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REGULAR MEETING

November 18, 2002

The Wethersfield Town Council held a meeting on November 18, 2002 at 7:00 p.m. in the Council Chambers of the Town Hall.

Present: Councilors Cascio, Flynn, Fitzpatrick, Gardow, Hemmann, Morin, Sassano, and Deputy Mayor O'Connor. Chairperson Czernicki left to attend to a family emergency prior to the start of the meeting.

Deputy Mayor O'Connor presided. Acting Chairperson O'Connor said there would be an executive session at the end of the evening to discuss a Personnel issue: the Town Manager position.

Also present Joseph Swetcky, Interim Town Manager and Dolores Sassano, Town Clerk.

Acting Chairperson O'Connor introduced the 2002 State Champion Soccer Team: Wethersfield High School and Coach Joachim. Wethersfield holds the state record in state championships, the 13th, which is quite an accomplishment. Wethersfield is proud of the record and he thanked them on behalf of the town.

PROCLAMATION: Wethersfield High School Varsity Soccer Team

The Mayor of Wethersfield issued a Proclamation for the team, recognizing their accomplishments as best in the State, holder of 13 State titles, three in the last 4 years.

Governor John G. Rowland issued a Proclamation proclaiming November 18, 2002 Wethersfield High School Boys Soccer Day in the State of Connecticut. Wethersfield is the only school in the State to win 13 State Titles.

The Coach thanked the Council for recognizing the team in front of the community. He gave credit to the Ritchie Soccer League for providing great preparation of the athletes before they come to high school. He also thanked the Director, Jay Cottone. Wethersfield is the center of the State as far as soccer goes.

PRESENTATION: Great Meadows Conservation Trust

Ralph Moyer, 9 Grandview Terrace, President of the Great Meadows Conservation Trust gave a brief history of the trust, to protect and preserve the great meadows for scientific, educational, agricultural, flood control, and natural resources. It is 4500 acres of land in the flood plain, varied habitat of wildlife and the largest fresh water marsh in the state. Started in 1967-68 because there were two projects proposed which would change the landscape. One was the interstate and the other was a horseracing venue. Interstate 91 was put in place but they were successful in not allowing the horse racing to move forward. Eleanor Wolf, Joseph Hickey, Thayer Chase and others gathered together with Glastonbury and Rocky Hill. They helped in the clear cutting of one of the last flood plain parks and helped get the 5-mile scenic river valley included in the nationwide river inventory. They supported the purchase of Rocky Hill Quarry for a National Heritage Park. They wanted to protect the river flood plains. They continue to work with the neighbors there and are always looking for easements of neighboring land. They work with the state and local legislative bodies. They are grateful for the monies received from the Town Council to help fund a survey of the properties, including the farms of the area. There is a case study of understanding the Great Meadows. His second reason for coming concerns the property recently purchased. Bought January 11, they paid the taxes from January until June 30, 2001. They used a considerable amount of their financial resources. He wanted to ask for tax cancellation because they are a non-profit. They did not realize that March 2001 was the deadline. He sent a letter May 2001 to the Manager and Town Councilors because they were trying to get reimbursement of taxes and to cancel future taxes. They owe \$3200+, in assessed taxes from July 1, 2001, to June 30, 2002. Now they are off the Grand List. He would like the Town to forgive those taxes as they are working with the Town to purchase open space. He asked for reimbursement of the

taxes paid prior to their receipt of non-profit tax-exempt status.

Councilor Sassano asked if the property was current in its taxes when they acquired it. Mr. Moyer said, no, it did owe back taxes, and they were paid to the town at the time of the closing. Councilor Sassano stated, as of your acquisition the property was current.

Through the Deputy Manager to the Town Manager, Councilor Sassano asked his advice as to how to get this forgiven, if the Council has the ability to decide or to direct him to the Board of Tax Review.

Town Manager Swetcky said if Council wanted they could make a gift of \$3200 to the Trust with the understanding that the gift would go to the taxes. Council could not waive or forgive taxes.

Deputy Mayor O'Connor said that Budget and Finance did meet. He would like to take it off the table tonight to take action on it.

He told Mr. Moyer that the town appreciates and values what they do. It was this Council, which allocated over \$25,000 for open space this year, even with the tight budget because they do value what the committee does for open space. He expected to take action on it later in this meeting. He thanked him for coming.

All stood for the pledge of allegiance led by Councilor Morin.

Acting Chairperson O'Connor called for any unfinished business:

Councilor Cascio moved "**TO REMOVE ITEMS C2c, and C2j FROM THE TABLE**", seconded by Councilor Fitzpatrick. All Councilors present, including the Acting Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Cascio moved "**TO ADD C2a, APPOINTMENTS TO THE AGENDA**", seconded by Councilor Fitzpatrick. All Councilors present, including the Acting Chairperson, voted AYE. The motion passed 8-0-0.

Councilor Sassano asked if items 2Ci and 2Cn needed to be taken from the table.

Acting Chairperson O'Connor asked Councilor Fitzpatrick to respond. The Major Contracts Committee did meet. He said the Greater Hartford Transit District issue has yet to be resolved, as more questions have arisen. They hope to bring it to the next meeting.

Councilor Cascio said the Contract between the Wethersfield Board of Education and the Wethersfield School Administrators Association will not need to be acted upon. It has to be left on the table until a certain time.

Town Manager Swetcky said Council has until the 21st of November to act otherwise it is automatically approved.

Councilor Sassano asked if it goes off the table then automatically.

PUBLIC COMMENTS

Hearings

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

Hearing no one wishing to speak the Chairperson declared the hearing closed.

General Comments

Ballou Tooker, 65 Harmund Place was waiting for the report on Dial-A-Ride, he was not against it, merely wants to improve it. Asked if the town had a contract for a wheelchair service for rides. Explained how the Red Cross service

ran when he drove for them as a volunteer.

