

**REGULAR MEETING
JANUARY 19, 2011**

The Wethersfield Town Council held a meeting on Wednesday, January 19, 2011 at 7:00 p.m., postponed from Tuesday, January 18, 2011 in the Council Chambers, 505 Silas Deane Highway, Wethersfield.

Present: Councilors Drake, Hurley, Kotkin, Manousos, Montinieri, Roberts, Deputy Mayor Console, and Chairperson Hemmann. Absent: Councilor McAlister.

Also present: Jeff Bridges, Town Manager, RaeAnn Palmer, Assistant Town Manager, Michael Turner, Director of Physical Services and Dolores G. Sassano, Town Clerk.

Councilor Drake led the pledge of allegiance to the flag.

PUBLIC COMMENTS

Patti Silva, 24 Hillcrest Avenue, commented on the recommendation from Town Attorney Duncan Forsyth to refer the Ethics Board investigation of Stacey Hodges and Michael Kohlhagen to the Board of Education for action. She felt enough time, money and resources had been expended on this matter and requested that the Town Council unanimously agree to refuse a suggested Town Council motion. She also asked the Town Council take this opportunity to encourage the Board of Education to put this matter to rest once and for all. Doing so will enable all parties involved to get back to a sense of stability and get back to the business of providing the best education possible to our children. There is speculation that if this matter is sent back to the Board of Education, there are several Board of Education members who are considering challenging the indemnification of Mr. Kohlhagen and Stacey Hodges. This also will mean more time and money spent on legal challenges.

George Ruhe, 956 Cloverdale Road, asked the Town Council to have courage tonight on the Ethics issue. He suggested that the Council needs to make a fundamental decision as to whether the money spent and the turmoil it has caused is important. Mr. Ruhe felt it was important, and that the issue of ethics does not come cheap and it must transcend a budget across this year and next year.

Robert Young, 20 Coppermill Road, commented that he agrees with George Ruhe on the Ethics issue and believed that Stacey Hodges should resign. He also commented that the appropriate thing would be to have Stacey Hodges pay for her own legal fees. Mr. Young also commented on the economy and Hartford's issue of high level of empty office space. He also noted that when it comes to budget time, the Town needs to reduce.

Robin Bourassa, 248 Dale Road, commented that she agreed with Mrs. Silva's response and recommendation but felt that this issue needs to come to an end. She also stated that the Board has lost focus, and too much time and money has been spent.

COUNCIL REPORTS

Councilor Manousos reported for the Budget and Finance Committee who met to discuss collective bargaining negotiations with Supervisors Union 818, Clerical Dispatchers Union, 1303-408 and reported that union meetings will meet at the end of January. There was also another Budget and Finance Committee meeting concerning the MUNIS financial management system. Councilor Manousos also reported for the EDIC which had a meeting in which business visitation was discussed. The Shops Local has morning breakfast meetings that have somewhat replaced the visitation program, and focuses on new businesses. EDIC also discussed the Façade Improvement Program and discussed targeting specific buildings.

COUNCIL COMMENTS

Councilor Kotkin reported that there was an article in the Hartford Courant that referenced the Vernon School budget, which the Superintendent asked for less than a 1% increase. The Property Services account expected to fall by \$150,000 and the decrease was possible because of a shared services agreement that the school board reached with the Town in which the Town's Public Works will manage the school board's facilities.

Deputy Mayor Console commented on snow removal issues in Town. He noted that he has received numerous phone calls from Town residents with complaints about the inadequacy of the snow removal. He pointed out that residents, who have a fire hydrant on their property, are responsible, per a town ordinance, to clear the area around the hydrant. It is not the Town's responsibility to clear the fire hydrants around town. Secondly, if a resident has issues with snow removal, please contact the Town Manager, Jeff Bridges, at 860-721-2899. Third, with regards to the Town Maintenance Division, with the departure of Jim McDonald, and the types of storms that we have had, there appears to be some chaos at the Town Garage and the Town needs to demonstrate proper supervision. Deputy Mayor Console also noted that these inadequacies need to be addressed. He also commented that he felt the snow removal operators need proper training and the operators should have to sign off and document what streets they are supposed to be doing. Third, in peak periods when the Town's staff is limited, he suggested the Town Manager look into the possibility of hiring private contractors to assist in the work load. He noted the State does it and perhaps the Town should also do it. He noted that there are some side streets that still need attention. Deputy Mayor Console noted that if Mike Turner is the one in charge, then he is ultimately responsible.

