

SEPTEMBER 20, 2004 REGULAR MEETING

The Wethersfield Town Council held a meeting on September 20, 2004 at 7:00 p.m. in the Council Chambers of the Town Hall.

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

Absent: Councilor Czernicki.

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 Cascio.

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

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

PUBLIC COMMENTS

HEARING

RESOLUTION FOR A LEGISLATIVE BODY RELATING TO A 401 MONEY PURCHASE PLAN

RESOLUTION REGARDING THE AUTHORIZATION AND SUBMISSION OF A GRANT FROM THE CAPITAL AREA SUBSTANCE ABUSE COUNCIL TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES AND THE AWARD OF FUNDS FROM THE GRANT TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES

Barbara Ruhe, 79 Main Street, member of the Youth Services Advisory Board, spoke in support of the grant from the Capital Area Substance Abuse Council.

Thomas Wraight, 22 Coleman Road, commented that he has personally found his 401k plan to be extremely beneficial in his retirement years. He encouraged the Town to adopt such a program for the benefit of its employees.

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

GENERAL COMMENTS

Kay Diamond, 135 Mapleside Drive, commented on the proposed sidewalk repairs stating that the cost will place a financial hardship on senior citizens. She questioned whether the sidewalk on Mapleside is being installed because of a safety issue for children or because of the discontinuation of the bus service. Ms. Diamond said that the issue of sidewalks requires more media exposure so that residents are better informed when entering the polls in November.

Ann Kuckro, 471 Main Street, spoke in favor of the referendum for improvements to the Town Hall and Library and the referendum on the improvement of roads and sidewalks. She said that the Town Hall, built in 1958, is sorely in need of a face lift. She urged voters to support the referendums.

Myron Baldwin, 141 Griswold Road, spoke in support of the Morgan family and urged the Council to pass the agreement with the Winding Brook Turf Farm. He noted that the Morgan's donated land for the site of the Griswoldville Chapel.

Thomas Wraight, 22 Coleman Road, commented on the policies of the Ethics Board and how they relate to comments made by Councilor Montinieri regarding the issue of the lighting of Cottone Field. Mr. Wraight feels that the matter of Town officials speaking at other Town commission meetings to provide guidance to its members should be referred to the Ethics Commission for consideration.

Brian Crafa, 27 Chauncey Road, spoke in support of the Morgan family stating that they have always been cooperative in doing much for the Town. He said that the farmland in Town should be preserved.

Woodrow Warren, 9 Nutmeg Circle, spoke of his concern over the ethics issue of preferential treatment for citizens with influence. He asked who will be accountable and responsible for the increased risks and aggravations associated with night activities for youths. Mr. Warren also commented on the Wethersfield Country Club.

Greg Bedula, 126 Meadowgate, spoke in favor of the referendums for improvements to the Town Hall/Library and roads and sidewalks. He commended and thanked the Council for their approval of both of the referendum items.

Raymond Lavoie, 63 Boardman Terrace, spoke to the issue of "pocket bikes" and the riding of them by children younger than sixteen years of age. He urged the Council to take action addressing pocket bikes and scooters.

Robert Young, 20 Coppermill Road, read a letter from Rocco Orsini and George Ruhe, both of the Wethersfield Taxpayers Association, Inc., regarding the Winding Brook Turf Farm lease agreement. The letter spoke in opposition to the agreement, stating that Town resources should not be used for private gain.

Margaret Hunt, 26 Westlook Road, read from e-mails she has received, stating that there has been extensive damage sustained by homes in the Nott Street project area. She said that one message commended Officer Craig Davis in going beyond his call of duty and for treating the residents with compassion and dignity. Ms. Hunt discussed the timeline proposed for the completion of the project and additional road paving possibilities due to damage caused by the project. She said that the Town needs to do all it can to insure proper landscaping for property damaged by the project. Ms. Hunt commented on the conditions of certain motels in Wethersfield and the Town's need to enforce stricter requirements for motels' appearances. She said that she agrees with the Ordinance allowing motels to install microwaves, provided that safety standards are adhered to.