Kelly Weinberg, 480 Brimfield Road appreciated Councilor Gardow's comments on leaves in the streets. She is concerned about the need for sidewalks on Mapleside Drive. It is dangerous, now there are leaves on the road as well as cars and kids walking to and from school. Thanked Mr. Swetcky and Lonnie Davis for enlightening her knowledge of sidewalks. Estimates it would cost \$45,000 and is gathering a petition.

Peter Maxwell, 117 Maple Street commented on the differences between Board of Education and Town Council meetings regarding public input. This is democracy it is not necessarily enjoyable but everyone is trying to identify and solve problems of town. Council has a cordial atmosphere in letting people speak. Citizens feel Wethersfield should be the best community in the area. Hire a new manager with a can do attitude rather than can't do. You are the hope for the pride in Wethersfield.

Martha Mayer, 133 Griswold Road spoke of the modifications to the Mill Woods Master Plan. She asked for these changes to be explained.

Acting Chairperson O'Connor asked the Town Manager to explain. Manager Swetcky said one of the soccer fields was to be changed to a soccer and football field and the trial was moved so as not to be so close the neighbor's property line.

Robert Young, 20 Coppermill Road understands more information about the radio system and that now the police facility may not be able to open until April. It was a complex issue. There is a meeting on the 19th of November, will there be public comment regarding the sheds going into Kelleher Court. Feels it is unfortunate that exemptions were made for the town. Handed the Manager a bag of elastic bands for the radio.

Acting Chairperson O'Connor asked the Town Manager to explain. Manager Swetcky said it is posted on the boards and he was unsure if they would allow public comment but would find out and call Mr. Young in the morning. Mr. Young said he was going to attend and would find out then if they refused his comments.

Paula Larsen, 217 Main Street runs the Main Street Creamery. Her success and the support of the community have been overwhelming. She has seen her business drop off due to the parking on Main Street and the opening of the Village Tavern. Good business should be good for everyone. People who work in the area should not be parking on Main Street and Church Street; they are taking up the spaces for the patrons. Feels there is parking at the Keeney Center. Does not have support from other shopkeepers. It is hurting her livelihood. She has brought the problem to the attention of the police department.

Acting Chairperson O'Connor said the he heard from other shopkeepers and knew the former Town Planner had planned to put up a sign for parking. The Town Manger is looking into where the sign is. Mr. O'Connor had a concern on the visibility of the sign; other areas have used a sign across the road for a limited time. Acting Chairperson O'Connor asked the Town Manager to comment. Mr. Swetcky said he spoke with Ms. Larson last week and that either he or a representative from the Police Department would be at the shopkeepers meeting to discuss the issue.

Councilor Cascio thought the Traffic and Transportation Committee should look at this issue, also public safety. Traffic is a problem. He believes only members of the Shopkeepers Association are allowed at the meetings. Ms. Larson said they do allow guests. She did witness an accident where they would have driven off if she did not go out and confront them.

Patti Silva, 24 Hillcrest Avenue announced the Special Education Meeting at Webb on the 19th of November, regarding the PPT forms by Dr. Pinette. Therapeutic Recreation held a Thanksgiving Dinner. Kathy Bagley, Natalie Morrison, Nikki, Joanne Huffman and her daughter, Catherine and Emily, a girl scout troop and companies who donated items, from a full course dinner to Beanie Babies which were raffled off to each one of the kids, every child received one. They had music and dancing. People from all walks of life, and it was wonderful to see them together with all abilities. The Therapeutic department does a wonderful job in the programs that they run. They deserve a big thank you, for going above and beyond the call of duty. Also, she asked the council to support the Ordinance on Feral Cats being introduced.

Rocco Orsini, 95 Broad Street speaking on behalf of the Wethersfield Taxpayers Association Inc. commented on the cell towers, Callahan tower seems to be holding up the whole project. Planning and Zoning has asked they use one shed at Kelleher Court. Urged Council to keep looking at the cell tower. Parking in Old Wethersfield, suggest calling Middletown and West Hartford Center to see what they are doing. WSAA contract is on the agenda. Mr. Buganski said the Board of Education has already entered into a contract with custodians. He asked Acting Chairperson O'Connor if that had come to Council for approval. The Acting Chairperson said it is a Board decision. Town Manager Swetcky said the secretarial and custodian contracts have not come to the Council. Traditionally it has seen the Teacher contracts. It is not a Charter item. Mr. Orsini said that under former Mayor Sassano a strategy was developed to get all union contracts to start and end on the same day. Coalition bargaining, the Council and Board of Education would meet. Council would come forward with a strategy for how we would treat our town employees and based on that the Board and lawyers would know how to go forward and negotiate. We did not follow that strategy. We are not going to take them to binding arbitration. His personal opinion is these are harsh times. He does not see government sharing in the same times. Governor Rowland needs give backs, or he will reduce staff. The taxpayers are going to be hit twice, less money from the state and then they will have to give raises. He doe not know how the Board thinks, or how Council thinks. People have lost jobs and benefits, but inside the chambers it does not seem to be a big deal.

George Ruhe, 956 Cloverdale Circle was enthused by Rocco's enthusiasm. He feels Council should make policy happen. Suggests that in negotiations, expect give backs, or make do with fewer people. Think negative numbers. Council made an engineering decision he did not like. Left his office one-day in the rain, in the Springdale area there was water there. The lots Council sold had something going on. The detention pond in "Green Acres" seemed to be doing what it was designed to do. The stream running by his home is tied into the "Green Acres" detention pond and he did not get flooding. Maybe detention ponds work, they seem to be doing their job. He knows the Council is interested in the after effects of the decisions they make. Some decisions will never go away, just to remind everyone what the impact of the decisions this Council makes.

Matthew Forrest, 202 Clearfield Road encouraged the Town Council to take responsibility for its major contracts. He understands the precedence of the custodial contract and expects the Council he elects to make the decision as the supreme board in this town. Think financially responsible for the town. He is not a member of the Taxpayers Association. He has seen areas where we can save money and be more efficient. He has family members in education and on different committees in town. This does not mean we should not spend money. If the town does tax and when Council spends they should do so in an efficient manner. He wanted to know if it is possible to get a flag of Wethersfield. Perhaps the Town could sell those flags; townspeople might like to buy them.

