilor Forrest.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

## **PUBLIC COMMENTS**

Councilor Forrest moved **"TO APPROVE THE ORDINANCE - TOWN OF WETHERSFIELD ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD"** seconded by Councilor Walsh.

Chairperson Adil asked the Town Manager to provide an introduction for the Hearing items.

Bonnie Therrien, Town Manager, explained the Town was interested in seeing if it could bring costs of energy down by forming or having other companies form energy districts. This idea came from a State Senate energy bill. Joel Reinbold made a presentation to the Town Council and the issue then went to the Infrastructure Committee for review. This ordinance will create an energy improvement district and create a Board. The second ordinance is to repeal an existing Board that started in the 1970's. The Board has not meet in years.

Joel Reinbold, from the Connecticut Center for Advanced Technology, said that he has been working with the Connecticut General Assembly and municipalities to create energy districts to help manage energy usage. First, he needs to identify possible energy improvement districts. The plan, once created, would be for the towns to take control of the district.

## HEARING

### **THE TOWN OF WETHERSFIELD ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD**

Leigh Standish, 278 Hartford Avenue, spoke against the power of the Energy Improvement District Board. He said that the Ordinance gives the Board power to make and enforce any reasonable regulation which it may.

Robert Smart, 62 Church Street, said that if we were trying to scare people out of Town, it is because he does not need a Board to tell him when he needs air conditioning. He said that this Ordinance also implies another permitting process without direct input from citizens. He said that the scope of the Ordinance is crazy.

Robert Young, 20 Coppermill Road, agreed with the previous speakers and thought citizens were regulated enough. He thought that the Council should bring themselves under control and not look to its citizens to balance things off.

### **ORDINANCE REPEALING ARTICLE XV - CITIZEN'S ENERGY CONSERVATION ADVISORY COMMITTEE OF THE TOWN OF WETHERSFIELD, CONNECTICUT**

No one else wished to speak.

## GENERAL COMMENTS

Leigh Standish, read the following letter dated 10/26/2006 concerning the consent order, MDC and the Cove:

"The following language, which appears in the Consent Order negotiated between the Metropolitan District Commission (MDC) and CT/Department of Environmental Protection (DEP), is the reason I will

vote "YES" to the upcoming Clean Water Project referendum:

Sewer separation projects, which shall eliminate CSO's tributary to the North Branch of the Park River and to Wethersfield Cove, shall be completed no later than December 31, 2018. Steady progress towards sewer separation shall be made equally in each of the identified areas throughout the allotted time period, however, a delay for just causes in one identified area shall not be justification for delay in other areas."

The very fact that the paragraph exists is through ongoing dialog. Otherwise, it wouldn't have been there. Please note these key words: eliminate; steady progress; delay... shall not be justification... in other areas. This language was modified during subsequent negotiations from the initial words included as incentive for support of the referendum: "Eliminate" was substituted for "abate" and the other verbiage was added to ensure continuous progress.

It is critical for every Wethersfield citizen to be aware that this paragraph exists in the Consent Order, because it is the first time there has been a written policy on the goal and method to completely eliminate (not "abate") direct tributary discharge into Wethersfield Cove within a specified period of time. Separation had been started as the preferred method in the seventies, and might have otherwise continued indefinitely. These words are our only assurance of completion, aside from further citizen action.

We should also be cognizant of this language, because we must remain constantly vigilant to ensure that the Consent Order is followed as written. Such vigilance will help protect against potential Consent Order Modifications, the most likely of which would be to extend the time-to-completion. Extensions can be granted by DEP if requested by MDC. Should any such request be proffered by MDC, or granted by DEP, citizen outrage must be apparent and felt at every level, from the town up.

Be aware that there was a unilateral change to the original, verbal agreement for complete separation of Wethersfield Cove. Full separation was originally to be completed within the initial Program's Phase I, which was to occur within six to seven years from approval of the referendum. It was subsequently represented by MDC in a Citizens' Advisory Committee meeting that Cove separation might actually take place over the full length of the Project, to the year 2021. Furthermore, as the scope of the Project expanded to include Sanitary Sewer Overflows (SSO's) and nitrogen removal, it was decided to fund the total Project in as many as three referenda, the approval of which becomes increasingly tentative beyond the first. Thus, completion is less certain.

The twelve year time-line in the Consent Order is already a compromise from the initial six to seven years. There is absolutely no reason completion should not occur within that period (note that the entire Boston Harbor Project was given about seven years by EPA). Furthermore, the Cove portion is a "drop in the bucket" (though, millions of gallons in The Cove) when compared with the scope of the entire Project. There is no good reason that the relatively fewer resources to complete this phase of the project (\$60 million compared to \$1.6 billion) should not be forthcoming, given the level of incentive to other towns in the project.