Glenn Decker, 64 Coppermill Road, stated that he and his wife also own property at 745 Nott Street and shared with the Council their concerns pertaining to the Nott Street project, stating that promises made by the Town before construction began and promises made by the contractor during construction are not being fulfilled. Mr. Decker addressed the issue of tree stumps remaining from trees cut down at the corner of Nott Street and Westlook Road.

Brendan Hallisey, 63 Drummer Lane, commended the Council for pushing through the renovations to Cottone field in time for this year's football season. He said that, as a member of the Wethersfield Youth Soccer Association, he is concerned about the future use of the field due to proposed requirements for use. He said that Cottone Field is a Town field and that there should be no fees incurred by Town groups using the field. Mr. Hallisey said that the field is a gem and should be shown off.

Fred Bannon, 53 Two Rod Highway, questioned why and how Two Rod Highway is included in the sidewalk installation project, when the residents in that area voted twice in the past not to have sidewalks installed. He said that the sidewalk installation will be a financial burden on the residents, especially the elderly.

Cathy Boyes, 20 Westlook Road, thanked the Town Manager for arranging the meeting last week on the Nott Street project. She said that she was surprised and concerned to learn that there were so many residents sustaining property damage due to the project. Ms. Boyes suggested that residents be given the opportunity to comment before the Town accepts Nott Street at its completion.

Bruce Johnston, 300 Griswold Road, spoke in support of the Winding Brook Turf Farm agreement.

John Miller, 375 Pine Lane, commented that he understands how difficult it is to recruit residents to serve on Boards and Commissions, namely the Artificial Surface Football Field Advisory Committee, and he is concerned that personal

shots are being taken at these members. Mr. Miller commended the quality of members serving on the Artificial Surface Committee. He suggested that in the future, a committee be established to discuss all of the pros and cons of a Town project and determine whether it should even be undertaken and then establish a separate committee to facilitate the project.

Ken Sokolowski, 79 Main Street, commented that he concurs with Mr. Miller's suggestion regarding the forming of committees to facilitate any future proposed Town projects. Mr. Sokolowski commented that the use of "pocket bikes" by those under the age of sixteen could be considered to be risk of injury to a minor on the part of the parents. He urged the Council to send the issue of the Winding Brook Turf Farm agreement to the Town Attorney for an unbiased, professional search and opinion, and to the appropriate Town Boards and Commissions who have jurisdiction. He urged the Council to table the proposed agreement until the facts make a course of action clear.

Dave Warriner, 65 Somerset Street, thanked all of those involved in the Cottone Field renovation project. Mr. Warriner expressed his displeasure that, after being open for forty years, the Westway gate has been closed as a public entrance to all sporting events at Cottone Field, when the only changes made have been to the surface of the field. He urged the Council to consider reopening the gate for all sporting events. Mr. Warriner also spoke of parking issues relating to activities held at Cottone Field.

Florence Norkin, 119 Mapleside Drive, spoke of her opposition to the installation of sidewalks on the west side of Mapleside Drive. She feels that the sidewalks are unnecessary and that their installation should be reconsidered. She said that she would be willing to discuss this with the Town Manager.

Ron Rodd, 88 Westway, said that he and other residents voiced their concern to the Town that Cottone Field would be used by many sports groups and already members of these groups are demanding access to the field. He said that the neighbors of Westway deserve consideration in pursuing the quiet enjoyment of their homes. Mr. Rodd said that the parking concerns of Mr. Warriner should have been raised to the Council when the proposal of the field renovations was being deliberated as this was a concern of the residents all along. He said that this issue has yet to be properly addressed. Mr. Rodd commented that the Heritage Trail is washed out every time more than an inch of rain falls. He said that the wash out occurs at the discharge point for Esposito Field and not Cottone Field. Mr. Rodd questioned where all the water from Cottone Field is going.

Ballou Tooker, 65 Harmund Place, asked that the results of votes taken by the Council be announced so that the Public is aware.

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

COUNCIL REPORTS & COMMENTS

Councilor Forrest reported that the Public Works Committee met earlier this evening to review the open space criteria the Town's Conservation Commission to use to determine the purchase of open space. He said that the Committee approved the recommendations from the Conservation Commission.

