

## **AUGUST 15, 2005 REGULAR MEETING**

The Wethersfield Town Council held a meeting on August 15, 2005 at 7:00 p.m. in the Auditorium of the Silas Deane Middle School following a Special Workshop at 6:00 p.m. in the Town Manager's Conference Room at the Wethersfield 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 Montinieri.

Chairperson Morin announced that there will be an Executive Session following the regular meeting to discuss pending litigation.

### **Proclamation - Mike Barone**

Chairperson Morin read a Certificate of Appreciation to Wethersfield resident Mike Barone for his achievements in coaching hockey since his graduation from High School in 1985 thru his present position as Head Hockey Coach at Farmington High School.

Mr. Barone thanked the Council for acknowledging his successes.

### **Economic Development Monthly Report**

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

- 1303 Silas Deane Highway - Baby Boom opened
- Cingular opened next to Starbucks on Silas Deane Highway
- Treasure Rug Gallery opened on Silas Deane Highway
- Cedar Hill Cemetery, Berlin Turnpike - ground breaking ceremony for second mausoleum
- Church Homes, Ridge Road - application has been filed for Phase I development. Public hearing to be held August 16
- Folly Brook Boulevard, Age Restricted Housing - working through the Inland Wetlands Commission
- Old Reservoir Road/Back Lane, Harris Property, Age Restricted Housing - hearing for zone change to be held August 16
- 416 Silas Deane Highway - proposed Dunkin Donuts
- 486 Silas Deane Highway - proposed Tim Horton's Restaurant
- Berlin Turnpike - car wash facility - preliminary plans being developed
- 1000 Silas Deane Highway - meeting held with an interested developer
- 245 Main Street - preliminary discussions with contractor

Mr. Gillespie stated that the EDIC has reviewed a number of requests for the business beautification loan program. He said that there are more requests than funding available and the EDIC has granted funding ranging from \$4,000 to \$12,000 to four applicants. Mr. Gillespie announced that at tomorrow evening's Planning & Zoning meeting, the members will be reviewing a draft regulation proposal for outdoor lighting and the potential for athletic field lighting. He said that a public hearing on this topic will not be held until some time in October.

Councilor Czernicki moved **"TO ADD ITEM B.5.e, ORDINANCE ENACTING CHAPTER 12, PART I, OF THE WETHERSFIELD CODE OF ORDINANCES, TO THE AGENDA"**, seconded by Councilor Hemmann.

Councilor Czernicki moved **"TO ADD TO THE AGENDA AN ITEM FOR A GENERAL STATUS REPORT ON THE TOWN HALL/LIBRARY BUILDING PROJECT"**, seconded by Councilor Hemmann.

Chairperson Morin said that parts of the Building Committee activities will be discussed during the Executive Session. Councilor Czernicki said that she would like the report prior to going into the Executive Session since what she is asking for has nothing to do with what qualifies for Executive Session. Chairperson Morin stated that this item was not planned for and the agenda is already quite full. Councilor Czernicki said that she understands that the agenda is full; however, she sent an e-mail to the Town Manager last week requesting information on an update report.

Councilor Czernicki withdrew her second motion for the status report on the Town Hall/Library Building project and Councilor Hemmann withdrew her second.

All Councilors present, including the Chairperson, voted AYE. The motion to add agenda item B.5.e. passed 8-0-0.

## **PUBLIC COMMENTS**

### HEARING

ORDINANCE PROPOSING TOWN CODE CHAPTER 64 - TOWN-WIDE RADIO COVERAGE

ORDINANCE FOR PROPOSED CHAPTER 168 OF WETHERSFIELD TOWN CODE

ORDINANCE AMENDING CHAPTER 53 - AMUSEMENT DEVICES

ORDINANCE AMENDING CHAPTER 90 - GAMES OF CHANCE

ORDINANCE AMENDING CHAPTER 99 - JUNK DEALERS

ORDINANCE AMENDING CHAPTER 105 - NOISE CONTROL

ORDINANCE AMENDING CHAPTER 108 - NUISANCES

ORDINANCE AMENDING CHAPTER 116 - PEDDLING AND SOLICITING

ORDINANCE AMENDING CHAPTER 134 - SNOWMOBILES

ORDINANCE AMENDING CHAPTER 136 - SOLID WASTE

ORDINANCE AMENDING CHAPTER 139, ARTICLES I AND III - STREETS AND SIDEWALKS

ORDINANCE AMENDING CHAPTER 160, VEHICLES, INOPERABLE OR ABANDONED

ORDINANCE AMENDING CHAPTER 79 - FIRE ALARMS

Edward Kardas, 850 Cloverdale Circle, commented that the hearing items are not explained in any detail in the agenda. Mr. Kardas questioned when the Town Manager will comment on the individual items and suggested that the comments appear on the internet so that the public can review them.

Robert Young, 20 Coppermill Road, agreed with Mr. Kardas' comments on the explanation of the agenda items for public review. He said that he assumes that the amendments are to raise the fees on the various items, commenting that many of the fees are high already. He said that residents are becoming stifled by the high taxes in Wethersfield and this has to be turned around by lowering fees so that residents can do more. Mr. Young commented on the Town-wide

radio system and the anticipated cost of upgrading it in 2010.

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

### GENERAL COMMENTS

Dave Longey, 296 Nott Street, distributed copies of Issue #6 and Issue #7 of his publication "Red Onions". He said that Issue #6 addresses traffic calming on Nott Street, and Issue #7 addresses traffic calming on Main Street in Old Wethersfield.

Jim Woodworth, 5 River Road, stated that the Great Meadows Conservation Trust is greatly appreciative of the use of the Showmobile for the 350th Ferry Celebration. He said that the event raised the profile of the ferry and introduced many to the area. He urged the Council to waive the rental fee for the use of the Showmobile.

Joe Cornelio, 100 Executive Square, a member of the EDIC, thanked John Lepper for his leadership, and the Wethersfield Physical Services Department for their hard work on the great job done on the blighted properties project in Town.

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

### COUNCIL REPORTS & COMMENTS

Councilor Hemmann reported that she attended the Tourism Commission meeting on July 26 and the committee is working hard applying for grants. She said that the committee contracted with a group to assist them with a strategic plan and they have not been happy with the product; therefore they are working on improving it.

Councilor Adil reported that he attended the EDIC meeting on August 11 at which the business survey was discussed. He said that the business visitation program will start up again in the Fall and that three out of four applicants for the loan program have been approved as presented. He said that the promotion of a Farmers Market is in the early stages and that a bus tour of various business properties on the Silas Deane has been tentatively set for August 31. Councilor Adil reported that the EDIC is working on an RFP for marketing support. He said that at the meeting the Cornfest was discussed as well as the Annual Salute to Business tentatively scheduled for December 14. Councilor Adil reported that the Silas Deane Committee has met with Rocky Hill and is looking for ways to market sites more aggressively. He said that Anne Kuckro approached the EDIC with a proposal for a video outlining the life of Silas Deane.

Councilor Fortunato reported that she attended the Shared Services meeting on August 1 and the focus of the meeting was on the opening of school in the Fall. She said that updates were provided on a number of capital improvement projects, and members of the Technology Committee were in attendance to discuss researching for a Technology Manager for the Town. She said that the Committee was encouraged to go forward with the research to bring forward information on the position with regard to what surrounding communities are doing as far as job responsibilities and compensation. Councilor Fortunato said that the draft strategic plan was distributed to the Board of Education members for their comments at the September 13 Shared Services meeting.

