

NOVEMBER 1, 2004 REGULAR MEETING

The Wethersfield Town Council held a meeting on November 1, 2004 at 7:15 p.m. in the Council Chambers of the Town Hall.

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

Absent: Councilor Hemmann.

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

Chairperson Morin announced that there will be an Executive Session at the end of the regular meeting to discuss union negotiations and real estate negotiations.

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

Economic Development Report

Town Planner Peter Gillespie gave a presentation of the October, 2004 Economic Development Report. The report included approximately twenty recently completed projects, approved development projects under construction, approved development projects not yet under construction, projects in the planning stage, developer/property owner contacts, and other initiatives including the following for October:

- 1390 Berlin Turnpike (Jordan Lane Shopping Center) - approval of new fitness facility
- Cumberland Avenue - Northeast Utilities - discussion with property owner of redevelopment potential

Mr. Gillespie announced that after a series of public hearings the Planning and Zoning Commission has approved the new zoning regulations and map with an effective date of November 15, 2004. He said that the new regulations will be more business friendly and will put a new face on the regulations.

Mr. Gillespie said that the Council has on their agenda tonight an ordinance to create a Design Review Advisory Committee and a proposal to expand the membership of the Silas Deane Highway Revitalization Committee. This will provide additional opportunity for merchants/property owners on the Highway to get involved in the process. The Committee is being asked to develop a revitalization plan and capital improvement funds will be requested to assist in this effort.

Mr. Gillespie said that a meeting is scheduled with DECD representatives on November 10 to discuss the STEAP Grant awarded to Wethersfield and Rocky Hill for revitalization efforts for the Silas Deane Highway.

Mr. Gillespie reported on the second quarterly Realtors Breakfast held on October 13 stating that there was a very positive exchange of ideas. A listing of all available property in Wethersfield will be posted on the Town website and distributed as widely as possible.

Mr. Gillespie announced that the annual Salute To Business day will be held on December 8, 2004 at 5:00 p.m. at the Keeney Center.

Mr. Gillespie said that on the Council agenda is a request for authorization to proceed with an EPA Brownfields Grant to potentially assess properties in Town and whether they have environmental limitations.

2004 Business Survey Results - EDIC

Mr. Frank Frago, member of the EDIC, provided a summary of the annual Business Survey. He said that this is the

twelfth survey conducted by the Town and was prepared with a similarity to prior survey questions so that results could provide a comparison to prior data. Mr. Frago said that the response this year was 12% compared to last year's 15% and the year before's 17%. He said that there is concern that this number is decreasing; therefore the surveys were sent out a bit later so as to get past the Labor Day holiday. Unfortunately, this did not result in a greater response and a new strategy will be discussed for next year. Mr. Frago reported that 35% of the responses are from retail service related businesses and 22% are retail businesses. He said that the overall information provided from the survey is that there is a much more positive feeling as to the future of Wethersfield over the next three years. Mr. Frago reported that 61% of the businesses surveyed have gross revenue of under \$500,000 which means that there are many, many small businesses in Wethersfield. Mr. Frago said that 58% of the respondents report being in business in Wethersfield for over eleven years, with 35% being over twenty-one years. Respondents reported that 25% of their business comes from within Wethersfield with 75% being from outside of Town. Mr. Frago pointed out that this shows how proactive and aggressive the business community is to be able to get 75% of their business from outside of Town. He reported that 63% of businesses have shown an increase in sales volume in the last three years. This percentage is up over the past five survey years. Mr. Frago said that 70% of those surveyed feel that their outlook for Wethersfield's economic health over the next three years is getting better. Regarding relocation, 91% of those surveyed said that they are not planning to relocate. Of the remaining percentage, 7% said that they are planning to relocate within Wethersfield. Mr. Frago said that a new question relating to interest in volunteering on one of the Town's Boards or Commissions resulted in 82% saying they would not be willing to do this. Businesses reported that their greatest financial obstacle is insurance, followed by property taxes, high labor costs and high facilities costs. Mr. Frago said that the final questions required verbal responses and he read a number of them.

Councilor Adil said that he noticed that parking appears to be an issue for a number of businesses. Mr. Frago said that the responses refer more to the Silas Deane Highway than to Old Wethersfield. Councilor Adil asked what will be done to educate businesses on the plans for the revitalization of the Silas Deane Highway. Mr. Gillespie responded that a public forum will be held in early December to update the community on the progress of the Committee and to facilitate public comment from both Wethersfield residents and its business community.

Councilor Fortunato asked Mr. Frago what source he used to establish a mailing list for the Business Survey. Mr. Frago said that he used the Assessors list. Councilor Fortunato asked if the survey is anonymous. Mr. Frago said that space is provided on the survey for identification and most provide this. Councilor Fortunato asked if the responses come from a broad range of business locations throughout Town or mostly those along the Silas Deane Highway. Mr. Frago said that there is a fairly broad range.

Councilor Fortunato commented that Wethersfield needs to continue to capitalize on its prime location and encouraged the EDIC to continue moving forward.

Councilor Adil referred to comments made by realtors at the Realtors Breakfast regarding renovations to the Town Hall. Mr. Gillespie said that the statement was that if the Town is encouraging property owners along the Silas Deane Highway to update their properties, the Town should take a leading role by improving the image of the Town, namely the Town Hall.