I urge you to vote "YES" to the Clean Water Project referendum.

Sincerely,  
Leigh Standish"

Robert Young, 20 Coppermill Road, stated during the MDC Referendum he wondered how the Town would hold their feet to the fire because now it looks like the MDC is going in another direction. Federal and State governments are putting economic ploys in place to stimulate the economy. What is Wethersfield going to give--it has been tax and spend. He said he thinks the Superintendent's proposed budget of 7.95% is too high. With the higher energy cost, higher fixed costs, freeze on book purchases and other items, the Superintendent should look at the small number of students in some of the classes.

Doug Shipman, Director of Wethersfield Historical Society, presented an update on the Keeney Cultural Center. He

was very pleased with the Town Staff, in particular Fire Marshal Gary Santoro, Town Manager Bonnie Therrien, and volunteer fire and building staff. Fred Valente and Brian O'Connor have been flexible. They came whenever needed to inspect each step as required. Staff is working for a March 31, opening as they will be hosting the 3rd Taste of Wethersfield on April 12th.

### COUNCIL REPORTS & COMMENTS

Councilor Walsh thanked Doug Shipman for giving an update on the Keeney Center. The Redevelopment Committee is not doing a public survey at this time, but will be holding two public forums to discuss how they should move forward and have residents on board.

Councilor Cascio spoke of the Memorial Day Parade Committee and said it will be the same route as last year. The Parade will be on May 24th. There will be essays from eighth grade students with, the top students reading his or her essay during the ceremony. The top student will also receive a \$100 prize. The theme this year will be Wethersfield residents back from Iraq and Afghanistan. The Chamber of Commerce held their annual Shadow program with 85 high school juniors participating by shadowing mentors in business, medicine and in many other fields as well. It was a great success. The Chamber of Commerce meeting will be 8:30 a.m. on Thursday.

Councilor Roberts attended a Shared Services Meeting where the Committee discussed renovations to the High School, as well as to Hanmer. The architect's renderings should be available in March. Also the Munis computer system should be fully functional at the Board of Education by July 1st. There will be a goal setting session before a joint meeting of the Board and Town Council on March 19th.

Councilor Forrest is very excited for the first Wethersfield Green Summit, March 13th at 6:00 p.m. The Townspeople and staff will see what kind of ideas they can come up with to go green. He asked that the public call him if they have questions, as he would like to have the public participate in the process.

Councilor Kotkin stated the Town forwarded the information on the first field to be constructed at Mill Woods Park. The permits need approval and they should start at the end of the month. The Park and Recreation Department will start accepting online registrations for programs this spring.

Councilor Cascio said that the Library Board held a meeting where its proposed budget was presented. The Board spoke of an aggressive fundraising project for the Library.

Councilor Forrest said he had some of the same concerns that came into question tonight on the Energy Improvement District.

Councilor Roberts said that she is going to Japan and will try to get to our sister city Nagayo, if the plans can be worked out.

Councilor Cascio asked about the Highland Street property that Mr. Andrews spoke about at a previous meeting with the lot next door.

Bonnie Therrien, Town Manager, stated that Planning and Zoning has approved the subdivision. What the owners of the lot are doing is within the law.

Chairperson Adil said the Town Manager and he had attended the Council of Small Towns meeting and had a good dialogue with the State Legislators. The State Representatives debated issues and while it is a short session, the Council of Small Towns was able to bring its goals forward to a large cheering section. Bonnie Therrien, Town Manager, is a Vice-Chairman of the Council of Small Towns.

Councilor Roberts said it was also on TV13.

Chairperson Adil reviewed upcoming events:

- The UNICO Macaroni Dinner, Sunday, February 10th.
- The Penguin Plunge for Special Olympics on Saturday, February 23rd.
- The Snow Ball for the Keane Foundation is scheduled for March 8th.

## COUNCIL ACTION

Councilor Cascio moved **"TO ACCEPT THE RESIGNATION OF PAUL T. CAMARCO FROM THE BUILDING COMMITTEE, TOWN HALL, BUILDING COMMITTEE, TOWN HALL II, FLOOD AND EROSION CONTROL BOARD, HISTORIC DISTRICT COMMISSION, HOUSING AUTHORITY, AND HUMAN RIGHTS AND RELATIONS COMMISSION AND MICHAEL WRONA FROM THE ZONING BOARD OF APPEALS"** seconded by Councilor Roberts.