Councilor Forrest announced that all of the Ordinances and Resolutions being acted upon at any Council meeting are available in the Town Clerk's Office for public review.

Councilor Hemmann commented on the utility road construction at Wolcott Hill Road and Jordan Lane, stating that she is concerned about the work being done as the building there is nearing completion. Town Manager Bonnie Therrien said that she will check on this and report back in her Management Report.

Councilor Adil reported that he attended the Town Hall/Library Building Committee meeting on August 8 and the status of the project was discussed. He said that the Committee approved a number of outstanding expenditures that were held up due to a lack of proper documentation.

Councilor Czernicki asked for an update by the Town Manager on the request by the Youth Football League for a

waiver of proposed plans for usage of the field on Sundays prior to 10:00 a.m. Councilor Czernicki also asked for an update on the Manager's request to the State DOT concerning the close out of the Middletown Avenue/Spring Street project. Town Manager Bonnie Therrien said that she has not yet heard from Dr. Proctor as to whether the Board of Education approved the waiver for Sunday usage of the football field. She said that the waiver will have to come before the Council as well. The Town Manager said that she has not yet received a response from the State DOT regarding the Middletown Avenue/Spring Street project. Councilor Czernicki asked the Town Manager if she will be sending another letter to the State DOT and the Town Manager said that she will be. Councilor Czernicki asked about the removal of trees at the Church Home property. Town Manager Bonnie Therrien said that a stop work order was issued immediately, although it isn't as bad as originally thought. She said that the project is currently shut down until the proper permits are obtained. Councilor Czernicki again requested a timeline and financial update on the Town Hall/Library renovation project and asked if the August 8 meeting of the Building Committee was a closed or open meeting. Councilor Adil stated that the meeting was open to the public except for the Executive Session to discuss pending litigation. Councilor Czernicki asked if the information she's requested could be discussed at an open Council meeting. Chairperson Morin said that it can be discussed after the scheduled agenda items this evening.

Councilor Fortunato, as Chairperson of the Infrastructure Committee, stated that she attends Building Committee meetings and that Councilor Adil is the official representative to the Committee.

Chairperson Morin announced a number of community events.

## **COUNCIL ACTION**

Councilor Adil moved **"TO ACCEPT THE RESIGNATION OF THOMAS ALAN HARLEY FROM THE DESIGN REVIEW COMMITTEE AND DANIEL A. CAMILLIERE FROM THE PLANNING AND ZONING COMMISSION"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Czernicki moved **"TO ACCEPT THE RESIGNATION OF RONALD M. RODD FROM THE ARTIFICIAL SURFACE FOOTBALL FIELD ADVISORY COMMITTEE, JOSEPH J. KONESKI FROM THE BOARD OF ETHICS, JOHN M. HALSTEAD FROM THE BOARD OF ASSESSMENT APPEALS, FRANK A. FALVO FROM THE ZONING BOARD OF APPEALS, AND ANTHONY P. KARLOWICZ FROM THE HOUSING AUTHORITY"**, seconded by Councilor Hemmann. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Czernicki moved **"TO APPROVE THE APPOINTMENT OF THOMAS W. FITZPATRICK TO THE BOARD OF ETHICS FOR THE TERM 8-15-05 TO 6-30-08, AND MARK ST. PIERRE TO THE BOARD OF ASSESSMENT APPEALS FOR THE TERM 8-15-05 TO 6-30-08"**, seconded by Councilor Hemmann. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO APPROVE THE APPOINTMENT OF BARBARA BLEJEWSKI AND CHRISTINE TAYLOR TO THE WETHERSFIELD ADVISORY COMMITTEE FOR PEOPLE WITH DISABILITIES FOR THE TERM 8-15-05 TO 6-30-07, AND CHRISTINE TAYLOR TO THE SENIOR CITIZENS ADVISORY COMMITTEE FOR THE TERM 8-15-05 TO 6-30-07"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO APPROVE THE ORDINANCE PROPOSING TOWN CODE CHAPTER 64 - TOWN-WIDE RADIO COVERAGE"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that this ordinance will mandate that any business structure erected will be able to accommodate the Town's 800 system. She said that many Towns have adopted this ordinance.

Councilor Hemmann asked how this will be enforced and if this is expected in Town buildings or all buildings in Town. Town Manager Bonnie Therrien said that it is expected in all new buildings which will go through design review for code requirements and will be inspected by the Fire Marshal.

Councilor Czernicki asked if this will be for 100% coverage. The Town Manager said that this is what the Town is shooting for. Councilor Czernicki asked if 100% coverage is stipulated and the Town Manager said that it is not in the proposed ordinance.

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

Councilor Forrest moved **"TO APPROVE THE ORDINANCE FOR PROPOSED CHAPTER 168 OF WETHERSFIELD TOWN CODE"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that this ordinance is related to those that follow in that it adds to them a citation hearing procedure for the appeal of fines.

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

Councilor Fortunato moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 53 - AMUSEMENT DEVICES"**, seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 90 - GAMES OF CHANCE"**, seconded by Councilor Montinieri. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Montinieri moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 99 - JUNK DEALERS"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 105 - NOISE CONTROL"**, seconded by Councilor Forrest.

Councilor Czernicki asked if the zoning regulations referred to in this ordinance are the old or new regulations. Town Manager Bonnie Therrien said that the present regulations will apply. Councilor Czernicki asked that the ordinance wording be changed to indicate that the new regulations are to be followed. Town Manager Bonnie Therrien said that the new regulations have not yet been adopted. Councilor Czernicki said that some of the language refers to the old regulations and Town Manager Bonnie Therrien said that it shouldn't.

Councilor Forrest asked if Councilor Czernicki is actually changing the wording of the ordinance.

Councilor Czernicki moved **"TO AMEND THE ORDINANCE TO INDICATE THAT REFERENCE IS MADE TO THE 'CURRENT' ZONING REGULATIONS"**, seconded by Councilor Hemmann.

Councilor Forrest asked again if the language is being changed.

Councilor Czernicki said that she is not changing the language, but asking that the text makes it clear that the current zoning regulations are being referred to.

Councilor Forrest said that it is unclear what Councilor Czernicki is proposing. He said that if she is intending to change the title or text of the ordinance, then the Council needs to understand this.

Councilor Czernicki said that she is not intending to change the title of the ordinance as presented, but rather to make certain that any reference has to do with the current zoning regulations approved by the Council this year.

All Councilors present, including the Chairperson, voted AYE. The motion to amend passed 7-1-0.

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

Councilor Fortunato moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 108 - NUISANCES"**, seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Montinieri moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 116 - PEDDLING AND SOLICITING"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 134 - SNOWMOBILES"**, seconded by Councilor Montinieri. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Fortunato moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 136 - SOLID WASTE"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 139, ARTICLES I AND III - STREETS AND SIDEWALKS"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Montinieri moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 160, VEHICLES, INOPERABLE OR ABANDONED"**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Montinieri moved **"TO APPROVE THE ORDINANCE AMENDING CHAPTER 79 - FIRE ALARMS"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

## **UNFINISHED BUSINESS**

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

### Library Computers

Town Manager Bonnie Therrien explained that, at the last Council meeting, the Library Board requested that the Town split the cost of new computers to be used by the public and four Library staff, and the Council voted to have the Library Board and Information & Technology Committee review the purchase of used computers. The Town Manager said that the Library Board has decided to purchase fourteen new computers using funds from their Trust Fund. She said that the Town is expending a significant amount of unanticipated attorney costs in the process of working with the Library employees and the Labor Board regarding their bid to unionize.

