

## **REGULAR MEETING APRIL 7, 2008**

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

Present: Councilors Cascio, Console, Forrest, Hemmann (arrived 7:50 p.m.), Roberts, Walsh, Deputy Mayor Montinieri, and Chairperson Adil.

Absent: Councilor Kotkin

Also present: RaeAnn Palmer, Assistant to the Town Manager and Dolores G. Sassano, Town Clerk.

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

### **PROCLAMATIONS**

#### NATIONAL VOLUNTEER MONTH

Chairperson Adil presented the Proclamation for National Volunteer Month.

Linda Bantell, Health Educator, thanked the Town Council for the Proclamation and said that the Central Connecticut Health District relies heavily on volunteers and is very lucky to have so many volunteers that provide services. She said that the District will host a volunteer fair and reception at the end of the month to honor all of the volunteers.

#### ARBOR DAY

Chairperson Adil presented the Proclamation for Arbor Day.

Robert Garrey, Chairperson of the Village Improvement Association, said that the Village Improvement Association is very pleased to be sponsoring this event. He said that he hopes the public will attend the tree planting on the Park Street Green on Saturday, April 26th at 9:30 a.m.

### **REPORT ON ECONOMIC DEVELOPMENT ACTIVITIES**

Chairperson Adil said that Peter Gillespie, Town Planner, was unable to attend this meeting. RaeAnn Palmer, Assistant to the Town Manager will give a summary of his report.

RaeAnn Palmer, Assistant to the Town Manager, highlighted new items. She said:

#### Recently Completed Projects/New Businesses

974 Silas Deane Highway - New England Patio and Hearth - Work is complete for the expansion of the showroom space into vacant rear space of this building.

506 Silas Deane Highway - Art and Frame Options (Next to Belleza Salon) - Interior renovations are complete to renovate this space for the business relocation.

512 Silas Deane Highway - Former Acme Auto - Great Floors - Interior renovations are complete to renovate this space for a retail flooring showroom.

740B Silas Deane Highway - Crazy Wings -The PZC has approved plans to convert this vacant space into a take out restaurant specializing in chicken wings.

Pelton's Home Health Care - 898 Silas Deane Highway - A TCO has been issued for the first phase of this project to renovate the basement level for office and administrative use. A TCO for the first floor retail is anticipated this week.

1410A Berlin Turnpike - Jordan Lane/Cedar Shopping Center - Fabulous Jewelry -This space was recently renovated for this new tenant.

#### Approved Development Projects Under Construction

Former Amici's Restaurant - Pal's Pub - 672 Silas Deane Highway -On January 2 the PZC granted approval for the renovation of this building and for the use of an outdoor patio for a new restaurant/café in this building.

Former Fire House Grill - 1151 Silas Deane Highway - Humphrey's Restaurant -An interior demolition permit has been issued to conduct some interior work to this building. An application has been approved by Design Review and a building permit application has been approved.

#### Under Permit Review

61 Arrow Rd. - Phase 3 - On March 18 the PZC approved plans for a new free standing cold storage building of approximately 5,000 s.f.

Progress Drive - CREC - Soundbridge School - On April 1 the PZC approved plans for an expansion to the school which would double the size of the building.

1841 Berlin Turnpike - Top Trimmers Salon - A building permit has been issued for this space for a new hair salon.

850 Silas Deane Highway - National Health Care Assoc. - Building permits have been issued to renovate this office space for this new tenant.

1267 - 1309 Silas Deane Highway - Goff Brook Shops - Plans have been submitted to DRAC for a free standing restaurant pad site for Arby's Restaurant.

322 - 334 Silas Deane Highway - Paul Randazzo - A zone change application has been filed to rezone various properties in anticipation of an mixed use office/retail building of approximately 10,000 s.f.

#### Developer/Property Owner Contact

Arby's Restaurant - Met with representatives interested in possible site for free standing restaurant building.

Office Building - Silas Deane Highway - Discussed the prospects of the construction of a 15,000 s.f. office building.

#### Silas Deane Highway Revitalization Program

- Working with Colassale Construction on the streetscape project and are presently waiting to hear on the final details of our State Bonding of additional funds. Start date is anticipated on April 7.

#### Other News and Initiatives

- Working with the Chamber of Commerce on a breakfast meeting with the business community and are discussing possible topics. The State of the Town address is scheduled for May 21st.
- On March 24th the CT Commission on Culture and Tourism sponsored a meeting entitled "When Hollywood Comes Knocking" to discuss opportunities for local communities to attract film companies and productions in Connecticut. Will be discussing this further at future meetings.
- We were informed by the Historical Society that we have received a grant from the State Commission on Culture and Tourism. A grant was filed for funds to conduct a strategic marketing plan.
- Met with representatives from PITA Communications to discuss design ideas for the Billboard advertising

program on the major highways in Connecticut during the months of June and July.

- The Commission is interested in sponsoring a photo contest for local residents to promote the scenic beauty of the Town.
- The Committee met on March 20th to discuss the draft report. A public session is planned for May 20th.
- The Town learned today that it received another Preserve America Grant in the amount of \$90,000.
- A public session regarding the Historic Wethersfield final Master Plan is schedule for May 20th at 7:00 p.m.

Chairperson Adil said that if any Councilors have questions, please forward them to RaeAnn Palmer and she will pass them on to the Town Planner.

Councilor Walsh moved **"TO TAKE ITEM B.2.A. - CODE OF ETHICS AND BOARD OF ETHICS OFF THE TABLE FOR INTRODUCTION"** seconded by Deputy Mayor Montinieri.