Chairperson Adil asked that a letter of thanks be sent to the Mr. Camarco.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Deputy Mayor Montinieri moved **"TO APPROVE THE APPOINTMENTS OF KAREN TOMCZYK, JOSEPH M. STEFANO, AND KELLY-ANN CLARK TO THE EMERGENCY MEDICAL SERVICE COMMITTEE"** seconded by Councilor Roberts.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Deputy Mayor Montinieri moved **"TO APPROVE THE APPOINTMENT OF MATTHEW JOHN ZAGAJA TO THE INLAND WETLANDS AND WATERCOURSES COMMISSION"** seconded by Councilor Roberts.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Cascio moved **"TO APPROVE THE FOLLOWING APPOINTMENTS -**

### **Building Appeals, Board of**

Stanley Gwara                      R 594 Highland St      2-04-08 to 6-30-08

### **Flood & Erosion Control Board**

Stanley Gwara                      R 594 Highland St      2-04-08 to 6-30-09

### **Insurance Committee**

Matthias "Matt" J. DeAngelo R 16 Dennison Ridge 2-4-08 to 6-30-12

### **Housing Authority**

Stephen A. Kirsche                R 11 Golf Road            2-4-08 to 8-31-08

Michael S. Wrona                 R 16 Fairmont Street 2-4-08 to 8-31-09

### **Zoning Board of Appeals, as an Alternate**

Daniel M. Logan                 R 35 Nott Street         2-4-08 to 6-30-08

," seconded by Councilor Hemmann.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Chairperson Adil stated that there is a lot of concern over the proposed Energy Ordinance. Several members of Council also had questions. He suggested that Council return it to the Infrastructure Committee.

Joel Reinbold said that there is a lot of confusion over what an energy district would do. This ordinance would allow planning to entities on a voluntary basis to aggregate their loads. If entities do not agree, then it wouldn't move

forward. One possible district could include Town Hall, the Library, and the Silas Deane Middle. The districts will only work if a cost savings is seen and the environmental profile improves.

Chairperson Adil asked that Joel Reinbold explain why

Joel Reinbold said that he would look at the loads in a district to aggregate the supply to find reductions. It could reduce the load and improve the environmental profile and help with reliability. It is not energy management for the entire Town. It would be a voluntary program. It will only work for a unique area where the load can be aggregated.

Councilor Forrest said that an Energy District is an entity to improve energy in an area. The District would get energy from an efficient source, instead of CL&P for large businesses working together. It would help to create a competitive force. If a commercial base comes together and can find production of energy, the District would create a competitive environment. This enabling legislation will allow the Town to determine where a business center is and who can benefit from such a District. Once the Town finds out what businesses can benefit from this, an actual District can be established.

Joel Reinbold said that the District would not be the entire Town. The entire Town would be screened for possible energy users. A District would probably occur along the Silas Deane Highway.

Councilor Forrest said that other items will come before the Town Council before the District is established. He said that there are some concerns about the regulations wording and Council will be retaining power to hone in the wording to meet the needs of the Town. He said that this is an excellent program and it will put Wethersfield in the forefront of green energy.

Councilor Cascio asked if any other communities have adopted this ordinance.

Joel Reinbold said that Ansonia and Stamford have adopted similar ordinances and Berlin is in the process of drafting an ordinance.

Councilor Cascio asked if this Ordinance has been discussed with CREC?

Bonnie Therrien, Town Manager, said that she did not think so.

Councilor Cascio said that he has reservations. The Town has State Representatives that get money for the Town. Section 10-36.5 of the Ordinance says that this is voluntary but he said that he doesn't see how it is voluntary. He said that no Board should have regulatory powers and this would be adding another level of Committees. He asked why this Board was needed.

Joel Reinbold said that by forming a District, entities can aggregate their loads. The Board would authorize the aggregation of power.

Councilor Hemmann asked if individuals could work through the State. Is this necessary?

Joel Reinbold said that the State law requires municipalities to create a District.

Councilor Hemmann said that she would be more comfortable if this was an Advisory Committee with the Town Council having the final decision making power. She said that the way the Ordinance is written the Board can make and enforce regulations. In section 10-36.2, the powers and duties are based on State Statutes. If the Statutes give the power to the Board, the State could change the powers of the Board without the Town Council's consent.

Joel Reinbold said that the Town Council can make refinements to the Ordinance. The concept is not to force anyone into doing anything.

Bonnie Therrien, Town Manager, said that the Town Clerk advertised this specific Ordinance. Substantive changes would require another public hearing.