Councilor Fortunato moved **"TO WITHDRAW THE JULY 18, 2005 TO TRANSFER \$7,261 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO THE LIBRARY ACCOUNT T1710 5420 FOR THE PURCHASE OF NEW COMPUTERS"**, seconded by Deputy Mayor Karangekis.

Councilor Fortunato stated that, for the reasons given by the Town Manager, it would not be prudent for Council to transfer the funds to the Library. She said that she understands that there is concern with tapping into the Contingency Fund at this time and perhaps the assistance could be reviewed at a later time.

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

## **OTHER BUSINESS**

### Nextel Lease

Deputy Mayor Karangekis moved **"TO AUTHORIZE THE TOWN MANAGER TO SIGN A COMMUNICATIONS SITE LEASE AGREEMENT AND ALL RELATED DOCUMENTS WITH NEXTEL"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that the Connecticut Siting Council has agreed that Nextel can go onto the communications tower at Kelleher Court. She said that the amended lease includes the provision that Nextel has to go in front of the Planning & Zoning Commission for a site plan. The Town Manager said that in accordance with §8-24 of the Connecticut General Statutes, if P&Z does not report within thirty days after the date of official submission of the proposal, the proposal is taken as approved, and since they tabled the item and did not act within the statute time limit, the proposal is considered approved. She said that Nextel has agreed to a \$2,000 per month lease amount.

Councilor Hemmann said that she was very upset to read this in the Council packet, because the Council specifically asked for an 8-24 review due to the current parking conditions. She said that since P&Z didn't act on this, the opportunity has been lost for the Planning & Zoning Commission to provide input to the Connecticut Siting Council on the safety issue with regard to the parking at Kelleher Court. She said that no answer has been provided regarding the issue and the Council has lost control of it.

Councilor Adil asked if the referral to P&Z was to review the potential amount of usage at the firehouse, and the amount of space to be used. Town Manager Bonnie Therrien said that a review was done on the potential number of carriers and how many spots might go on the tower. Councilor Adil verified that this has already gone through the P&Z process and it appears that Councilor Hemmann's concerns have been addressed since the issue has been reviewed by the Town Attorney.

Councilor Czernicki said that she agrees with Councilor Hemmann in that the P&Z Commission has concerns similar to the Council regarding the parking spaces, yet they chose not to act on this. She said that P&Z totally abdicated their responsibility; therefore leaving the Council with no power to explain the parking situation to the Connecticut Siting Council. She said that the Town is settling for extra monthly income at the cost of providing a place for volunteer public safety official to park their cars. She said that an explanation needs to be offered as to why a failure in the system occurred with P&Z since the failsafe measures put in place by the Town have been thrown out the window. Councilor Czernicki asked the Town Manager if the materials provided in Councilors' packets has to do with the parking spaces or the appearance of the shed and fencing. Town Manager Bonnie Therrien said that it's partly the appearance and the parking situation can certainly be addressed. She said that Council can add an amendment that P&Z, as a part of site planning, look at the parking spaces.

Councilor Czernicki moved **"TO AMEND THE MOTION TO REQUEST THAT PLANNING & ZONING LOOK AT THE PARKING ISSUE WHEN REVIEWING THE DESIGN PLAN OF THE NEXTEL LEASE"**, seconded by Councilor Hemmann.

Chairperson Morin said that he understands the parking concerns and made it clear that he doesn't want to lose any spaces. He said that most of the responders who park at the Kelleher location are the drivers of the emergency vehicles and the rest respond directly to the location of the emergency situation. He said that he is concerned about parking on drill nights when all volunteers park at the Kelleher location.

Councilor Hemmann said that the issue is not the lease, but rather that the process failed.

Chairperson Morin said that the Town Manager can send a letter to the Connecticut Siting Council citing the concerns of the Council.

Councilor Montinieri said that the new language of the contract states that the tenant acknowledges that site plan supervision by the Planning & Zoning Commission is required for any ground installation or tent facilities. She asked if, other than this language, P&Z is involved. Chairperson Morin said that P&Z is being asked to look at the parking spaces as well as the design issue.

Councilor Adil stated that he thinks that P&Z will come back saying there is nothing that can be done; however, it is

well worth looking at.

Councilor Forrest asked if anything will be lost due to the delay in having P&Z review this. Town Manager Bonnie Therrien said that the site plan is going to P&Z, not the lease which is in the Council's hands. She said that the original motion deals with the lease and the amendment is with the site plan. Town Manager Bonnie Therrien said that Nextel representative Karen Couture is present to answer any Councilor questions.

Ms. Couture said that the pole at Kelleher Court is a six-carrier pole and the Connecticut Siting Council looked at the compound and how much equipment would go within the compound. She said that Nextel is willing to go back and review the site plan with the Town to come up with a design that would least affect the parking. She said that she spoke with Peter Gillespie today and Nextel will be meeting with P&Z on September 7.

Councilor Forrest asked if Nextel already has a compound with a shed already there. Town Manager Bonnie Therrien said that there is a shed already there with the other carriers and another piece of equipment will go into the compound if the Siting Council approves this. She said that the current compound may need to be extended which is proposed to take up two parking spaces.

Councilor Hemmann asked what the impact will be if this is delayed by going to P&Z. Town Manager Bonnie Therrien said that Nextel would like the lease agreement signed as soon as possible. Councilor Hemmann verified that Nextel would have to work with P&Z anyway on the site plan. Town Manager Bonnie Therrien said that Nextel does not have to do a site plan, stating Citing Council rules, but they are agreeing to do a site plan in the lease.

Councilor Hemmann withdrew her second to the motion to amend.

Councilor Czernicki withdrew her amendment.

Councilor Adil moved "**TO AMEND THE ORIGINAL MOTION TO ADD THAT WHEN SENT TO THE PLANNING & ZONING COMMISSION FOR DESIGN REVIEW, THAT THEY ALSO LOOK AT THE PARKING SPACE ISSUE**", seconded by Councilor Forrest.

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

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

#### Report from Motorola - Radio System/Re-banding

Town Manager Bonnie Therrien explained that at the last Council meeting, a discussion took place on the Motorola Maintenance Agreement and the problems with the Town's current radio system. She introduced Motorola Account Manager Lance Hamilton to provide an overview of what Motorola is doing to rectify any problems with the radios in Wethersfield and also to discuss re-banding.

Mr. Hamilton introduced other Motorola representatives present with him. Mr. Hamilton distributed the following information providing an overview of the Motorola system as it relates to the Town of Wethersfield.



[The information Mr. Hamilton distributed is available for [download in Adobe PDF\\* format](#) (108 KB).]

Mr. Hamilton stated that the interference issue has been a nationwide problem for the last few years. He said that the FCC and Nextel entered into an agreement for Nextel to put \$2.5 billion into escrow for re-banding purposes. Mr. Hamilton explained the 800 MHz band plan before and after re-banding which will provide for over 640 times the current separation from cellular carriers. He stated that the first wave of re-banding, which has already started, will take place in the Northeast and California in major populated areas, and that Wethersfield will be in the second wave. Mr. Hamilton said that negotiations for Wethersfield will begin in November of this year with re-banding to begin in 2006. He said that the Town should not incur any out of pocket expenses for the re-banding and that a Motorola re-banding specialist has met with the Town to generate a cost estimate.