Councilor Forrest commented that most of the numbers on the survey are positive, except for the response rate which has been declining. He asked if there is a way to improve the response rate in order to obtain a broader sample. Mr. Gillespie said that it is important to note that the survey is a supplement of questions asked in the Business Visitation program. He said that between the visitation program and the survey, the response rate is more like 25% and that the Town is reaching out to the business community more than it has in the past.

Chairperson Morin said that both he and the Town Manager have visited numerous businesses in Town and the reception has been very good.

PUBLIC COMMENTS

HEARING

ORDINANCE FOR PROPOPOSED CHANGES TO THE CODE OF THE TOWN OF WETHERSFIELD - ARTICLE

XXVII, DESIGN REVIEW ADVISORY COMMITTEE

SMALL CITIES GRANT

Larry Wagner, consultant for the Town on the Small Cities Grant, said that tonight's public hearing is the first step in a series of actions for the Town to take in order to seek funding for housing rehabilitation.

Rocco Orsini, 95 Broad Street, spoke on behalf of the Wethersfield Taxpayers Association, Inc. in support of the Design Review Advisory Committee. He said that the Association is disappointed with the plans for renovation of the Town Hall. He asked if the design for the Town Hall, should the referendum pass, will go before the new Design Review Advisory Committee.

Peter Gillespie, Town Planner, summarized the intent of the proposed Design Review ordinance. He said that the Town Attorney suggested that a new ordinance be created establishing the Advisory Committee. He said that the Committee will provide recommendations to the Planning & Zoning Commission which will not necessarily be binding, but will be followed. Mr. Gillespie reviewed some of the wording of the proposed ordinance and made suggestions for enhanced wording. He said that he has already received a number of inquiries from citizens who would like to serve on the Committee, provided the ordinance is adopted. He said that all are very qualified architects and engineers.

Rich Roberts, 60 Highview Avenue, commented that design review and consistency of design has been a sore point in Wethersfield for decades. He said that previous Town Planners and the public have made it clear that they would like to have a design review program instituted in Town. He said that the Planning & Zoning Commission views the new Committee as purely advisory and will provide voluntary input from professionals in design architecture, landscape architecture, and engineering. Mr. Roberts said that the Design Review Advisory Committee will deal mostly with commercial and multi-family residential activities and will not differentiate between public and private activities.

Senator Fonfara commented that he thinks that having an Advisory Committee is not the answer. He said that the Business Survey speaks volumes about image and the opinions of what is happening along the Silas Deane Highway. Senator Fonfara said that the image will not change in an advisory manner. He asked that the Council seriously consider something other than an advisory opinion and suggested that a supermajority be established to override the recommendations of the Design Review Advisory Committee.

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

GENERAL COMMENTS

Dr. Carl H. Braren, 463 Wolcott Hill Road, spoke on the issue of the Wethersfield Cove. Dr. Braren said that he has lived and practiced medicine in Wethersfield for over thirty four years. He urged the Council to keep in mind that the lives of Wethersfield's children, the elderly, and others with weak immune systems are threatened by minimal exposure to contaminated Cove water. He said that the value of safety for all should not be determined by cost alone. Dr. Braren stated that no solution short of eliminating all combined sewer overflows into the Cove as soon as possible should be considered. He said that he supports directing Wethersfield MDC commissioners to demand that the full Commission, at its next meeting, seek a permit from the DEP for a new conduit which will redirect all CSO's from the Folly Brook conduit to the Connecticut River and allow none to go into the cove. Dr. Braren said that this is the only medically safe solution and is long overdue.

Matt Daskal, 24 Griswold Road, spoke in support of the Town Hall/Library referendum. He commented that the renovations will provide much needed updates to the Library.

Karla Neville, 40 Brussels Avenue, commented on her pleasure in seeing so much economic improvement in Wethersfield. She spoke in support of the Phase II Renovations to the Town Hall & Library. She said that there is nothing warm or welcoming about the current Town Hall building and the Phase II renovations will provide for a variety of updates both interior and exterior.

John Miller, 45 Highland Street, said that he would like to see what all of the suggested economic improvements will

do to the Grand List. He said that he does not think the suggestions will solve the Grand List problem. Mr. Miller said that the Town needs to look at Exit 25 and Putnam Park before the Grand List can be seriously impacted. Mr. Miller said that guidance to the Council from the public should be encouraged; however public comment should not be used as a platform to spread misinformation. Mr. Miller commented that he does not agree with the gate on Westway being closed limiting access to Cottone Field.

Woodrow Warren, 9 Nutmeg Circle, commented that every child is important and no child should be left behind.

Councilor Forrest left the meeting for ten minutes at this time (9:10 p.m.).

Mr. Warren said that issues relevant to the health and safety of the community are very important. Mr. Warren commented on Pyquaug Village, the Wethersfield Country Club and taxes.

Marlene Schaeffer, 142 Coleman Road, spoke of her retirement from the Wethersfield Police Department and the Town's lack of acknowledgement of such. Ms. Schaeffer said that she received a flyer in October regarding the Wethersfield Police Benevolent dinner held for all present and retired officers. Ms. Schaeffer said that she was greeted warmly by some of the officers and that she enjoyed the dinner. She said that after the dinner, Chief Cetran announced that Mayor Morin was present to present Proclamations to officers who were not given a formal sendoff. Ms. Schaeffer said that she was presented with a Proclamation for her twenty-eight years of service. She said that shortly after, Chief Cetran approached her table, gave the other retirees at her table a commemorative pin, and did not give one to her. Ms. Schaeffer said that after reviewing her proclamation at home, she noticed that the wrong date of hire is recorded on it. Ms. Schaeffer believes this to be a continuation of her harassment by the Police Department and she returned her proclamation to Chairperson Morin in the hopes that it will be corrected and returned to her. Chairperson Morin commented that he will have this taken care of.