Councilor Manousos asked if there were certain streets that needed additional attention.

Deputy Mayor Console responded yes.

Councilor Manousos commented that he thought the streets were handled well.

Councilor Roberts commented that the person, who plowed her street, did a good job. She noted that she has received numerous phone calls from residents asking what the policy is for notifying parents of school closings. At one time, the automatic notification was used but it has not been used for the past three storms and she asked what procedure is being used now.

Councilor Manousos heard that some parents had complained that they were receiving phone calls at 4:30 in the morning.

Councilor Roberts noted that some people had come to rely on the calls rather than get up to watch the news or to go online. Going forward it should be determined what method is being used for notification.

Chairperson Hemmann thanked the Physical Services staff for their work on cleaning up after the storms and commented that they did a very good job. She was in agreement with Deputy Mayor Console with regards to residents being responsible for shoveling out the hydrants as there is an ordinance and she will look into having this information included on the TV scroller.

TOWN MANAGER'S REPORT

Jeff Bridges commented that Mr. McDonald was on site during the last large storm and he did work with the staff. The Town also used private contractors to haul the snow away from the schools. He agreed with Deputy Mayor Console that there may be time when private contractors are needed to assist in cleaning up intersections and this should be evaluated during the budget process. He commented on the issue that was brought up at the last meeting to have a hold drilled in the Town calendar, at a cost of \$980. The decision to not drill a hole in the calendar was not an oversight but it was a deliberate decision. There was also a question at a previous meeting regarding the intersection site distance on Morrison Avenue. In February 2010 a survey was conducted to measure the site distance from Tifton Road looking west up Morrison Avenue, and found it was 340 feet. There was also a request to have MDC come to a meeting to discuss the issues with CRRA and a call has been put into MDC staff to have someone come out. Jeff Bridges also reported that 71 tickets have been issued since the beginning of the year for cell phone use. With regards to the fire hydrant issue, a notice has been drafted which the police and the Fire Marshal will be distributing to property owners as a reminder for them to clear out the hydrants. There was a meeting on Saturday at Fire Station 1 to coordinate the clearing of hydrants and discuss how to better educate the public about the issue.

COUNCIL ACTION

Councilor Montinieri moved **“TO APPOINT BRUCE T. BOCKSTAEL, 255 CREST STREET, TO THE DESIGN REVIEW ADVISORY COMMITTEE FOR THE TERM 1-18-2011 TO 1-1-2014; TO APPOINT JOHN T. HALLINAN, III, 404 BRIMFIELD ROAD**

STREET, TO THE DESIGN REVIEW ADVISORY COMMITTEE FOR THE TERM 1-18-2011 TO 1-1-2014; TO APPOINT RICHARD SITNIK, 27 DEER LEDGE LANE, AS AN ALTERNATE TO THE DESIGN REVIEW ADVISORY COMMITTEE FOR THE TERM 1-18-2011 TO 1-1-2014; TO APPOINT MARY ELLEN GREGORIO, 4 SOMERSET STREET, TO THE YOUTH ADVISORY COMMITTEE, FOR THE TERM 1-18-2011 TO 6-13-2013; TO APPOINT GRETCHEN SHULTZ, 64 SPRINGDALE ROAD, TO THE YOUTH ADVISORY BOARD (UNDER 21 REPRESENTATIVE) FOR THE TERM 1-18-2011 TO 6-30-2013” seconded by Councilor Roberts.