All Councilors present, including the Chairperson voted AYE. The motion passed 7-0-0.

## **PUBLIC COMMENTS**

### HEARING

#### **ORDINANCE REPEALING SECTION 149-13. ABATEMENT FOR MITCHELL SCHOOL ASSOCIATES LIMITED PARTNERSHIP**

Dolores Sassano, Town Clerk, said that this Ordinance is to repeal the tax abatement of Mitchell School Associates Limited Partnership from the Code. The abatement expired in 1996.

No one wished to speak for or against the Ordinance, Chairperson Adil declared the hearing closed.

### GENERAL COMMENTS

Robert Young, 20 Coppermill Road, commented on the resolution from the previous meeting concerning on Mr. DiBella. He said that he was disappointed that there was so much backing for this individual. He said that this should be brought to a referendum vote because he feels so strongly about it. It comes down to the fact that in his position he is controlling the Town's money. He said that the budget public hearing is coming in a couple of weeks. The Town Manager, in her message, said many things that he doesn't ever hear the Town Council say. She mentioned high rising costs. He asked that the Council consider the fact that the public needs a zero budget increase. The Federal Government is giving a stimulus package. There are other reductions in State taxes, too. What is the Town's stimulus package going to be? The Town Council has to reduce costs.

At 7:50 p.m., Councilor Hemmann arrived.

Christopher Shepard, Nature Center Director and liaison to the Wethersfield Clean Energy Committee, thanked Councilor Forrest for attending the awards ceremony on March 18th presented by the Connecticut Clean Energy Fund. The Town received an award for making a pledge to take part in a program that the Town will have 20 percent of its energy coming from clean energy by 2010 and reaching the benchmark of having 100 residents sign up for the clean energy electricity options. The Town has qualified for its first solar panel installation. The Clean Energy Committee is currently reviewing options on where it can be installed. Tim Bowles, Chairperson of the Connecticut Clean Energy Fund Board of Directors, said that "It is most encouraging to see the enthusiasm generated at a community level by citizens who are driving the demand for clean, renewable energy through the Connecticut Clean Energy Communities Program. Now more than ever it is impervious that renewable energy be embraced as a viable alternative to fossil fuel ..."

Chairperson Adil thanked the Director for presenting the award and Councilor Forrest for attending the award ceremony on the Mayor's behalf.

## COUNCIL REPORTS & COMMENTS

Councilor Forrest said that the Conservation Commission continues to review the Beaver Brook plan. They will be meeting again this Wednesday. Committee members have also walked several areas along the Brook. The Green Summit Working Group continues to meet and work toward the final report. The Assistant to the Town Manager has been extremely good in helping out with that endeavor.

Councilor Cascio said that the Memorial Day Parade Committee met last week. The Committee is on target for the May 24th parade. The Committee has selected the speaker at the cemetery as well as the parade marshals. They will be announced by Larry Spellacy, Parade Committee Chairperson. An 8th grade student essay contest is a new initiative this year. The contest is closing this week. An essay will be selected from each team and those individuals will be able to read their essay on what Memorial Day means to them at the cemetery. The Committee is trying to integrate and incorporate new ideas into the parade to help students understand what Memorial Day means. The Town is honoring current families that are serving in Iraq and Afghanistan and that have graduated from Wethersfield High School. The Committee is always looking for contributions and more bands to march. The Chamber of Commerce will have its annual meeting on May 14th at 5:30 p.m. at the Wethersfield Country Club to honor the Business of the Year, Chamber member of the Year, Town Beautification, Town Employee, Town volunteers, Public Safety and Educator of the Year.

Councilor Walsh said that:

- On March 20th the Preserve America Steering Committee met with representatives from JMA, the architects and talked about options for the four major intersections in Town - Main and Church Streets, Hartford and State Streets, State and Main Streets, and Main and Hartford Steets. There will be a public forum on May 20th.
- On March 20th the Infrastructure Committee met to discuss the lease between the Historical Society and the Town for the Standish House. The Committee made some final changes and forwarded them to the Historical Society. Hopefully, that will finalize the lease. The Committee also discussed the proposed ordinance for the Energy Improvement District. He commended the Committee for its work.
- On March 27th, the Wethersfield Historical Society met and discussed the upcoming 375th Anniversary Celebration. It has set up scanning parties for residents to bring in photographs that reflect the history of the Town. One issue that came up at the meeting was some damage found in the Sherman room, the room off Keeney Hall on the second floor. Members of the Historical Society were thrilled that CIRMA came in and agreed the damage was done by the storm. It will be repaired quickly under the insurance coverage.
- On April 2nd, the Redevelopment Committee met. On May 1st at 7:00 p.m. and June 11th at 7:00 p.m. there will be meetings to discuss the situations now being faced in Town and solutions to the problems.

Chairperson Adil said that he wants to make sure that this information is on the Town's website.

Councilor Roberts said that at the end of March the Historical Society had a reception for the Keeney Center - angels those volunteers who helped the Keeney open so quickly. The Fire Department held a wine and beer tasting. The proceeds went to the scholarship fund. This past Friday, she attended the Nature Center's Glamour Girls Fundraiser.

Deputy Mayor Montinieri said that the Community Center Renovation Committee met and indicated that the project continues to stay on schedule and budget. There has been significant progress on the gymnasium. The Committee has had great support from the subcontractors who have offered in-kind support and donations for glitches in order to keep the project on budget. The Town Hall Renovation is making real, visible external progress. That project is on budget and on time.