Helena Reilly, 1 Avalon Place, commented on the Wethersfield Cove and spoke of her support of sewage being redirected so that it does not empty into the Cove; however, she does not believe that the ideal solution is to dump raw sewage into the Connecticut River.

Tom Wraight, 22 Coleman Road, commented again about public officials speaking during the public comment segment of Board and Commission meetings. He said that he believes this to be an important issue that requires Council attention. Mr. Wraight said that he has not heard if the Council has chosen or not to bring this issue to the Board of Ethics; therefore he wrote to the Board of Ethics asking for an opinion on the issue. Mr. Wraight said that he received a response from the Chairperson of the Board of Ethics stating that an advisory opinion was being requested and that only a public official can request an advisory opinion from the committee; therefore the Board of Ethics has no jurisdiction to offer him an advisory opinion. The Chairperson also claimed that there had to be a violation of a conflict of interest to represent a legitimate violation of the Code of Ethics. Mr. Wraight read from the Code of Ethics which states that "the Board shall receive complaints from any person of any alleged violation of the Code of Ethics". Mr. Wraight said that he considered his complaint to be for alleged violations of Section 1066-Special Treatment, Section 1067-Political Activities, and Section 1068-Conflict of Interest. Mr. Wraight said that he has filed his complaint as a violation of Section 1066-Special Treatment and has now received a response from the Chairperson stating that a copy of the complaint has been forwarded to the public official concerned, that she has ten days to file a written response, and may elect a public hearing. If the public official does not elect a public hearing, the Board of Ethics has thirty days to meet and determine whether a hearing is required. Mr. Wraight stated that he has been straight forward regarding this issue and gave the Council the opportunity to request an advisory opinion which would not have resulted in a complaint or a public hearing.

Leigh Standish, 278 Hartford Avenue, thanked all those involved in bringing the Town to the point at which it has real engineering data and real solutions to the problem in the Wethersfield Cove. He said that real action now needs to be taken by the Council. Mr. Standish said that if the issue is addressed as a phased approach, funding for Phase I could currently come from the existing \$10 million bond and any additional State bonding. He said that Phase II could be funded through the Clean Water Act monies and through the long-term control plan bond. Mr. Standish urged the Council to direct the Town's Commissioners to apply for the DEP permits for both Phase I and Phase II.

Dan DeCourcy, 538 Main Street, thanked the Council for their time and efforts on behalf of the Town. He said that he

has boated in the Cove for years and now lives by the Cove. Mr. DeCourcy said that the Cove is a natural resource in which the Town needs to take more pride. He said that the Town needs to move forward and he urged the Council to move forward with Phase I and Phase II.

Cathy Boyes, 20 Westlook Road, stated that she appreciates receiving information in the mail regarding the upcoming referendum questions. Ms. Boyes commented on the financial impact of the referendum questions, especially question #3. She also made comments on the Nott Street project, stating that she does not see any improvement to the drivers' line of sight.

Douglas Buck, 411 Hartford Avenue thanked all involved in the efforts to remove sewage from the Wethersfield Cove and encouraged them to complete the work started.

Margaret Hunt, 26 Westlook Road, requested for a second time that another informational meeting on the Nott Street project be held. Ms. Hunt voiced her opposition to the sidewalk installation in Town. Town Manager Bonnie Therrien said that informational letters were sent out last week to all residents within 300' of the blasting on Nott Street. She said that all of the road work will be done within the next month and that the State has been requested to remove all detours by next Tuesday.

Sheila Wells, 336 Hartford Avenue, thanked the Council for their continuing effort to resolve with the MDC the issue in the Wethersfield Cove.

Ron Rodd, 88 Westway, commented on the noise at Cottone Field and that the closing of the Westway gate has helped the traffic problem, but has not solved it. Mr. Rodd, speaking as the President of People for the Preservation of Wethersfield Neighborhoods, spoke in opposition to all three referendum questions.

Jim Woodworth, 5 River Road, President of the Great Meadows Trust, commented that he is pleased that there is a possibility that the effluent may be diverted from the Wethersfield Cove to the Connecticut River.

Richard Hayward, 824 Nott Street, commented on existing problems in the Tax Collector's office. He said that he did not receive his tax bills until July 3(automobile) and July 6(real estate), and he finds this to be too late.

Judy Emmick, 88 Westway, asked why the Town is handling the reimbursement monies spent from the Cottone Field Fund as this appears to be a conflict of interest. Ms. Emmick said that she is still waiting to receive information being worked on by Recreation and Parks Director Kathy Bagley and Jay Cottone regarding field usage of Cottone Field. Ms. Emmick said that air horns used by spectators at Cottone Field games are a nuisance. Ms. Emmick commented on the proposed zoning regulations. She asked when the Planning & Zoning Commission and the Zoning Board of Appeals will be addressing the lights. Ms. Emmick said that she has been told by a number of realtors that her property value will decrease with the installation of lighting at Cottone Field. She said that she and her neighbors are requesting a 40' sound barrier around the football field. Ms. Emmick quoted Tony DiCicco who, in a correspondence, referred to Cottone Field as a "sports complex". She asked how the maintenance equipment will be purchased when there is not enough funding to plant trees around the football field. Ms. Emmick commented that it is common courtesy for Council members to answer questions asked of them by Town residents via e-mail. Ms. Emmick offered suggestions to Chairperson Morin for the donation of monies taken in from the Golf Tournament held recently. Ms. Emmick asked if the Booster Club will be maintaining the field as they had originally proposed.