Acting Chairperson O'Connor asked the Town Manger for comments on the flag. Manager Swetcky said they could look into it, for we do have one in the Chambers.

COUNCIL ACTION

The Chairperson called on Manager Swetcky for his comments on the resolution agreement. Manager Swetcky said the lease agreement is with Suntrust for the new Fire Pumper. This is the official resolution, which has to be approved tonight to finalize the agreement with Suntrust and sign all the papers for the Fire Pumper.

Councilor Flynn moved **"TO ACCEPT THE RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 01, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH"**, seconded by Councilor Cascio.

Councilor Flynn asked when the Town would expect to take delivery. Manager Swetcky said in the early spring.

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

Other Business

Councilor Cascio moved, **"TO ACCEPT THE RESIGNATION OF JANET LEOMBRUNI FROM THE**

HISTORIC DISTRICT COMMISSION AND TO ACCEPT THE RESIGNATION OF JEANNE S. FREEMAN FROM THE COMMITTEE ON THE CULTURE AND THE ARTS", seconded by Councilor Flynn.

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

Councilor Cascio moved, **"TO ACCEPT THE APPOINTMENT OF BILLYE M. LOGAN TO THE HISTORIC DISTRICT COMMISSION FOR A TERM FROM 11-18-02 TO 6-30-05. AND AS AN ALTERNATE, ROBERT GARREY FOR A TERM FROM 11-19-02 TO 6-30-05"**, seconded by Councilor Fitzpatrick.

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

Acting Chairperson O'Connor asked Council Hemmann to discuss the meeting of Budget and Finance Committee regarding the Great Meadows Conservation Trust.

Councilor Hemmann moved, **"THAT THE WETHERSFIELD TOWN COUNCIL GRANT A GIFT OF \$3,142.79 TO THE GREAT MEADOWS CONSERVATION TRUST IN RECOGNITION OF THEIR ACQUISITION OF 20 ACRES OF OPEN SPACE LAND IN THE GREAT MEADOWS, FORMERLY OWNED BY MRS. SARAH WOOD AND WHICH WILL BE USED AS OPEN SPACE IN PERPETUITY.**

BE IT FURTHER MOVED THAT BECAUSE THIS ACQUISITION IS IN ACCORDANCE WITH THE TOWN'S STATED GOAL OF PRESERVING OPEN SPACE THROUGHOUT THE TOWN, THE GIFT OF \$3,142.79 SHALL BE APPROPRIATED FROM THE TOWN'S OPEN SPACE ACQUISITION FUND" seconded by Councilor Flynn.

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

Councilor Cascio understood that Mr. Moyer was also looking for some reimbursement of those taxes he has already paid. Acting Chairperson O'Connor said that was just acted upon. Town Manger Swetcky said they paid back taxes at the time of the sale. Councilor Cascio understood, as did councilor Flynn that he was looking for reimbursement. Councilor Flynn thought that the approved amount, \$3,142.79 covered that but it did not and asked the Town Manager to provide a breakdown of that to them. Manager Swetcky said it was approximately \$7,600, he would provide them with the exact amount.

Acting Chairperson O'Connor asked Councilor Fitzpatrick to report on the Major Contracts Committee meeting regarding the Keane Foundation.

Councilor Fitzpatrick said they are still trying to work out plans to decide how to move forward on it. He encouraged them to work with the Town and suggested they use the opportunities to work with Social and Youth Services and the Recreation and Park Department. At this point no action needs to be taken on this.

Bids

Councilor Cascio moved, **"TO ACCEPT THE BID FOR THE CHARLES WRIGHT INTERCOM & TIME CONTROLS FOR \$19,710"**, seconded by Councilor Morin

Town Manger Swetcky said this was part of the Capitol budget; it is for the intercom and time controls at Charles Wright.

Councilor Flynn asked why there was only one bid. Manger Swetcky said there are only three vendors in the State but only one actually submitted a bid. They were surprised; a second vendor showed considerable interest in the project but did not submit a bid.

Councilor Cascio asked if this was the company who did the other schools. Manager Swetcky said it was. Councilor Cascio asked if the schools were pleased with them. Manager Swetcky responded yes.

Councilors Cascio, Fitzpatrick, Gardow, Hemmann, Morin, Sassano and the Chairperson voted AYE. Councilor Flynn voted NO. The motion passed 7-1-0.

Ordinances, Resolutions and Appointments for Introduction

RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH WINDING BROOK TURF FARM

WHEREAS, the Town of Wethersfield (hereinafter referred to as "the Town") owns certain lands commonly referred to as Mill Woods Park; and

WHEREAS, a portion of said lands were acquired by the Town from the Morgan family; and

WHEREAS, members of the Morgan family operate a turf farm known as Winding Brook Turf Farm, Inc. (hereinafter referred to as "Winding Brook") on property that abuts Mill Woods Park on the west; and

WHEREAS, Winding Brook requires water to irrigate its crops; and

WHEREAS, a stream known as Goff Brook runs through the said Mill Woods Park; and

WHEREAS, with the consent of the Town of Wethersfield, Winding Brook placed a pump on land owned by the Town of Wethersfield and draws water from Goff Brook for irrigation purposes; and

WHEREAS, noise from the pump and other environmental concerns have been the source of complaints by some neighbors; and

WHEREAS, the parties hereto wish to memorialize the terms and conditions of a license by which the Town will permit Winding Brook to draw water from Goff Brook; and

WHEREAS, the parties wish to alleviate and minimize any inconvenience and disturbance to neighbors.