Councilor Hemmann alerted the Town Manager and Mayor that it appears the Connecticut Resource Recovery

Association (CRRA) has eliminated the money requested that they begin to put into the budget for the \$12,000,000 anticipated renovation costs of the plant. The leadership of the Metropolitan District Commission (MDC) is still trying to get formal confirmation of that. At this point it is reliable hearsay. She requests that the Town Manager follow up on this. The impact would be significant to the Town. She asked about the status of the leaking at the Ambulance Facility that had been previously reported.

Chairperson Adil said that he will ask the Town Manager to provide information in the Management Report. He said that he knows some repairs have been delayed.

Councilor Console said that the Town Engineer was supposed to let the Town Council know what was going on with the Police Department leak in the community room. That hasn't happened. If the Town Council is going to take any action, it needs that information.

Chairperson Adil said that he would like that information. It is overdue.

Councilor Walsh reminded people that this Saturday, April 12th is the Taste of Wethersfield at the Keeney Center. There are more vendors than before. The Keeney Center looks fabulous.

Councilor Forrest said he wanted to apologize to Councilor Hemmann for comments made at the last meeting. They treated the Council more like a court. They did not foster the type of dialogue which should be fostered at this table. He said his sincere apologies to her.

Chairperson Adil said that:

- The Public Hearing on the proposed budget will be April 21st at the Silas Deane Middle School.
- The Deputy Mayor and he attended a meeting with the MDC to talk about the upcoming contract with CRRA. A working group was formed to research different technologies for the 2012 cutoff of the contract.
- He attended a reception for Organ and Tissue Donation Month. He gave the Assistant to the Town Manager a flag that will be put up for the month.
- He received a letter from Nancy Wyman, State Comptroller, concerning a cost savings health insurance program. That will be looked at by the Insurance Committee.

## **COUNCIL ACTION**

Deputy Mayor Montinieri moved **"TO APPROVE THE APPOINTMENT OF VICTORIA YVETTE JONES TO THE HOUSING AUTHORITY FOR A TERM FROM 4-7-08 TO 8-31-08"** seconded by Councilor Forrest.

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

Deputy Mayor Montinieri moved **"TO APPROVE THE ORDINANCE REPEALING SECTION 149-13. ABATEMENT FOR MITCHELL SCHOOL ASSOCIATION LIMITED PARTNERSHIP AS THE PROPERTY HAS BEEN SOLD"** seconded by Councilor Walsh.

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

## **UNFINISHED BUSINESS**

## **OTHER BUSINESS**

Councilor Walsh moved **"TO APPROVE THE ADDITION OF 1680 BERLIN TURNPIKE AND 58 BRUSSELS AVENUE TO THE BLIGHTED PROPERTY LIST"** seconded by Councilor Forrest.

RaeAnn Palmer, Assistant to the Town Manager, said that in accordance with Section 122A of the Property

Maintenance Code the Town Council can place properties that have violations on them onto the Blighted Property List. 58 Brussels Avenue is an on-going problem. Items are removed and then new problems occur. Despite citations and enforcement it is not being cleaned up. CitySide Motel at 1680 Berlin Turnpike has been inspected by the Central Connecticut Health District Director and Chief Building Official and found the building to be in such terrible condition that inclusion on the Blighted Property List is appropriate.

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

Councilor Roberts moved **"TO WAIVE FIFTY PERCENT OF THE POLICE SERVICES FEES FOR THE 2008 SAFE GRADUATION PARTY"** seconded by Councilor Cascio.

RaeAnn Palmer, Assistant to the Town Manager, said that each year the Safe Graduation Committee has requested a reduction in the police fees. The reduction would be \$228.50. It would be the third year the Town Council grants the request.

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

Deputy Mayor Montinieri moved **"TO AUTHORIZE THE TOWN MANAGER TO INCREASE THE PURCHASE ORDER FOR TOWN HALL VOICE AND DATA CABLING WITH AT&T BY \$50,215 AND TO WAIVE THE BIDDING PROCEDURES SO THE SAME VENDOR IS UTILIZED"** seconded by Councilor Roberts.

RaeAnn Palmer, Assistant to the Town Manager, said that AT&T who was SNET at the time did the original cabling for data and phone for the ground floor and Library renovations. The Town now needs to do the cabling for the first and second floor. It is in the Town's best interest to have one vendor do all of the work. If something happens with cabling, the Town doesn't want the vendors pointing fingers at one another. The funding is in the technology portion of the construction budget to cover the cost of this.

Councilor Hemmann asked if there was a change in the budgeted amount of this item. She asked if the Committee was keeping track of what is being put where.

Joe Coombs, Chairperson of the Town Hall/Library Building Committee, said there is no cost change at the moment. After this expenditure there will be about \$183,000 left in the technology budget for the rest of the work. This is part of the ongoing correction of the wiring for the whole building.

Councilor Cascio asked if the Committee is keeping a record of where these lines are going.

Joe Coombs said yes, absolutely the "As Built Plan" is on a CD. He said that windows are continuing to go in. The second floor ceiling is going in today. There was a setback with the second floor for the condensate piping on the Town Hall side. The whole thing is being replaced. It is causing a couple of days delay but it is the right thing to do.

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

Councilor Roberts moved **"TO AUTHORIZE THE TRANSFER OF \$2,500 FROM CONTINGENCY TO THE FINANCE DEPARTMENT PAYROLL ACCOUNT 116-50001"** seconded by Councilor Walsh.