Robert Young, 20 Coppermill Road, said that legal action should have been taken against the MDC regarding the Cove so that the funding would have been found and the situation would be resolved more quickly. Mr. Young commented on the proposed additional costs to maintain Cottone Field. Mr. Young questioned funds being taken from the lighting trust fund for other purposes. He asked the Town Manager to provide an explanation in her next Weekly Management Report, as this doesn't look good. Mr. Young asked Chairperson Morin to provide information on the proceeds from the Golf Tournament held recently. He said that the citizens have a right to know about the accounting of this event since it was advertised to raise proceeds to be donated to the Town. Mr. Young spoke in opposition to the three referendum questions.

Rocco Orsini, 95 Broad Street, spoke on behalf of the Wethersfield Taxpayers Association, Inc. He said that a year ago

many were disappointed with the MDC and thought the Town should take legal action against them. He suggested to Chairperson Morin that the MDC be sued as the pressure needs to be kept on them to resolve the Wethersfield Cove issue. Mr. Orsini said that the Association is in opposition to the three referendum questions. He said that the taxpayers of Wethersfield need a break and the Town needs to manage its debt.

Bob Peters, 175 Coppermill Road, complimented the Council on their hard work to resolve the Cove issue. Mr. Peters said that he was involved in, and actually started up the Mayor's Golf Tournament and questions the innuendos being made regarding the accounting of the funds raised. He said that the golf committee has met with Social & Youth Services Director Nancy Stilwell to discuss the use of the donated funds. He said that residents should stick to the more important issues in Town.

Jim Clynych, 903 Ridge Road, commended the Council and State Delegation on their work done to resolve the issue at the Cove. Mr. Clynych voiced his support to the three referendum questions.

Michael DiCioccio, 20 Timber Trail, said that he recently wrote to the Town suggesting the use of solar power and alternative fuel mixtures in Town-run facilities. He thanked the Council for their response stating that it is not feasible to replace the existing solar panels at this time; however the letter does not explain how this conclusion was reached. Mr. DiCioccio said that solar power technology has come a long way and that this option should be looked at in more detail. He said that he would like to see the Council research these alternatives in greater detail and discuss the Town's future along these lines. He said that, perhaps Wethersfield could be the first Town in the State to have a plan to look at alternative forms of energy. Wethersfield could also work with surrounding Towns on this issue. Mr. DiCioccio suggested that the Town establish relationships with businesses that produce different types of alternative energy. This would include Central Connecticut State University whose expanding School of Technology may be involved in alternative energy. Mr. DiCioccio also suggested that the Town look into sponsoring the Annual Tour de Sol, a gathering of alternative vehicles held in a different location each year.

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

COUNCIL REPORTS & COMMENTS

Councilor Fortunato reported that she attended the Infrastructure Committee meeting where the roof replacement at the Olson House was discussed. She said that Chief Building Inspector Brian O'Connor has inspected the Olson House and is reporting that although there is no imminent danger to the building in terms of the roof and the floor, it is the consensus of the Committee that Channel 14 needs to find a new location. Town Staff, members of the Infrastructure Committee, and Channel 14 will be reviewing various sites in Town, including space at the Community Center.

Councilor Montinieri announced that the Historical Society will be sponsoring an exhibit called "Connecticut Rocks" which will open November 5 from 6:00-8:00 p.m. Councilor Montinieri announced the Wethersfield Antiques Show to be held on November 19 & 20. Councilor Montinieri reported that the Board of Education continues to work on their redistricting plan.

Councilor Cascio commented that it is important to note that Mr. O'Connor reported that there is no imminent danger after inspecting the Olson House. He said that a concern of the building is that there is a need for a new flu pipe for heating exhaust. He said that this needs to be discussed by the Council along with the insurance risk on the part of the Town. Councilor Cascio said that when and where Channel 14 decides to locate needs to be a permanent move because there is a cost involved in moving them.

Councilor Adil commented that the Building Committee has looked into energy efficiency programs offered by CL&P. He suggested that the Town Manager refer alternative energy issues to the Building Committee. Councilor Adil said that he has supported not charging residents for sidewalk assessments and has learned that the Town is not obligated to do so and can charge an amount up to 50%. Councilor Adil suggested that if the question passes, the residents not be charged at all for the sidewalk work. Councilor Adil pointed out that Wethersfield is in constant competition with surrounding communities in attracting residents and businesses. He said that in order for the Town to compete, it needs to invest.

Deputy Mayor Karangekis stated that he agrees with Councilor Adil with regard to the sidewalk issue.

Councilor Cascio stated that he does not and will not answer his Town e-mails as he has suffered three viruses as a result of doing this. Councilor Cascio suggested that an equal comparison of field usage at Cottone Field be made. He said that the field was used less in the past because of its conditions and if it had been in better shape, more groups would have been using it. He asked for information on the issue of liability with the closing of the Westway entrance to the field. Town Manager Bonnie Therrien said that she will see that something is done to allow only handicapped accessibility through that gate. Councilor Cascio addressed Mr. Wraight's concern over the ethics issue of public officials commenting at other public hearings. He said that clarification needs to be provided to the Council members.