Councilor Montinieri announced that the Metropatterns Public Forum will be held Wednesday night and reported that the Stillman Building is three weeks behind schedule due to underground duct work. It is hoped that this time will be made up. She reported that a higher grade of furniture than originally proposed is being donated to the Physical Services Building. Councilor Montinieri reported that Director of the Historical Society, Doug Shipman, has been called up to serve in Iraq. She said that he is a Lieutenant Colonel in the Army Reserves. Councilor Montinieri said that it is a pleasure working with Mr. Shipman and that he has done a tremendous amount for the Historical Society. Councilor Montinieri said that the first meeting of the Board of Education's proposed redistricting plan will be held on October 14.

Councilor Adil announced that a forum to discuss Successful Economic Strategies will be held at the Pitkin Center on Wednesday, September 29.

Deputy Mayor Karangekis commented on the issue of "pocket bicycles". He said that several riders have been cited in

Wethersfield as being too young to be driving them. Deputy Mayor Karangekis said that many communities have initiated restrictions on the use of these types of bicycles and he suggested that Wethersfield study this to also possibly restrict their use. Chairperson Morin suggested that the Town Manager handle this issue through the Public Safety Committee.

Councilor Fortunato commented that the sidewalk proposal in the bond cannot be rescinded by the Council as it is being put out to the voters in the form of a referendum. She asked what can be done to provide as much information as possible to the residents impacted by the referendum. Town Manager Bonnie Therrien said that an approximate cost to install can be provided to the property owners. Councilor Fortunato stated, as liaison to the Infrastructure Committee, that the Committee looked to the Town Staff for recommendations as to the roads to be included in the bonding.

Councilor Adil said that he served on the Traffic & Transportation Committee two years ago when the criteria was established for prioritizing sidewalk work. He said that a committee comprised of citizens, police, and school representatives discussed where sidewalk gaps are throughout Town. He said that the Two Rod Highway and Mapleside Drive areas were prioritized by the police because they are considered to be extremely dangerous for children walking to and from school. He said that given the extent of these projects, the residents should be financially responsible. Councilor Adil reported that he stood in for Chairperson Morin at the dedication of Cottone Field on Saturday. He said that the fields are draining well and that everyone should be very proud of the project. Councilor Adil commented that Councilor Montinieri was expressing her personal opinion at the before mentioned Board of Education meeting and any attacks against her are unjustified.

Councilor Cascio questioned if there is really a condemned home on Nott Street. Town Manager Bonnie Therrien said that the residents signed off to right of ways for the project and one particular resident did not; therefore the State has the right to condemn the property in order to finish the road project. She said that the home is not condemned but rather just the front area of the property along the road. Councilor Cascio also questioned the reported large amount of damaged homes. Town Manager Bonnie Therrien said that she currently has only one report submitted and said that residents should not wait to submit claims. Councilor Cascio asked why the Westway gate has been closed. Town Manager Bonnie Therrien explained that there was concern about the parking area there by the residents. She said that this is one way to help with their situation and this can be changed if Council wishes to put it on a future agenda. Councilor Cascio cautioned that the closing of the gate has resulted on the Town being put on notice regarding handicap accessibility to Cottone Field. Councilor Cascio asked if residents have the right to vote not to have sidewalks installed on their road. Town Manager Bonnie Therrien said that she is unsure and will look into this.

Councilor Adil said that when the sidewalks were proposed in 1999-2000, residents were opposed to the installation, but he does not recall an actual vote being taken.

Chairperson Morin commented that there has been no manipulation by any member of the Council as to the use of Cottone Field by any group in Town. He said that the field was renovated so that it can be used and he wants as many groups as possible to use the field; however a procedure governing the use of the field needs to be followed. He encouraged residents to consult the Town Manager for information whenever questioning Town issues. Chairperson Morin stated that the Town Manager and Council have done all they can to inform the residents of Nott Street and to address their concerns.

COUNCIL ACTION

Resolution for a Legislative Body Relating to a 401 Money Purchase Plan

Councilor Adil moved "**TO APPROVE THE RESOLUTION FOR A LEGISLATIVE BODY RELATING TO A 401 MONEY PURCHASE PLAN**", seconded by Deputy Mayor Karangekis.

Town Manager Bonnie Therrien explained that as a part of her employment contract, there is a pension portion and due to IRS rulings regarding how much can be contributed, she can no longer take part in the 457 plan. She has requested that the Council move her to a 401 plan so that she can continue to contribute.

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

Resolution Regarding the Authorization and Submission of a Grant from the Capital Area Substance Abuse Council to the Department of Social and Youth Services and the Award of Funds from the Grant to the Department of Social and Youth Services

Councilor Cascio moved **"TO APPROVE THE RESOLUTION REGARDING THE AUTHORIZATION AND SUBMISSION OF A GRANT FROM THE CAPITAL AREA SUBSTANCE ABUSE COUNCIL TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES AND THE AWARD OF FUNDS FROM THE GRANT TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that this is a grant in the amount of \$4,245 for programs to increase public awareness and prevention of alcohol, tobacco, and other drug abuse for fiscal year 2004-2005.

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

UNFINISHED BUSINESS

Licensing Agreement for Winding Brook Turf Farm

Deputy Mayor Karangekis moved **"TO AUTHORIZE THE TOWN MANAGER TO SIGN THE LICENSING AGREEMENT BETWEEN WINDING BROOK TURF FARM AND THE TOWN OF WETHERSFIELD"**, seconded by Councilor Forrest.

Councilor Cascio stated that he supports the agreement; however he has concerns with Section 9 and asks if there is a reason for this wording. Town Manager Bonnie Therrien said that this paragraph had been requested by Councilor Forrest at a previous Council meeting. She said that Town Attorney Bradley has informed her that this paragraph is something that the Morgan's would not be amenable to.

Councilor Cascio moved **"TO AMEND THE MOTION BY DELETING SECTION 9 FROM THE WINDING BROOK TURF FARM LICENSING AGREEMENT"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The amendment to the motion passed 8-0-0.

Councilor Adil stated that he is in support of the licensing agreement and agrees with many of the neighbors of the farm that the Morgan's have been excellent neighbors and that the Town needs to be business friendly. He said that the Town needs to continue to be very mindful of the environmental concerns.

Councilor Hemmann commented that she supports the licensing agreement as an update of the 1984 letter from the Town to the Morgan family.

Councilor Fortunato said that she supports the agreement, but is concerned with the leakage of oil into the water and asked what measures have been taken or will be taken to insure that this does not continue. Town Manager Bonnie Therrien answered that Town staff will monitor the agreement which will include this issue.

Councilor Montinieri asked if the Town Engineering Department will regulate the amount of water taken from the brook. Town Manager Bonnie Therrien said that the Department will monitor the water flow, but not the amount, which will be limited to not more than 50,000 gallons per day.

Councilor Cascio asked if the Council is comfortable with the motion or if the licensing agreement needs to be brought before the Inland Wetlands Commission. Attorney Bradley stated that this has already been referred to the Inland Wetlands Commission on several occasions and they have declined jurisdiction as there is an exemption for agricultural activities. He said that there is neither excavation nor grading taking place in the wetlands area.

Councilor Adil said that he has been told that the oil in the water occurred from priming the pump and that now water is used to prime it instead. Town Manager Bonnie Therrien said that she will look into this and include pertinent

information in her next report.

Councilor Cascio said that he would not like to see the pumping disturb any vegetation and/or any environmental reserves for migration.

Councilor Adil said that the Mill Woods Master Plan needs to be implemented and the dredging of the pond will help to alleviate the silt that collects in it.

Chairperson Morin stated that the decision of the Council has nothing to do with any personal interactions with the Morgan family. He said that Wethersfield's heritage is based on agriculture and it is finally time to act on this issue. Chairperson Morin said that Winding Brook Turf Farm has been a good neighbor to Wethersfield and it is not a bad thing to be business friendly. He said that he expects that the Town Staff and the Morgan's to be diligent regarding the environment.

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

Amendment to Municipal Code, Section 75-5K - Use of Microwaves in Motels

Town Manager Bonnie Therrien explained that the Town staff has completed, upon request of the Council, additional research regarding the use of microwaves in motels and recommends that if approved, the burden must fall on motel owners by requiring them to hire a licensed electrician who will certify that the existing electrical system is capable of supporting the use of additional appliances in each room, or be required to upgrade and/or repair the existing electrical system. Once this requirement is satisfied, the Health Director could issue a permit to the motel/hotel owner for the use of microwave ovens. The Town Manager stated that Town Planner Peter Gillespie brought this proposal up at the last Planning & Zoning Commission meeting for input and the Commission wholeheartedly endorsed it.

Councilor Forrest moved "**TO HAVE THE TOWN MANAGER WORK WITH THE TOWN STAFF TO EXPAND THE AMENDMENT TO THE MUNICIPAL CODE, SECTION 75-5K - USE OF MICROWAVES IN MOTELS, TO INCLUDE THE REQUIREMENT THAT OWNERS MUST HIRE A LICENSED ELECTRICIAN TO CERTIFY THAT THE EXISTING ELECTRICAL SYSTEM IS CAPABLE OF SUPPORTING THE USE OF ADDITIONAL APPLIANCES IN EACH ROOM; AND TO HOLD A NEW PUBLIC HEARING ON OCTOBER 4, 2004 AT 7:00 P.M.**", seconded by Councilor Fortunato.

Councilor Hemmann said that she appreciates the information provided in the Councilor packets and asked if the Fire Marshall and Building Official were consulted when the amendment was put together. Town Manager Bonnie Therrien said that both are in agreement with the current amendment.

Councilor Fortunato said that her primary concern had been with the onus being put on the property owner and clarified that this will clearly be stated in the amendment that this is the burden of the property owner and not the residents residing in the rooms. Town Manager Bonnie Therrien said that another public hearing has to be held because of the revision, but that the burden will fall on the property owner. She said that the Town Attorney will also review the amendment and provide input.

Councilor Hemmann asked if the motel owner who initiated this amendment has been informed of the potential change. Town Manager Bonnie Therrien said that a copy will be sent to him.

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

Sidewalk Construction and Repair Bid

Town Manager Bonnie Therrien explained that this item was tabled from the September 7, 2004 meeting in order to obtain information as to why the Town only received one bid for this service. Public Works Director Mike Turner said that contractors do not bid because of the local preference ordinance which has historically awarded the bid to a local business. They, therefore, do not believe that they will be successful bidders. The Town Manager provided to Council members a summary of the low vendor unit prices for sidewalk repair for the past four years. She said that the prices

have increased steadily and said that an option for the Council is to reject the bid and she can speak with other companies urging them to bid.

Councilor Adil moved **"TO REJECT THE CONTRACT FOR SIDEWALK CONSTRUCTION AND REPAIR TO WESPRO, LTD. IN THE AMOUNT OF \$54,575"**, seconded by Deputy Mayor Karangekis.

Councilor Fortunato asked what the Town is doing to reach minority and woman owned businesses as potential contractors. Town Manager Bonnie Therrien said that the Town does not have a separate Ordinance or program addressing this as the State and some other towns and cities do, but these businesses are included in certain publications that will go toward minority and business owned businesses. She said that the Town has access to the State system when bidding.

Councilor Cascio verified that the reason the bid is being rejected is in hopes that the Town will receive additional bidders. Town Manager Bonnie Therrien said that she will call other companies in an attempt to get them to bid. Chairperson Morin said that the Town staff has provided an estimate of what the sidewalk repair should cost and he is concerned that Wespro, Ltd is so much higher than this amount. Councilor Cascio asked if there would be an additional cost to re-bid. Town Manager Bonnie Therrien said that there will be no additional cost, but that the work will not be done until Spring.

Councilor Forrest asked if the local preference ordinance requires that the Council go with a local bidder or if this is their preference. Town Manager Bonnie Therrien said that there is a differential that local bidders receive on their bid which usually makes them the lowest bidder.

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

OTHER BUSINESS

Nextel Lease - 8-24 Review

Town Manager Bonnie Therrien explained that the lease has been reviewed by the Town Attorney and that the next step is for the Council to refer the lease to the Planning and Zoning Commission for an §8-24 review. It is being proposed that \$1,750 of the revenue from the lease be used to acquire Nextel phones for Wethersfield Police Officers.

Councilor Adil moved **"TO REFER THE PROPOSED NEXTEL AGREEMENT TO THE PLANNING AND ZONING COMMISSION FOR A REVIEW AND REPORT IN ACCORDANCE WITH §8-24 OF THE GENERAL STATUTES"**, seconded by Councilor Forrest.

Councilor Adil asked if the tower lease revenues are supposed to go toward the maintenance of the tower. Town Manager Bonnie Therrien said that she does not think that this is one of those towers, but she will check this information.

Councilor Hemmann asked what kind of phones the Police are now using. Town Manager Bonnie Therrien said that they do not all have Nextel phones. Most currently use a pager system. Councilor Hemmann asked if the additional cost for the Nextel phones will come out of the lease revenues on a yearly basis. The Town Manager said that the revenue will be budgeted and the Police will receive additional funds to pay for the Nextel system. Councilor Hemmann asked if the \$1,750 will be a yearly cost for the service. Town Manager Bonnie Therrien said that the monthly fee is \$1,750 for the Nextel service. Councilor Hemmann asked if the interference problem has been solved and was told by the Town Manager that the problem has not yet been completely solved and that the Nextel service has nothing to do with the problem.

Councilor Fortunato asked if this was considered when the Police Department was putting together their budget. Town Manager Bonnie Therrien said that it was not because the lease just came through. Councilor Fortunato asked what the equipment replacement cost is. The Town Manager said that the phones do not cost much; it is the minutes that are the real expense. She said that she can provide the equipment and replacement costs to Councilors.

Councilor Cascio asked if Nextel will be the last user on the Tower. Town Manager Bonnie Therrien said that Nextel will be the last user and will close out additional use of the Tower. Councilor Cascio asked if there is enough ground storage space for Nextel. The Town Manager said that this space requirement is prepared when the Tower is planned.

Councilor Adil verified that this Tower is at the Police Facility. The Town Manager said that this is true.

Chairperson Morin asked why the Police Officers need two-way walkie-talkies when they already have a radio system. Town Manager Bonnie Therrien said that there is interference on the 800-system and the general public can hear all transmissions. Chairperson Morin asked if this is common in other towns. Town Manager Bonnie Therrien said that she will speak with Chief Cetran to answer these questions.

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

CL&P Conservation Program

Town Manager Bonnie Therrien explained that the Department of Public Utility Control (DPUC) has enacted a new energy savings program for municipal buildings and the Town would like to contract with DPUC's contractor to begin surveying Town buildings not already done to determine energy costs and savings. She said that the program will fund 75% of the cost and CL&P offers a 0% interest financing for the balance of the project costs which is anticipated will be paid over three years from the savings on the power bill.

Councilor Forrest moved "**TO AUTHORIZE THE TOWN MANAGER TO SIGN AGREEMENTS WITH CL&P TO PARTICIPATE IN THE ENERGY SAVINGS PROGRAM**", seconded by Councilor Montinieri.

Councilor Fortunato said that at the last Building Committee meeting, Chairman Coombs spoke of this program stating that the Town Hall & Library would not be included in the initial assessment. He said that the survey of these would take place after the referendum vote in November.

Councilor Hemmann verified that as school buildings have been renovated, more energy efficient materials are being used. She asked if this is a continuation of this type of program. Town Manager Bonnie Therrien said that it is a continuation; however to a much greater extent than in the past.

Councilor Forrest asked if every municipal building will be surveyed. The Town Manager said that every municipal building that has yet to be assessed will be surveyed.

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

Change Order - Webb School - Asbestos

Councilor Montinieri moved "**TO APPROVE A CHANGE ORDER INCREASE OF \$19,432 TO OSCAR'S ABATEMENT TO REMOVE HAZARDOUS MATERIALS FROM THE WEBB SCHOOL BUILDING**", seconded by Councilor Adil.

Town Manager Bonnie Therrien said that Chairperson David Drake is in attendance to answer any questions from the Council.

Councilor Adil asked how this removal of hazardous materials will impact the building renovation schedule. Mr. Drake said that it has definitely affected the schedule. He said that the abatement could have been done slightly cheaper by covering up the materials; however a map of the asbestos in the building would have to be kept for future reference and possible future abatement.

Councilor Cascio asked if abatement was done at all in the previous renovation. Mr. Drake said that some abatement was done and that the current amount is what is left. Councilor Cascio asked if the Town has any recourse against the previous asbestos abatement company. Town Manager Bonnie Therrien said that the Town is looking at this.

Chairperson Morin asked what the contingency account balance is. Mr. Drake said that the contingency account balance is fine. Town Manager Bonnie Therrien said that it is still early in the project. Mr. Drake said that there should be a fair amount of money left over from the Stillman building. Chairperson Morin said that he would like to arrange a status walkthrough for the Council. Mr. Drake said that he will pick a date with the Town Manager.

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

Explanatory Texts - November Referendums

Councilor Montinieri moved "**TO APPROVE THE THREE EXPLANATORY TEXTS, AS PRESENTED BY THE TOWN MANAGER, FOR THE NOVEMBER REFERENDUMS**", seconded by Deputy Mayor Karangekis.

Councilor Adil asked if a video presentation of the Town Hall/Library building is under production. Town Manager Bonnie Therrien said that she is working on this with Town Engineer Mike Turner and Fire Marshal Gary Santoro. She said that the video should be ready within a week. Councilor Adil suggested that the explanatory text for the road and sidewalk improvements be changed in the second paragraph to read that "the Town has the option" to require property owners to pay 50% of the costs. Town Manager Bonnie Therrien said that the Council has the option to do this; but that it was previously decided that the costs would be split 50/50. She said that the Bond Ordinance is written such that the 50% is not mentioned; therefore the Council does not have to make a decision on this now, but can wait until November. Councilor Adil asked if the Council at that time can also decide to install sidewalks on only one side of Two Rod Highway. Town Manager Bonnie Therrien said that that cannot be done as the Bond states that both sides will have sidewalks installed. She said that she will check with Bond Counsel as to whether the Council can vote not to put sidewalks there at all and just allow the Bond Ordinance for that portion to run out.

Councilor Montinieri said that the problem with sidewalks being installed on only one side of Two Rod Highway has to do with bussing issues.

Councilor Hemmann asked how long the current Town sidewalk ordinance addressing installment, replacement and residents' responsibility for payment has been in affect. Town Manager Bonnie Therrien said that she is not sure, but that it has been a long time. Councilor Hemmann said that she is concerned about changing the payment requirements in that this negates the current ordinance and will set a precedent. Chairperson Morin suggested that the sidewalk ordinance could possibly be outdated and may require updating since the last sidewalk issue.

Councilor Fortunato said that when she voted in favor of the project, it was under the assumption that there is currently an ordinance that will be adhered to. She said that the homeowners have to be provided with information regarding their portion of the costs of the sidewalk installation. She said that she does not support a change to the 50/50 cost sharing. Councilor Fortunato stated that she does not want to second guess the professional Town staff members who have recommended the sidewalk installations and renovations.

Councilor Forrest said that the sidewalks will improve the safety of the children in Wethersfield. He said that he recalls being told that the 50/50 cost sharing would be a policy decision made by the Council at a later date and that he is uncomfortable requiring the property owners to pay 50% of the costs. Councilor Forrest said that it is important to change the wording of the text to read "the Town has the option" because this could change the way in which residents vote on the issue. He said that the text as-is does not indicate that the 50/50 cost sharing is a policy decision that could be altered by the Council in the future and that the text should include this.

Councilor Cascio said that the minutes of the August 18, 2004 Council meeting will reflect that he brought to the table the issue of the sidewalk ordinance. He said that he is not comfortable with changing the explanatory text.

Councilor Montinieri said that she spoke with a resident of Two Rod Highway who, in addition to the 50% cost of installing the sidewalk, is concerned about their sprinkler system which will require altering to accommodate the sidewalk. She said that the resident is currently having a new driveway installed which will also be disrupted with the sidewalk installation. Councilor Montinieri said that she appreciates what a hassle this will be for the homeowners, but she believes that it is only fair that the residents pay their share as has been done previously by other residents.

Councilor Forrest commented that his recollection is that the sidewalk ordinance had always been referred to by the Council in terms of sidewalk repair rather than new installation. He asked the Town Manager to offer a recommendation on this issue and how the language could or should be changed from 50%. Councilor Forrest said that now is the appropriate time for the Council to discuss this issue.