RaeAnn Palmer, Assistant to the Town Manager, said that this transfer is requested to cover an increase of 5 hours a week for the Financial Analyst to help in the conversion of the financial system chart of accounts. It is important that the work be done prior to July 1st. The Town will go off the old system entirely then. The July 1st date is the cutoff for the Board of Education to switch its payroll over to Munis.

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

Councilor Forrest moved **"TO AUTHORIZE THE TRANSFER OF \$5,000 FROM CONTINGENCY TO THE PHYSICAL SERVICES LANDSCAPING ACCOUNT 1457551-53330"** seconded by Councilor Console.

RaeAnn Palmer, Assistant to the Town Manager, said that this request is half of the cost of the planters that the Wethersfield Beautification Trust has requested to be placed along the Silas Deane Highway. They are similar to the ones placed along Main Street last year. This year the item was not budgeted. The Wethersfield Beautification Trust has agreed to pay half and asked the Town to pay the other half. The Trust would also assist with putting them in.

Councilor Forrest gave a heartfelt thank you to the Beautification Trust for its work. This is a fantastic program that will go along way.

Council Console said that on the agenda attachment labeled B.3.D., the Contingency balance is \$198,000 and should be less the \$2,500 because of the previous motion.

RaeAnn Palmer, Assistant to the Town Manager, said that she doesn't subtract it from the total when preparing the agenda attachments because the Town Council has not acted on it. Because the Town Council has approved the motion the new contingency balance is \$195,500 now.

All Councilors present voted AYE. Chairperson Adil abstained. The motion passed 7-0-1.

Councilor Forrest moved **"TO AUTHORIZE THE TRANSFER OF \$10,000 FROM THE SOCIAL AND YOUTH SERVICES PAYROLL ACCOUNT TO THE CNEF FUND 4100"** seconded by Councilor Roberts.

RaeAnn Palmer, Assistant to the Town Manager, said that Social and Youth Services had a vacancy at the beginning of the year when the Youth Services Counselor left. It resulted in a \$10,000 savings. The van that the Department uses for youth programs needs to be replaced, the Town is requesting a transfer of funds into a reserve account with the hope that the Town will fund a van in 2009-2010 fiscal year.

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

Deputy Mayor Montinieri moved **"TO AUTHORIZE THE TRANSFER OF \$14,500 FROM CONTINGENCY TO THE BUILDING SERVICES EVICTIONS ACCOUNT 1454542-52220"** seconded by Councilor Walsh.

RaeAnn Palmer, Assistant to the Town Manager, said that the escrow account for evictions has a negative balance. This transfer will cover the negative balance in the account. Essentially, anytime the Town has to store possessions that the Town moves because of evictions, the storage fees have been erroneously charged to that account. The Town will correct that and from this point forward the costs will be charged to Building Services Evictions Account. The Contingency Balance, if this is approved, will be \$175,550.

Chairperson Adil asked if this would ever go away. The Town Council should mention this State regulation to its legislators.

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

Councilor Roberts moved **"TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, TWO U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS, ASSISTANCE TO FIREFIGHTERS GRANTS; ONE FOR EQUIPMENT AND ONE FOR A NEW AERIAL TRUCK"** seconded by Councilor Hemmann.

RaeAnn Palmer, Assistant to the Town Manager, said that each year Homeland Security Firefighters' Grant solicits applications. Last year, the Town submitted very similar grants. The Town did not receive funding on either. She said that the Town has rewritten the grants, they were due last week. The largest truck grant awarded last year was for \$700,000 and the Town requested \$900,000. She suggests that the Town ask for \$500,000. If this request is not approved by Council, the Town can withdraw the applications.

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

**BID**

Councilor Walsh moved **"TO AWARD A CONTRACT TO WETHERSFIELD SWEEPING SERVICE FOR STREET SWEEPING AND CLEANING OF CATCH BASINS AND STORM SEWERS, AS NEEDED AT A COST OF \$26,560 PER STREET SWEEPING PASS AND \$34,390 PER STORM SEWER CLEANING PASS"** seconded by Councilor Cascio.

Councilor Adil asked why the Town is still street cleaning since it does not have so much sand on the roads.

RaeAnn Palmer, Assistant to the Town Manager, said that in the past the Town has done five or six passes and this year is only requesting one pass because the Town is no longer using much sand in the winter. The Town also has to clean the storm sewers. This is a local bidder who has provided the service to the Town in the past.

Councilor Forrest asked what the estimated cost from last year's budget was.

RaeAnn Palmer, Assistant to the Town Manager, said that it was about \$90,000 last year for street sweeping.

Councilor Cascio said that one of the positive things about using this ice and snow removal material is that it cut down the cost. The snow shelf grass is under observation and hopefully there won't be too much repair needed for that. With one savings, there is another situation that needs to be watched.

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

Councilor Walsh moved **"TO AWARD A CONTRACT TO DIME OIL FOR THE PURCHASE OF #2 FUEL OIL AND DIESEL OIL, AS NEEDED, UTILIZING THE FUNDS THAT ARE APPROPRIATED IN THE FISCAL YEAR 2008-09 GENERAL FUND BUDGET"** seconded by Councilor Hemmann.

RaeAnn Palmer, Assistant to the Town Manager, said that this is an annual bid through the Capital Region Council of Governments. There is a benefit of being a bigger pool of usage and getting a better price. Given the price of fuel oil, these numbers are below the market price. The Town needs to lock the prices in. This is a contract for the next fiscal year. The motion is contingent on the appropriation of next year's funds.