Councilor Fortunato thanked the school administration and the Town's Health Director for sending out information to school children regarding the flu virus. She commented on a piece she saw in the newspaper regarding the DOT's extension of Amtrak service through this part of the State. She asked if this will impact Wethersfield in any way. Town Manager Bonnie Therrien said that the proposed extension of service would be through a station in Newington. Councilor Fortunato, as representative to the Library Board, has heard and seen their needs for necessary renovations to adequately run the Library. She said that the Sidewalk Ordinance gives the Council discretion regarding the fee levied for the construction of new sidewalks and she is open to looking at this. Councilor Fortunato clarified that the proposed bonding for roads represents eighteen miles of work, not the eight miles that is continually mentioned.

Councilor Czernicki said that she received from the Town Manager a report of last year's approximate usage of Cottone Field for September thru November by group, by number of requests, and by actual usage compared to the same for this year. She said that the information was not in spreadsheet form so it was difficult to actually compare the two years. Town Manager Bonnie Therrien said that the Recreation & Parks Department has not in the past kept track of non-school teams' requests for usage of the field. She said that most times sports groups could not use the field because the condition was so bad or the field had to be kept in good condition for the school sports teams. Councilor Czernicki asked if any comparative study has been provided. Town Manager Bonnie Therrien said that a comparative study was not available. Councilor Czernicki asked for a guestimate of the field usage comparison. She said that she has received phone calls from citizens complaining about the noise level at the field, especially that of air horns. Councilor Czernicki verified that the hours used by Town staff to devote to the lighting of Cottone Field is approximately thirteen plus. Councilor Czernicki asked the Town Manager if the money deposited into the Cottone Fund comes from the Wethersfield Youth Organization. The Town Manager said that this is the name on the account. Councilor Czernicki asked if the Wethersfield Youth Organization is a political action committee. The Town Manager said that there is a political action committee called Wethersfield Youth; however this is not the same organization. Councilor Czernicki asked the Town Manager to provide the Council with information verifying that they are separate. Councilor Czernicki asked the Town Manager to verify with the Town Attorney whether the Town of Wethersfield can be a custodian for dollars collected by a political action committee. Councilor Czernicki asked who the sponsor was of the function held at Wethersfield Country Club in February. She asked if the Town fronts any other organizations in so far as rentals, police presence, and decorations. Town Manager Bonnie Therrien said that the Town has done so in the past for Mikey's Place. Councilor Czernicki asked the Town Manager to find out if any monies collected by the Mikey's Place group have ever been commingled with a political action group. Councilor Czernicki suggested that the Town take advantage of the State's \$9.8 million funding for land conservation. Councilor Czernicki commented on Wethersfield's crime statistics and the reporting of such and on her right to post on her lawn a sign revealing the opinion of the registered voters in her home.

Councilor Montinieri commented on a letter read at the last Council meeting from Kay Diamond. Councilor Montinieri telephoned Ms. Diamond and asked who told her that a Council member said "if seniors didn't like the increase in property taxes, they could move". Councilor Montinieri said that Ms. Diamond would not divulge her sources, but that she was told that Councilor Montinieri made the remark. Councilor Montinieri clarified that she has never made this comment in public or private, that she has heard this comment during public comments, and that she cringes when she hears the comment. Councilor Montinieri spoke in support of the three referendum questions. Councilor Montinieri said that she has observed referendum signs on Town and State right-of-ways and on abandoned properties and that it is her understanding that the signs should not be placed on Town or State property and that permission is required from the property owner to post the signs. Councilor Montinieri commented that she believes that people are wondering about the "vote no" sign on Councilor Czernicki's lawn because she and her Republican colleagues came forward with

the proposal to put \$10 million of improvements on the table. The proposal was brought through the channels of committees and background work was done and the proposal received a unanimous vote to move forward. Councilor Montinieri said that a "vote no" sign on Councilor Czernicki's lawn sends a mixed message to the voters.

Councilor Adil left the meeting at this time (10:00 p.m.).

Councilor Forrest said that he has looked into alternative energy solutions and he strongly suggested that Mr. DiCioccio speak with the Town Manager to move forward with his suggestions. Councilor Forrest commented that those who received their tax bills late should speak to the Tax Collector to discuss the payment options available to them. Town Manager Bonnie Therrien explained that the tax bills are not due until August 1 so that going out at the end of June, which is typical, allows for over thirty days for payment. Councilor Forrest said that there is a computer program that tells the Town the best way to pave the roads which is determined by a rating performed on each road. Councilor Forrest said that voting yes on the referendum will push up the repair of all roads in Town. Councilor Forrest suggested that Town Planner Gillespie look into the façade improvement program being used in Newington.

Chairperson Morin said that he received a letter from Pauline Ucich supporting the renovations to the Town Hall and Library. Chairperson Morin expressed the Council's deepest sympathy in the death of her husband, Steve Ucich who was a good man and good servant to the Town of Wethersfield. Chairperson Morin announced an Information Technology workshop to be held on November 10 from 7:00-9:00 p.m. at the Pitkin Community Center. Chairperson Morin urged voters to use the information provided to them on the referendums to determine what is best for them and the Town. Chairperson Morin said that people take great liberties to stick signs anywhere they choose and it took great strength on his part not to take down those signs in locations where they do not belong.