Councilor Adil asked if Wethersfield could be kept updated on how the re-banding is working in other communities throughout the country. Mr. Hamilton said that there is an advantage to Wethersfield being part of the second wave as this feedback can be obtained over the summer. He said that West Hartford and the State Police will be re-banding at the same time as Wethersfield.

Councilor Fortunato asked if the re-banding is a continuous process or if the Town is all set with it done once. Mr. Hamilton said that re-banding is designed so that once at the proper frequency, that should be it. Councilor Fortunato asked if re-banding has occurred throughout the country in the past and Mr. Hamilton said that it has not. Councilor Fortunato expressed concern with the potential safety and life threat due to the growing numbers of cell phone towers, and asked where the State Legislators are on this matter and if they're monitoring the re-banding issue. Mr. Hamilton said that he is not aware that the State Legislators are monitoring the situation. Town Manager Bonnie Therrien said that one of the problems is that when the State Legislators gave the responsibility to the Siting Council, the municipalities no longer have any say in the matter and therefore have lost control. Councilor Fortunato asked if there is a Legislative Committee or if the Attorney General has taken an interest in this matter and was told by the Town Manager that she is unaware of this. Councilor Fortunato recommended that the Town send a letter to their delegation and to the Attorney General regarding the concern over the matter as it relates to Wethersfield and the level of frustration felt by the Town. Councilor Fortunato said that she would rather see that the Town "shall/will not" have any out of pocket expenses rather than "should not".

Councilor Forrest asked how far back in time the issue goes. Mr. Hamilton said that the problem dates back to the late 1990's. Councilor Forrest asked if any Town has yet to solve the issue and Mr. Hamilton said that he can research this. Councilor Forrest asked what amount of coverage was requested by the Town when the system was purchased and was told that the amount was 95% coverage on street, on portables. Councilor Forrest asked if other Towns request the same amount of coverage and Mr. Hamilton said that Towns have recently increased this amount to 97%.

Motorola Service Manager John Daniels said that the re-banding issue is occurring all around the country and has never happened to the radio industry in the past. He said that the re-banding is a huge initiative being undertaken due to the popularity of two-way radio communications and the growth in the cellular market, and the limited amount of spectrum available. Mr. Daniels said that the Town of Wethersfield has great coverage; however experiences interference and background voices.

Mr. Hamilton stated that there are four or five customers with the same frequency coverage as Wethersfield.

Chairperson Morin said that back in 2003, Motorola was asked by the Town to design a system that would handle Police, Fire and everything else necessary in Town, and he asked if Motorola took into consideration the use of cellular systems and the cell towers in Town. Mr. Hamilton said that what was taken into consideration was at that time how many cellular carriers there were and the power of them.

Councilor Forrest said that he understands that it is a complicated system, but if the Town expects 98% coverage and the system was designed for such; how long can the Town continue to expect this level of coverage. Mr. Hamilton said that the possible decrease in coverage makes the case for re-banding. Councilor Forrest asked what should have been expected in 2003 and what should be expected currently.

Mr. Hamilton said that all of the variables have to be considered. Councilor Forrest asked if the 98% coverage of 2003 should have been expected to continue for five or ten years. Mr. Hamilton said that if all conditions remained the same,

the coverage would remain the same; however you could expect the coverage to decrease due to cell sites. Councilor Forrest asked if Motorola were designing a system today, would they expect the 98% coverage to continue for five years and Mr. Hamilton said that they would, provided that the variables remain the same. Councilor Forrest asked how long the Town should expect to maintain the 98% into the future. Mr. Hamilton said that, as long as the system is maintained and some of the variables are controlled, the Town should expect five to seven years. Councilor Forrest asked if it is fair to expect that conditions will change and Mr. Hamilton said that it is not his expertise to talk about the design of the system since it is a very complex multi-variable equation; however he supposed that this should be expected.

Councilor Hemmann asked if the recommendations to modify CMRS power levels, antenna height and characteristics, and the increase in signal strength end up being a vicious circle; and if so, how will this be dealt with. Mr. Hamilton said that it comes down to how much cooperation is received from the cellular companies. Town Manager Bonnie Therrien said that the Town is considering a request that the FCC increase the strength for a short period of time to see if this makes any difference.

Councilor Czernicki asked Mr. Hamilton if his presentation will be available for the public to view, and he replied that he will get a copy to the proper person. Councilor Czernicki asked if towns have any opportunity to choose their bands and Mr. Hamilton said that it will be in the 806-809 band and exactly where will be a negotiating point with Nextel. Councilor Czernicki asked if cellular carriers will experience interference as public safety frequencies get stronger. Mr. Hamilton said that this should disappear after the re-banding is done. Councilor Czernicki asked if the Nextel re-banding will address only current conditions or will take the future into consideration as well. Mr. Hamilton said that moving down in the band means that the Town will no longer be competing with cellular carriers; however there are a number of variables. He said that signing the system acceptance provides a baseline on which to go. Councilor Czernicki commented on the three distorted communications in an eight-hour shift and asked if this would equate to nine distorted communications in any twenty-four hour period. Mr. Hamilton said that this depends on how busy the day is and how many transmissions are made. Councilor Czernicki asked Mr. Hamilton if he has any idea what caused the distorted communications and he said that the Motorola report indicates that it is interference by the Verizon cellular carrier and by bad transmission due to not speaking loudly and directly into the microphone. Councilor Czernicki commented that Police personnel do not always have the opportunity to speak loudly and directly into their microphone, and she asked if the system was built for communications that are made loudly and directly or for Police needs. Mr. Hamilton said that the system was built for portable on street communication and there are surveillance products that meet the needs of Police work. Councilor Czernicki asked if, when the system was purchased, it was discussed or presented that special products would be necessary for particular Police needs, as she does not recall this issue ever coming up. Councilor Czernicki asked if there is a marked difference in communication on a personal scanner compared to dispatch. Mr. Hamilton said that the specifications of the personal scanner would need to be known. Councilor Czernicki said that clear dispatches come across as clear and often when the Officer asks for a repeat, this comes across as muddled. Councilor Czernicki said that the biggest question with re-banding is how the Town will make sure that there are not nine possibilities in any given day that communications are not clear. Mr. Hamilton said that the RFP specs when the system was accepted will need to be used as a baseline. Councilor Czernicki said that when the Town was given the 98% coverage level, she never expected that nine communications per day would be distorted. She said that these personnel, by the nature of their jobs, are putting their lives on the line and the Town needs to insure that they are as safe as they can possibly be. Councilor Czernicki asked if Motorola will hold a discussion with Town personnel to determine what coverage needs to be in place with Nextel's re-banding to provide the best safety. Mr. Hamilton said that the RFP specs baseline during acceptance of the system will provide the expectations. Councilor Czernicki asked if there are/were any reports or written material providing information on the growing number of interferences in the late 1990's, and if so, why the Council wasn't made privy to this information prior to the installation of the radio system. Mr. Hamilton said that it took a while to compile the information on the interference.

Motorola Territory Manager Andy Sully said that there was a lot of information with regard to interference in the public safety band going back some time and in order to go through the re-banding process, it took years to come up with the proposed resolution.

Councilor Czernicki said that she does not recall receiving any reports allowing the Council to make an informed

decision on the system installation.

Mr. Sully said that a lot of people are going through this problem and that is why \$2.5 billion is being spent to rectify it. He said that the Town did have a consultant involved in the process, although this does not negate Motorola's responsibility to insure the safety of the Officers. He said that Motorola has done and will continue to do whatever is necessary, within reason, to insure the satisfaction of its customers.