Deputy Mayor Console asked what the Design Review Advisory Committee does.

Councilor Montinieri responded that they look at the facades, advertisement and awnings on businesses. They may also be involved with the requests made to the Historic District for different windows and they make sure the windows are consistent. The Design Review Advisory Committee was formed by Peter Gillespie several years ago to try to have consistency and acceptable looks when improvements were made on the Silas Deane Highway.

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

Deputy Mayor Console moved **“TO ADD THE MINUTES OF THE JANUARY 10, 2011 TOWN COUNCIL MEETING TO THE AGENDA,”** seconded by Councilor Hurley.

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

OTHER BUSINESS

Deputy Mayor Console moved **“TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A U.S. DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT FOR FIRE PREVENTION AND SAFETY,”** seconded by Councilor Hurley.

Jeff Bridges reported the U.S. Department of Homeland Security announced the 2011 Assistance to Firefighter’s Grant Program, Fire Prevention and Safety Grants application period. The Fire Marshal and the Fire Chief have requested authorization to and assistance in preparing an application for a Fire Prevention and Safety grant. They would like to expand the fire safety outreach program for elderly residents and are working with the Assistant Town Manager to develop the program and grant application. Staff anticipates that the grant request will be between \$10,000 and \$20,000. There is a ten percent cost share or match, which they believe can be covered by the proposed budget.

Chairperson Hemmann noted that the Fire Marshal has done a very good job to date and it would be nice to see this program continue.

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

Councilor Hurley moved **“TO RECEIVE THE FINDINGS OF THE WETHERSFIELD BOARD OF ETHICS, DATED DECEMBER 14, 2010, AND, BECAUSE THE TOWN COUNCIL LACKS SUFFICIENT JURISDICTION OVER ANY MEMBER OR EMPLOYEE OF THE BOARD OF EDUCATION, THAT THE RECOMMENDATIONS OF THE BOARD OF ETHICS BE REFERRED TO THE WETHERSFIELD BOARD OF EDUCATION, FOR ITS CONSIDERATION AND SUCH DISPOSITION, IF ANY, AS IT MAY DEEM NECESSARY OR APPROPRIATE AND SUBJECT TO THE BOARD OF EDUCATION CONSIDERATION OF ANY CONTRACTUAL RELATIONSHIPS WITH SAID INDIVIDUALS,”** seconded by Deputy Mayor Console.

Jeff Bridges reported the recommendations of the Wethersfield Board of Ethics were referred to the Town Attorney for review and advisement to the Council. Town Attorney Duncan Forsyth has prepared his comments and a motion regarding the issue for the Council to consider.

Jeff Bridges noted that in Duncan Forsyth’s unexpected medical emergency, Attorney Ken Slater will answer any questions there may be. He noted that the Council does not have any jurisdiction by charter or general statutes to regulate the conduct of the members of the Board of Education or persons who are under the offices of the Board of Education, therefore the Council cannot take any action over those individuals.

Councilor Kotkin noted that he understood the rationale for the Council not to have jurisdiction and added that the Ethics Ordinance in the Town state that any recommendations by the Ethics Board should be sent to the Council for any action. There is nothing stated in the Ethics Ordinance that says if the Council doesn’t have authority then it is referred to someone else. Councilor Kotkin asked what part of the Ethics Ordinance states that it has the ability to forward this recommendation to the Board for any action.

Attorney Slater responded that he recently had a conversation with the attorney for the former superintendent and he had concerns with what his expectations were to be following some sort of referral made to the Board of Education. Ken Slater explained that his expectation was that the Council would take the position it doesn’t have jurisdiction over those officials. He added that there wouldn’t be anything to stop the Council from transmitting information to anyone.

Councilor Kotkin asked why the Council has to formally direct the motion to the Board of Education when it is a public document that everyone has access to.

Attorney Slater responded that the Council does not need to. What is made clear in the motion is that the Council is not taking a position that is directing the Board of Education to do anything.