Councilor Cascio moved "**TO TAKE OUT OF ORDER ITEM B.3.d**", seconded by Councilor Czernicki. All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

OTHER BUSINESS

Wethersfield Cove - Recommendation for Solution

Councilor Forrest moved "**TO SUBMIT OPTION 1 OF THE MDC PLAN WITH THE GOAL TO ACHIEVE OPTION 2 TO OUR MDC COMMISSIONERS AS THE PREFERRED RESOLUTION TO THE WETHERSFIELD COVE ENVIRONMENTAL REMEDIATION ISSUE WITH THE INTENT THAT THEY WILL FORMALLY SUBMIT THE OPTION 1 ALTERNATIVE TO THE MDC BOARD AT THEIR NEXT REGULARLY SCHEDULED MEETING AND TO SUBMIT MONTHLY STATUS UPDATES TO TOWN MANAGER BONNIE THERRIEN AS TO THE IMPLEMENTATION OF THIS ALTERNATIVE**", seconded by Councilor Fortunato.

Chairperson Morin said that he has attended many meetings and appreciates the work done by Leigh Standish and the other members of the committee. He said that the best and most responsible way to go is to proceed in achieving the end result without going to court. Chairperson Morin said that the Council is determined to get this issue resolved.

Councilor Cascio stated that he is in support of any alternative that will work; however he is concerned about the need of a pump station with Alternative 1. He wants to make sure that those involved are fully aware of what Wethersfield is looking for. Councilor Cascio asked when the Town will know if Alternative 1 has been approved by the DEP. Chairperson Morin said that there is a specific process of review through the DEP. Councilor Cascio asked if it would be wise for the Council to submit a time line for action by the MDC because this issue has dragged on too long already without time requirements.

Councilor Fortunato said that the motion on the table requires monthly reports and she would expect these to begin in January since the MDC's long term plan is due in December.

Bill Hardey of SEA, the Town's Attorney on this issue verified that the long term control plan is tied in directly with the Wethersfield Cove plan. He said that until the long term control plan is submitted, DEP will not act on any action regarding the Cove. Attorney Hardey said that it is important that the Town receive a copy of the long term control

plan to review how it impacts the Cove actions.

Councilor Forrest said that he agrees with Councilor Cascio that time requirements need to be put into place. He said that viable solutions are now available to provide the result needed for Wethersfield, the State and the region. For this reason, Councilor Forrest said that he included in his motion the formal submission by the MDC at their next regularly scheduled meeting and monthly updates as well. He said that the requirement of monthly update is the Town's safeguard to adequate progression of the project.

Councilor Czernicki asked that the motion be reread and it was by Councilor Forrest. Councilor Czernicki asked Attorney Hardey when he expects the long term control plan to be fully developed. Attorney Hardey said that it is required that a draft be submitted to the DEP for review by December 31. Councilor Czernicki asked if the Town will know what the long term control plan is by February 15. Attorney Hardey said that this is so. Councilor Czernicki said that she agrees with Councilor Forrest and Councilor Cascio that there needs to be a specific time line and data provided to the Town. Councilor Czernicki recommended that an additional meeting be held before the long term control plan is submitted to the DEP.

Councilor Cascio suggested that the motion language be amended to include the term Alternative rather than Option. Councilor Cascio said that he has asked Mr. Petty where on the MDC's priority list the Wethersfield Cove issue falls. He was told by Mr. Petty that their top priority at this time is to hire a new commissioner. Councilor Cascio cautioned the Council to be flexible, yet realistic with regard to the time line.

Councilor Montinieri said that the Town has actually never been to this point before with a study from CDM. She said that this study represents a tremendous amount of progress and she thanked Mr. Standish for his time and efforts, as well as Senator Fonfara.

Chairperson Morin said that the ultimate goal of Alternative 2 is impressive. He said that bringing forth this Alternative lets the MDC know that Wethersfield is tired with dealing with the Cove being a dumping ground for sewage. Chairperson Morin said that he is uncomfortable with simply waiting for the long term control plan without showing the MDC the option that Wethersfield requires. He said that the Town will take the appropriate action should they not feel comfortable with the direction taken by the MDC.

Attorney Hardey said that this issue has gone on for a long time and that the phase in of Alternative 2 is the way to go. He said that waiting for the funding through the long term control plan could take some time and it will also be unknown where the Cove issue falls in the order of proposed improvements.

Councilor Cascio asked if funds from the lawsuit settled between residents and the MDC goes to the residents or toward this project. Town Manager Bonnie Therrien said that it goes to those involved in the lawsuit and not the project.

Councilor Forrest moved **"TO AMEND THE MOTION BY REPLACING THE TERM 'OPTION' EACH TIME IT APPEARS WITH THE TERM 'ALTERNATIVE'"**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. The motion to amend passed 7-0-0.

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

COUNCIL ACTION

Councilor Cascio moved **"TO ACCEPT THE RESIGNATION OF KITCH BREEN CZERNICKI FROM THE SENIOR CITIZENS ADVISORY COMMITTEE"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki ABSTAINED. The motion passed 6-0-1.

Councilor Cascio moved **"TO APPOINT GERRI ROBERTS TO THE SENIOR CITIZENS ADVISORY COMMITTEE AS AARP REPRESENTATIVE FOR THE TERM OF NOVEMBER 1, 2004 TO JUNE 30, 2005"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Councilor Forrest moved **"TO ACCEPT THE RESIGNATION OF TRACEY E. MCDUGALL AS AN ALTERNATE TO THE HISTORIC DISTRICT COMMISSION"**, seconded by Councilor Czernicki. All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Design Review Advisory Committee Ordinance

Town Manager Bonnie Therrien explained that Town Planner Peter Gillespie has reviewed the particulars of the new Design Review Advisory Committee Ordinance and that she and he are available to answer any Councilor questions.