Councilor Adil said that the ordinance actually requires that the homeowner bear the entire financial cost of sidewalk repair and 50% of newly installed sidewalks. He said that his suggested amendment to the explanatory text gives the Town the option to change the cost allocation percentage.

Chairperson Morin said that the Council can approve two of the three explanatory texts and table the third for discussion. He said that he does not think it is possible to amend the wording of the road and sidewalk improvement explanatory text because there is currently a Town ordinance stating that the cost is split 50/50. The ordinance would need to be amended first in order to change the explanatory text.

Councilor Adil asked if it is possible to completely delete the two sentences in the second paragraph of the explanatory text. Town Manager Bonnie Therrien said that this is possible; however this would not allow a true picture of the issue to the residents.

Councilor Fortunato asked if an opinion could be received from the State Election Commission as to how much discussion can be had with the affected homeowners. She said that she recalls that letters to the homeowners allowed for financial arrangements to be made regarding their share of the sidewalk cost.

Councilor Montinieri asked why the phrase "both sides" of Two Rod Highway is not included in the explanatory text. Town Manager Bonnie Therrien said that she will include this in the text. She said that she would also like to include the tax impact for the average value of a house into the explanatory text for both the Town Hall/Library Renovations and the Road and Sidewalk Improvements. The Town Manager said that there will be an attached sheet listing all of the roads slated for improvement.

Councilor Cascio moved **"TO ADD THE TAX IMPACT ON BOTH THE TOWN HALL/LIBRARY RENOVATIONS AND ROAD AND SIDEWALK IMPROVEMENTS EXPLANATORY TEXT AND TO ADD THE PHRASE "BOTH SIDES" TO ITEM NUMBER FOUR OF THE ROAD AND SIDEWALK IMPROVEMENTS EXPLANATORY TEXT"**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

BIDS

Personal Property Audits

Councilor Forrest moved **"TO AWARD THE BID FOR PERSONAL PROPERTY AUDIT SERVICES TO CHARLES B. FELDMAN, LLC IN THE AMOUNT OF \$10,000"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien said that the work that Mr. Feldman will be performing will allow for twenty audits on businesses in Town.

Councilor Adil asked if the audits will be performed on the largest property owners. Town Manager Bonnie Therrien said that it will mostly cover the larger property owners as well as any properties where there may be issues with prior information provided.

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

Quarry & Bituminous Materials

Councilor Montinieri moved **"TO AWARD THE BID FOR QUARRY AND BITUMINOUS MATERIAL PAVING SERVICES TO DRVN ENTERPRISES, INC.; TILCON CT; MACCLAIN TRUCKING; AND AMERICAN MATERIALS CORP. AT A COMBINED COST NOT TO EXCEED \$10,000"**, seconded by

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

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

None.

MINUTES

Councilor Adil moved "**TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2004**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 7-0-1.

ADJOURNMENT

At 9:50 p.m., Councilor Adil moved "**TO ENTER INTO EXECUTIVE SESSION**" seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Present: Councilors Adil, Cascio, Forrest, Fortunato, Hemmann, Montinieri, Deputy Mayor Karangekis, Chairperson Morin and Town Manager Bonnie Therrien.

At 10:02 p.m., Councilor Adil moved "**TO ENTER BACK INTO THE REGULAR MEETING**" seconded by Councilor Cascio. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Councilor Montinieri moved "**TO AUTHORIZE THE TOWN MANAGER TO SIGN A MEMORANDUM AGREEMENT BETWEEN THE TOWN OF WETHERSFIELD, BOARD OF EDUCATION, AND UNION CSEA, LOCAL 760 HAVING TO DO WITH NON-CERTIFIED SECRETARIAN AND PARAPROFESSIONAL PERSONNEL FOR THE BOARD OF EDUCATION AND TO ASK THE SUPERINTENDENT TO SHARE THIS MEMORANDUM WITH THE BOARD OF EDUCATION**", seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. Councilor Fortunato ABSTAINED. The motion passed 7-0-1.

At 10:04 p.m., Councilor Adil moved "**TO ADJOURN THE MEETING**" seconded by Councilor Montinieri. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano
Town Clerk

Approved by vote of Council 10/4/04