NOW THEREFORE BE IT RESOLVED that the Interim Town Manager is authorized to enter into a license agreement with Winding Brook Turf Farm for the purpose of allowing Winding Brook to place one generator and pump (hereinafter referred to as "the equipment") on Town Property and to draw water from Goff Brook solely to irrigate its turf farm as presently exists upon the following conditions:

1. The equipment may only be used during the period April 1st through November 30th.
2. The equipment shall be enclosed by a temporary building or structure acceptable to the Town and/or other noise reduction devices or alternatives acceptable to the Town shall be used so as to reduce noise emissions to a reasonable level at the property line.
3. The equipment and structure shall be placed in a location that is acceptable to the Town.
4. Winding Brook shall obtain and maintain liability insurance for the benefit of the Town in amounts and form satisfactory to the Town and shall indemnify and hold harmless the Town, including all of its officers, employees and agents, from any and all claims arising out of or relating to Winding Brook's use of the equipment or structure.
5. Winding Brook shall obtain all permits, if any, that may be required by any regulatory agency having jurisdiction and shall comply with all laws and regulations pertaining to the activities that are the subject of this license.
6. The parties acknowledge that this license is personal to Winding Brook and may not be assigned.
7. The Town may revoke the license granted herein in its sole discretion at any time upon thirty days advance written notice provided, however, if the proposed revocation occurs while there is a crop in place, the Town shall afford Winding Brook one thirty-day period in which to attempt to cure any noise or environmental problems associated with its use of the equipment to the satisfaction of the Town prior to the issuance of the revocation notice.
8. By entering the Agreement, neither party waives any other rights that may exist.

PURPOSE: To enter into a license agreement, which will allow Winding Brook Turf Farm to place certain equipment on town property for the purpose of pumping water out of Goff Brook in order to irrigate their crops.

PREPARED BY: Joseph Swetcky, Jr., Interim Town Manager

INTRODUCED BY: Mayor Kitch Breen Czernicki

DATE: November 6, 2002

ORDINANCE TO CONTROL FERAL CATS

Section 1: Policy Declaration

The Town Council finds that feral cats and cats that damage property of others or cause unsanitary conditions are a nuisance and that it is appropriate and necessary, pursuant to the authority of section 22-339d(a) of the General Statutes to enact an ordinance, to seek to control the population of feral cats and to seek to eliminate the incidence of cats causing damage to property of others or causing unsanitary conditions.

Section 2: Definitions

- A. "Feral cat" means a free-roaming domestic cat, which is not owned.
- B. "Keeper" means any person or organization that harbors or regularly feeds or has in his or its possession any feral cat.

Section 3: Regulations

- A. The keepers of feral cats in residential or commercial areas shall register, within one year of adoption of this ordinance, with the Animal Control Officer at 250 Silas Deane Highway who shall thereupon provide information regarding the proper care and management of feral cats.
- B. The keepers of feral cats shall provide for the vaccination of such cats against rabies and for the sterilization of such cats.
- C. The refusal to permit the Animal Control Officer to impound a feral cat shall be deemed evidence of keeping.

Section 4: Prohibited Acts

- A. No person owning or keeping any cat shall permit such animal to: (1) substantially damage property other than the property of the owner or keeper or (2) cause an unsanitary, dangerous or unreasonably offensive condition. Violation of this provision shall be an infraction.
- B. Any cat found to be damaging property other than the property of its owner or keeper or causing an unsanitary, dangerous or unreasonably offensive condition may be taken into custody by the Animal Control Officer and processed or disposed of pursuant to the provisions of section 22a-332d(a) of the General Statutes. The redemption fee for the owner or keeper of any such cat shall be \$15.00 and the cost of any advertising incurred after impoundment. When the owner or keeper of any such impounded cat fails to redeem such cat within 24 hours after receiving notification to do so, such owner or keeper shall also pay the amount determined by the Town to be the full cost of detention and care of such impounded cat.
- C. Failure of any owner or keeper of any impounded cat fails to redeem such cat within 120 hours after receiving notification to do so shall be an infraction.

PURPOSE: to seek to control the population of feral cats and to seek to eliminate the incidence of cats causing damage to property of others or causing unsanitary conditions.

PREPARED Duncan Forsyth, Town Attorney
BY:

INTRODUCED Councilor Russell Morin
BY:

DATE: November 13, 2002

Minutes

Councilor Flynn moved "**TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF NOVEMBER 4, 2002**", seconded by Councilor Cascio.

Councilors Cascio, Flynn, Fitzpatrick, Gardow, Hemmann, and Acting Chairperson O'Connor voted AYE. Councilors Morin and Sassano abstained. The motion passed 6-0-2.

Councilor Cascio moved "**TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 4, 2002**", seconded by Councilor Flynn.

Councilor Cascio moved "**TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 4, 2002**", seconded by Councilor Flynn.

Councilor Gardow amended page 15342, the woman's name is Martha; on page 15344, voted NO, to the resolution on ROPE; on page 15344, he voted NO, to the resolution on the Dive Team.

Councilor Cascio amended page 15342, it is not Alex, but Alexandra.

Councilors Cascio, Flynn, Fitzpatrick, Gardow, Hemmann, Morin and the Acting Chairperson O'Connor voted AYE as amended. Councilor Sassano abstained. The motion passed 7-0-1.

GENERAL COMMENTS

Reports

Acting Chairperson O'Connor asked the Manager to report on the Fire Station 3 Backup Dispatch Center, on Milkweed's Master Plan, on the New Police Facility Status.

Manager Swetcky said these are reports the Council has asked for in prior meetings, he hopes to have a report on the status of the Police Facility and also on the Silas Deane Middle School at every meeting. He was unable to obtain a report from the Silas Deane Middle School Building Committee and will try to obtain it for the next meeting.

Councilor Cascio asked if in both reports they could also include the financial picture of each project as they go into them.

Town Manager Swetcky said he does it every second meeting of the month.

Councilor Cascio wanted clarification of a report on the Police Facility status. Motorola is saying April 1 and then it says we are looking at occupying the building in February 2003. At a previous meeting, he asked if the facility was complete could they move into the facility. He was told they would not move without the communication system on line. Now you are going to move people in without the system. Town Manger Swetcky said that Motorola is looking for April 1, 2003 as a final acceptance date for the system. It does it does not mean the system will not be up and running before that. We would take possession of the system at that time. We are looking to change their time frame; it was not our time frame. We are looking at options to do that. Initially it was planned to test the system through the non-public safety departments first. In other words, install in physical services, test it through them, once it worked out there, and then put it into the public safety. One of the options is to put it in the police vehicles first. Councilor Cascio

asked if that meant operating out of two buildings. Town Manager Swetcky said that is not what he said. It could be another option but it is not what they are considering at this point. If we wanted to they could move parts of the police to that building, not dispatch or patrol, but parts that are not public safety. The Chief would rather have everyone move over at the same time. That is our goal and it is our goal to move them over in February.