Councilor Drake commented that the action that is being taken to forward this to the Board of Education may have some relevance down the road, showing that something was done.

Deputy Mayor Console noted that he attended many of the Ethics hearing and it was made very clear by a lot of people that once the Ethics Committee made a decision that it had to come to the Council, but now after a review of the Charter, the Council does not have jurisdiction, why wasn't this something that was known before.

Councilor Roberts commented that perhaps Deputy Mayor Console was presuming people knew from the beginning what the outcome was going to be.

Deputy Mayor Console commented that if it was a Board of Education situation and whatever the outcome was, it was still coming to Council, but if Council didn't have authority in the first place, why wasn't it mentioned.

Attorney Slater responded that under the Code of Ordinances, the employee of the Board of Education is a governed person and is governed by the Ethics Committee. Attorney Slater explained that they were asked to review the question that if or when findings were made, what the Council can do with those findings.

Councilor Kotkin commented that the Board of Education cannot take an Ethics Board recommendation and then take an action on it. If they want to have their own action that is one thing, but he thinks the Ethics one is very specific that only the Council can act on an Ethics Board recommendation. He agreed with Attorney Slater in that he feels there is a flaw in the Town's Ethics Ordinance. He doesn't feel the Ethics Board gives the Board of Education the right to sustain the Ethics Board's finding because they have no authority under the Ethics Ordinance. That is the flaw in the ordinance and it probably should be rectified, but it cannot be done today. If the Board wants to take cognizance, that's fine. But he doesn't feel the Council needs to necessarily do something with it, and that is what he feels is wrong with the wording of the resolution.

Councilor Montinieri asked for a distinction on the jurisdiction issue if the Council were to respond to the ethics findings in such a manner so that would not directly impose the sanctions but were receiving these findings. Because the Council does not have jurisdiction to the findings, it should not speak to the merits of the findings.

Attorney Slater asked Councilor Montinieri if his concern was with what action the Council could take.

Councilor Montinieri noted that he is suggesting if the Council were to receive the findings for its review and then there are two recommendations that are made by the Ethics Commission and

respond in a way that there is no imposition to the employee or the member of the Board through a mechanism, would that avoid the issue of jurisdiction.

Attorney Slater responded that the issue of jurisdiction is there regardless. The motion speaks to not attempting to exercise jurisdiction over the Board of Education, but simply having information that may be relevant to another town board.

Councilor Montinieri commented that the distinction for him in terms of the public is, in the public's eye, if the Council says the matter stops here as opposed to forwarding it, given the climate and the history of the Board of Education. The public may feel if this matter is sent on without judgment or prejudice, the public may believe that the Council is directing to the Board of Education's level for closure. With regards to the ordinance, Councilor Montinieri stated that he feels it is a conflict to send it on to someone else. For example, if the Council were to say the first recommendation was resolved and the second recommendation is liable, does that violate the Council's jurisdictional restriction?

Councilor Montinieri questioned if the Council receives the finding and does nothing beyond that, would that leave it unresolved.

Attorney Slater responded that the ordinance does suggest that this Council is to take action in 30 days. Some formal action by the Council, recognizing receiving the findings and recognizing their decision that the Council does not have jurisdiction over the public officials, is an important thing to close out the fact that you are required to take action in 30 days.

Councilor Kotkin commented that he feels that the Board of Education has no authority by the ethics ordinance to dispose of this matter. If the Board of Education wants to do something separate, that's another matter.

Attorney Slater responded that information was gathered after a hearing and it was presented. The Board of Education is not specifically empowered to act under the code of ordinance, but it may have its own authority.

Councilor Hurley agreed with Councilor Drake that the matter should be forwarded to the Board of Education.

Councilor Drake commented that the Board of Education can do whatever it wants with or without the ethic's findings.

Councilor Roberts noted that she totally disagrees and cannot vote for this. Five of the nine people on the Board of Education have already received the notice of the decision so for the Council to refer it, these individuals already know what it says. In her opinion, she doesn't feel the language is necessary and cannot support it.