Deputy Mayor Montinieri said that the price of diesel fuel has a little more than doubled in the past year. Is there a provision in the bid specification if the cost was to drop?

RaeAnn Palmer, Assistant to the Town Manager, said that she is not sure. She will find out the answer.

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

Councilor Roberts moved **"TO AWARD THE BID FOR THE HIGHCREST SCHOOL ROOF REPLACEMENT TO SILKTOWN ROOFING IN THE AMOUNT OF \$74,970"** seconded by Councilor Cascio.

RaeAnn Palmer, Assistant to the Town Manager, said that the current year Capital Improvement Budget has an \$87,310 allocation for this expense for this part of the roof replacement. The main part of the roof replacement was done in 2005. The low bidder, Silktown Roofing did that work on the main portion of the roof. There is also some work around the three mansards that could possibly be done since the bid came in lower than budget.

Deputy Mayor Montinieri asked that Mr. Bushey explain the difference between the original work done and this work.

Frederick Bushey, Business Manager for the Board of Education, said that this is for the upper three sections of the pods of the building itself. These were not included in the original roof project. Part of the mansard was done back in the original project. There is some still left to be done. With this money left, the Board of Education is soliciting some prices from Silktown for that work. The mansard is the shingled roofing along the roof when looking street level.

Deputy Mayor Montinieri asked if this extra money would cover the cost of the all of the rest of the work.

Frederick Bushey said that he was not sure. The Board of Education would like to complete all of that work.

Deputy Mayor Montinieri asked if the replacement was cosmetic or were there leaks.

Frederick Bushey said that right now it is cosmetic. It doesn't mean that it won't cause leaks in the future.

Councilor Roberts asked if the orange banding will be completed around the building.

Frederick Bushey said that it would not. It is not part of the reconstruction of the roofing. The orange banding is what ties the mansard roof into the upper part of the roof. It is just sheet metal. It is a water runoff.

Chairperson Adil asked if it could be painted.

Frederick Bushey said that it was a possibility. It is not part of the scope of this project.

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

Deputy Mayor Montinieri moved **"TO AWARD A CONTRACT FOR THE PURCHASE OF A LEAF VACUUM TO THE ODB COMPANY FOR THE AMOUNT OF \$23,310"** seconded by Councilor Roberts.

RaeAnn Palmer, Assistant to the Town Manager, said that as Town staff was putting the budget together, it discovered that there was a reserve in the revaluation fund. The Town Manager decided to use some of that money to purchase some equipment that was requested in this coming year's budget. One item was a leaf vacuum. This is a bid waiver because the Town needs a very specific piece of equipment that will work with the existing boxes that the Town has. ODB is the only manufacturer that makes one that is interchangeable with the leaf boxes. This is safer for staff to use.

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

## **ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION**

Article XXI, Code of Ethics and Board of Ethics is hereby replaced with:

### § 10-64. Policies.

The proper operation of democratic government requires that public officers and employees be independent, impartial and responsible to the people of Wethersfield; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal or private gain; that the public have confidence in the integrity of government; that public officials carry out their duties to the best of their abilities and with high moral and ethical standards, regardless of personal considerations, and that their conduct should at all times avoid conflict between public and private interests and responsibilities. In recognition of these goals, a Code of Ethics is hereby established for governed persons of the Town of Wethersfield, as are hereinafter defined. The purpose of this code is to establish ethical standards of conduct by setting forth those actions that are in conflict with the best interest of the Town and by directing disclosure of any financial or personal beneficial interest in matters affecting the Town.

### § 10-65. Governed Persons.

The Code of Ethics of the Town of Wethersfield shall govern the Town Council and all other elected officials, the Library Board, all other Town employees, also all persons appointed to Boards, Commissions or Advisory Committees by the Board of Education, the Town Council, the Mayor, the Superintendent of Schools or the Town Manager, Hereinafter referred to collectively as Governed Persons.

### § 10-66. Special treatment.

No Governed Person shall grant or accept any special consideration, treatment, favor or advantage beyond that which is generally available to all residents and/or taxpayers of the town, provided, however, nothing in this Code shall prohibit a Governed Person from accepting free admission to any dinner, dinner dance, concert, play, sporting or other

similar event sponsored by the Town, the Board of Education, any Town board or commission or by any recognized volunteer or charitable organization in the Town of Wethersfield.

§ 10-67. Political activities.

No Governed Person shall promise an appointment or the use of his influence to obtain an appointment to any municipal position as a reward for any political activity.

§ 10-68. Conflicts of interest.

- A. No Governed Person shall act or vote as a result of having accepted from any person or his representative anything of value whatsoever or the promise of any future reward. Whenever any person appears before any board or commission who has actively participated in appointing or recommending any member of said board or commission and such member is aware of such participation, such member must:
1. Disclose such participation for the purpose of the record of such board or commission;
  2. Then make a decision as to whether or not he or she can sit impartially and so state for the purpose of the record.
- B. No Governed Person shall accept or solicit anything of value exceeding \$50, whether in the form of a gift or promise of a gift, from any person, firm or corporation which to his knowledge is involved in business dealings with the town. For purposes of this section, a gift shall not include certificates, plaques, and ceremonial gifts and/or awards.
- C. No Governed Person who has a financial or personal beneficial interest in any transaction or contract with the Town or in the sale of real estate, material, supplies or services to the Town on which he may be called to act upon in his official capacity shall vote upon or otherwise participate in the transaction or contract.
- D. Whenever a Governed Person makes public comments at a meeting of the Board of Education, the Town Council or any other board, commission or agency other than the one with which he or she is affiliated, the Governed Person shall clearly identify whether he or she is speaking as an individual citizen or in an official capacity for the unit of government with which he or she is affiliated.

§ 10-69. Requests for advisory opinions.

Any Governed Person who questions the applicability of this Code to his or her pending or potential act, vote, bid, discussion, receipt of anything of value, exceeding \$50, and the like may request an opinion from the Board of Ethics. The request shall be submitted in the form required by the Board's Rules of Practice. Such Governed Person shall be given a prompt opportunity to explain his or her position and interpretation of the Code of Ethics before the Board of Ethics. Opinions of the Board of Ethics shall be advisory. This code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or Charter provision.

§ 10-70. Sanctions; penalties for offenses.

Violations of any provisions of this code should raise conscientious questions for the Governed Person concerned as to whether voluntary resignation or other action is indicated to promote the best interest of the town. Violation may, upon determination by the Council, constitute a cause for censure, suspension, removal from office or other appropriate legal proceedings.

§ 10-71. Creation of Board; membership; terms.

There is hereby created a Board of Ethics which shall be charged with the administration of the Code of Ethics. The Board of Ethics shall be composed of five (5) resident electors and three (3) alternates, to be appointed by the Council. Of the five (5) regular members no more than two (2) shall be of the same political party, and of the three (3) alternates, no more than one (1) shall be of the same political party, provided that the members of the Board with designated major party membership shall be recommended for appointment by their party in accordance with the

normal selection process of such party. Of the five (5) members initially appointed, three (3) shall be appointed for terms of three (3) years and two (2) for terms of two (2) years. Of the three (3) alternates initially appointed, two (2) shall be appointed for terms of three (3) years and one (1) for a term of two (2) years. All subsequent appointments to the Board shall be for terms of three (3) years. Any regular member having served for six (6) consecutive years shall be ineligible for reappointment to the Board. For individuals filling a vacancy, consecutive years of service will commence with the next appointment period.

§ 10-72. Rules of Practice.

The Board shall adopt Rules of Practice which it deems necessary to carry out the intent of this Article, and the same and any amendments thereto shall be filed in the office of the Town Clerk and available for public inspection.

§ 10-73. Complaint procedure.

- A. The Board shall receive complaints from any person of any alleged violation of the Code of Ethics. Complaints shall be filed with the Town Clerk in accordance with the Board's Rules of Practice. Any complaint received by the Board must be in writing and signed by the individual making said complaint. Upon receiving a complaint of an alleged violation of the code, the Board shall, within seven (7) Town working days, notify, in writing, the person about whom said complaint has been filed, advising the concerned party of the specific nature of the complaint made and being investigated by the Board and enclosing therewith a copy of the complaint. Upon receipt of said notice, the party so notified shall have the right to file a response within ten (10) days and may, within said time period, demand a hearing by the Board. If a hearing is so requested, it shall be convened within twenty (20) days after such request. If no request for a hearing is made, the Board, by a vote of at least three (3) members, shall determine within thirty (30) days after the mailing of the notice of such complaint whether a hearing is required.
- B. In the event that a hearing is held, the person or persons against whom such complaint is filed and the person or persons who filed the complaint shall be notified, in writing, of the date, time and place of the hearing. In such hearing, the person or persons against whom such complaint is filed and the person or persons who filed the complaint shall have the right to counsel, to confrontation of all witnesses, to cross-examination and to present evidence on their own behalf. No hearing may be conducted with less than five (5) members in attendance. The complainant must appear at the hearing or the complaint will be dismissed. There can be a one (1) time request for a delay of a hearing date, as long as it is requested 48 hours before the hearing date.
- C. All notices to the person or persons about whom such complaint was made shall be mailed by certified mail.
- D. In the event that a hearing is held, the Board shall render a decision within ten (10) days of the final day of said hearing. In the event that no hearing is held, the Board shall render a decision within thirty (30) days of the receipt of the complaint.

§ 10-74. Reports to Council.

The Board shall report its findings to the Council as to any violations of the Code of Ethics, together with recommendations as to disposition to be made. The Council shall consider such findings and shall determine within thirty (30) days, what disposition shall be made and shall notify the Board and all interested parties.

ORDINANCE REINSTITUTING SECTIONS 149-17 AND 149-18 OF THE CODE OF THE TOWN OF  
WETHERSFIELD Enabled by Public Law 110-142, passed by the Congress of the United States on December 20,  
2007

§ 149-17. Tax abatement for volunteer firefighters

- A. The property taxes of each volunteer firefighter of the Wethersfield Volunteer Fire Department who earns a "good year of service" under the terms and requirements of the Town of Wethersfield Volunteer Firefighter's Pension Plan in the preceding recorded year shall have any real and/or motor vehicle taxes owed to the Town of Wethersfield by such firefighter abated or they may elect a payment in cash in an amount up to but not to exceed

\$1,000 per fiscal year for either option. If the election is to have real and/or motor vehicle taxes abated then any remaining amounts up to the \$1,000 limit may be paid in cash to the firefighter. The cash payment may be subject to IRS and Federal wage laws and will be taxed as appropriate if paid in cash.