Councilor Cascio also asked at that meeting, about frequency licensing. Now it seems that we did not have our frequency licenses. Town Manager Swetcky said we do have our frequency licenses. We did not have our tower registration numbers. Each tower needs to be registered with the FCC. We did not have those tower registration numbers when that question was asked. Actually we did have them at that time. The tower registration numbers for the Police Facility and Callahan were in place on October 28th. The registration numbers unbeknown to us are required before you can have the microwave antenna. They build to order and have to have those tower numbers on them. The microwave antenna cannot be ordered until the FCC releases those registration numbers.

Councilor Cascio said, as a Councilor, he was made to feel like a heavy. Kelleher Court was given a real fast track. We knew down the road there were other rough areas, why were we rushing. Town Manager Swetcky said it is a complicated matter, they have to get everything that needs to be done in order and get things done to go to the next step. We did not put the tower up or if you decided not to use that location for the tower, we would then have to go back to apply for modification when we did get a tower location. To give you an example of a time frame, there is a packet at your places tonight with some of the documentation requested. These towers were approved in April and May and June of last year. We applied for the license numbers in June. We received the number for one of the towers around the same time. The licenses for two of the towers came in October. If we did not have a tower at Kelleher Court it would push out the license time further. If Council did not want to operate the tower there, we would be able to use it until the new location and tower was erected. We need to have the process started. We need to move forward. If we did not get the tower we would not have a license for that site. If we did not get the tower up we would have to turn that license back in and reapply for a new license for a new location.

Councilor Cascio asked about the situation with the planning and zoning concerning the Callahan tower. Our part of the Callahan tower is ready to go, we have all the approvals for it. We have ordered our equipment shelter for that tower. The problem is with Voice Stream having to go back to Siting Council and back to planning and zoning. We have two options here actually reverse the rolls. Our process was to have all the work done by Voice Stream and we would pay them for half the work when it was done. If we want to continue to move forward on this, we will do the work and they will reimburse us. They have committed to us, willing to go forward with this, wanting to go forward with this and they are notifying their contractor to do the work under us.

Councilor Cascio asked if the consultant on the project is receiving his 25% commission? Town Manager Swetcky said there is a radio consultant, he also is the tower consultant, and under his contract he gets a commission, 18 1/2%, if more than two vendors reside on a tower. Councilor Cascio asked if he received it? Town Manager Swetcky said he does not receive anything for the Callahan Tower. He is also the project manager on the radio system. He has not received anything on the Towers up to this point. He has received funds for all the applications he has had to complete for the FAA and for the FCC.

Councilor Cascio asked, with everything that is going on, will we start getting real concrete answers with all the towers and locations? Getting straight answers or are we going to just continue with everything is all set? Town Manager Swetcky said that everything he has given Council so far since he has been involved in this project has been a straight answer. As he learns things and as they come to light he passes them on to the Council. This is a very complicated project. Unfortunately you do not just rely on one source for the information. He attended the Police Building committee meeting because he read the minutes of their last meeting, and realized there was some concern about the timeline of the tower. At the committee meeting he was very surprised to learn some of the reasons for the supposed delay. As he learns things from different sources and he can prove they are reliable and accurate then he will pass them on to Council. He will not pass on to Council something he cannot find proof for or someone who is not privy to something thinks they know something. He likes to confirm through a couple of sources before he passes them on.

Councilor Fitzpatrick is a little concerned that public safety is going to be testing the system. He does not want to turn on the radio system for a critical call and have it not work. He asked the Manager to keep the Council abreast of the

testing; he is leery of public safety testing the system given what we expect from public safety. Manager Swetcky understands his concerns and said the logistics have to be worked out. One suggestion was to do it like the State Police did, they only had an 800 system they were their own test. There are other communities also. Councilor Fitzpatrick asked if we would be using both systems at the same time. Manager Swetcky said it has to be worked out but we would have to maintain the Fire and Physical Services and the town staff on the 400 system even though we were testing on the police. Manager Swetcky said, as it becomes a viable option he will pass it on to Council. Councilor Fitzpatrick has less concern about Physical Services missing a call, hopefully it is not do or die, whereas, if Police miss a call it may be do or die. Hopefully you will keep us up to date on this.

Councilor Gardow read the memo, D1c, on page one, third paragraph, and it says you will be undertaking a walk next week. Manager Swetcky said it is the official action to take possession of the building as completed. Mr. Gardow asked if that meant they were finished with the Police Building Committee. As an aside, Mr. Gardow gets a list of the committee and there is a Recreation and Parks Building Committee. They are done; it was for a Bond in 1995, which should have been close out. Manager Swetcky said that should have been closed out in June 2001. Mr. Gardow said he thought it could come off the list.

Councilor Fitzpatrick said there were issues with contractors, and asked if those had been taken care of. Town Manager Swetcky said that in his memo he mentions that committee would like an executive session to discuss the performances of several contractors with the Council for potential litigation.

Councilor Cascio asked if that is why we have only a temporary certificate? Manager Swetcky said we have a temporary certificate because there are a few items still to be completed. Once they are completed we will get our permanent certificate. Councilor Cascio asked if any of the items on the punch list contribute to the temporary certificate. The Manager said there could be. It is more like outlet covers. At one point the gates around the trash disposal area did not close the way they wanted, and they were changed.

Councilor Fitzpatrick asked if they could receive something prior to the meeting with the Building Committee to outline where we stand with the facility. Manager Swetcky said he would check with the Town Attorney to see what he could put out prior to the executive session.