Councilor Czernicki stated that this indicates that there was a responsibility for Motorola to let the Town know that there was interference and that the problem was continuing to grow.

Mr. Sully clarified Mr. Hamilton's comment stating that the Police Officers need to speak "clearly" rather than "loudly" into their microphones. He said that Motorola radios are designed to handle the millions of stressful communications that are transmitted each day.

Councilor Fortunato said that it sounds like the entire country will be going through re-banding and there doesn't seem to be much that can be done. She stated that there was a good faith effort on the part of the elected officials to go forward with the system; however there were a lot of uncontrollable variables. She said that there needs to be someone looking out for the consumer, in this case the Town of Wethersfield, and she again stressed that those representing the interests of Wethersfield need to be informed, including the delegation in Washington.

Mr. Daniels said that Councilor Fortunato makes a number of good points and the Council should consider making an agreement with cell carriers who come into Town that if they cause any harmful interference to Town radios, they will have to come down. Chairperson Morin said that this is currently in the Town's leases.

Councilor Fortunato said that there may be opportunities for State legislation on this since the entire State has an interest in this matter.

Councilor Forrest asked if when coverage was discussed, the quality of communication was included. Mr. Hamilton told him that the quality of communication should stay constant and that it is measured on a scale of one to five with five being the best quality. Councilor Forrest asked what level of quality was expected in 2003 when the system was installed. Mr. Hamilton said that he believes that the level was three, but he will check on this.

Mr. Sully stated that the quality of communication as well as the coverage should be consistent throughout the life expectancy of the radio system.

Councilor Forrest asked Mr. Sully if Motorola knew that in some areas of the country, there was a decrease in quality due to interference. Mr. Sully said that the entire radio community knew this. Mr. Sully said that the re-banding process should clear up the interference issues and then it is up to the FCC to make sure that no other local public safety agencies are located so close to channels as to cause interference. Mr. Sully stated that there are always outside interference issues expected with a radio system, but that the radio system should work for the life of the system at a three quality level and 98% coverage.

Councilor Adil asked how Wethersfield rates in terms of their radio issues with other communities in the area. Mr. Sully said that Wethersfield has been struggling more so than most other Towns in Connecticut and this is very unusual for Motorola since most problems can be solved with some type of filtering. He said that it is impossible to arrive at 100% coverage. Mr. Sully said that if Wethersfield's issues are Motorola's responsibility, he is committed that Motorola will take care of the issue. He said that the re-banding issue is the Town of Wethersfield's responsibility and he encouraged the Council to quarterback the process since Motorola cannot do this. Mr. Sully said that he hopes the re-banding solves the problem and although the system will never be perfect, the re-banding will save the lives of first responders.

Chairperson Morin commented that Motorola seems to be hanging their hat on re-banding and that the Town has been quarterbacking for a long time in working with Motorola and others as a result of the displeasure with the current system. Chairperson Morin said that the problems have to be resolved and he is concerned with what will happen next if the re-banding doesn't work. Chairperson Morin stated that it is the Council's responsibility to insure the safety of

the first responders and the citizens of Wethersfield. He stated that he is frustrated that when the design specs for the 98% coverage were discussed, the anticipated increase in cellular usage should have been taken into account. Chairperson Morin thanked the Motorola representatives for their time and insured them that the Town of Wethersfield will be doing much more than armchair quarterbacking throughout the re-banding process.

Councilor Czernicki left the meeting at this time

#### Parking on Lawns/Driveways

Town Manager Bonnie Therrien explained that she has received several complaints from citizens about neighbors parking on front lawns and this creates visibility and aesthetic issues. She said that many surrounding Towns have adopted zoning regulations that do not allow this to happen.

Councilor Adil moved **"TO REFER PARKING ON LAWNS TO THE BUDGET AND PUBLIC SAFETY COMMITTEES FOR REVIEW"**, seconded by Deputy Mayor Karangekis.

Councilor Hemmann requested that Councilors be provided with a clearer copy of the memorandum from Attorney Bradley since the one in their packet is illegible.

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

#### Blighted Property - Middletown Avenue

Councilor Hemmann moved **"TO APPROVE THE ADDITION OF 295 MIDDLETOWN AVENUE TO THE BLIGHTED PROPERTY LIST"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien said that the Building Officials and Health District staff have cited this property as blighted and the owners have not made an attempt to rectify this; therefore the Council needs to approve that it be added to the blighted property list.

Councilor Hemmann commented that the Council has been provided with a compelling memo from a neighbor of the property citing many instances of difficulties with the property.

Councilor Adil stated that the owner had come to the Historic District Commission prior to 1999 with ideas of what he would like to do with the property and none of these ideas have come to fruition.

Councilor Czernicki returned at this time.

Chairperson Morin commented that the resident owner has been sent correspondence from the Town. Chairperson Morin said that he agrees that the property condition is not appropriate.

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

#### Olson House

Councilor Fortunato moved **"TO AUTHORIZE THE TOWN MANAGER TO MARKET FOR SALE/LEASE OF THE OLSON HOUSE"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that the Olson House is not in good shape and it will take approximately \$100,000-\$140,000 for repairs. She said that during budget deliberations, it was discussed that the Town attempt to market the property instead of taking on the expensive, but necessary, repairs. She said that she has had the Planning & Zoning Commission review possible uses and they recommend that the building be occupied by low impact office, commercial or quasi-municipal use. She said that, via the deed, the Historical Society has to approve the occurrence of this and they have agreed to this provided they have input into the use of the building. The Town Manager said that to move forward, the Council must authorize her to market the Olson House via a sealed bid process.

Councilor Adil said that he is aware of the deed restriction with the Historical Society. He verified that they have said that they would like an understanding made that the buyer will provide an appropriate and preservation-sensitive use for the property, rather than that they want any final say in who purchases the property.

Councilor Hemmann asked if the building was inspected and if there were any structural issues at the time it was bequeathed to the Town. Town Manager Bonnie Therrien said that she would have to research this.

Councilor Czernicki asked if there is a way that the Olson House can remain part of the Town and used for storage space, especially since she hears often that Town Departments don't have enough storage space. Town Manager Bonnie Therrien said that there are structural issues that would need to be addressed in order to be able to store anything heavy. She said that the heating system and roof are shot and these would need to be repaired in order to store anything in the building. Councilor Czernicki said that she has concerns that once the building is gone, it's gone forever and it may be worth the \$100,000 to repair the building so that it can be used for storage.

Councilor Fortunato said that if the building can be rehabbed and a new business brought in, this is good for the community. She said that the resulting generation of taxes is a better use of the building than as storage space. She said that she is very pleased that the Town was able to act swiftly in moving Channel 14 into the Community Center once it was discovered that the Olson House was not structurally sound. She said that the whole process will be a win situation for all involved if an owner or tenant can be found for the building.

Chairperson Morin said that he is interested in seeing what and who the Town can get for this building. He also stated that the Town Council does not have to approve any bid they don't like.

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

#### Webb School Windows

Councilor Adil moved "**TO TAKE AGENDA ITEM B.4.e OUT OF ORDER**", seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Town Manager Bonnie Therrien explained that the bids for Webb School came in higher than originally anticipated and therefore the replacement of all of the windows at the school would have to be postponed. The Council and School Building Committee decided to replace the major windows in the front west side of the building and wait for additional dollars to complete the remaining replacements. She said that Representative Doyle was able to get an additional \$600,000 from the State which will be helpful for repayment of the debt and possibly other items, such as the rest of the windows. The Town Manager said that bids have been received for the replacement of the west side windows at a cost of \$161,415 and the south side window replacement at a cost of \$53,800 for a total of \$215,215. She said that in speaking with the auditors and the Bond Counsel, it was suggested that this become a separate grant and there may be a way to do the entire project and therefore get a better price. The Town Manager recommends that the Council table the item in order that the Bond Counsel and auditors can develop a resolution for the grant in order for the Town to save money. She said that the rest of the money acquired through Representative Doyle will go to pay off the debt.