Councilor Manousos commented that he doesn't understand why there is such a lengthy discussion as to whether the decision is forwarded on or not. He doesn't feel there is any harm in forwarding the decision to the Board of Education.

Councilor Kotkin responded that the motion does not say to forward the motion on, it says for its consideration and such disposition, if any.

Attorney Slater does not know what authority the Board of Education has.

Councilor Montinieri stated that he feels it is not appropriate for him to vote on the ethics matter because his wife had served on the Board of Education for many years. He also noted that he is troubled over the money taxpayers have had to pay on this matter and he agrees with the two parents that spoke tonight on this matter.

Chairperson Hemmann commented that she does support the motion as it is written to forward it back to the Board of Education for action, if they chose.

All Councilors present, including the Chairperson voted AYE. Councilors Kotkin and Roberts voted NAY. Councilor Montinieri ABSTAINED. The motion passed 5-2-1.

Jeff Bridges reported the Town has looked at reducing or modifying the number of street lights throughout the Town for several years. There are now several options for re-lamping through CL&P. However, recently, COST has stated that there may be certain liability issues with turning off of lights. We have asked our Town Attorney, Duncan Forsyth, to prepare a letter regarding that issue.

Michael Turner reported that the written inventory of street lights was taken and they tried to reconcile the wattages. There are six different styles of streetlights around town and there was no map to show where the excess lighting was located. First they mapped out where the excess lighting was, which is on the Silas Deane Highway and the Berlin Turnpike. They also needed to get the lights back to a normal wattage and not have so many different wattages. Second, they looked into the midnight photo cell option, a new tariff developed this year. It is a programmable photo cell that is placed on each of the street lights and can be programmed to be on at a certain time. There are policy considerations that Council would need to give guidance on. He prepared a memo to provide Council a broad picture of what some of the options may entail and what the potential of savings would be. He mentioned that one option would be to change the wattage of all the lights to 100 watts, and that would save the town \$11,000 a year. A second option would be eliminate every other light on the Silas Deane Highway and replace the remaining lights with the minimum wattage and this would save \$13,000 annually. If all the lights were changed to the midnight photo cell option, there is a saving of \$57,000, but the town would go dark. There can be a blend in the middle that the Town can live with. Input from the police department and Attorney Forsyth would be needed.

Councilor Drake asked if this matter could be sent to the Energy Committee for their input.

Chairperson Hemmann asked what effect would LED lighting have.

Michael Turner responded that there is a large capital expenditure to install a LED fixture. The long-term operating costs and the length that is gotten out of the lights would be a savings. Mike Turner explained that the reason the midnight option was brought up now is because if it could be done with the group of re-lamping – CL&P is going touch every street light in Town and change the bulbs. So at this time, the Town has an opportunity to install these programmable photo cells at a reduced rate if it is done while the re-lamping is done.

Councilor Drake asked Mike Turner if he could find out from CL&P where they are at with LED lighting.

Mike Turner responded that he would.

Councilor Manousos asked if this can be done on a trial basis, so in the event it is something that doesn't work.

Mike Turner responded that he believed the tariff allows the Town to make any changes within 30 days and then it can be put back the way it originally was.

Councilor Manousos asked if different options can be tried in different parts of Town.

Mike Turner responded that he is sure it could be done, but at this point, CL&P is waiting for the Town to provide them with a list of where the Town would like to place the programmable photo cells if that's the decision the Town wants to make.

Councilor Manousos stated that this would be his suggestion.

Councilor Drake commented that this would be a better option than removing the light pole.

Councilor Roberts asked with regards to the midnight option, if the lights are out and there is some sort of significant motion, would the lights turn back on. She noted that homeowners on residential streets may have a problem if a significant amount of lights go out at midnight.

Mike Turner responded that this strictly a timed option.