Deputy Mayor Montinieri asked who drafted the language for the Ordinance.

Bonnie Therrien, Town Manager, said that the language was drafted from State Statutes and Joel Reinbold's group.

Deputy Mayor Montinieri said that some of the language is inconsistent with the voluntary theme. He said that he is in support of the concept of a District, but said the reference to the regulations should be looked at again.

Councilor Roberts said that the term District makes her nervous. She said that she would like to see the Ordinance passed in Ansonia and Stamford. She asked where Stamford was in the process of establishing Districts.

Joel Reinbold said that he has screened and identified six areas in Stamford that could possibly become Districts. The Board will review all of the data and see which Districts they are comfortable with and then see if businesses are interested in participating. He said that screening the businesses entails seeing who is using heat and power and where a small facility could be located. Some entities are just better off purchasing from the grid. He said that he approaches entities and asks for the necessary information.

Councilor Roberts asked who would be on this Energy Board.

Joel Reinbold said that the Town Council would appoint members to the Board.

Councilor Roberts said that she would be more comfortable with someone with some expertise on the Board. She said another issue she has is with the Board's ability to issue and secure bonds. She said that the concept is good but she is concerned with the power of the Board.

Chairperson Adil asked that Councilors give their comments to the Infrastructure Committee.

Councilor Forrest moved **"TO MOVE THE ORDINANCE - TOWN OF WETHERSFIELD ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD TO THE INFRASTRUCTURE COMMITTEE THE ORDINANCE"** seconded by Councilor Walsh.

All Councilors present, including the Chairperson voted AYE. Councilor Kotkin abstained. The motion passed 8-0-1.

Councilor Forrest moved **"TO APPROVE THE ORDINANCE REPEALING ARTICLE XV - CITIZEN'S ENERGY CONSERVATION ADVISORY COMMITTEE OF THE TOWN OF WETHERSFIELD, CONNECTICUT"** seconded by Councilor Console.

Bonnie Therrien, Town Manager, said that currently there is an Advisory Committee that was established in the 1970's. It has not met in years and is not needed.

Deputy Mayor Montinieri said that this is an independent issue. The Committee hasn't met in some time. The repeal is appropriate and doesn't impact the other issue.

Chairperson Adil said that there was some discussion on including some of the Committee's duties into the Clean Energy Commission. He asked what the status of that was.

Bonnie Therrien, Town Manager, said that she has not had a chance to speak with the members of the Clean Energy Commission regarding this matter.

Councilor Console said that the Town Council shouldn't move forward without this information.

Councilor Roberts moved **"TO TABLE THE ORDINANCE REPEALING ARTICLE XV - CITIZEN'S ENERGY CONSERVATION ADVISORY COMMITTEE OF THE TOWN OF WETHERSFIELD, CONNECTICUT"** seconded by Councilor Forrest.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

## UNFINISHED BUSINESS

Bonnie Therrien, Town Manager, stated that the request for a copy of the study done by Tremco was 600 pages and she did not email it to everyone. There is a copy that Councilors may review. She has also provided Councilors with an excerpt of the study. This bid is for the renewal of the contract. Tremco will inspect all Town roofs and provide maintenance and minor repairs.

Deputy Mayor Montinieri moved **"TO APPROVE THE CONTRACT FOR ROOF CONSULTING TO TREMCO INC. IN AN AMOUNT NOT TO EXCEED \$34,520"** seconded by Councilor Roberts.

Mike Turner, Town Engineer, said that the Town does not have the staff to inspect and make minor repairs to all of the roofs on Town buildings. Tremco does that for the Town. This was initially an idea of the Capital Improvement Advisory Committee (CIAC) to hire a consultant to manage the roofs. Prior to last year, the Town had no management plan. In 2006, the Town hired Tremco and they developed a rood database. 75% of the Town's roofs are in good condition and are leak-free. The Town now knows the problems and how to budget for them. Tremco also takes on the reporting of leaks and looks at warranties and working within the warranty guidelines.

Councilor Hemmann said that the Capital Improvement Advisory Committee (CIAC) should be provided with a list of roofs and buildings, since it schedules out large projects. She would like a summary sheet of the twenty eight buildings. She would like to know where the Town is with the planning perspective. The Town needs to budget for some of these roofs. The Town has the data on the roofs, but is not using it for the people to make the decisions.

Mike Turner, Town Engineer, said that the Capital Improvement Advisory Committee is looking at a ten year plan using the numbers from this database.

Councilor Walsh asked if this was a comprehensive database for all Town buildings.