Councilor Montinieri asked if the windows would still be able to be installed this Fall. School Building Committee Chairman David Drake said the bid is very competitive and the final work would be done over a couple of months into the school year, after school hours. He said that the current contractor's contract is up on August 21 or 22 and they have the right to walk away at that point; however he will try to get them to stay a little longer. Town Manager Bonnie Therrien explained that if the auditors and Bond Counsel can get her the resolution needed by the Council's special meeting on August 22, it could be introduced at that time and action taken at the Council meeting of September 6. Otherwise the introduction would take place on September 6 with action taken on September 19. She said that if she should get a call from Bond Counsel and the auditors that they will not be able to move forward on this; Mr. Drake would like authorization to take dollars from fund balance to get the work done.

Mr. Drake said that he'd like the Council to approve \$200,000 from the Capital Improvement budget, and he will return \$600,000. He said that this will complete the project. Town Manager Bonnie Therrien said that, by Charter, the

maximum amount that can be appropriated is \$199,999 without going to a referendum.

Chairperson Morin verified that what the Town Manager is proposing is to hold off and have all of the work done at one time as opposed to breaking up the work. Mr. Drake said that he doesn't have a real problem with that; however, doing the west side at this time would be logistically very easy since this work is ready to be done.

Councilor Adil asked if the Town would really save that much by holding off and doing the work all together. Town Manager Bonnie Therrien said that the auditors and Bond Counsel suggested to her that doing it all together will be a much cleaner process since the fund balance is not touched by using grant money. Councilor Adil asked if the resolution process will push the project into next year. Mr. Drake said that this won't matter since the tough windows are done.

Councilor Fortunato asked if there are any other projects, such as the parking lot, that the remainder of the money could be used for in addition to paying off the debt. Mr. Drake said that the Committee will take direction from the Council on this matter. Councilor Fortunato asked if the curtain will be replaced and Mr. Drake said that it will not due to code issues. Mr. Drake said that the gym floor has been redone. Councilor Fortunato asked if there is a chance that the funding could be used for Board of Education needs such as books in the library. Mr. Drake said that as the project is closed down, the Committee will take a look at all of these things. Councilor Fortunato said that she would appreciate the Committee insuring that the children have all that they need. Mr. Drake took the opportunity to thank the State legislators for the additional funding received for the project.

Councilor Montinieri stated that the Building Committee held a tour recently and that the Webb School looks good. She said that the Building Committee has been under a lot of pressure dealing with a tight budget. She said that it needs to be decided at Capital Improvement time if the windows not done are a priority or not. Mr. Drake said that it will not take much to finish the rest of the windows and it would be a shame not to do it. Councilor Montinieri stated that she appreciates the hard work of the Building Committee.

Chairperson Morin asked Mr. Drake how much it would cost to go forth and finish the rest of the windows in the School. Mr. Drake said that it would cost approximately \$300,000 and would take approximately six months of work after school hours. Chairperson Morin said that he would like to see what information the Town Manager receives on the cost of doing all the windows together in the school before making any decision.

Councilor Forrest moved "**TO TABLE THE WEBB SCHOOL WINDOWS**", seconded by Councilor Adil. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

#### Silas Deane Middle School Heating & Cooling Improvements

Mr. Drake explained that there are nine classrooms experiencing extreme fluctuations in temperature and to correct the problem, staff has recommended the installation of individual units in these rooms. He said that this is the right way to do this and will save the Town money in the long run.

Councilor Fortunato moved "**TO AWARD THE BID TO COMPLETE IMPROVEMENTS TO THE INTERIOR CLASSROOMS AT THE SILAS DEANE MIDDLE SCHOOL TO HHS MECHANICAL CONTRACTORS IN THE AMOUNT OF \$73,900**", seconded by Councilor Montinieri.

Councilor Adil commented that the janitorial staff had to put out buckets at Silas Deane Middle School due to water dripping from some of the panels in the hallway. Mr. Drake said that this is due to a problem with dampers which has been resolved. He said that this problem is a part of the whole issue with hot and cold spots in the building.

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

#### Change Order - Westpro - Sidewalks - Willow Street

Councilor Fortunato moved "**TO INCREASE THE CONTRACT FOR SIDEWALK CONSTRUCTION AND REPAIR TO WESPRO, LTD BY THE AMOUNT OF \$25,000 TO COMPLETE SIDEWALK**

**INSTALLATION ON THE WEST SIDE OF WILLOW STREET"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that staff has recommended to her that a change order be issued in the amount of \$25,000 for the installation of sidewalks on the west side of Willow Street. She said that Town Engineer Mike Turner assured her that, provided the weather cooperates, the sidewalks will be completed by the opening of school.

Councilor Hemmann asked if the sidewalk installation was planned for this year, why was it not budgeted for, and why is the \$25,000 increase necessary. Town Manager Bonnie Therrien explained that the original bid from Wespro, Ltd was for maintenance and the change order is to allow for new installation. Councilor Hemmann said that if the Town knew that this new installation was going to be necessary, why was it not included in the budget. Town Manager Bonnie Therrien explained that there is bond money in the budget, but the amount contracted to Wespro, Ltd is being changed to accommodate new installation rather than maintenance.

Councilor Czernicki asked if this means that the bond money will be reduced by \$25,000. Mr. Turner said that the Willow Street money is coming from the pavement portion of the bond and there is a separate portion of the bond for new sidewalk installation. He said that the request is to grant a change order to Wespro's current sidewalk repair contract to include Willow Street. Councilor Czernicki asked why this isn't considered a bid. Town Manager Bonnie Therrien said that a change order can take place since it deals with the same vendor. Councilor Czernicki asked if this impacts the amount of money to be used for other sidewalk projects. Mr. Turner said that it does not as they each have their own dollar amount.

Councilor Czernicki asked what the total amount for sidewalks was and was told by the Town Manager that she would obtain the amount. Councilor Czernicki asked if the \$25,000 is part of that amount and was told that it is.

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

#### Milano Property

Deputy Mayor Karangekis moved **"TO HAVE THE TOWN MANAGER HIRE AN APPRAISER TO ASCERTAIN THE VALUE LOST TO THE PROPERTY AT 95 WOODSIDE DRIVE WERE THE DRIVEWAY OFF OF NOTT STREET TO BE PERMANENTLY CLOSED AND BRING THIS INFORMATION BACK TO THE TOWN COUNCIL"**, seconded by Councilor Montinieri.

Town Manager Bonnie Therrien explained that this is the last outstanding item of the Nott Street project. She said that the second driveway on the property has not come out to the satisfaction of the Milano's and they are requesting that this be corrected. The Town Manager said that the State will not put any money toward the work on the driveway as the Milano's did not sign the right of way agreement until work had already commenced on the project. She said that the cost to fix the driveway area will be \$14,352 and Mr. Milano prefers to contract out to have the work done himself and not involve the Town. She said that the fairest thing to do would be to hire an appraiser to determine the value if the second driveway never existed on the property. She said that once this amount is determined, she would bring it to the Council to approve the amount to be paid to Mr. Milano.