Councilor Cascio, concerning Planning and Zoning on November 19th, has attended public hearings as well as public meetings and he thinks it is a policy of the Town that people are allowed to speak at them. It is at the discretion of the Chairperson. He asked the Town Manager if in his opinion two sheds are needed at Kelleher Court. Manager Swetcky said it was a situation where they are trying to determine what is legally required. At a building committee meeting it was indicated that you could not include public safety, or more specifically fire radio equipment could not be in the same shed with non- public safety equipment. He is trying to confirm that this is the case. If there is adequate security perhaps it could be. They are trying to confirm it before the meeting tomorrow evening. Councilor Cascio asked if they could put a wall in the middle of the shed. Town Manager Swetcky said they are looking into if they could use a concrete wall or a secure wall between them.

Acting Chairperson O'Connor mentioned the police security section on the memo. It indicates what is left to complete the facility were minor punch list items that had to be addressed with various trade contractors. It was difficult to get some of the contractors back to finish up the punch list. They view it as punishment. He would like to know if they have all been paid in full. Manager Swetcky said no. Mr. O'Connor said it was in their best interest to finish the projects. Manager Swetcky said while he was writing this memo he was notified that a few of the contractors did contact our Construction Manager to get in today or tomorrow to finish up. One of the problems with the punch list is that they have done the majority of the work, they have to pull their workers from another job to finish if off. Unfortunately they believe one contractor is out of business and they are trying to determine it. If he is out of business we will do the work ourselves or hire another contractor to do the work for us. Acting Chairperson O'Connor stated with the Silas Deane School Building Committee, he asked what type of pre-qualification applications do we use for these subcontractors to prove they are financially solvent. At that time he was told sometimes it is a leap of faith and he thought this is one of those times when it does not hold up.

Town Manager Swetcky, for clarification, stated that the town applied for frequency numbers in May 2002 and the

Coordinator of Microwave Frequencies did not assign them for six months. Is that normal or did something happen? Manager Swetcky said he should clarify it now, it is confusing. The microwave frequencies did not take six months. We were looking for the registration numbers for the towers. It is a complicated process before you put up the tower. First you have to go to the FAA to be sure it does not interfere with air navigation as a hazard, if it does you have to find out what you have to do about it. Then the FCC approves it. Then you get the tower registration number. Once you have that you then apply to the Coordinator of Microwave frequencies. To order the microwave frequencies you need to have the licensing numbers on the towers to order the frequencies. He apologized for it being inaccurate in the paragraph in the memo. It is a matter of following different steps.

Acting Chairperson O'Connor asked if it still takes six months to get the tower registration numbers. Manager Swetcky said the numbers for Kelleher Court came within a month, for some reason the numbers for the Callahan and 250 Silas Deane locations took longer to get. In looking at the applications that were filed, there was some discrepancy in the latitude and longitude. Understand that you have a very small margin of error with the FCC. They delayed them until they could verify those latitudes and longitudes on these towers. It is a 1.3 meter margin of error. On the 250 Silas Deane it was beyond that margin of error. They had to resubmit a couple of times to correct it.

Acting Chairperson O'Connor wanted to know who was responsible for that error. Town Manager Swetcky said it was the fault of the radio consultant on the tower. Acting Chairperson O'Connor said that actually cost the town money so is the radio consultant liable for that error. Town Manager Swetcky said it is something that will be looked into when we finally settle his contract.

Acting Chairperson O'Connor asked if we had a cost to the town in the delay of the opening of the police station. Town Manager Swetcky said we will probably not incur costs as much as we will probably save some money. We budgeted as of an October opening and because we are not opening it until later, there will be some savings to the town, in terms of utilities, cleaning costs, things of that nature. Acting Chairperson O'Connor wanted to be sure he did not foresee any type of financial loss due to the delay. At this point the Manager does not. There may be additional costs to come if we cannot find contractors to renovate this building [town hall] when the time comes. One of the concerns is the Library Grant. He wants to make sure we move along because the Grant has an 18 month window on it. He wants to be sure the commitment is in place for the Library in the next 18 months.

Councilor Flynn, in respect to the contractors, said he would like to confirm there is retainage on all of the contracts. Manager Swetcky said, yes. Mr. Flynn asked if it is about 6% the total value of each contract. Manager Swetcky said the majority is 5%. Mr. Flynn asked if they could hold them for a year or is it by contract. Manager Swetcky said the retainage on the Police Facility as on the Silas Deane Middle School is 5% held for 1 year after the acceptance of the work. Mr. Flynn regardless of our feelings about performance of any contractors, even if they did everything correctly, stated we have the right to with hold old 5% of their contract for a year after acceptance. So there is still money in there to cover punch list items and overages if you feel it is justified. The Manager said that is correct. Mr. Flynn said he would be interested in hearing about it next meeting if the Town Attorney deems it appropriate.

Councilor Fitzpatrick, regarding the radio consultant, said as a radio consultant he carries E & O Insurance, have we discussed this with the Town Attorney looking at that for the costs that we have incurred. Manager Swetcky said not at this point. Mr. Fitzpatrick asked if he would do that. Manager Swetcky said he would.

Council Comments

Councilor Fitzpatrick wanted to clarify his reasons for not taking Dial-A-Ride off the table. There are a lot of things which impact it, when they spoke of changes some people went out to those using it and said we were going to cut it. He said the ridership, in the last 3 or 4 months was 2400, 30 to 40 trips a day for people using it. They have to look at the usage and how it is being used and how it can be made more efficient. They did not want a piecemeal approach. They really want to have a total proposal when they present it. They do not want people to think they are going to take the ride to the doctor away, as had been expressed to him. They have been looking at it, working with Greater Hartford Transit, talking to other towns, trying to see how to make it work better. To act tonight the action would have been less than what they wanted to do in total.

Councilor Cascio said the Library Department brought to his attention a press conference in this building regarding the

DMV and registering online. It would be 3:30 in the Library

Manager Swetcky said he did not know the details, he understood Lt. Governor Jodi Rell would be here. He was not sure why we were chosen as the site.