- B. On or before April 30th prior to each fiscal year, the Chief of the Wethersfield Volunteer Fire Department shall present to the Tax Assessor, a written, certified statement, which statement shall include the name and address of said firefighter, and shall certify that said firefighter has earned a "good year of service" under the terms and requirements of the Town of Wethersfield Volunteer Firefighters Pension Plan for the preceding recorded year.
- C. Years of service shall not be deemed to have been interrupted by department medical leave, by active military service with the United States, or by injury resulting from participation in authorized fire-fighting activities. When a person has served as a volunteer firefighter, left such service, and then returned to volunteer fire-fighting duty, the person shall not be eligible for the tax abatement until after he or she has completed one "good year of service" under the terms and requirements of the Town of Wethersfield Volunteer Firefighters Pension Plan for the preceding recorded year.
- D. The tax abatement under this section shall be applied against any real property taxes owing to the Town of Wethersfield. However, if a volunteer firefighter does not owe any real property taxes, or if any balance of the \$1,000 abatement remains after application to any real property taxes, then the abatement or balance thereof shall be applied against any motor vehicle taxes owing to the Town of Wethersfield and/or may elect a payment in cash in an amount up to but not to exceed \$1,000 per fiscal year for either option.
- E. The Tax Collector and Assessor of the Town of Wethersfield shall maintain a record of all taxes abated in accordance with this section.
- F. The tax abatement under this section shall be applicable for any real property or motor vehicle of a volunteer firefighter eligible for such abatement whether such property is owned individually, jointly, or as tenant in common with one or more other persons.
- G. Any volunteer firefighter who reaches age 62 and has earned a minimum of twenty "good years of service" as an active volunteer firefighter and who retires in good standing from active service in the Wethersfield Volunteer Fire Department shall continue to receive an abatement of up to \$1,000 per annum so long as they continue to reside and own property in the Town of Wethersfield.
- H. This section shall take effect and shall be applicable to taxes owing beginning with taxes on the Grand List of October 1, 2008.

§ 149-18. Tax abatement for volunteer ambulance personnel.

- A. The property taxes of each volunteer member of the Wethersfield Volunteer Ambulance Association who is a resident Wethersfield and who volunteers his or her services as an emergency medical technician, paramedic or ambulance driver with the Town of Wethersfield and who earns a "good year" under the terms and requirements of the Wethersfield Volunteer Ambulance Association's Good Year Program in the preceding recorded year shall have any real and/or motor vehicle taxes owed to the Town of Wethersfield by such volunteer abated or they may elect a payment in cash in an amount up to but not to exceed \$1,000 per fiscal year for either option. If the election is to have real and/or motor vehicle taxes abated then any remaining amounts up to the \$1,000 limit may be paid in cash to the volunteer. The cash payment may be subject to IRS and Federal wage laws and will be taxed as appropriate if paid in cash.
- B. In order to obtain a "good year" under the terms and requirements of the Wethersfield Volunteer Ambulance Association's Good Year Program, a volunteer member must volunteer an average of 36 hours per month and a minimum of 432 hours per year; must attend 75% of monthly training and/or meetings; and must remain current with all requirements so as to uphold his or her certification with the State of Connecticut

ARTICLE XV Citizens Energy Conservation Advisory Committee of the Code of Wethersfield is hereby replaced with:

§ 10-35. Creation; duties. There is hereby created a Citizens Energy Conservation Advisory Committee to study and

make recommendations to the Town Council concerning matters of energy, conservation, and other matters as the Town Manager or Town Council shall direct. § 10-36. Membership; terms; vacancies. The Citizens Energy Conservation Advisory Committee shall consist of seven members appointed by the Town Manager. Of the seven members initially appointed, three shall be for terms of three years, two shall be for terms of two years and two shall be for terms of one year. All subsequent appointments shall be for terms of three years commencing on the first day of July. Any vacancy in a membership of the Committee shall be filled by the Town Manager for the unexpired term of such member.

## ORDINANCE CREATING AN ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD

WHEREAS, The Town of Wethersfield would like to convene a study to see if an Energy Improvement District would be feasible in Wethersfield and if it would increase the efficiency and reliability of energy sources; and

WHEREAS, The Town of Wethersfield would like to further the interests of commerce and industry within such District; and

BE IT ORDAINED by the Town Council of the Town of Wethersfield that the following Section of the Code of the Town of Wethersfield, Connecticut under Chapter 13 Sections 1 -6 "Energy Improvement District and Energy Improvement District Board" shall be adopted as follows:

### WETHERSFIELD ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD.

#### Sec. 13.1 Purpose and Intent.

In accordance with Public Act 07-242, the Town of Wethersfield hereby establishes the Wethersfield Energy Improvement District, within the area defined as the municipal boundaries of the Town of Wethersfield, to be created and operated according to the procedures set forth in Public Act 07-242.

Public Act 07-242 provides municipalities with the authority to establish Energy Improvement District(s) through the formation of a municipal board and the development of a comprehensive plan. An Energy Improvement District allows energy users to aggregate electric and thermal loads on a voluntary basis.

The purpose of this Ordinance is to promote the planning, development, funding, acquisition, purchase, construction, reconstruction, improvement, extension, or operation of one or more energy improvement districts with a view to increase efficiency, reliability, and the furtherance of commerce and industry in the energy improvement district. It is further to coordinate district activities with regard to such resources with relevant state, regional, and federal agencies. Participation in the Energy Improvement District is on a voluntary basis and participation can be rescinded by a District member at any time.