Mike Turner, Town Engineer, said that this roof database runs parallel to the Town's building database. The building information is on Access and the roofs are on a patented program owned by Tremco. He said the Town has access to the Tremco database.

Councilor Console asked if prior to Tremco, the Town inspected the roofs.

Mike Turner, Town Engineer, said that the Town never had a comprehensive program. It has always played catchup.

Bonnie Therrien, Town Manager, said that she was shocked to come to Wethersfield and find that the Town only had one person for each trade. There is no way to do maintenance work with only one tradesman. It is impossible to perform this kind of study by Town employees. In the past, the Town always did patch jobs.

Councilor Console asked how many Tremco employees worked on the Town project.

Michael Boudreau the representative from Tremco said that he has twelve crew members assigned to Wethersfield to review the Town roofs.

Councilor Kotkin asked if the original contract awarded was for \$34,000 for one year.

Mike Turner, Town Engineer, said that the \$34,000 was for one year and to build the database. The renewal is in the ten year Capital Improvement Projects budget.

Councilor Kotkin asked what Tremco would do in 2008.

Mike Turner, Town Engineer, said that Tremco would re-inspect all the roofs, document the problems and fix minor repairs. He said that the \$34,000 was the quotation from Tremco to do the work that our trades people would have to do. He said that the Town can re-bid this in 2009 or come to the Town Council again for a bid waiver. He said that he feels that this is a fair amount and frees up the Town's carpenter and electrician to do other work.

Deputy Mayor Montinieri said that Tremco is treating the roofs in a similar fashion as the Town's road maintenance program. He said that this is a reasonable bid waiver.

Mike Turner, Town Engineer, said that Tremco has already updated the report twice and will continue to update the report. Tremco can give the Town Councilors access to the data base online if they are interested.

Councilor Console asked what recourse the Town has to Tremco's work.

Mike Turner, Town Engineer, said that Tremco has a \$5,000,000 insurance policy with the Town. All the necessary safeguards are in place.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

## **OTHER BUSINESS**

Deputy Mayor Montinieri moved **"TO APPROVE THE TRANSFER OF \$75,000 FROM THE CAPITAL RESERVE FUND BALANCE - COMMUNITY CENTER - 9/11 MEMORIAL SPORTS CENTER RENOVATIONS"** seconded by Councilor Kotkin.

Bonnie Therrien, Town Manager stated that Kathy Bagley, Director of the Parks and Recreation Department, is here tonight with the Committee to answer any questions.

Kathy Bagley stated that the Committee wanted to have a shower and bathroom in that end of the building. The Community Center is used as the Town's emergency shelter as well. Currently, there is not a shower. This would allow for at least one unisex shower in the building. She also stated that the construction work was at a point where a shower could be put in now, rather than go back at a later date and have to rip things out to have it included. In response to questions, she stated that they did not request any more than one shower for the location.

Charles Viani, Vice Chairperson of the Committee, thanked the Council for their help and in taking up the issues as they arise with the renovations.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Walsh moved **"TO APPROVE THE TRANSFER OF \$19,930 FROM CAPITAL RESERVE FUND BALANCE TO THE KEENEY CENTER (ELECTRIC HEATER AND LIGHTNING PROTECTION)"** seconded by Councilor Roberts.

Bonnie Therrien, Town Manager, said that the Director of the Historical Society, Doug Shipman was present tonight to answer any concerns with the electric heaters.

Doug Shipman said as the repair work to the Keeney Center was underway. It was determined that the heaters in the main stairways into the building need to be replaced. This has nothing to do with the fire, so the insurance does not cover them. The Fire Marshal has researched lightning protection for the building and has received a quote from a certified vendor in the State. The lightning protection would be installed at the same time as the roof is repaired in early spring.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Kotkin moved **"TO APPROVE THE TERMS OF THE AGREEMENT BETWEEN THE TOWN AND LOCAL 1303-40 ADDRESSING THE PERFORMANCE OF CERTAIN LANDSCAPING AND FIELD MAINTENANCE WORK BY VOLUNTEERS INVOLVED WITH THE TOWN'S RECREATIONAL LEAGUES AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE AGREEMENT"** seconded by Councilor Roberts.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

## BIDS

Councilor Roberts moved **"TO AWARD THE CONTRACT FOR CELLULAR SERVICE TO AT&T IN THE ANNUAL AMOUNT OF \$19,250"** seconded by Councilor Forrest.

Bonnie Therrien, Town Manager said that the Sprint-Nextel service costs have been very high and the service from AT&T will be less. AT&T's minutes calling other AT&T users are free which would decrease the overall cost of cell phones. She is recommending the Town change providers for all Town Departments except the Fire Department. The Fire Department has a "direct connect" feature for use with other Towns' Fire Departments on Nextel-Sprint which they want to keep.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

## ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

### RESOLUTION FOR A GRANT FROM THE HISTORIC DOCUMENTS PRESERVATION PROGRAM

Resolved: that Bonnie L. Therrien, Town Manager is empowered to execute and deliver in the name of and on behalf of the Town of Wethersfield a contract with the Connecticut State Library for a Historic Documents Preservation Grant.

Councilor Forrest moved **"TO REFER THE ARTICLE XXI, CODE OF ETHICS AND BOARD OF ETHICS TO THE RULES AND PROCEDURES COMMITTEE"** seconded by Councilor Roberts.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

### ORDINANCE AMENDING CHAPTER A180 - TOWN COUNCIL RULES OF PROCEDURE

#### § A180-1. Organization meeting.

Each newly elected Council shall meet for organization in the Town Hall ~~at 8:00 p.m.~~ **at a time to be announced** on the first Monday following the November Election in each odd-numbered year. The meeting shall be called to order by the Town Clerk, who shall administer the oath of office to all members, provided that in the absence of the Town Clerk, the meeting may be called to order and the oath administered by any citizen of Wethersfield authorized by law to administer oaths. The Council shall then proceed to the election of a Chairperson and Vice Chairperson to serve for the ensuing two (2) years, who may also be known respectively as the "Mayor" and the "Deputy Mayor" (Charter, Sec. 304).

#### § A180-2. Regular meeting.

Regular meetings of the Council shall be held in the ~~Pitkin Community Center~~ **Silas Deane Middle School** at 7:30 p.m. on the first and third Mondays of each month unless otherwise determined by the Council. If a meeting is adjourned to a date, time and place certain, a notice of the same shall be conspicuously posted near the door of the meeting place, stating the date, time and place of the adjourned meeting. The schedule of regular meetings for the ensuing year shall be filed in the Town Clerk's office as soon as possible after the organizational meeting.

#### § A180-3. Special meeting.

Special meetings of the Council may be called by the Chairperson or by not fewer than three (3) members of the Council. If called by three (3) members, each shall advise the Town Clerk, in writing, by telephone or in person, to that effect.

- A. Notice of a special meeting shall be prepared by the Town Clerk, and a copy shall be served personally upon each member of the Council and the Town Manager or Acting Town Manager or left at their usual places of abode not less than twenty-four (24) hours before the time of the meeting. The notice shall state the time and place of the meeting and the purpose for which the meeting is called. A copy of said notice shall also be posted on the Town Clerk's board at least twenty-four (24) hours prior to the meeting.
- B. At a special meeting, no matter not included in the notice shall be considered.
- C. The Town Clerk shall certify, upon the original copy of the notice filed with the records of the Council, by whom the meeting was called and the manner in which the notice was given to the members of the Council, the Town Manager or Acting Town Manager and the posting on the town signpost.

§ A180-4. Public meetings and hearings.

No ordinance or resolution shall be adopted or appointment or removal made except in a meeting of the Council open to the public (Charter, Sec. 305).

- A. At least one (1) public hearing, not less than five (5) days' notice of which shall be given by publication in a newspaper having general circulation in the town and by posting on the Town clerk's board, shall be held by the Council before any ordinance or resolution shall be acted upon (Charter, Sec. 308).
- B. Budget hearing. There shall be a public hearing at 7:00 p.m. on the third Monday in April at a place to be determined by the Council, at least five (5) days' notice of which shall be given by publication in at least one (1) newspaper which has a general circulation in the town and by posting on the Town clerk's board. At such hearing any citizen or property owner who desires it shall be entitled to be heard by the Council on the town and school budgets, and the hearing shall be recessed from day to day until all such persons have been heard (Charter, Sec. 705), provided that a notice of recess shall be conspicuously posted on the door of the meeting place, stating the date, time and place of the recessed meeting; provided, further, that any person who desires to speak at the subject budget hearings shall initially be heard for no longer than ten (10) minutes. After all persons who desire to speak have spoken at any one (1) budget hearing, those persons wishing to speak for a second time shall be allowed to do so but shall not exceed ten (10) minutes. After all persons have had a second opportunity to speak, any person may thereafter speak.
- C. Public comment sections at regular meetings are allowed during each meeting for individual citizens' comments. During the public comment, citizens may speak pertaining to any subject on the agenda or of concern to the Town. Each speaker shall limit his/her remarks to five (5) minutes and shall be heard only once. This time restriction may be enforced by a timing device. If a speaker exceeds the time limitation, the Chair shall so notify the speaker and allow the speaker 30 seconds for summation. The Chair at his/her discretion, may grant the speaker additional time. If there is a large group of citizens who wish to speak, the time limit will be reduced to three (3) minutes to accommodate the crowd, and still allow the Council to conduct their business.

If the Council needs to make a decision or needs additional information, the Council should direct the Manager to get the facts, information and or recommendations it needs to make an informed decision in the interest of all Town citizens. Citizens are encouraged to submit question/concerns in writing.

ADJOURNMENT TIME: The Council establishes an adjournment time of regular meetings of 11:00 p.m. If the adjournment time requires an extension, it can be done via motion and a majority vote.

§ A180-5. Quorum.

The presence of five (5) members shall constitute a quorum, but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting of the Council, shall be adopted by fewer

than five (5) affirmative votes (Charter, Sec. 305).

§ A180-6. Executive sessions.

"Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

§ A180-7. Chairperson.

- A. The Chairperson or, absent a Chairperson, the Vice-Chairperson shall preside at all meetings. The Chairperson shall preserve order and decorum and shall decide all questions of order without debate, except at said Chairperson's request, but subject to appeal to the Council. The Chairperson may speak and shall vote on all questions as is provided in § A180-14 of these rules. The Chairperson shall be an ex officio member of all committees without the right to vote, except that the Chairperson shall have the right to vote in those committees to which the Chairperson is appointed a member.
- B. In the absence of both the Chairperson and the Vice-Chairperson, the Town Clerk may call the meeting to order, and the Council may choose from its members a Chairperson Pro Tem who shall preside until the Chairperson or Vice Chairperson appears.
- C. The Chairperson or, absent a Chairperson, the Vice Chairperson shall represent the town as titular head of the government at meetings of such officials representing other municipalities, ceremonies and public gatherings and upon such other occasions as said presence in such capacity may be required.

§ A180-8. Town Clerk.

The Town Clerk shall be the Clerk of the Council, keep a journal of its proceedings which shall be a public record and perform such other duties as may be assigned by the Charter or by action of the Council or state statute (Charter, Sec. 501).

§ A180-9. Town Manager.

The Town Manager shall attend all meetings of the Council with the right to speak but not to vote and shall perform such other duties as may be assigned by law or by the ordinances or resolutions of the Council (Charter, Sec. 403).

§ A180-10. Committees.

The Council may, from time to time, appoint such standing and special committees in the manner and for such purposes as the Council may designate.

§ A180-11. Order of business.

At any regular meeting of the Council, the order of business shall be as follows:

Recording of attendance by the Town Clerk.

- A. Public comments. The Chairperson may indicate those matters of unfinished business to be discussed.
  - 1. Hearings.
  - 2. General.
    - a. Public
    - b. Council reports/comments
- B. Council action.
  - 1. Ordinances, resolutions and appointments for action.
  - 2. Unfinished business.
  - 3. Other business.
  - 4. Bids.
  - 5. Ordinances, resolutions and appointments for introduction.
  - 6. Minutes.
- C. Adjournment.

§ A180-12. Privilege of the floor.

- A. Except when a member of the Council has or desires the floor, the Town Manager shall have the privilege of the floor for the purpose of giving information to the Council on business and affairs of the town; and the Town Attorney shall likewise have the privilege of the floor on the introduction or interpretation of any existing or proposed ordinance or resolution or on any question of legal procedure.
- B. Except at a public hearing or as otherwise provided in these rules, no person other than a member of the Council shall address the Council except by the majority consent of not fewer than five (5) of the members of Council present.

§ A180-13. Motions.

- A. When a motion is made and seconded, it shall be stated by the Chairperson and then be in possession of the Council and subject to amendment or withdrawal, except that withdrawal cannot be made subsequent to a voted amendment without the consent of the Council.
- B. When a motion is under debate, no further motion shall be received except to adjourn, to recess, to table, for the previous question, to limit or extend debate, to postpone to time certain, to refer to committee, to amend or to postpone indefinitely, which motions shall have precedence in the order indicated.
- C. Motions to table, to postpone to time certain or to postpone indefinitely, once having been decided, shall not be reconsidered at the same meeting, whereas a motion to refer a matter to a committee can be reconsidered only at the meeting of the vote. Any other motion can be reconsidered only at the same or the next succeeding meeting of the Council.
- D. Any motion to reconsider shall be in order only upon motion by a member participating in the prevailing vote of the original motion, and there shall be no reconsideration of the vote upon motion to adjourn, for the previous question, or to reconsider.