Councilor Gardow said he received a call from a resident 10 days ago concerning the dust at the middle school. He spoke to Mr. Menzo and said a letter was going out to parents and guardians concerning air borne particles. The letter is at Councilors places and says they did 3 tests, a baseline test last May. The numbers have fluctuated somewhat. He said the testing being done is taking care of the concerns residents had last spring. It was good work by Mr. Menzo during construction.

Councilor Morin wanted to address a previous statement about safety of children going to Emerson Williams. His believes the other three elementary schools have sidewalks in the proximity to all the main entrances. As an Emerson Williams parent, the Council in the past has certainly listened and helped in the past with safety issues, hence the parking lot, drop off area and other areas there. He hates to refer this to another committee. Unfinished business is growing. It may be helpful to refer it to Traffic and Transportation Committee to look at sidewalks for a safety reason in that neighborhood. All schools are hectic before and after school, he reminds his son also. Also, he respects that people are concerned with cuts to our budget. The next fiscal year looks worse than the one we are dealing with now. I would like to guard against threatening our employees with layoffs if we do not get give backs. There is nothing wrong with negotiating with the bargaining groups and would like to partner with them to as to a better way to do business. Often people who do not make decisions are the ones who get bagged in various fields, they have no say in how things get done but they are bagged as a cost saving measure. Look at the people we elect. Town staff does give him straight answers to questions he asks. He will continue to ask questions. Push the department heads to see what can be done to help, maybe they can come up with some ideas before we take it out on those doing the work, providing the services, teaching the kids. He does not think it is a good way to foster this is a great community to work in, be a part of or to live in. He thinks it makes it seem like they are not overly valuable.

Councilor Flynn received several calls and communications from Emerson Williams parents regarding an incident with bus transportation last Friday. One of the buses was extremely late and served a route in the Ridge Road area and some of the students were dropped off far from their drop off points. Students south of Nott Street were dropped off on Ridge Road and directed to walk home. He knew a number of parents would be contacting the Board of Education and asked the Town Manager to look into it since he was contacted. He would like to know what they did about it and what action the bus contractor took.

Acting Chairperson O'Connor said the Traffic and Transportation Committee is actually meeting this week. The will be discussing the problem at Hanmer School on Rosedale Street, and the Silas Deane Highway. Department of Transportation did a study on sidewalk safety and where walks were needed and rated them as to the higher danger points. There were some sidewalks around Emerson Williams that fell into that category. It would be nice to take the money and do it. Rosedale has a walk but no curb or snow shelf, he has been following it for 3 years. It gives the false sense of being safe while you are on the sidewalk. Cars pull up adjacent to it, the bumper goes over the walkway. The issue is finding the money to do these improvements. He will bring it up at the meeting. Many folks would complain if the town just went out and made them put in sidewalks. He will ask Dr. Goldberg about the sidewalks because they concern all of us. The town has a lot of issues it is a slow moving process involving the availability of money.

Councilor Flynn said the Traffic and Transportation Committee did identify sidewalks as a priority using objective criteria. Mapleside Drive was at the top to be implemented. We do have money in the budget for sidewalk construction. He will discuss it at the meeting. They would have to make sure the appropriate notices were given and it was added to the agenda. It is now up to Council to identify it as a priority use of the funds and how are we going to structure the project. At least some of the money is there.

Public Comments

Kelly Weinberg, 480 Brimfield Road, thanked Councilors Morin, Flynn and the Deputy Mayor for there concerns. She has spoken with Town Manager Swetcky about the budget for the sidewalks. Some requires 50% to be paid by the

homeowner, of which 75% will own up to their part. It leaves \$48,000, it goes back to the general fund, why doesn't it go to a sidewalk fund to enable ongoing repairs. Mapleside is one of three sites identified, money is scarce, looked up the ordinances on the web site. Does not want to make enemies of the homeowners but if there is an ordinance it will be harder to fight it.

Acting Chairperson O'Connor said the \$64,000 was in the sidewalk repair fund. Council set up a new fund while doing the budget for new sidewalks, it was not a lot of money, \$25,000 but it was for new sidewalks, not repairs put in the budget for the first time.

She noticed the street parking goes all the way back to the firehouse on Main Street, parking is a problem. What is the next step with the Feral Cat Ordinance? A cat not being maintained is a nuisance to the neighbors, it should be destroyed. The flag idea would be good to have as a contest, being told we have a town flag, she suggested some people might want to purchase it.

Acting Chairperson O'Connor said the Feral Cat Ordinance will have a public hearing at the next Council meeting. Based on public input and Councilors opinions it will be voted on.

Jim Clynch 903 Ridge Road in response to Councilor Fitzpatrick with the penalties, you should sign the contract, pay the \$185000 and start over for the next year. Do what Simsbury does, two buses leave in the morning and come back at night, they have no public bus transportation. Dial-A-Ride costs \$84,000. No one complains, they go to the doctors, Avon, Granby, grocery shopping etc. It is about the same size as Wethersfield and we pay \$100,000 more. Some surrounding communities get federal grants for their buses and use volunteer drivers. They started a service for Disabled Veterans in June, it operates five days a week. No one has ever said they want to cut back on the services. Where is the increased ridership? Twenty one veterans in this town make less than \$21,500 and are looking for a subsidy for their tax dollars.

George Ruhe said he did not think the people were trying to balance the budget on the workers backs as was suggested by Councilor Morin. There are opportunities to enhance and improve efficiencies by concentrating in areas that have minimal impact. He asked what the resolution on the Winding Brook Turf Farm is all about. Manager Swetcky said the resolution being introduced will finalize the agreement which has taken place for several years now between the farm and the brook at Mill Woods Park. Mr. Ruhe asked if this is tied to the use of town land being used to grow turf grass. Manager Swetcky said he was unaware of that. This has to do with a pump at the brook and irrigating their crops. Mr. Ruhe asked if the brook running through the park and is all on town land. Mr. Swetcky said it was. Mr. Ruhe asked if the pump were on town land and if they would have to pay rent? Mr. Swetcky said with the licensing agreement they would not have to pay. Mr. Ruhe wanted to know the difference between telephone boxes at the school where they paid rent and the use of a pump on town property. Mr. Swetcky said the company paid a one-time fee for an easement to use the land. Mr. Ruhe wanted to know if this area is the same area where a citizen of town was recently arrested for trespassing on town land? Mr. Swetcky did not know anything about an arrest. There is information the manager would share with him if he would like to come in and view it. Mr. Ruhe said he would do that because it mentions licensing and it is hard to see the relationship between a private enterprise agency and licensing rights the town is going to provide.