Councilor Adil asked if there had originally been a much higher estimate for the cost of the driveway repair. Town Manager Bonnie Therrien said that the original estimate included the cost of the removal of a tree. She said that a professional went out to the site and the amount was significantly reduced by approximately \$8,000.

Ken Milano, 95 Woodside Drive, said that he would like to use his driveway and right now it is not in good condition. Mr. Milano said that if the appraisal comes in high enough to reconstruct the driveway to be acceptable, this is what he is going to do because he would like use of the driveway.

Town Manager Bonnie Therrien said that she has spoken with Mr. Milano regarding him also getting an appraisal in addition to the Town's. She said that Mr. Milano did not wish to do this; therefore she will recommend that the Town hire an appraiser to determine the value lost, bring this back to the Council at their next regular meeting and then a decision can be made.

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

#### Historic Preservation Grant in Aid

Councilor Montinieri moved **"TO AUTHORIZE THE TOWN MANAGER TO ACCEPT A \$20,000 GRANT IN AID FROM THE CONNECTICUT COMMISSION ON CULTURE AND TOURISM FOR THE HISTORIC BUILDING INVENTORY AND TO SIGN THE NECESSARY GRANT CONTRACTS"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that this is a grant for the second phase of the historic and architectural resource inventory of the buildings located in the Wethersfield Historic District. She said that there is no matching money; therefore this is a \$20,000, 100% grant.

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

#### Pension Issue - Jan Aronne

Councilor Adil moved **"TO REFER THE PENSION REQUEST OF JAN ARNONE TO THE BUDGET AND FINANCE COMMITTEE FOR REVIEW"**, seconded by Deputy Mayor Karangekis.

Town Manager Bonnie Therrien explained that the Town and Board of Education offered an early retirement package two years ago and one of the retirees has asked to receive an additional year of service based on retirement calculations. She said that this issue has gone to the Pension Committee who voted to refer it to the Town Council for an executive session. Because the retired employee is not active, an executive session cannot be held; therefore the Town Manager recommends that this be referred to the Budget and Finance Committee.

Councilor Fortunato announced that she will be abstaining from the vote due to the fact that she was a Board of Education member at the time that this took place.

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

#### Records Clerk, Maintainer 1, Part Time Clerk - Physical Services - 10/1 Hire Date

Deputy Mayor Karangekis moved **"TO AUTHORIZE THE TOWN MANAGER TO FILL THE VACANT RECORDS CLERK IN THE POLICE DEPARTMENT AND THE VACANT MAINTAINER I AND PART-TIME CLERK IN PHYSICAL SERVICES ON OCTOBER 1, 2005"**, seconded by Councilor Montinieri.

Town Manager Bonnie Therrien explained that it was decided during the budget process to delay filling these vacant positions until January 1, 2006; however the Police and Physical Services Departments are both having a difficult time completing work due to the vacancies. The Town Manager said that Finance Director Lisa Hancock and Assistant to the Town Manager Rae Ann Palmer are looking at ways to handle the expense. She said that the Physical Services position will be covered by the savings in the Town's bond expense account and the Police position will be covered through attrition savings.

Councilor Hemmann said that during the budget deliberations it was decided that it would be tough to hold out until January 1, but that this is what needed to be done. She said that the budget was built on holding off and this should be held to. She said that fuel costs will be a challenge to the budget this year and she is uncomfortable with moving forward with filling the vacant positions at this time.

Chairperson Morin asked if the Police retiree positions will be filled and the Town Manager said that they will be.

All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki and Councilor

Hemmann voted NAY. The motion passed 6-2-0.

Evaluation Process - Town Manager and Town Clerk

Councilor Adil moved "**TO REFER THE EVALUATION PROCESS TO THE BUDGET AND FINANCE COMMITTEE**", seconded by Councilor Forrest.

Councilor Hemmann asked if the Council will be receiving forms from the Budget and Finance Committee to use for the evaluation process and was told that they will. Councilor Hemmann asked if there is a time frame set up. Chairperson Morin said that he'd like the Committee to call a meeting as soon as possible.

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

Fee Waiver - Ferry 350th Celebration

Councilor Montinieri moved "**TO WAIVE FIFTY PERCENT OF THE SHOWMOBILE RENTAL AND LABOR FEES IN THE AMOUNT OF \$255.05 FOR THE GREAT MEADOWS CONSERVATION TRUST AT THE FERRY 350TH CELEBRATION**", seconded by Councilor Czernicki.

Town Manager Bonnie Therrien explained that the Great Meadows Conservation Trust used the Showmobile for the Ferry 350th event and they are asking for a full waiver of the rental fee of \$350 plus labor charges of \$160.50. She said that in the past the Council has approved waivers of 50% for such requests.

Councilor Forrest said that this is an appropriate step in continuing communications.

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

**BIDS**

Crack Seal Bids

Moved "**TO AWARD THE BID FOR HOT CRACK SEALING TO A&A ASPHALT, LLC FOR THE AMOUNT OF \$34,500 AND THE BID FOR COLD CRACK SEALING TO MARINO BROTHERS FOR THE AMOUNT OF \$30,000**", seconded by Councilor Montinieri.

Town Manager Bonnie Therrien explained that this is part of Wethersfield's annual road maintenance program. She said that the low bidder submitted an outdated bid bond and the Town Attorney determined that the bid bond requirement could be waived. She also said that a list of streets to be completed will be distributed to Councilors at their August 22 special meeting.

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

Washed and Screened Sand

Councilor Forrest moved "**TO AWARD THE BID FOR WASHED AND SCREENED SAND FOR ROADWAYS TO MACCLAIN TRUCKING AND D.W. TRANSPORT & LEASING AT A COST FOR THE COMBINED BIDS NOT TO EXCEED \$25,000**", seconded by Councilor Montinieri.

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

Rejection of Bid - Tanglewood Drainage Project

Councilor Montinieri moved "**TO REJECT ALL BIDS FOR DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR THE TANBLEWOOD OPEN SPACE PROJECT**", seconded by Deputy Mayor Karangekis.

Town Manager Bonnie Therrien explained that the Council has set aside money for the drainage and flood control

improvements for the Tanglewood Open Space Project and all bids came in at twice the cost estimate for the work; therefore staff recommends that all bids be rejected and that the Town re-advertise the work. She said that in the meantime, several neighbors have approached her to scale back the work and still achieve the same results, since they do not want to have trees in their front yards removed. The Town Manager said that she met with the neighbors; Fred Clark, Chairman of the Inland/Wetlands Commission; and Town Engineer Mike Turner to review the approved plans. She said that it is felt that there may be a way to resolve the situation and save the Town some money, and since the Inland/Wetlands Commission approved the plan, they are the only ones who can make any changes to the plan which will then be forwarded to the Council to bid a modified plan resolution.

Councilor Hemmann asked why there was such a difference in the bid amounts and the amount allotted for the project. Town Manager Bonnie Therrien said that she doesn't know if these contractors just don't want the job so they bid extremely high. Councilor Hemmann commented that it's not worth it for the contractors to bother taking the time to bid on the project.