§ A180-14. Voting.

The ayes and nays on each vote shall be recorded in the journal (Charter, Sec. 305), thereby recording the vote of each Council member or abstention.

§ A180-15. Introduction of ordinances and resolutions.

- A. All ordinances and resolutions shall be introduced in written form (Charter, Section 307).
- B. For purposes of this section, introduction shall mean the presentation in written form at any regular

or special meeting of Council, either by a member of Council or by the Town Clerk, who shall present those ordinances and resolutions filed with the Town Clerk's office by a member of Council at any time prior to the meeting. Upon introduction, all ordinances and resolutions shall automatically be set for public hearing at the next regular or special meeting of Council, subject to the notice requirements being met (Charter, Sec. 307). The terms of this section shall not apply to emergency ordinances.

- C. It shall be the duty of the Town Clerk immediately upon the introduction of any ordinance or resolution to prepare at least fifteen (15) copies of such proposed ordinance or resolution. One (1) copy shall be retained in the Town Clerk's office for public inspection and one (1) copy posted on the town signpost (Charter, Sec. 307). The Town Clerk shall also promptly furnish each member of the Council, the Town Manager and the Town Attorney with a copy of such ordinance or resolution.
- D. The copy of the proposed ordinance or resolution retained in the office of the Town Clerk shall have endorsed thereon the name or names of the member or committee introducing such document or filing the same with the Town Clerk or have attached thereto the electors' petition, as required under the Charter, Section 312, and at the end thereof, under the caption "Statement of Purpose," shall contain a brief statement of its purpose, which statement shall not be a part of the ordinance or resolution. Where such document is introduced by electors' petition, such copy shall be further endorsed by the Town Clerk, certifying that the requirements of the Charter, Section 312, have been satisfied. The statement of purpose and such endorsements shall be included on all copies of the document to be prepared by the Town Clerk prior to the final action taken on such document.
- E. Before any ordinance shall be acted upon, it shall be reviewed by and such corrections as may be necessary made therein by the Town Attorney to ensure accuracy, clearness, conciseness and consistency of text and phraseology as well as its constitutionality and consistency with existing ordinances or statutes, and the copy of the ordinance upon which final action is based shall bear the Town Attorney's endorsement that such review has been made.

#### § A180-16. Passage of ordinances and resolutions.

- A. Notice of the passage of an ordinance or resolution shall be published once in a newspaper having general circulation in the town, and an ordinance or resolution shall not become effective until ten (10) days after such notice is published. An ordinance or resolution need not be published in full but may be described by title or subject matter. The foregoing provisions of this section shall not apply to emergency ordinances (Charter, Sec. 308).
- B. All ordinances and resolutions when passed shall be endorsed by the Town Clerk indicating the date and method of its adoption, then recorded in a book kept for that purpose and the original copy filed as a permanent record (Charter, Sec. 308, modified).

#### § A180-17. Emergency ordinances.

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency and shall be adopted by not fewer than six (6) affirmative votes in the Council, and in no event shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance. For the purpose of meeting an emergency, as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the town, the Council, by an affirmative vote of not less than six (6) of its members, may appropriate, notwithstanding any other provision of the Charter, a sum not to exceed one hundred thousand dollars (\$100,000). (Charter, Sec. 310).

#### § A180-18. Parliamentary and Charter authority.

The Council will conduct its meeting according to Robert's Rules of Order. These rules may be revised as necessary, except that should any of these rules be inconsistent with the provisions of the Charter, then the Charter shall prevail.

§ A180-19. Suspension or amendment of rules.

- A. Any of these rules may be suspended by the affirmative vote of not fewer than five (5) members of the Council, provided that such action is not inconsistent with any provisions of the Charter.
- B. Any amendment to these rules shall be submitted, in writing, at any meeting of the Council and may be adopted by the affirmative vote of not fewer than five (5) members at a subsequent

**MINUTES**

Councilor Forrest moved "**TO APPROVE THE REGULAR MEETING MINUTES OF JANUARY 22, 2008**" seconded by Councilor Console.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Forrest moved "**TO APPROVE THE SPECIAL MEETING MINUTES OF JANUARY 22, 2008**" seconded by Councilor Console.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

**ADJOURNMENT**

At 10:05 p.m., Councilor Forrest moved "**TO RETURN TO THE EXECUTIVE SESSION OF THE SPECIAL MEETING**" seconded by Deputy Mayor Montinieri. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano  
Town Clerk

*Approved by vote of Council February 19, 2008*