Alexandra Pappas, 382 Ridge Road thanked Mr. Cascio for correcting her name. It was different feeling tonight, the soldiers for safety were not here now. The tower is not going to operation until April. She questioned Mr. Swetcky when he said the original 800 licenses from the FCC came in 1998 via the letter he has. She suggested that it was untrue because she talked to the FCC and got a different date. There is only one granted for the Town of Wethersfield. Why did you build the tower September 30, 2002 if you did not receive the microwave license until October 28th? Manager Swetcky said he explained to Council that they had to establish some location where you are going to get your tower registration from, you have to move forward and have a tower in place. She said that was not the first thing to do. First you get a public safety coordinator, then you get the coordinates and then the FCC will approve the location before construction. Her source was not involved and she believes he does not have a conflict of interest in this issue. She thinks answers are unclear do to incomplete staff work She thinks the Building Committee meeting tomorrow evening is pointless and questioned why they were having it. Properties have already been destroyed so what is a shed? It will be noisy. She wants to know if the town will pay for central air because they will not be allowed

ventilation in their homes as they will be unable to open the windows in their homes. There is a noise ordinance in town. We have these next six months to look into how the towers came to be. She said she has been begging for answers and some people look like they are humoring her. She suggested there will be a day when they will have to answer these questions in a court of law. Need to find a site that will not affect a residential neighborhood.

Ballou Tooker, 65 Harmund Place stated when the facts and figures come for Dial-A-Ride he would like to see the report to analyze it and see how it can be approved upon. Perhaps it will be possible to see it in advance. He would volunteer for it, when he is in town.

Councilor Fitzpatrick said that they are looking at a lot of different reports. In July and August almost 2200 trips were taken. It needs to be broken down as to how many people are involved, where they are going, etc it is a lot of different information.

Acting Chairperson O'Connor said they would be willing to share that information.

Robert Young, 20 Coppermill Road wants to continue to provide service and keep the costs down on Dial-A-Ride. Volunteers, townspeople come here, you listen to what they have to say. Going forward you may want to rely on these people. This may cast doubts on your support staff and you may start to question them. You may want to look that the staff and clean house. He would have serious problems listening to the staff. New Town Manger needs to implement change. Meetings vs. hearings, are they allowed to speak and does anyone listen to them. They are looking to save money. The facility will cost money empty or full. You need efficient methods to run this town, otherwise we will go down the tube.

Michael Cronin, 9 Crystal St. The only tower with a license is the one that until a month ago was up in the air and is a cell tower. He assumes it is operational. Curious as to if the cell company is the one responsible for filing the required FCC applications. He thought they would not find out through this process as to who filed the applications. He put Mrs. Sassano and Mr. Swetcky on notice that he will file a FOI request with the town tomorrow to get the applications that were filed by whom and also the financial agreements with any search, finders fees, etc and who is going to profit from these towers. Mr. Swetcky you had to base the written report to Council on something. It should be pretty well at hand so there should not be a delay in providing it to me if I come during business hours. Finally there is talk that the town might move the tower across the street to the Church Homes site, he does not see the difference between putting it in someone's front yard or their back yard, the property values are going to go down. The Council has put a limit of two cell carriers on the towers now, there is a commercial venture moving across the street the developer may put eight or ten up endangering the residents health. Across the street is not the answer it does not belong in a residential area.

Rocco Orsini, 95 Broad Street said Deputy Mayor O'Connor was right when he asked if there were damages if the police facility is not opened on time. He agrees with the Town Manger if you look at the budget because you budgeted for it. The point is in real dollars, they bonded for, borrowed for it five months early so it costs money. We have recurring costs because it is empty for five months. If we did not build it yet the police would still be here and we would not have to eat heat, light and power associated with opening an asset and not utilizing it. Choosing Dell computers was a smart move. Council showed foresight. Sidewalks do solve safety concerns. They are an expense. You have to repair them and liability is a big issue. Goodyear is thinking of opening a tire recapping center at the old Fun Zone. That is an area where they would like to get a little better development. In the master plan they may not belong there. Not advocating we reduce staff. Over 65 % of the money is in labor and in fringe benefits. Ask the town employees to go with zero in the first year. This is a lot of money and we do not spend a lot of time talking about it. Money is in contracts and fringe benefits. You should bargain hard, return money or put in more sidewalks. He invited people to join on a walk by Silas Deane Middle School, with David Drake, his committee, the Fire Marshal, the Police, and Council to join them. It is an opportunity to do something about it, road, parking lot, canopy etc.

Councilor Sassano wanted to have the manager confirm that the Town of Wethersfield assumes the liability of sidewalks. Manager Swetcky said that it is true, because the Town has the deeper pockets, on a toe trip, they are the ones who get sued. It is the lack of care of sidewalks in snow and ice when it is the homeowners responsibility.

Adjournment

Councilor Flynn moved, "**TO ADJOURN TO THE EXECUTIVE SESSION**", seconded by Councilor Morin at 10:00 p.m.

Present at executive session: Councilors Cascio, Flynn, Fitzpatrick, Gardow, Hemmann, Morin, Sassano, Acting Chairperson O'Connor. Also present Roy Pinette, Director of Human Resources and Dolores G. Sassano, Town Clerk. Town Manager Swetcky left before the start of the meeting.

Councilor Fitzpatrick moved, "**TO ADJOURN THE EXECUTIVE SESSION AND RETURN TO THE PUBLIC MEETING**", seconded by Councilor Cascio at 10:40 p.m.

Councilor Cascio moved, "**TO ADJOURN THE MEETING**", seconded by Councilor Hemmann at 10:45 p.m.

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

Dolores G. Sassano, Town Clerk