Councilor Czernicki asked Mr. Gillespie to share his thoughts on the issue raised by Senator Fonfara regarding Advisory vs. Full Committee. Mr. Gillespie said that the Connecticut General Statutes limit the ability to grant final authority of design review to committees such as this unless it is a Historic District Commission or a Village District, which has a separate set of Statutes. He said that this ordinance is similar to Simsbury's and they have had great success with it. He said that the final authority in Wethersfield is ultimately the Planning and Zoning Commission who will listen very closely to the recommendations of the Design Review Advisory Committee. Mr. Gillespie said that there are safeguards in place in the new zoning regulations.

Chairperson Morin stated that this ordinance is a good start and that tweaking will occur when and if necessary.

Councilor Cascio moved **"TO APPROVE THE DESIGN REVIEW ADVISORY COMMITTEE ORDINANCE"**, seconded by Councilor Forrest.

Councilor Fortunato moved **"TO AMEND THE ORDINANCE TO ADD TO §10-101.C THE WORDS 'AND THE AMERICANS WITH DISABILITIES ACT (ADA) AND STATE BUILDING CODES'"**, seconded by Councilor Czernicki.

Councilor Forrest asked Councilor Fortunato what this amendment does to the ordinance.

Councilor Fortunato said that it requires that an individual serving has knowledge of the ADA and State building codes. She said that having an architect on the committee does not guarantee that he/she is an expert in this area. Councilor Fortunato referred to the Blue Back project in West Hartford in which the disabled community was not involved in the design of that building. Councilor Forrest said that Councilor Fortunato's amendment is a good idea.

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

Councilor Montinieri stated that Mr. Gillespie has suggested that §10-101.A be revised to add at the end of the sentence the words "upon an advisory recommendation from the Planning & Zoning Commission". Mr. Gillespie said that this language gives the Planning & Zoning Commission the opportunity to communicate their recommendations to the Council.

Councilor Montinieri moved **"TO AMEND THE ORDINANCE TO ADD TO §10-101.A THE WORDS 'UPON AN ADVISORY RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION'"**, seconded by Councilor Czernicki. All Councilors present, including the Chairperson, voted AYE. The motion to amend passed 7-0-0.

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

OTHER BUSINESS

Brownfield's Assessment Grant

Town Manager Bonnie Therrien explained that the Town has the opportunity to apply for two Federal Grants in the amount of \$200,000 each. These funds will allow the Town to work with private property owners to clean up their property in order to get them back onto the tax roll or allowing the property to be used in a more efficient manner.

Councilor Forrest moved **"TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, TWO BROWNFIELD'S ASSESSMENT GRANTS OF \$200,000 EACH"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

CL&P Reimbursement - Streetlights

Town Manager Bonnie Therrien explained that CL&P has conducted an audit of all of their streetlights and has found that Wethersfield has a number of streetlights being billed for that are no longer in existence or are not being billed for some streetlights in Town. She said that the Town will be receiving a rebate of \$64,482.89 and that the Council needs to authorize her to sign the mutual release agreement.

Deputy Mayor Karangekis moved **"TO AUTHORIZE THE TOWN MANAGER TO SIGN THE MUTUAL RELEASE AGREEMENT WITH CL&P FOR THE STREETLIGHT REBATE"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Transfer of \$5,000 - Town Clerk's Office - Advertising Budget

Town Manager Bonnie Therrien explained that the Town Clerk's Office has an advertising budget of \$2,500 and the Charter Revision legal ad cost \$2,750 to print in the Hartford Courant. She said that the budget transfer of \$5,000, which will include the printing of new charters if the referendum passes, should get the office through the rest of the fiscal year.

Councilor Fortunato moved **"TO TRANSFER \$5,000 FROM THE CONTINGENCY ACCOUNT TO ACCOUNT #T1040-120-5207 - ADVERTISING - TOWN CLERK'S OFFICE"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

BIDS

Garage Lift

Town Manager Bonnie Therrien explained that last fiscal year, Council allowed monies to be set aside to repair the hydraulic truck lift at the Town Garage. Two bid solicitations resulted in no bidders and the monies were not carried over from one fiscal year to the next. A third re-bid process took place and a bidder has come forward at \$31,800 which will need to come from the Contingency Account since the monies were not carried forward. The Town Manager stated that this repair is a safety issue as the lift is not in good shape.

Councilor Forrest moved **"TO APPROVE THE TRANSFER OF \$31,800 FROM CONTINGENCY ACCOUNT T1910900-5250 TO PHYSICAL SERVICES ACCOUNT T1555552-5275 AND TO AWARD THE REPLACEMENT OF THE HYDRAULIC TRUCK LIFE TO RAY JURGEN, INC. IN THE AMOUNT OF \$31,800"**, seconded by Councilor Montinieri.

Councilor Cascio asked what the remaining balance of the Contingency Account will be. Town Manager Bonnie Therrien said that the balance will be \$284,099.

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

SeniorNet Computers

Town Manager Bonnie Therrien explained that the Hartford Foundation for Public Giving awarded the Senior Center a grant that includes funding for the replacement of eight computers for SeniorNet. Staff solicited competitive bids for the equipment and recommends award to Gateway in the amount of \$13,144.