Chairperson Hemmann asked that in the event that CL&P is re-lamping and changing the bulbs, can some of the lights have the photo cells.

Mike Turner responded that there may be an extra charge to have CL&P go back and reprogram it. But if the photo cell is installed as part of the re-lamping, the Town can take advantage of the reduced rate and not have it go off at midnight. At this point, CL&P does not have firm figures.

Councilor Kotkin noted that he would not vote any motion as he works for a company that is affiliated with CL&P. He also stated that he read information and raised the question if the Town be held liable if all lights were turned off at midnight. He also inquired as to whether Energy Committee or Senator Fonfara has looked into any change in the legislation that would make it so towns could not be sued if lights are turned off to conserve energy.

Jeff Bridges responded that this can be looked into.

MINUTES

Councilor Hurley moved **“TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 20, 2010 AS CORRECTED,”** seconded by Deputy Mayor Console.

Councilor Roberts asked to have something included in her comments under Council Comments.

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

Deputy Mayor Console moved **“TO APPROVE THE SPECIAL MEETING MINUTES OF DECEMBER 28, 2010”** seconded by Councilor Montinieri.

All Councilors present, including the Chairperson voted AYE. Councilors Drake, Hurley, Kotkin and Roberts ABSTAINED. Councilor McAlister was absent. The motion passed 4-0-4.

Deputy Mayor Console moved **“TO APPROVE THE REGULAR MEETING MINUTES OF JANUARY 10, 2011,”** seconded by Councilor Hurley.

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

PUBLIC COMMENTS

David Caruk, 149 Broad Street, commented on the Ethics recommendation and noted that the idea of sending it back to the Board of Education was like sending it back to the wolves and felt there was no point in sending it back to the Board of Education.

Gus Colantonio, 16 Morrison Avenue, thanked Town Manager Jeff Bridges for the information regarding Morrison Avenue and asked if he could take his own measurements once the snow was gone.

Jeff Bridges responded that there are two measurements on Morrison Avenue, from the intersection to the top of the hill is 340 feet and there is a measurement from a telephone pole. That measurement is 265 feet. He noted that he would be happy to talk with Mr. Colantonio whenever he is ready.

Gus Colantonio also noted that the workers are doing a good job on the sidewalks and questioned why the previous Town Manager had said that there was nothing wrong with Morrison Avenue. He also asked how often a resident needs to clean the sidewalks after a storm? The snow plows are doing a good job but when they make their pass, snow is being pushed onto the sidewalks, and it includes the salt and ice and it is very difficult to shovel.

George Ruhe, 926 Cloverdale Circle, commented that he had a problem with turning off streets thereby making neighborhoods vulnerable to crime. He noted that the amount of money that Mike Turner said could be saved with the different options, overall, does not save a lot of money in the budget. Mr. Ruhe also commented on the Ethics Committee and the cost is not the issue. Mr. Ruhe spoke on the of clearing the fire hydrants and commented that the scroller on the television is difficult to read with all the colors and it should be reviewed.

Patti Silva, 24 Hillcrest Avenue, asked that when the Council discussed the Ethics motion, it was never discussed about changing the language of the motion.

Robert Young, 20 Coppermill Road, commented that the Town calendar is also a business directory and should be placed in a cabinet and not hung up. He also commented that citizens have a right to see an accounting of the Ethics issue at some point. Robert Young also spoke about the \$672,000 owed to the State from the Board of Education and noted although Councilor Drake said that there has been discussions on this matter for over a year, it only became public recently and noted that the public should have been aware of this matter sooner.

Barbara Ruhe, 79 Main Street, commented it is the small things that trip them up when it comes to ethics. Residents of Wethersfield care about people and hold people responsible for their actions.

ADJOURNMENT

At 9:05 p.m., Councilor Drake moved "**TO ADJOURN THE MEETING**" seconded by Deputy Mayor Console.

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

Dolores G. Sassano

Town Clerk

Approved by vote of Council

February 7, 2011