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

### Rock Salt

Councilor Adil moved "**TO AWARD THE BID FOR SALT FOR ROADWAYS TO AMERICAN ROCK SALT, CARGILL, INC., MORTON SALT, AND INTERNATIONAL SALT AT A COMBINED COST NOT TO EXCEED \$60,000**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

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

### RESOLUTION CONCERNING AN AGREEMENT WITH THE STATE OF CONNECTICUT FOR GRISWOLD ROAD

RESOLVED, that Bonnie L. Therrien, Town Manager, be, and hereby is authorized to sign the agreement entitled:

"Agreement between the State of Connecticut and the Town of Wethersfield for the construction, inspection, and maintenance of the Griswold Road utilizing Federal Funds under the Urban Component of the Surface Transportation Program."

### RESOLUTION BY THE TOWN OF WETHERSFIELD REGARDING OPPOSITION TO THE LIQUEFIED NATURAL GAS FACILITY PROPOSED BY BROADWATER ENERGY

**WHEREAS**, Long Island Sound is one of the most beautiful and important bodies of water in the United States and considered a home to a vast array of wildlife, provides employment and recreational opportunities for millions of people throughout the region, and is a vital part of our nation's ecosystem; and

**WHEREAS**, Broadwater Energy is proposing to construct a nearly ten-stories tall, one quarter mile long, and one hundred eighty feet wide floating industrial complex just over Connecticut waters and near the center of Long Island Sound; and

**WHEREAS**, the huge liquid natural gas regasification and storage facility proposed for the middle of this national treasure poses a significant threat to health and ecological safety, and

**WHEREAS**, due to this safety hazard, a significant area of the Sound surrounding the platform would be designated a "no boating", "no fishing", "no public access" area in contradiction of the fact that Long Island Sound is held in trust for the citizens of Connecticut and New York; and

**WHEREAS**, the project also includes more than twenty-five miles of new undersea pipeline; a development that in and of itself could have a significant and negative impact on the critically important sea bottom of the Sound; and

**WHEREAS**, water quality in the immediate area could be threatened by water intakes and discharges, sewage wastewater treatment, storm water runoff and potential liquid natural gas spills; and

**WHEREAS**, the visual and noise impacts of the massive lighted industrial facility could be significant; and

**WHEREAS**, regional leaders have identified a variety of sustainable and reasonable energy alternatives including renewables, conservation and efficiency programs, and improved LNG systems and siting that would meet our energy needs and create greater energy security benefits; and

**WHEREAS**, these alternatives would not threaten Long Island Sound and its significant resources,

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Wethersfield oppose the industrial complex proposed by Broadwater Energy for Long Island Sound.

RESOLUTION FOR AGREEMENT WITH CENTRAL CONNECTICUT STATE UNIVERSITY

BE IT RESOLVED by the Town Council of the Town of Wethersfield that Bonnie Therrien, Town Manager, is hereby authorized to make, execute and approve on behalf of the Town of Wethersfield, a contract between Central Connecticut State University for a study of the Town of Wethersfield Department of Social and Youth Services.

RESOLUTION AUTHORIZING APPLICATION FOR *PRESERVE AMERICA* COMMUNITY DESIGNATION

**WHEREAS**, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

**WHEREAS**, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

**WHEREAS**, this initiative is compatible with Wethersfield's interests and goals related to historic preservation; and

**WHEREAS**, designation as a *Preserve America* Community will improve Wethersfield's ability to protect and promote its historical resources; now therefore be it

**NOW, THEREFORE BE IT RESOLVED**, that the Town Manager, on behalf of the Town Council, will apply for the designation of the Town of Wethersfield as a *Preserve America* Community; and be it further

**BE IT FURTHER RESOLVED**, that the Town of Wethersfield will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

ORDINANCE ENACTING CHAPTER 12, PART I, OF THE WETHERSFIELD CODE OF ORDINANCES

(Prohibiting acquisition of certain property by eminent domain for privately held or controlled economic development purposes)

**WHEREAS**, the Town Council of the Town of Wethersfield wishes to express its respect for the rights of its citizens and taxpayers who own and reside in residential real property in this Town; and

**WHEREAS**, the Town Council of the Town of Wethersfield believes that a primary responsibility of government is to protect private property and home ownership; and

**WHEREAS**, the Town Council of the Town of Wethersfield views the United States Supreme Court's decision in *Kelo et al. v. New London et al.* as a threat to citizens and taxpayers of the Town of Wethersfield who own residential real estate and live in their homes; and

**WHEREAS**, it is the intention of this ordinance to prevent the application of the Kelo decision in this community by prohibiting the acquisition of certain owner-occupied residential real property by eminent domain for use in a municipal development project where the property would be privately owned or controlled and where the process would result in the homeowner's losing his home.

**NOW THEREFORE** Be It Ordained and Enacted by the Town Council of the Town of Wethersfield that Chapter 12 of the Wethersfield Code of Ordinances is hereby enacted as follows:

## CHAPTER 12

### EMINENT DOMAIN POWERS LIMITED

#### §12.1. Eminent Domain Powers Limited

Within the territorial limits of the Town of Wethersfield, no owner-occupied residential real property consisting of four or fewer dwelling units may be acquired by eminent domain for economic development purposes pursuant to General Statutes §8-128 to 8-133 inclusive, if the resulting project will be privately owned or controlled. Nothing contained herein shall be construed to limit the use of eminent domain powers for public purposes including but not limited to the construction of sewers, highways, sidewalks, rights of way, flood and erosion control purposes or for any other transaction where the property rights acquired will be held or controlled by the Town of Wethersfield. This ordinance shall not conflict with any subsequently enacted State law on this subject matter.

Councilor Forrest moved **"TO HOLD THE PUBLIC HEARINGS FOR THE RESOLUTIONS ON THE GRISWOLD ROAD PROJECT, THE CCSU STATE CONTRACT FOR THE REVIEW OF SOCIAL AND YOUTH SERVICES, AND THE APPLICATION FOR PRESERVE AMERICA COMMUNITY DESIGNATION ON MONDAY, AUGUST 22 AT 6:00 P.M. IN THE POLICE STATION COMMUNITY ROOM"**, seconded by Councilor Montinieri. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Czernicki moved **"TO HOLD A PUBLIC HEARING ON THE ORDINANCE ENACTING CHAPTER 12, PART 1, OF THE WETHERSFIELD CODE OF ORDINANCES ON MONDAY, AUGUST 22 AT 6:00 P.M. IN THE POLICE STATION COMMUNITY ROOM"**, seconded by Councilor Hemmann. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Town Manager Bonnie Therrien announced that if the Town Clerk cannot meet the deadline for the legal publication of the hearing on the Ordinance Enacting Chapter 12, Part 1, of the Wethersfield Code of Ordinances, the hearing will take place on September 6.

Councilor Czernicki asked why a special meeting is being held on August 22.

Town Manager Bonnie Therrien explained that the State is requiring that the documents for Griswold Road be signed by the end of August or the project will be postponed. She said that the documents need to be signed before then.

## MINUTES

Councilor Forrest moved **"TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF JULY 18, 2005"**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Adil moved **"TO EXTEND THE MEETING BEYOND 11:00 P.M."**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki voted NAY. The motion passed 7-1-0.

## ADJOURNMENT

At 10:49 p.m., Councilor Adil moved "**TO ENTER INTO EXECUTIVE SESSION**" seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

At 11:44 p.m., Councilor Adil moved "**TO ENTER BACK INTO THE REGULAR MEETING**" seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

At 11:45 p.m., Councilor Forrest moved "**TO ADJOURN THE MEETING**" seconded by Councilor Adil. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano  
Town Clerk

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\*This linked file is in Adobe's Portable Document Format. To view it you will need Adobe Reader installed on your computer. It is available for free download at:

