

## **MAY 2, 2005 REGULAR MEETING**

The Wethersfield Town Council held a meeting on May 2, 2005 at 7:00 p.m. in the Council Chambers of the Town Hall.

Present: Councilors Adil, Czernicki, Forrest, Fortunato, Hemmann, Montinieri, Deputy Mayor Karangekis and Chairperson Morin.

Absent: Councilor Cascio.

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 Morin announced that there will be an executive session following the regular meeting to discuss pending litigation and real estate negotiations.

### Presentation from UNICO - Memorial Day Parade

Chairperson Morin introduced Mr. Michael Fortunato, President of the Wethersfield Chapter of UNICO National. Mr. Fortunato explained that UNICO, which means unique and one of a kind, in Italian, is a service organization that grants scholarships to over 10 college-bound students each year and funds various programs for the Town's youth and elderly. He stated that UNICO has supported Wethersfield's Memorial Day Parade for the past twenty years through the purchase of a wreath placed in memory of the Town's Veterans. Mr. Fortunato pointed out that approximately 10% of Wethersfield's Chapter of UNICO is Veterans and on behalf of the members of the Chapter, Mr. Fortunato presented a donation in the amount of \$300 for the Memorial Day Parade.

Chairperson Morin, on behalf of the Council and residents of Wethersfield, thanked Mr. Fortunato and the members of UNICO and all the members of the community who have made donations to Wethersfield's great parade.

### Salute to Seniors Proclamation and Program

Chairperson Morin read a Proclamation declaring the week of May 9, 2005 Salute to Seniors Week. Silas Deane Middle School Parent/School Liaison Maryanne Shinn introduced the winners of the school's 7th Grade Essay Contest Winners who each read their essays about a Special Senior. Shane Bromberg read about Michael Kay, his Hebrew teacher; Abigail Corning read about E. Leslie Coursey, her second grade teacher; Lindsey Gilbert read about JoAnn Gilbert, her Grandmother; Matthew Burke read about Eleanor Radzuniao, his Grandmother; and Elizabeth Figueroa read about Rick Tomford, her special friend.

### Economic Development Monthly Report

Town Planner Peter Gillespie gave a presentation of the April, 2005 Economic Development Report. The report included the following changes for April:

- Paula Larsen, Main Street Creamery, 271 Main Street, ribbon cutting held on April 12
- Bob's Fruit Stand, 1825 Berlin Turnpike new facility
- Mercury Fuel Service, Inc., 151 Silas Deane Highway - grand opening to be scheduled
- Hallmark's Homemade Ice Cream Shoppe, 217 Main Street - certificate of occupancy issued
- Yellow Book, 912 Silas Deane Highway - office renovation to accommodate new office tenant
- Valero Gasoline, 930 Silas Deane Highway - new gasoline station
- Kainan Restaurant, 1030 Silas Deane Highway - new Philippine restaurant
- Junior's Pizza, 804 Silas Deane Highway - approved to convert to a pizza restaurant
- Lasik Plus Vision Center, 1206 Silas Deane Highway - opening in early May

- Beazley Realty, 1202 Silas Deane Highway - opening soon
- Storm Tech, 20-30 Beaver Road - interior renovation for new tenant
- Age Restricted Housing, Folly Brook Boulevard - PZC public hearing May 3
- Church Homes, Ridge Road - zone change application to be filed
- Proposed Dunkin Donuts, 416 Silas Deane Highway - preliminary review
- Proposed Tim Horton's Restaurant, 486 Silas Deane Highway - preliminary review
- Comstock Ferre, 253 Main Street - permit process to convert office space into a coffee shop
- Bed & Breakfast Establishment, Old Wethersfield - inquiry to open

Mr. Gillespie said that the Silas Deane Highway Revitalization Committee is very close to selecting a landscape architect firm. He said that the Town Manager has signed the Assistance Agreement with the State of Connecticut for the \$500,000 STEAP Grant. Mr. Gillespie reported that the quarterly real estate breakfast was well attended on March 31 and good feedback on issues was received from the real estate community. Mr. Gillespie announced that the Chamber of Commerce will be hosting the annual State of the Town address on May 5 at the Wethersfield Country Club and their annual meeting will take place on May 18 at that same location. Mr. Gillespie announced that he has applied for two grants for \$3,000 each on behalf of the Tourism Commission through the State's Tourism Partnership Grant and results should be known in approximately two weeks. He said that the Tourism Committee placed an ad promoting Historic Wethersfield in the May edition of Connecticut Magazine and additional ads will appear in June and July. He announced that the Tourism Commission will be hosting an event on May 25 to familiarize the region's meeting planners with Historic Wethersfield. Mr. Gillespie said that he has been interviewing for the Assistant Planner position and the selection has been narrowed down to three qualified individuals and a decision is expected this week. Mr. Gillespie announced that 1290 Silas Deane Highway (Goff Brook Shops) was recently spotlighted as the property of the week in the Hartford Business Journal.

Councilor Adil asked Mr. Gillespie to explain why Channel 3 may have chosen to work with Rocky Hill over Wethersfield. Mr. Gillespie said that he doesn't know why they chose Rocky Hill other than that the sites offered by Wethersfield did not meet their needs.

Councilor Czernicki asked if the proposed new Dunkin Donuts will be the third one on the Silas Deane Highway and Mr. Gillespie said that this is true. Councilor Czernicki asked Mr. Gillespie what sites Wethersfield offered to Channel 3. Mr. Gillespie said that Putnam Park was offered and Channel 3 did not want a location on I-91. He said that the Northeast Utilities complex was mentioned although it will not be available for another two years, as well as a couple of locations on the Silas Deane Highway which are much smaller than what they need.

Councilor Montinieri moved "**TO REMOVE ITEM B.2.a FROM THE TABLE**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Czernicki moved "**TO ADD AN APPOINTMENT CHANGE TO THE AGENDA**", seconded by Councilor Hemmann. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

## PUBLIC COMMENTS

## HEARING

### Resolution Concerning the Establishment of a Permanent Inflow and Infiltration Study Commission

Donna Murphy, 215 Elm Street, spoke in support of the proposed Commission stating that Town officials have known for the past fifty years that there is a problem. She said that a band-aid solution has been given rather than a permanent one; therefore the problem still exists. Ms. Murphy said that a permanent Commission to study the issue, determine the problem sources, and create solutions is required. She urged the Council to vote in favor of the proposed Commission.

Mary Dobruck, 689 Folly Brook Boulevard, spoke in favor of the proposed Commission stating that the Town needs a concentrated body with no political ties or agenda, which will focus only on the condition of the sewers and storm drains in Town. Ms. Dobruck discussed previous studies on the Folly Brook trunk line as well as others in Wethersfield. She said that for the past three months her family has pushed to uncover various storm drain issues

throughout Town and, other than the rotting of Eagle Drive due to a root mass, there has been no change in the conditions. Ms. Dobruck said that the Town needs to show a good faith effort in determining the extent of the problem and developing solutions, so that the EPA will hopefully look favorably on these efforts in order to avoid bringing suit against violations. Ms. Dobruck spoke of the possible problems involved with the proposed ordinance regarding the disconnection of storm leaders and sump pumps from the sewer system and connection to the storm system, since some streets do not have a storm system in place. She said that the new Commission needs to make sure that sewer and storm infrastructure is sound, all non-compliant connections are re-routed to a storm system that is sound, infiltration areas are repaired and replaced as required, and any additional building development on any trunk line is able to be supported by the infrastructure in place. Ms. Dobruck urged the Council to approve the proposed Commission and she and her husband Dennis thanked Councilor Czernicki, Councilor Hemmann, and Councilor Cascio for putting the resolution forward.

Rocco Orsini, 95 Broad Street, spoke on behalf of the Wethersfield Taxpayers Association who support the proposed resolution, especially since it targets Wethersfield specifically and will be a part of the big sewage picture. Mr. Orsini said that sewage issues impact Wethersfield's reputation, economic development, and its citizens' quality of life and health.

Sally Nyren, 109 Church Street, stated that she is the Manager of Environment Health and Safety for the MDC. She said that the MDC is responsible for minimizing infiltration into sewer pipes in Wethersfield and provided an overview of the sanitary sewer and storm sewer systems, stating that Wethersfield's systems are separated. Ms. Nyren stated that the inflow to the Folly Brook interceptor impacts the amount of diluted sewage going to the Wethersfield Cove. She said that she understands that the removal of homeowners' portion of the inflow is not easy; however the consequences of the inflow are sewage into residents' homes and into area water bodies, which are both unacceptable. Ms. Nyren said that the sewage problem is significant and urged the Council to take immediate action. She said that the MDC has stated that they will support and assist the Town in their efforts as well as assisting the Town Managers of both Wethersfield and Rocky Hill as the program moves forward.

John Miller, 45 Highland Street, spoke of his concerns regarding the wording in the proposed resolution, and its practicality. He asked if the Town is willing to commit to provide the resources necessary for the accomplishment of the goals of the committee. Mr. Miller stated that it appears that approval of the resolution indicates that the Town will finance the actions necessary. He said that anything the proposed committee could accomplish would have to come from information supplied by the MDC who is already trying to accomplish the same goals that the committee would have.

Marty Courneen, MDC Commissioner, stated that the MDC needs all the help they can get and that the proposed commission is very worthwhile. He urged the Council to vote in favor of the resolution.

George A. Ruhe, 956 Cloverdale Circle, commented on Mrs. Dobruck's great knowledge of the issue and encouraged the Council to give the proposed resolution very careful consideration.

Leigh Standish, 278 Hartford Avenue, stated that he's not sure that the inflow and infiltration issue is necessarily Wethersfield's problem. He said that Wethersfield has a role to play; however he is not sure that a commission is the right answer. Mr. Standish stated that the first component of the MDC's proposed Long-term Control Plan is inflow and infiltration in various towns including Wethersfield. Mr. Standish said that the inflow issue can be partially addressed in Wethersfield through an ordinance to enforce disconnects and the infiltration issue is the MDC's problem.

No one else wished to speak and the Chairperson declared the Hearing segment closed.

#### GENERAL COMMENTS

Paul Courchaine, 481 Main Street, made comments relating to the explanatory text of the May referendum questions. Mr. Courchaine stated that he is not in favor of a referendum that prohibits any lights anywhere forever for whatever reason. He said that he is also not in favor of a referendum that allows the Town Council to ignore the rules of the Town Planning & Zoning Commission and Zoning Board of Appeals for whatever reason at any time. Mr. Courchaine said that the issue is confusing and the explanatory text just confuses it more as it only reiterates what is already stated

in the referendum and; therefore should not be included. He said that the explanatory text implies support for what the referendum is trying to accomplish.

Wesley Sargent, 39 Randy Lane, asked the Council to include funding in the 2005-2006 for the dredging of Griswold Pond since the pond is currently filling in where Goff Brook empties into it. He said that the pond was drenched in 1981 and is now in dire need of being dredged at an approximate cost of \$40,000. Mr. Sargent said that if the pond is not dredged now, the sediment will proceed to the lower half of the pond, which will result in more expensive dredging in the future. He suggested that the materials coming from the pond be used as fill on the fields at Mill Woods Park. Adora Litwinas, 31 Butler Street, spoke on transportation for the elderly and persons with disabilities and House Bill 6338 that was successfully passed. Ms. Litwinas said that appropriate State funding has not been allowed for senior citizen and disabled transportation and she spoke of the necessity of transportation for these people. She urged the Council to keep Dial-A-Ride in Wethersfield and to push for the \$5 million allocation promised for elderly and disabled transportation by the State legislature in 1999. Mrs. Litwinas said that there are numbers of people willing to sign a petition to keep Dial-A-Ride in Wethersfield. Chairperson Morin suggested that Mrs. Litwinas speak to the Town Manager to provide further information on this issue to the Council.

Larry Spellacy, 215 Pine Lane, thanked the Council and other various organizations in Town for their support of the Memorial Day Parade. Mr. Spellacy announced an alternative parade route for this year due to the current construction on Church Street. Mr. Spellacy provided the Council with an update on the "Wethersfield, We Care" program stating that requested items and monetary donations have been collected, as well as letters written to service men and women by Wethersfield school children. Mr. Spellacy said that a tremendous number of Wethersfield's young residents assisted in the effort to inventory and package the donated items. He said that of the \$4,493 monetary donations accepted, \$3,000 was used for packaging supplies and the remaining \$1,493 will be used to provide welcome home packages to Wethersfield's service men and women.

Leigh Standish, 278 Hartford Avenue, spoke in reference to the explanatory text for referendum question #2 and its reference to the enabling Legislative Statute stating that he believes this to be a biased inclusion on the part of the Town, which could be construed by the electorate as an implied endorsement by the State Legislature. Mr. Standish said that this sentence is totally unnecessary to the understanding of the issue and he does not recall any other past referendum having in the text of the referendum stress that this is a legal action. He said that including the Statute is a totally inappropriate action and he believes that the Town Attorney is wrong to advise the Council to approve the text.

George A. Ruhe, 956 Cloverdale Circle, commented on the explanatory text and comments made by the Town Attorney regarding the agreement the Town made with the Wethersfield Taxpayers Association. Mr. Ruhe said that since the explanatory text is lacking any language regarding grandfathering, the Wethersfield Taxpayers Association urges the Council to add the following language: "this ordinance will not have an impact on any currently existing lights on Town property". Mr. Ruhe commented on signs being put up in an unauthorized location in Mill Woods, which were removed after he spoke with the Town Manager. Mr. Ruhe read the Wethersfield Taxpayers Association's letter to Town Manager Bonnie Therrien regarding the situation.

Raul Rodriguez, 175 Beverly Road, commented on Wethersfield's per pupil expenditure drop in ranking from 17th in 1995-95 to 94th in 2002-2003. He said that the current Wethersfield Council has an outstanding list of major accomplishments for the school system, and their support will cause an increase in Wethersfield's current rank to make Wethersfield's school system competitive with surrounding Towns. Mr. Rodriguez noted other accomplishments for both the school system and the Town and he urged the Council to give notice in the 2005-2006 budget to the schools' need for updated textbooks. Mr. Rodriguez thanked the Council for their hard work in making Wethersfield a better place to live.

John Miller, 45 Highland Street, commented on the explanatory text of the upcoming referendum, stating that whoever wrote it did a good job. Robert Young, 20 Coppermill Road, read to the Council an e-mail he received from the Yankee Institute for Public Policy titled, "Tax Freedom Day Arrives, Finally". Mr. Young submitted the e-mail to the Town Manager for her to copy and provide copies to the Council members. He said that Wethersfield needs to have some type of restraint with regard to taxation.