Deputy Mayor Karangekis moved **"TO AWARD THE BID FOR THE PURCHASE OF SENIORNET COMPUTERS TO GATEWAY, INC. FOR A TOTAL COST OF \$13,144"**, seconded by Councilor Forrest.

Councilor Cascio stated that recent discussions regarding computers at the Town Hall indicated that Gateway is having some problems; therefore it was decided to go with Dell rather than Gateway. He asked if Dell submitted a bid. Town Manager Bonnie Therrien said that everyone was given the opportunity to bid. Councilor Cascio asked about going on line to purchase the computers. Town Manager Bonnie Therrien said that the current Charter does not allow this; however, the new Charter, if it passes, will.

Councilor Forrest said that he has heard things about Gateway as well. He said that he is concerned about the product support Gateway will provide. Town Manager Bonnie Therrien said that it must be proven that a particular company has done something wrong and that the Council cannot simply go by what they've heard.

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

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

ORDINANCE AMENDING CHAPTER 157 VEHICLES AND TRAFFIC CODE REGULATIONS OF THE TOWN OF WETHERSFIELD, CONNECTICUT

BE IT ORDAINED THAT Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 157 is hereby amended as set forth below.

(NEW) ARTICLE IV Motor Scooter, Mini Bikes, Pocket Bikes and Bicycles with a Helper Motor.

Section. 157-18a Definitions.

Motor Scooters, Mini Bikes, Pocket Bikes and Bicycles with a Helper Motor shall mean any wheeled device designed for the transport of one or more persons which is powered by any type of motor, except:

1. any "motorcycle" or "motorized bicycle" as defined in state statute;
2. any vehicle registered as a motor vehicle by the registrar of motor vehicles or lawfully exempt from such registration;
3. any wheelchair by a person with physical disabilities or any similar mobility-assisting device used or by a person whose ambulatory mobility has been impaired by age, illness or physical ailment or electric personal assistive mobility devices;
4. any self-propelled snow plows, snow blowers and lawn mowers when used for the purposes for which they were designed and operated at speeds not exceeding four miles per hour;
5. any bicycle with a helper motor or scooter which meets Federal Department of Transportation and State Department of Transportation guidelines for on-road transportation and whose owners-manual specifically indicates an ability to be driven on public roads.
6. any vehicle owned or leased by the Town of Wethersfield.

Section. 157-18b Enforcement by Citation.

- A. Notwithstanding any other provision of these ordinances, any person who operates any motor scooter, mini bike, pocket bike or bicycle with a helper motor on any portion of any public or private street shown on the official map of the Town, including the sidewalk area of any such street, or any other public property, including schools, playgrounds and parks, within the Town of Wethersfield, shall be fined ninety dollars.
- B. Any person who rides as a passenger on any motor scooter operated in violation of the above shall be fined fifty dollars.
- C. Whenever any police officer observes any person in violation of this section, he or she may detain such person for purposes of the enforcement of this section and may remove such motor scooter to a secure area pending a disposition of such property by court order or otherwise by law.

Section. 157-18c Hearing.

- A. Any person who receives a citation under this ordinance may request a hearing.

- B. The Town Manager will designate a hearing officer in accordance with Connecticut General Statutes, Sec. 7-152c.
- C. Any cited person who wishes to admit liability for any alleged violation, may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town Manager. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of citation shall be deemed to have admitted liability, and the Town Manager shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set for the in Connecticut General Statutes Section 7-152c(f).
- D. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice. The hearing officer may grant a postponement or continuance for good cause. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the Town Manager.

ORDINANCE AMENDING ARTICLE XXVII - SILAS DEANE HIGHWAY ADVISORY COMMITTEE

BE IT ORDAINED, that the Municipal Code of the Town of Wethersfield, Connecticut, be amended as set forth below:

ARTICLE XXVII

Silas Deane Highway Advisory Committee

Section 10-98 Creation; duties.

There is hereby created a Silas Deane Highway Advisory Committee to assist the Town Council to encourage, maintain and enhance the vitality and environment of the Silas Deane Highway. Said Committee shall report to the Town Council, by July 1, 2004 on its recommendations for modifying the Silas Deane Highway Master Plan dated April 9, 1987 prepared by Skidmore, Owings & Merrill.

Section 10-99 Membership; terms; vacancies.

- A. The Silas Deane Highway Advisory Committee shall be composed of seven (7) nine (9) members appointed by the Council for two-year terms expiring on June 30, 2006, as follows:
 - 1. One (1) member shall represent the Planning and Zoning Commission.
 - 2. One (1) member shall represent the Economic Development and Improvement Commission.
 - 3. One (1) member shall represent the Chamber of Commerce.
 - 4. Three (3) One (1) members shall represent the Silas Deane Highway Business Community.
 - 5. Three (3) members shall represent the community/residents of the Town.
- B. In addition, said Committee shall have the following five (5) non-voting ex-officio members, the Town Planner/Economic Development Manager, the Town Engineer, the Town Manager, the Tree Warden and a Town Council member.
- C. Any vacancy in the membership of the Committee shall be filled by Council for the unexpired term of such member.

MINUTES

Councilor Forrest moved "**TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 18, 2004**", seconded by Councilor Montinieri. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 6-0-1.

Councilor Adil returned to the meeting at this time (10:40 p.m.).

ADJOURNMENT

At 10:45 p.m., Deputy Mayor Karangekis moved **"TO ENTER INTO EXECUTIVE SESSION"** seconded by Councilor Adil. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

No action was taken during the Executive Session.

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

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

Dolores G. Sassano
Town Clerk