#### Sec. 13.2 Definitions.

In the interpretation hereof, the following words and terms shall be taken to include the following meanings when context shall require or permit:

- a. The term "Board" shall mean the Energy Improvement District Board created by this ordinance and as more particularly set forth in Connecticut Public Act 07-242;
- b. The term "District" shall mean the Energy Improvement District which shall be a zone within the Town of Wethersfield that shall be created by the Energy Improvement Board and approved by the Town Council.
- c. The term "Energy Improvement District Distributed Resources" shall mean one or more of the following:
  - i. Customer-side distributed resources, as defined in Section 16-1 of the Connecticut General Statutes;
  - ii. Grid-side distributed resources, as defined in said Section 16-1;

- iii. Combined heat and power systems, as defined in said Section 16-1;
- iv. Class III renewable energy sources, as defined in Section 16-1 and:
  - v. Microgrids, as defined in (h) below.
- d. The term "Connecticut General Statutes" shall mean the revision of 1958, as revised and amended;
- e. The term "Ex Officio" shall mean non-voting member;
- f. The term "State Agency" shall mean the State of Connecticut, any department of, or corporation, agency, or instrumentality thereof, or hereafter created, designated, or established by the State of Connecticut;
- g. The term "Federal Agency" shall mean the United States of America, and any department of or corporation, agency, or instrumentality thereof or hereafter created, designated or established by the United States of America.
- h. The term "Microgrid" shall mean small, locally controlled electric systems interconnected with electric distribution company facilities;
- i. The term "Project" shall mean the acquisition, purchase, construction, reconstruction, improvement or extension of one or more energy improvement district distributed resources.

#### Sec. 13.3 Board.

The Board of the District shall consist of five (5) voting members. The voting members shall be electors or representatives of businesses located in the district, who shall be nominated by the Mayor and approved by the Town Council for a one (1) year term. The terms of the five (5) designated members shall expire on June 30, 2009. Any vacancy shall be filled in the same manner as the original appointment. The Mayor shall be an ex-officio member of the Board. The Board members shall serve without compensation, except for reasonable and necessary expenses.

#### Sec. 13.4 Powers and Duties of the Board.

- a. The Energy Improvement District and Energy Improvement District Board shall have all the powers and duties conferred or imposed on it by the Connecticut General Statutes. Additionally the Board shall issue an Annual Report of its yearly activities and financial statements.
- b. Pursuant to Section 28 of Public Act 07-242 and in consideration of the tax consequences, any project acquired and/or constructed by the Board shall be acquired and/or constructed subject to the approval of the Town Council of Wethersfield.

#### Sec. 13.5 Bonding.

The Board in addition to the powers set forth in Sec. 13.4 above shall have the power to issue and secure bonds as more particularly set forth in Public Act 07-242. Any bonds proposed to be issued by the Energy Improvement District Board are subject to the approval of the Town Council. Unless the bonds are guaranteed pursuant to the procedures set forth in Section 33 of Public Act 07-242, such bonds will be the obligation of the Board and not the Town of Wethersfield.

#### Sec. 13.6 District Properties.

The properties included in the District shall be bounded by the municipal boundaries of the Town of Wethersfield.

#### Sec. 13.7 Regulations by the Board.

The Board may make and enforce any reasonable regulation which it may determine to be necessary relating to the facilities owned or leased by any individual or corporation, limited liability company, partnership, etc. within the District consistent with the laws of the State of Connecticut and the Charter and the Code of the Town of Wethersfield.

## FAIR HOUSING RESOLUTION

WHEREAS, All American citizens are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

WHEREAS, State and Federal Fair Housing laws require that all individuals, regardless of race, color, religion, sex, national origin, ancestry, marital or civil union status, age, mental or physical disabilities, lawful source of income, sexual orientation, familial status, be given equal access to make free choices regarding housing opportunities, and be allowed to make free choices regarding housing location; and

WHEREAS, the Town of Wethersfield is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOLVED, that the Town of Wethersfield hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase and obtain financing for adequate housing of their choice on a non-discriminatory basis; and

BE IT FURTHER RESOLVED, that the Town Manager of the Town of Wethersfield or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of illegal discriminatory housing practices in the Town of Wethersfield.

## MINUTES

Councilor Forrest moved **"TO APPROVE THE SPECIAL MEETING MINUTES OF MARCH 17, 2008"** seconded by Councilor Walsh.

Deputy Mayor Montinieri said that he did not receive any minutes in his Council packet.

All Councilors present, including the Chairperson voted AYE. Deputy Mayor Montinieri abstained. The motion passed 7-0-1.

Councilor Forrest moved **"TO APPROVE THE REGULAR MEETING MINUTES OF MARCH 17, 2008"** seconded by Councilor Roberts.

All Councilors present, including the Chairperson voted AYE. Deputy Mayor Montinieri abstained. The motion passed 7-0-1.

Councilor Roberts moved **"TO APPROVE THE SPECIAL MEETING MINUTES OF MARCH 19, 2008"** seconded by Councilor Cascio.

Councilor Console said that on the second page where it says questions from Council members were answered by Mr. Kohlhagen, there were very specific questions that were asked that should be included in the minutes.

Chairperson Adil suggested that the minutes be tabled so that more detail could be added.

Councilor Console moved **"TO TABLE THE MINUTES OF MARCH 19, 2008"** seconded by Councilor Cascio.

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

## ADJOURNMENT

At 8:50 p.m., Councilor Hemmann moved **"TO ADJOURN THE MEETING"** seconded by Councilor Console.

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

Dolores G. Sassano  
Town Clerk

*APPROVED BY VOTE OF COUNCIL MAY 5, 2008*