No one else wished to speak and the Chairperson declared the General Comments segment closed.

## COUNCIL REPORTS & COMMENTS

Councilor Adil reported that a discussion with the Town's bond counsel was conducted at the last meeting of the EDIC regarding mechanisms available to create funding for a development agency. He said that Town Planner Peter Gillespie and Town Manager Bonnie Therrien will use the information to help the EDIC come up with a direction to be taken. Councilor Adil reported that the Parks & Recreation Advisory Committee met with Representative Paul Doyle who promised to pursue every State funding opportunity available for projects at Mill Woods. Councilor Adil announced that there will be an open house on June 11 at the Eleanor Buck Wolf Nature Center.

Councilor Fortunato reported that the Shared Services Committee met in early April and the Town Manager and Superintendent of Schools presented a working document, which condensed the information from the Fireside Chat. She said that the Committee structure has been restructured in order to provide for an information technology focus, continued facilities improvement, financial planning and management, and financial resources. Councilor Fortunato said that a follow-up "Fireside Chat" was discussed for a possible meeting date sometime in June. Councilor Fortunato said that she attended the Riverfront Recapture Board of Directors meeting and reported that many exciting activities are taking place on the river this summer. She announced that an open house will be held at the new Convention Center on June 5 and suggested that the Tourism Committee and EDIC take part in the event. Councilor Fortunato announced that the Riverfront South project will start in the spring of 2007 and will complete the three-mile walk on the riverfront area. Councilor Fortunato said that she represented the Mayor on May 21 at the Town's "Bring Your Kids To Work" day stating that the event is a wonderful opportunity for children to see what their parents do and the important jobs that exist for the community.

Councilor Montinieri reported that she attended the recent Senior Volunteer recognition ceremony at the Community Center and was previously unaware of how many seniors offer their services to the Town in so many ways. Councilor Montinieri said that she attended the fabulous Wethersfield High School instrumental spring concert and she acknowledged the dozens of businesses that support Wethersfield's young musicians as well as the parents. Councilor Montinieri announced that the Wethersfield Schools Parent Council Recognition Awards will be held on May 5 to honor volunteers and she read off the names of the six recipients.

Councilor Fortunato announced a number of community events.

Councilor Adil asked the Town Manager if she has a current balance on the Memorial Day Parade fund including tonight's UNICO donation. The Town Manager said that the amount is approximately \$1,000 and that the current escrow fund amount is for donations that have been carried over. Councilor Adil commented that both parties involved in a campaign issue need to be mindful of campaign law, especially as it pertains to signage.

Councilor Forrest announced the passing of Rabbi Felicia Schbau of the only Temple in Wethersfield. Councilor Forrest said that she was a friend of his and affected the lives of many people in Town and he requested a moment of silence to observe her passing. A moment of silence was observed by all present.

Chairperson Morin announced a number of community events and reported that he attended the recent Chamber of Commerce dance, which afforded him the opportunity to talk with a number of business people in Town to gather their opinions and suggestions. Chairperson Morin applauded the Village Improvement Association and others involved in the recent Arbor Day ceremony. He said that he also attended opening day of the Girls Softball program at Greenfield and he was impressed with the enthusiasm of the girls and the endless supply of adult volunteers, coaches, and sponsors. Chairperson Morin stated that he understands and agrees with Mr. Ruhe's comments regarding the flyers at Mill Woods and at the Firehouse being inappropriate; however this was not a Town-sanctioned action and he is happy that this has been brought to the attention of the Town Manager to take the appropriate action. Chairperson Morin said that it needs to be clearly stated that it is not appropriate to hang any such flyers at any school or Town buildings.

## COUNCIL ACTION

### Appointments to Boards and Commissions

Councilor Czernicki moved, **"TO APPOINT STEVEN CLARK FROM REGULAR MEMBER TO ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS FOR THE TERM 5-2-05 TO 6-30-06 AND TO APPOINT GINA P. DEANGELO FROM ALTERNATE MEMBER TO REGULAR MEMBER FOR THE TERM 5-2-05 TO 6-30-07"**, seconded by Councilor Hemmann. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Resolution Concerning the Establishment of a Permanent Inflow and Infiltration Study Commission

Councilor Czernicki moved, **"TO ESTABLISH A PERMANENT INFLOW AND INFILTRATION STUDY COMMISSION"**, seconded by Councilor Hemmann.

Councilor Hemmann spoke in support of the formation of a Commission that is devoted to looking at the inflow and infiltration problem in a more formal fashion. She said that this is an issue that is more widespread than just Wethersfield, but that this is a good example for Wethersfield to set.

Councilor Fortunato stated that she cannot speak to anything that has happened in the past, but since the issue has been brought to the present Council, a lot of activity and momentum has taken place. Councilor Fortunato questioned creating another committee and allocating both resources and staff for it. She suggested that perhaps an already existing committee, such as the Flood & Erosion Control Board, be charged with the mandate and given strict requirements for reporting back to the Council. Town Manager Bonnie Therrien said that this is the committee she would suggest for the task since their background and expertise lends itself to this issue. Councilor Fortunato asked for the makeup of the Flood & Erosion Committee in terms of skill and expertise and the Town Manager said that she is unaware of the profession of all of the members. The Town Manager said that there are currently two vacancies for alternates on the Flood & Erosion Control Board.

Councilor Adil commented that Councilor Fortunato makes some good points and that the Council has tried to reduce the number of Town committees in order to increase efficiency and reduce the amount of staff time required to follow up on issues. Councilor Adil stated that he believes there to be a number of professionals on the Flood & Erosion Control Board who would be well-suited for the discussion points and that the impact of following up with the MDC and Rocky Hill regarding the disconnect program cannot be minimized. Councilor Adil agreed with Mr. Miller's comments that some of the language of the resolution could lead the Town into legal peril. Councilor Adil said that he cannot agree that this committee needs to be established, since they could be handled by an already established group such as the Flood & Erosion Control Board as suggested by the Town Manager.

Councilor Czernicki stated that a permanent commission needs to be established which is very separate from the Flood & Erosion Control Board. She asked the Town Manager when the Flood & Erosion Control Board last met and was told that they haven't met for quite a while. Councilor Czernicki asked the Town Manager Bonnie Therrien to verify what the Board's last charge was, as she believes that it was to prioritize problems having to do with a bond that was set ten years ago. Town Manager Bonnie Therrien said that she believes this to be accurate. Councilor Czernicki said that, in order for the community to be well-served, a commission needs to be established that will have no ties to any other commission and will have a single focus and membership with detailed knowledge of the situation. Councilor Czernicki said that it is not acceptable for any family or business to deal with sewage in their home or business and the Town has the legal and moral responsibility not to allow this to occur. Councilor Czernicki stated that the commission should be formed and move forward, and although funding needs to be reviewed, the formation clearly demonstrates to the MDC and Wethersfield residents the importance placed by the Council on the issue especially as it relates to quality of life, public health, and economic development.

Councilor Montinieri asked how many homes in Wethersfield are affected by the sewage problem. Town Manager Bonnie Therrien said that there have been ten homes consistently affected. Councilor Montinieri asked how full the agenda is of the Flood & Erosion Control Board. The Town Manager said that she spoke with the Chairperson who stated that the committee is willing to take on the issue. Councilor Montinieri stated that the inflow and infiltration issues raised in the proposed resolution are important and need to be addressed; however she is unclear of where the Town's responsibility ends and the MDC's responsibility begins. Councilor Montinieri agreed with Councilor Fortunato's comments that since the current Council has been made aware of the situation, Town staff has been

extremely responsive to the issue and therefore she takes issue with the language in the resolution stating that "the public and private oversight of this important issue has been woefully lacking". She said that she would rather see the language reflect a spirit of cooperation rather than derogatory. Councilor Montinieri said that these are important issues that need to be addressed and she agrees with charging the Flood & Erosion Control Board with them and the required follow-up reports.

Councilor Forrest said that clearly the Council is at a point where they need to address this issue and the question now is just how to do this. Councilor Forrest stated that since the Flood & Erosion Control Board currently has no charge, this issue would be their single focus, they seem to be independent as previously mentioned, and since they're not meeting on any other topics, they have the time. Councilor Forrest said that it would be redundant to create another committee to do the same thing that the Flood & Erosion Control Board can do.

Councilor Czernicki stated that her inference was not that the Flood & Erosion Control Board has no work to do, but rather that they have plenty of work to do; however do not call their meetings very frequently. She said that she is afraid that if this issue is referred to them it will languish in that committee as other topics have that sit before them. She said that the committee has a lot of issues that they could address, but choose not to meet frequently to do this. Councilor Czernicki said that the recent MDC public hearing has made Wethersfield acutely aware of those issues relating just to us and the proposed resolution acknowledges this and addresses it.

Councilor Forrest said that he understands Councilor Czernicki's concern about any committee taking an issue and sitting on it; however the requirement of quarterly reports will insure that progress is made in addressing and resolving the issue.

Councilor Hemmann said that the Council is losing sight of one of the most important pieces of the resolution which states the member makeup of the committee. She said that the membership will consist of those beyond just the community and will include representation from the MDC. Councilor Hemmann said that this committee gives Wethersfield the opportunity to be at the lead in partnering with the MDC to resolve the inflow and infiltration issues.

Councilor Adil said that Councilor Hemmann makes some good points and the objectives are valid; however the Flood & Erosion Control Board can be charged with the objectives.

Chairperson Morin said that he has sat on the Council for over nine years and has a mistrusting and frustrating relationship with the MDC in trying to work things out and negotiate for the betterment of Wethersfield. Chairperson Morin said that at the MDC meetings of the last year and a half, not until a month ago did any of their engineers or consultants state that Wethersfield is a substantial contributor to the Cove problem. Chairperson Morin stated that he supports legislation requiring the removal of sump pumps and roof leaders from the sewer systems since the best option for the environment is to empty storm water onto the land to absorb into the earth. He said that sewage in homes is disgusting and needs to be addressed. Chairperson Morin said that he supports the spirit of the proposed resolution and supports taking a strong stance with the MDC; however he would like to see the issue proceed to the Infrastructure Committee to develop a charge and then move it forward.

Councilor Fortunato, speaking as Chairperson of the Infrastructure Committee, stated that she would be happy to do whatever the Council directs; however the Flood & Erosion Control Board members have the expertise required that members of the Infrastructure Committee do not have. She said that the Infrastructure Committee has discussed this issue with regard to the MDC policy that is being created. Chairperson Morin said that the issue would be referred to the Infrastructure Committee only to develop the charge.

All Councilors present, including the Chairperson, voted NAY. Councilor Czernicki and Councilor Hemmann voted AYE. The motion failed 2-6-0.

Councilor Forrest moved "**TO REFER THE MATTER OF INFLOW AND INFILTRATION TO THE INFRASTRUCTURE COMMITTEE TO DEVELOP A CHARGE**", seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki and Councilor Hemmann voted NAY. The motion passed 6-2-0.

## UNFINISHED BUSINESS

### One Day Drop Off - Transfer Station

Councilor Forrest moved "**TO APPROVE A ONE TIME PER HOUSEHOLD FREE DROP OFF PROGRAM FOR A SET DATE IN JUNE AND OCTOBER**", seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that she has recommended that the program not be offered this year because of budget constraints. She said that the Town loses approximately \$6,200 in revenue to run the program.

Councilor Czernicki said that she has recommended that the two drop off days be offered in May as was done last year and the year before. She said that she looks at a one day drop off as a sort of negotiated settlement that will still help to clean up the Town. She said that it is interesting to see that Councilor Forrest feels that the Town can afford two days of the program and she asked the Town Manager if her opinion has changed as to the affordability of a two day program. Town Manager Bonnie Therrien said that her opinion has not changed because the budget constraints have not changed. Councilor Czernicki asked the Town Manager if any leftover funds from the sidewalk installation could be used to cover the drop off program's revenue loss. Town Manager Bonnie Therrien said that the bond will cover 100% of the sidewalk costs. Councilor Czernicki said that she supports one day in spring and one day in fall for the free drop off program.

Councilor Adil said that the actual dates can be determined and that having one day in this fiscal year and one in the next fiscal year will have less of an impact on the budget.

Councilor Hemmann stated that splitting the costs into two different fiscal years means that this program needs to be built into in the 2005-2006 budget for next spring.

Chairperson Morin stated that he supports this program as it is a good service to provide to residents since it is sometimes difficult to fit everything into the bins provided for garbage. He agrees that offering it at two different times during the year is a good idea and that the dates should be well advertised. Chairperson Morin said that the Council can address specific dates recommended by the Town Manager at a later date.

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

## OTHER BUSINESS

### Explanatory Text - May Referendum Questions

Councilor Adil moved "**TO APPROVE THE PROVIDED EXPLANATORY TEXT FOR THE MAY REFERENDUM QUESTIONS**", seconded by Deputy Mayor Karangekis.

Councilor Hemmann said that the statement in question #2 regarding Section 8-2 is confusing as it restates the question in a different format and should be removed. She asked what the point of voting on the question at all is if it is a decision that can be made. Town Manager Bonnie Therrien explained that the ordinance cannot simply be adopted. Councilor Hemmann said that this wording clouds the question.

Councilor Adil said that the statement is to provide a better understanding for the rationale behind the referendum question. He said that the Town Attorney, Town Clerk, and State Elections Enforcement Commission have reviewed and approved the questions; therefore he is not in favor of making any changes to either question that could slow down the process.

Councilor Czernicki agreed with Councilor Hemmann's comments that the statement regarding Section 8-2 could create a bias and should be deleted. She said that that it is imperative that the grandfather clause be included in the explanatory text of question #1 since this fact is included in the settlement. Town Manager Bonnie Therrien said that this was discussed during the court hearings, but she does not believe that it is a part of the actual written settlement. Councilor Czernicki asked the Town Manager if it is her feeling that all of the lights in place are grandfathered. Town



Manager Bonnie Therrien said that they are considered grandfathered due to oral discussions, but thirty years from now someone reviewing Sec. 101-11 will see that it doesn't state this. Councilor Czernicki suggested that the explanatory text state that part of the oral agreement included the grandfathering of current lights and that leaving this out is to mislead the voters.

Councilor Montinieri asked the Town Manager if she is saying that the grandfather clause should have been explicitly stated in the ordinance. The Town Manager said that doing this would make it much clearer for future reference. Councilor Montinieri said that she interprets the Section 8-2 section as factual information that does not create bias. She said that the State Elections Enforcement Commission would have picked up on this if that were the case. Town Manager Bonnie Therrien said that the Commission is very strict about words used that could create bias and that the grandfathering information could be added in; however in the future only Sec. 101-11 will be referred to for interpretation and this cannot be changed at this point.

Councilor Adil asked if the Town has to go through the process all over again if the explanatory text is amended. Town Manager Bonnie Therrien said that she will check this with the State Elections Commission who is very quick with responses. She said that an explanatory text is not required by law. Councilor Adil said that the voters need to know exactly what is in play and the current explanatory text explains both questions very well.

Councilor Fortunato said that she would be very careful about putting any grandfathering language in since it is open to interpretation, especially with regard to the upgrading and replacement of lights.

Councilor Forrest agreed with Councilor Fortunato's comments regarding grandfathering and he supports the explanatory text as presented.

Councilor Czernicki clarified that she does not want the grandfathering clause to be part of the ordinance, but rather to appear in the explanatory text for public knowledge. She stated that although the Town Attorney has advised the Council to include the Section 8-2 portion, sometimes the best attempts to obtain advice don't always end the Town up where they'd like to be. Councilor Czernicki said that she cannot support either of the explanatory texts as presented.

Chairperson Morin said that the explanatory text goes through a process and whether people like the opinion of the Town Attorney or not, he is paid by the Town for legal advice to the Town Council. Chairperson Morin said that he is not prepared to change the Town Attorney's wording on the explanatory text and he would like the process to move forward.

All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki and Councilor Hemmann voted NAY. The motion passed 6-2-0.

#### Budget Transfer from Cottone Field Lease Account \$54,949 to Board of Education Insurance Coverage

Town Manager Bonnie Therrien explained that the property/liability insurance costs for the Board of Education increased due to building improvements added during the year, such as Stillman School, and insufficient funds are budgeted for the fiscal year. She said that due to the lateness of signing the lease, there are funds available in the Cottone lease account.

Deputy Mayor Karangekis moved "**TO TRANSFER \$54,949 FROM THE COTTONE LEASE ACCOUNT T1950822 5441 TO THE BOARD OF EDUCATION INSURANCE ACCOUNT T1930126 5239**", seconded by Councilor Montinieri.

Councilor Czernicki asked what other building improvements took place that require this transfer. The Town Manager said that the majority is due to the Stillman School; however part could be for the Silas Deane Middle School. Councilor Czernicki asked if the Board of Education had not considered this. The Town Manager said that they hadn't.

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

#### Budget Transfer from Contingency - \$1,354 and Cottone Field Lease - \$281 to Probate Court - \$1,635

Councilor Montinieri moved **"TO TRANSFER \$281 FROM THE COTTONE LEASE ACCOUNT T1950822 5441 AND \$1,354 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO THE PROBATE COURT ACCOUNT T1095195 5260"**, seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Location Change - Town Council Meetings

Councilor Fortunato moved **"TO MOVE THE LOCATION OF TOWN COUNCIL MEETINGS TO THE SILAS DEANE MIDDLE SCHOOL AS SOON AS COUNCIL CHAMBERS ARE NEEDED FOR TEMPORARY OFFICE SPACE"**, seconded by Deputy Mayor Karangekis.

Councilor Fortunato said that she suggested the Silas Deane Middle School because it is close to Town Hall should the staff need to retrieve anything from the facility and that the Community Television feed is available at this location.

Councilor Czernicki agreed that the Middle School makes the most sense and it is incumbent upon the Council to do their business within their own Town rather than Rocky Hill.

Councilor Adil said although he agrees that the Council business should take place in Wethersfield, Newington and Rocky Hill should be commended for volunteering their available facilities.

Town Manager Bonnie Therrien announced that all Council meetings are set to be held at the Silas Deane Middle School except for the June 6 meeting whose location or date will need to be changed.

Chairperson Morin said that, of all the choices, the Silas Deane Middle School is the best choice.

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

Appointment of Auditor

Councilor Fortunato moved **"TO APPOINT SCULLY & WOLF AS THE TOWN AUDITORS FOR FISCAL YEAR 2005-2006"**, seconded by Councilor Czernicki.

Councilor Fortunato stated that as a member of the committee, she was very pleased with the service Scully & Wolf has provided and endorses having them again.

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

BIDS

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

**ORDINANCE AMENDING CHAPTER 87, FOOD SERVICE ESTABLISHMENTS**

**BE IT ORDAINED**, that the Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 87 is hereby amended by amending Section 87-5 as follows:

**§ 87-5. Annual fees.**

Annual fees shall be as follows:

- A. Restaurants, Cafeterias, Food Concession Stands, or other food service operations not listed within Section 1., with or without seating, operated by a public or private for profit party or parties, having been classified by the Director of Health, in accordance with the State of Connecticut Public Health Code as:

Class I:	\$ 75.00
Class II:	\$125.00

- Class III: \$150.00
- Class IV: 0 - 50 seats \$190.00
- Class IV: 51 - 100 seats \$220.00
- Class IV: over 100 seats \$280.00

B. Itinerant Food Vendors and Caterers, having been classified by the Director of Health in accordance with the State of Connecticut Public Health Code as:

- Class I: \$ 75.00
- Class II: \$125.00
- Class III: \$150.00
- Class IV: \$175.00

C. Seasonal: seventy-five dollars (\$75.).

D. Temporary license (not to exceed fourteen (14) days): seventy five dollars (\$75.).

E. Grocery stores, having been classified by the Director of Health as:

- Class I: \$ 75.00
- Class II: \$125.00
- Class III: \$150.00
- Class IV: \$280.00

F. New food service plan review fee: 100% of the annual license fee

G. Municipally owned and state-owned facilities, private schools, nonprofit organizations and churches must obtain a license; there will be no fee.

H. Inspection fee for second re-inspection when required by law: 50% of the amount of the annual license fee.

I. Penalty Fee - failure to obtain a license - 50% of the amount of the annual license fee

### **ORDINANCE AMENDING CHAPTER 119, POOLS, PUBLIC**

**BE IT ORDAINED**, that the Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 119 is hereby amended by amending Section 119-12 as follows:

#### **§ 119-12. Annual fee.**

- A. Year-round public pools; seasonal public pools per location: one hundred twenty five dollars (\$125.00).
- B. Municipally and state owned facilities, private schools, nonprofit organizations and churches must obtain a license; there is no fee.

### **ORDINANCE AMENDING CHAPTER 75, ENVIRONMENTAL CODE REGULATIONS OF THE TOWN OF WETHERSFIELD, CONNECTICUT**

**BE IT ORDAINED**, that the Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 75-4 is hereby amended as set forth below:

### **CHAPTER 75 Environmental Code**

#### **§ 75-4. Licensing.**

No person shall operate or be responsible for control over a rooming unit unless he holds a valid permit issued by the Director of Health in the name of the operator and for the dwelling specified in the permit. The fee for such permit shall be one hundred dollars (\$100.) for buildings of one (1) to twenty-five (25) units, one hundred and fifty dollars (\$150.) for twenty-six (26) to fifty (50) units and two hundred dollars (\$200.) for in excess of fifty (50) units. The operator shall apply to the Director of Health for such permit, which shall be issued by the Director of Health only after determining that said building is in compliance with the provisions of this chapter. This permit shall be displayed in a conspicuous place within the building at all times. No such permit shall be transferable. The Director of Health or

his agents shall have the right to inspect all rooming units and premises to confirm compliance with all provisions of this code. Every permit shall expire one (1) year from the date of issuance.

**ORDINANCE AMENDING CHAPTER 130, SEWER REGULATIONS OF THE TOWN OF WETHERSFIELD, CONNECTICUT**

**BE IT ORDAINED**, that the Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 130 is hereby amended as set forth below:

**CHAPTER 130  
Subsurface Sewage Disposal Systems**

**§ 130-2. Fees.**

A. Soil Testing - New	\$125.00
B. Soil Testing - Repair	\$100.00
C. Plan Review and Permit to Install - New	\$150.00
D. Plan Review and Permit to Install - Repair	\$125.00
E. Subdivision Plan Review	\$150.00
F. Addition Review	\$ 50.00
G. Soil Testing - Addition	\$100.00

**MINUTES**

Councilor Forrest moved **"TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF MARCH 29, 2005"**, seconded by Councilor Adil.

Councilor Montinieri said that she found the minutes to be confusing and she submitted her amendments to the Town Clerk.

Councilor Czernicki moved **"TO TABLE THE MINUTES OF THE SPECIAL MEETING OF MARCH 29, 2005"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Forrest moved **"TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF APRIL 4, 2005"**, seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Montinieri moved **"TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF APRIL 4, 2005"**, seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO ACCEPT THE MINUTES OF THE BUDGET WORKSHOP OF APRIL 13, 2005"**, seconded by Councilor Montinieri.

Councilor Fortunato amended page 17059 in the first paragraph of Social & Youth Services to change the word "positions" to "position". She also pointed out a typographical error with symbols rather than letters.

Councilor Czernicki pointed out other typographical errors with symbols rather than letters and the Town Clerk explained that this has occurred due to the fact that with renovations occurring at the Town Hall the power will go out occasionally without notice therefore this document had to be scanned and some of the lettering was picked up as other symbols instead.

All Councilors present, including the Chairperson, voted AYE. Councilor Hemmann ABSTAINED. The motion passed 7-0-1.

Councilor Montinieri moved "**TO ACCEPT THE MINUTES OF THE PUBLIC HEARING ON THE BUDGET OF APRIL 18, 2005**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Hemmann ABSTAINED. The motion passed 7-0-1.

## **ADJOURNMENT**

At 10:15 p.m., Councilor Czernicki moved "**TO ENTER INTO EXECUTIVE SESSION**" seconded by Councilor Adil. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

At 10:25 p.m., Councilor Adil moved "**TO ENTER BACK INTO THE REGULAR MEETING**" seconded by Councilor Czernicki. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

At 10:25 p.m., Councilor Czernicki moved "**TO ADJOURN THE MEETING**" seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano  
Town Clerk

*Approved by vote of Council 5/16/05*