

**REGULAR MEETING**  
**August 16, 2010**

The Wethersfield Town Council held a meeting on Monday, August 16, 2010 at 7:00 p.m. in the Council Chambers, 505 Silas Deane Highway, Wethersfield, CT.

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

Also present: Jeff Bridges, Town Manager, Mike Turner, Town Engineer, RaeAnn Palmer, Assistant Town Manager and Dolores Sassano, Town Clerk

Councilor McAlister led the pledge of allegiance to the flag.

**PROCLAMATIONS**

Chairperson Hemmann presented Girl Scout Cadette Troop 10261 a Certificate of Recognition for the work they did at the Emerson Williams Elementary School courtyard. The Girl Scouts, Alyssa Derocher, Ashley Vasel, Julia Buyak, Alexandria Nista and Rebecca Johnson of Girl Scout Cadette Troop 10261 earned a Silver Award for their work done.

Mike Turner, Town Engineer, reported on the Goff Brook Ponds Status Report:

In 2007, the Town Council commissioned a study of the Goff Brook Ponds and its 3200 acre watershed (which includes 1860 Reservoir, Murphy Pond, Griswold Pond, Millwood's Pond, and Bell Pond). The report confirms Town Council sentiment that these ponds are a treasured amenity to both the Town and the abutting residents, and that they provide a valuable and serene open space-open water environment encompassing diverse vegetation and wildlife. The report quantified substantial sediment deposits and prevailing shallow depths. Water quality samples were taken and plant and wildlife were identified. There was no evidence that the sediment was constrained by environmental contamination.

A summary table and cost estimates were developed for dredging; vegetation control, water quality and restoration work at each of the 5 ponds. The total budget estimate was \$2.47 million. About 80% of these costs are for dredging sediment and deepening the ponds. The consultant also prioritized the list of improvements, and these have been included in the CIP budget for consideration. The long term improvements consist of 4 basic elements:

1. reduce sediment transport to the ponds (Water quality control)
2. Remove accumulated sediment deposits (dredging)
3. deepen portions of the existing ponds (dredging)
4. remove invasive species from the pond environs (vegetation control)

The Town has completed designs and received local permits for both Murphy Pond and Bell Pond dams, the top 2 priority projects. The CIP budget has also included \$50,000 for sediment

trap/treatment device to be added to the inlet of Murphy Pond project so that sediment is collected and trapped before entering the pond. Both these projects are before the CT DEP awaiting their permits.

The short term improvements at these ponds consist of continuing the necessary annual application of controlled herbicides, coupled with implementing any partial aspects of the recommended long term improvements.

Regarding herbicide application this year, the Town contracted with Innovative Mosquito Management, LLC at a cost of \$11,500 for the annual treatments. The first herbicide application was on June 2, 2010; Locations: Griswold Pond, Drainage Swale (Westmont Rd/North), 1860 Reservoir, Cloverdale Circle Pond and Spring Street Pond. The second herbicide application was on July 15, 2010; Locations: Griswold Pond, Drainage Swale (Westmont Rd/North), 1960 Reservoir, Cloverdale Circle Pond and Spring Street Pond. A third scheduled herbicide application will be August 17, 2010; Location: Griswold Pond.

I have attached excerpts from the Goff Brook Study, specifically the Executive Summary, the Summary of Recommended Improvements, and the Summary Data table. The full Goff Brook Study is available on the Town web site at

[http://wethersfieldct.com/docs/Goff\\_Brook\\_Ponds\\_Report.pdf](http://wethersfieldct.com/docs/Goff_Brook_Ponds_Report.pdf)

Deputy Mayor Console inquired about Griswold Pond and asked if the priority has changed on these ponds or has it stayed the same since 2007.

Mike Turner responded that the priority has not changed.

Deputy Mayor Console thanked Mike Turner for the report and noted that Griswold Pond was last dredged in 1980 and with the damage done by the tornado last year, asked if it made more sense to work on this pond first before the condition worsens.

Councilor McAlister noted that CCSU had done a study at Wintergreen Woods and it was recommended that there should be no use of pesticides or fertilizers within a 100 foot perimeter of the pond and he asked if the degradation of the ponds was due to any run offs from the people's property.

Mike Turner responded that most of the problems in the pond are due to construction of new homes upstream that have been built since the establishment of the ponds. He also noted that the vegetation is due to the application of nitrogen and fertilizers from the lawns.

Councilor McAlister inquired if there should be guidelines as to the use of fertilizers in close proximity to open space and ponds.

Councilor Drake asked if other towns prohibit the use of fertilizers around open space.

Councilor McAlister noted that this was recommended in CCSU's report.

Councilor Drake asked if there were any plans in place for grant applications.

Mike Turner responded that in reviewing the file, he noted that RaeAnn Palmer has looked into a DEP grant, but to date nothing has come of it.

Councilor Manousos asked if there is any grant funding available for this work.

Mike Turner responded that RaeAnn Palmer has done searches in the past, but is not sure if anything has been done recently.

Councilor Manousos asked if parts of the plan can be implemented at different times.

Mike Turner responded that the consultant wrote the report so that it could be broken out into smaller manageable pieces.

RaeAnn Palmer noted that about two years ago a request was put in through Congressman Larson's office to get the Goff Brook watershed rehabilitation onto the list of the US Army Corp of Engineers with the thinking that if money becomes available for appropriation, the Town could get money. RaeAnn Palmer noted that she sent an email about a week ago to his chief of staff asking for the status and noted that she continues to scan for grants. She also noted that the previous stimulus money that came through has gone to ongoing projects.

Councilor Kotkin asked what the game plan is for available funding.

Mike Turner responded that the dams for Murphy Pond and Bell Pond will be reconstructed and while the water is drained, the vegetation and sediment will be cleaned up.

Councilor Kotkin asked about the timetable for the project.

Mike Turner responded that at the moment the project is in the DEP permit process and with the project being partially state funded and with State layoffs, he continues to inquire with the State.

Deputy Mayor Console asked if ponds that had been previously worked on, would the Town need to retain DEP approval again.

Mike Turner responded yes.

## GENERAL COMMENTS

## PUBLIC

Jim Woodworth, mentioned that there was an article about Comstock Ferre in the New York Times. He noted that he had attended the meeting for the Wilkus Farm and that there were a lot of good ideas that came from that meeting. He also noted that he felt that the property was fairly priced and it should be looked at as a way of enhancing the Town.

Frank Sorano, 102 Jameswell Road, read a petition signed from residents of Jameswell, Hartwell, Dix, Dale, Gracewell and Midwell Roads asking for a study of the known aquifer center on Jameswell Road and any recommendations that there may be to stop and/or divert it from doing any more damage to Town infrastructure as well as residences in the area.

George Ruhe, 956 Cloverdale Circle, inquired about the number of projects completed or not completed under the Malone & McBroom study. He noted that the pond on Cloverdale has never had any work done in 48 years.

Lee Sekas, 117 Wells Road, noted that the sidewalk at 68 Prospect Street was repaired very nicely. He also noted that the Town could be saving money at the elections by holding elections at one place instead of 10 different areas. He also noted that the Eleanor Buck Wolf will be holding its annual Halloween fundraiser and they are looking for volunteers.

Ginger Smith, 1 Morrison Avenue reported that she is tired of how things are being handled on their street. She asked that the curbs, sidewalks and street be fixed and done with.

Matt Forrest, 25 Spring Street, reported for the Wethersfield Citizens Energy Conservation Advisory Committee. He noted that there is concern of a disconnect between what the Energy Committee is asking for in the plan and what is on the Town Council's agenda tonight. He noted that the plan is a strategic plan that is asking for a meeting of the minds.

John Morris, Prospect Street, Chair of the Energy Committee, noted that the Committee is not asking the Town to do anything specific. They are trying to get the base players together for the next 10, 15, 20 years. He encouraged Council to come to the Committee with any questions they may have. The Committee is also looking at street lights. He encouraged the Council to look at the strategic plan, use it as a strategic vision.

Barbara Ruhe, 79 Main Street, noted that she serves on the Connecticut River Valley Flood Control Commission. She does not want the Council thinking that they will be getting any money from the U.S. Army Corp of Engineers as there are numerous dams that need attention. She suggested an educational program teaching people about the harm of pesticides and fertilizers in watershed areas. Ms. Ruhe commented on Morrison Avenue and stated that the residents at Morrison Avenue should not have to pay for the sidewalks. If the Government made a mistake, then the Government should pay for the repair.

Robert Young, 20 Coppermill Road, commented that he didn't understand why Morrison Avenue is so narrow. He also commented on the low turnout of voters, and suggested that some of the polling places could be closed down to save some money. Robert Young also noted that the

empty building lots are raw land with no hook up to utilities and builders would take that into consideration when considering purchasing those lots at \$250,000 each. Robert Young also noted that the Connecticut Academic Performance Test (CAPT) scores should be going up.

### COUNCIL REPORTS

Councilor Manousos reported that the Budget and Finance Committee met with the Library Board and the Board of Education and the goal was to get ahead of the budget for next fiscal year (2011-2012). The goal is to understand the operations and come up with some solutions and projections of unanticipated costs that need to be accounted for. The Energy Committee's matrix was also discussed.

Councilor Manousos reported for the EDIC and hoped to have an update on the tenant improvement program next month. Councilors Manousos and Hurley will be hosting a business friendly meeting at the police station on Wednesday, August 18 at 5:30 p.m. to encourage ideas for attracting and keeping businesses in town. Representatives from the Chamber of Commerce, real estate and business professionals will be present to offer advice of what they have seen that has been successful.

Councilor Manousos also reported that he met with Bob Fischer, President of the Wethersfield Historical Society in his capacity as a liaison with the organization. Councilor Hurley will also be involved in Councilor Manousos' absence.

Councilor Drake reported on the Wilkus Farm Public Hearing that was well attended and approximately a page and a half of ideas was compiled. The biggest misconception is what exactly can be done commercially with the property. There is a need to educate everyone that nothing can be done to make a profit or do anything commercially with the property.

Councilor McAlister reported for the Public Works that presently there are approximately 10 to 15 pieces of property that can be sold. There are four specific properties that were brought to the committee's attention. The pieces of land are not park-like land. Councilor McAlister also reported on the great feedback received regarding the Transfer Station. They haven't received a report back as to how many permits have been issued but usage rate has increased. The Transfer Station was asked for recommendations on improving services and some of the recommendations have been to increase hours and adding another day to the schedule.

### COUNCIL COMMENTS

Councilor Drake commented on the Jameswell Road issue. He noted that they are trying to get the Morrison Avenue issue cleared before beginning the Jameswell Road issue. He wanted to assure the residents that this issue is on the list and that it hasn't been forgotten.

Councilor Roberts suggested that the Council meet as a group to survey the different areas around Town that are being discussed, specifically the Jameswell Road issue. She felt it would

be a good to hear about the situation all at the same time and get a chance to meet with the neighbors.

Frank Sarano indicated that water is causing algae on the driveways on Jameswell Road and ground water is shooting out of the ground at the end of Hartwell Road and on Midwell Road.

Jeff Bridges suggested meeting next Monday.

Councilor Hurley made a suggestion to sell the Wilkus property which the house and barn are located on.

Deputy Mayor Console commented that the Jameswell Road issues have been ongoing for several years. He also referred to an article regarding significant cuts to local government jobs and services and noted that Wethersfield is not the only town having issues. Deputy Mayor Console also commented on the school situation and agreed with Bob Young that schools are the economic engine of the town. Deputy Mayor Console thanked Town Manager Jeff Bridges and Mike Turner for the report done on the ponds and suggested that town workers could help clean up Griswold Pond. He also commented on the sidewalk survey and felt it was interesting to see how the surrounding towns handle sidewalk repairs. Deputy Mayor Console thanked Town Manager Jeff Bridges for the information he had requested regarding on the Housing Authority and noted that 8.5 % of the total housing stock in Wethersfield is under the Housing Authority.

Jeff Bridges clarified that 8.5% are affordable units, and only 272 are owned and operated by the Housing Authority.

Deputy Mayor Console reported that he had requested this information on the Housing Authority because he has received calls from residents around Tobler Terrace and Oxford Street about issues in those areas. Deputy Mayor Console also commented on the police report that was in Council's packages and noted that it was very helpful, showing the type of crimes around town. Deputy Mayor Console commented on an incident at the Library on August 13 where someone had cut their finger and there was blood on the surface of a table. A librarian had staff clean up the blood. Deputy Mayor Console noted that he understands there are certain procedures to follow, but he doesn't understand why a town employee would have placed a call to OSHA and now the Town faces a fine from OSHA. Deputy Mayor Console also supported the selling of the house and barn on the Wilkus property for \$150,000. He noted portions of that property are wetlands and cannot be sold but he is looking forward to Councilor Drake's report. He also wanted to thank Officers Gove and Martin for coming to his assistance last week at his house.

Councilor McAlister brought up an issue that he had been unaware of regarding door to door salespeople. He noted that the salespeople need to have the Town seal on their identification to show that they are checked into the police department. A group of people were arrested recently because they had been convicted of rape and burglary in other towns. They came to his home while he was at the last Council meeting and his wife was home. He wants people to be aware of the issues. Councilor McAlister reported that he went to the National Night Out and it was a

great event and suggested that perhaps the Town could do more with advertising, suggesting banners hanging over the main streets. During the event, he noticed that the Little League field had advertisement banners posted and he assumes that the Town gets money from that. He noted that other towns are selling the name rights for a field for a 12 month period. He commented that the Town hasn't traditionally wanted to name a field "Target Field" but suggested looking into perhaps a 12 month lease.

Chairperson Hemmann announced that the Chamber of Commerce is holding a multi-chamber business after hours on Thursday, August 26 from 5:30 to 7:30 at Flemings Steak and Wine Bar in West Hartford. She also noted that the Farmers Market is open on Thursdays from 3:30 p.m. to 6:30 p.m. at the Kenney Center.

### TOWN MANAGER'S REPORT

Jeff Bridges reported that he received the OSHA report this week regarding the incident at the Library and the Town was given a \$280 fine which will be contested.

Jeff Bridges reported that he wanted to add a matter under new business for the repairs needed with the elevator in the Library. Because it is three weeks between Council meetings, he wants to get authorization for approval to take the most responsible bidder once bids are received. It will take several weeks once a vendor is approved to get the parts and get it installed and time is a factor.

Councilor Roberts moved **"TO AUTHORIZE THE TOWN MANAGER TO ACCEPT A BID, WHEN RECEIVED AND DETERMINE THE BEST WAY TO REPAIR THE LIBRARY ELEVATOR TO USE,"** seconded by Councilor Montinieri.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Chairperson Hemmann noted under the Town Manager's Report that there was a letter submitted by a resident to Wethersfield Life about the damage done to the roads in the meadows. The Town Manager and Physical Services' staff did go down to look at the roads and took pictures. She commented that it does appear that there has been damage done to the vegetation with weed killer and that the roads being widened but it was not been done by the Town. She also noted that the roads are near the water and some damage may have been done with flooding in the springtime.

### OTHER BUSINESS

Chairperson Hemmann reported that the Morrison Avenue matter will not be taken off the table tonight but they will be working on this matter for the next meeting. A review is being done by an engineering company and the report should be complete by the next meeting.

Deputy Mayor Console moved **"TO AUTHORIZE THE USE OF COVE PARK BY THE**

**KEANE FOUNDATION FOR A CARNIVAL AND TO AUTHORIZE THE SALE OF BEER AND WINE AT THE SOLOMON WELLES HOUSE FOR THE EVENT, THIS YEAR AND FOR FIVE ADDITIONAL YEARS, PROVIDED ALL TOWN POLICIES AND PROCEDURES ARE FOLLOWED,”** seconded by Councilor Manousos.

Jeff Bridges reported that on January 20, 2009 Town Council approved a request from the Keane Foundation to hold a carnival fundraiser at Cove Park in October of 2009. Permission was granted to hold the carnival at the park, operate food and beverage concessions and sell beer and wine at the event. Gillette Shows Inc. of Pittsfield, MA, a 40 year old family business, ran the carnival operations. The carnival ran smoothly last year and no problems developed with the carnival or selling alcohol at the event. This year the Keane Foundation is asking permission to hold the carnival at the park for the next five years and to sell beer and wine at this event on the Solomon Welles House property. The carnival will be held in October this year. The attached memo from Kathy Bagley provides you more details about the carnival. The Parks and Recreation Board is very supportive of this special event and voted to endorse the request for this year and future years.

Town Council will need to authorize this request to hold the event in the park and to sell beer and wine at the Solomon Welles property. Alcoholic beverages are permitted on the Solomon Welles House property with Town Council permission. After Town Council review and approval, this event will go to the Zoning Board of Appeals for review and approval.

Councilor Hurley stated that he thought it was a good idea and noted that the dates of the carnival are October 15, 16, 17.

Councilor Drake stated that he supports the carnival but felt that the town should have the right to cancel the permit at its discretion.

Deputy Mayor Console asked if instead of a five year permit, why not a two year permit and inquired as to what other towns did.

Jeff Bridges responded that each town handles it differently.

Councilor Kotkin commented that he is supportive of the motion as long as the carnival continues to operate as it has in the past year, but he also doesn't want to bind future councils to a contract that they wouldn't be able to terminate.

Councilor Montinieri noted that Kathy Bagley made reference that after Council approves this motion, the Foundation needs to go to Zoning Board of Appeals and asked if the five year permit is so that the two processes don't need to be repeated each year.

Kathy Bagley responded that is correct.

Councilor Montinieri suggested that they do the motion as it is and suggest to the Keane Foundation to provide a summary to council regarding any concerns, issues or successes and barring any issues, the five year permit will be permitted.

Kathy Bagley noted that the Parks & Recreation Department also does an evaluation of the end of the event with any concerns there may be.

Councilor McAlister agreed with Councilor Montinieri's suggestion.

Councilor Montinieri wanted to clarify that he isn't looking for a written report but just a summary from the Foundation at the council meeting.

Councilor Drake moved **"TO AUTHORIZE THE USE OF COVE PARK BY THE KEANE FOUNDATION FOR A CARNIVAL AND TO AUTHORIZE THE SALE OF BEER AND WINE AT THE SOLOMON WELLES HOUSE FOR THE EVENT, THIS YEAR AND FOR FIVE ADDITIONAL YEARS, PROVIDED ALL TOWN POLICIES AND PROCEDURES ARE FOLLOWED; AMENDMENT TO INCLUDE 'THAT COUNCIL RESERVES THE RIGHT OF REVOCABLE CAUSE AT ANYTIME,'" seconded by Deputy Mayor Console.**

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Hurley moved **"TO APPROVE THE YEAR END BUDGET TRANSFER AS REQUESTED BY THE FINANCE DEPARTMENT," seconded by Councilor Drake.**

Jeff Bridges reported that at the last Town Council meeting, staff anticipated that additional budget transfers might be required to balance the Fiscal Year 2009-10 accounts. At this time, the only account with a negative balance is in the Town Clerk's budget to cover transcription services for the Ethics Board. Expenses of \$4,380 were paid from the Town Clerk's budget to cover transcription services. Staff is also requesting a transfer from Contingency of \$59,000 to cover potential continued liability related to legal fees and transcription services for the Ethics Board. The funds will be encumbered in a purchase order. This is allowable because the liability for the expenses was incurred in Fiscal Year 2009-10. All outstanding payments without an encumbrance for fiscal year 2009-10 are now completed and staff is reviewing all encumbrances for unbilled liability.

Councilor Kotkin inquired as to the \$50,000 for attorney's fees for the ethics issue and asked if this was for meetings from July, 2010 forward and that the \$34,692 cited for attorney's fees in the Town Manager's report is for June 2010 backwards.

Jeff Bridges responded that with the exception of the ethics tapes, that is the case.

Chairperson Hemmann asked if the transfer request to cover the funds should go under expenses.

Jeff Bridges responded that it can go either way.

Councilor Montinieri inquired as to the balance of the contingency account.

Jeff Bridges responded that if this motion passes, the balance will be zero. At the present time, the balance in the 2009-2010 contingency account is \$59,000. It will be carried over and encumber ongoing expenses.

Councilor Montinieri asked for an explanation as to the line items for "Transcription Services for the Ethics Continued Expenses" and the Transcription Services - Ethics."

Jeff Bridges responded that the line item is for identification purposes and the \$4,380 is to be reimbursed to the clerk's office. From that line item, it will be moved to different clerk operation lines in the clerk's budget. The disbursement is for publication of notifications and expenses and transcripts for the ethics hearings.

Councilor Montinieri asked about the costs associated with the action against the town field that CIRMA is handling and is CIRMA being paid separately and has any budget projections been made to date.

Jeff Bridges responded that there is a \$5,000 deductible with CIRMA and all other costs will be covered.

Councilor Montinieri asked if the CIRMA representation is covered under the insurance?

Jeff Bridges responded that it was.

Councilor Montinieri asked if any settlement would be covered under CIRMA?

Jeff Bridges responded that he would need to review the letter of coverage but he believed only if those actions for which they were settling are covered actions. If the public officials acted outside of their public official responsibility, then it would not be covered.

Councilor Roberts asked about the cost incurred for the attorney in the amount of \$2,668. Does this include the attorney and transcription costs?

Jeff Bridges responded that it was for attorney costs only.

Councilor Kotkin asked if he expected these figures to be the last for the transfers effecting 2009-2010.

Town Manager Jeff Bridges said he believed this is the last of the transfers.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Deputy Mayor Console moved **“TO ADOPT THE DATA COLLECTION PROTOCOLS FOR THE SUSTAINABILITY MATRIX APPEARING ON PAGE 3 OF THE DRAFT WETHERSFIELD COMPREHENSIVE ENERGY” AND CONSERVATION PLAN,**” seconded by Councilor Hurley.

Jeff Bridges reported that at the August 5, 2010 meeting of the Public Works Committee the Committee recommended accepting only the data collection protocols of the Sustainability Matrix appearing on page 3 of the Draft Wethersfield Comprehensive and Conversation Energy Plan. The Committee recognizes the importance of the entire plan but also is aware that the data collection process is the first step towards further adoption and implementation of the plan. This does not prevent certain items from the plan from being investigated or acted upon such as the performance contracting, seeking out more fuel efficient vehicles, or other elements as conditions and situations arise. As data is collected and resources toward implementation of other elements of the plan are available, then additional sections of the plan will be recommended for adoption.

Councilor Montinieri noted that in light of Energy Conservation Committee, should this matter be tabled for further discussion.

Councilor Drake moved **“TO TABLE THIS MATTER AND RESEND TO PUBLIC WORKS AND ENERGY COMMITTEE TO DETERMINE WHICH COUNCIL RESOURCES ARE REQUIRED.”**

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Roberts moved **“TO CHANGE THE REGULARLY SCHEDULED NOVEMBER 1, 2010 TOWN COUNCIL MEETING TO WEDNESDAY, NOVEMBER 3, 2010,”** seconded by Councilor Hurley.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Jeff Bridges reported that in the past the Town Council has cancelled the first meeting in November that is the night before an election. Instead of cancelling the meeting the Mayor has requested that the meeting be rescheduled to Wednesday, November 3, 2010.

Councilor Manousos moved **“TO REFER THE REQUEST FROM AT&T FOR AN EASEMENT TO INSTALL COMMUNICATIONS EQUIPMENT ON TOWN PROPERTY AT WETHERSFIELD HIGH SCHOOL TO THE PLANNING AND ZONING COMMISSION FOR A REVIEW AND REPORT IN ACCORDANCE WITH § 8-24 OF THE CONNECTICUT GENERAL STATUTES,”** seconded by Deputy Mayor Console.

Jeff Bridges reported that staff has received a request from AT&T for an easement to locate a communications equipment cabinet on Town property near the Wolcott Hill Road entrance to Wethersfield High School. The company has submitted plans and will pay the Town \$10,000 to

grant the easement. Staff has worked with AT&T to insure that the cabinet would not obstruct motorists entering or leaving the property. The first step in the approval process, in accordance with Connecticut State Statutes, is to refer the matter to the Planning and Zoning Commission for an § 8-24 Review. Once the § 8-24 Review is complete, the request will come back to the Town Council for action.

Councilor Montinieri noted that in the past there had been discussions with AT&T about relocating the boxes because they were obstructing the walking paths and the Town had gotten a commitment from AT&T to look into resolving this issue. Councilor Montinieri believes that AT&T has not resolved these issues and is now coming to the Town for help with an easement. Councilor Montinieri felt this is the time for the Town to provide some leverage. Councilor Montinieri noted that it is his opinion that the boxes are unsightly, unsafe and AT&T never responded to the Town's initial request and he feels that the Town should not be supporting this request until the Town gets an answer for its previous concerns.

Mike Turner reported that AT&T has been accommodating in relocating some of the boxes at the Town's request so AT&T has not ignored the Town's request. DPUC has issued a ruling that does require various phone vendors to contact the Town, Public Works and property owners when they do chose a site for the unit boxes. Both Lt. Powers and himself look at every request and evaluate the location for site line obstruction and pedestrian access before any box is installed. The original site that AT&T had chosen was located at a busy pedestrian intersection and the new proposed site on the high school property is out of the way of any obstruction.

Councilor Montinieri urged the Town to do an inventory of the location of the existing boxes and request any changes while the Town has the leverage against AT&T. He noted that he is not against the request from AT&T for the easement and having them pay for the easement is good for the Town, but he feels the boxes are unsightly and unsafe.

Deputy Mayor Console agreed with Councilor Montinieri that the boxes are unsightly and he agreed that the locations of all the boxes should be looked at to see if any of them need to be relocated.

Councilor Kotkin asked if there were any guidelines as to possible graffiti cleanup on the box that may be located on the high school. He also voiced his concern about the issue of a high voltage box on the grounds of the high school and protection for the students.

Michael Turner suggested that language can be put into the easement language.

Councilor Roberts noted that the proposed location is the main entrance of the high school and the box is unattractive. She noted that they are requesting a permanent easement agreement for \$10,000 and once it's there, it's there and she is concerned about the company's track record. She also noted that at this point she would probably vote against it.

Councilor Drake asked what authority the Town Council has at this point.

Michael Turner responded that the Town Council has the authority to say no because AT&T is requesting an easement on private property. AT&T also have the choice of installing the box on a street pole and Mike Turner state that he doesn't believe the Town Council has the right to say no.

Councilor Kotkin asked why AT&T picked this particular location and could the box be relocated further back from the proposed site.

Mike Turner responded that it has to do with site distance and site restriction and perhaps the box could be pushed further back on the property..

Jeff Bridges noted that the choice for the location of the box is due to the signal strength. The further away from the street, the weaker the signal.

Chairperson Hemmann asked if there is a timeline related to this matter.

Jeff Bridges responded that there is not a timeline but AT&T is always in a hurry.

Chairperson Hemmann asked if it would be incorrect to table this matter until some of these questions have been answered by AT&T before this is sent to Planning & Zoning.

Councilor Montinieri suggested that this is the time for the Town to do its part. Planning & Zoning may not meet for another three weeks and it will come back to Town Council for final approval.

Councilor Manousos asked if AT&T is not able to put the box on the pole, why is it a onetime permit for the easement and not an ongoing lease payment like the cell towers and wondered if there was anything else the Town could get out of AT&T like cable service to the high school.

Jeff Bridges responded that he would need to check into whether this service relates to the Telecommunication Act which requires cable companies and cable providers to provide free basic cable access to schools.

Chairperson Hemmann suggested that because of all the questions Council has, the matter should be referred to Planning & Zoning so as to not to delay their review, and Council should forward their questions and concerns to Planning & Zoning in order that they have the concerns from Town Council.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

### BIDS

Councilor Montinieri moved **“TO AUTHORIZE THE TOWN MANAGER TO ACCEPT A**

**BID, WHEN RECEIVED AND DETERMINE THE BEST WAY TO REPAIR THE LIBRARY ELEVATOR USE,”** seconded by Councilor Drake.

Jeff Bridges reported that the Library staff is asking for approval to award the bid to the lowest responsible bidder. The cost is approximately \$35,000.

Councilor Montinieri questioned Mike Turner as to why this problem was not addressed during the Library renovations.

Mike Turner responded that the issue is the circuit board has failed and a replacement part cannot be found.

Chairperson Hemmann asked when the elevator was installed.

Mike Turner responded that it was installed in 1978 when the addition to the Library was built.

Chairperson Hemmann remarked that during the Library renovations in 2007 and 2008, the life expectancy issue of the elevator should have been discussed and it should have been considered as part of the renovation costs.

Mike Turner stated that the engineers had looked at the elevators during the renovations and everything looked fine. One of the companies that is bidding on the repairs is looking to rebuild the entire circuit board with new electronic components.

Councilor Manousos asked what the difference in cost would be for either rebuilding the component, replacing the entire component or getting a new elevator and what would the life expectancy be for each of these options.

Mike Turner responded that the cost for a new cab and elevator would be over \$100,000. The suggested project is approximately \$40,000. The cab itself is mechanically fine and they are not looking to redo the hydrologic piston or any of the rail systems that guide the elevator. He noted that they are also limited by the footprint that is there so it cannot be expanded. He summarized that they are looking at the control system and upgrading the call buttons. It has also been suggested that while the elevator is down is to have the hydrologic pump replaced as it will be covered at this time.

Councilor Manousos asked if there are two or three options available.

Mike Turner noted that one vendor says that he may be able to rebuild the circuit board.

Councilor Manousos questioned how the Town can choose the lowest responsible bidder when it is not clear what the life expectancy is of all the options.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Deputy Mayor Console moved **“AWARD THE BID FOR MIDDLETOWN AVENUE DRAINAGE IMPROVEMENTS AND RECONSTRUCTION TO GENERAL PAVING IN ACCORDANCE WITH THE BID SPECIFICATIONS IN THE AMOUNT OF \$269,835,”** seconded by Councilor Hurley.

Jeff Bridges reported that in 2008 the Town applied for and received permission to use Local Capital Improvement Program (LOCIP) funds from the State of Connecticut Office of Policy and Management for the purpose of reconstructing Middletown Avenue between Summerfield Road and Broad Street. The attached memo from Public Works Director Michael Turner provides more information about the project. Staff solicited bids for the project and received six viable bids. General Paving was the low bidder with a total cost of \$269,835. Public Works Director Michael Turner is requesting that the bid be awarded to General Paving.

Deputy Mayor Console commented that it is time to do this project and do it correctly as it is a well traveled road.

Councilor Hurley inquired as to the LOCIP funds and thought that the budget amount was \$280,000 and asked why it reflects \$562,000.

Mike Turner responded that the bids came in lower than was expected.

Councilor Hurley noted that he thought the line item in the budget originally was \$285,000.

Mike Turner responded that the Town receives between \$185,000 and \$200,000 of LOCIP funds each year from the State. The Town uses what is needed and tells LOCIP to reallocate the remainder of the money towards the next road project.

Councilor Drake noted that the width of Middletown Avenue is 23 feet which is the same width as Morrison Avenue.

Councilor Hurley asked if there is parking allowed on Middletown Avenue.

Mike Turner responded that there is no parking going towards the green and restricted parking going southbound.

Councilor Kotkin asked if this matter is approved tonight, will the project be completed this fall?

Mike Turner responded that it will be.

Councilor Kotkin asked if there were going to be any MDC issues on Middletown Avenue that were at the Goff Road project.

Mike Turner responded that there shouldn't be as there is not a lot of crossing of utilities on Middletown Avenue as there was on Goff Road.

Chairperson Hemmann asked if the project would be completed before the Cornfest.

Mike Turner responded that he wasn't sure but noted that there was drain work that can be done without ripping up the road.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Hurley moved **“CORRECT THE AMOUNT OF THE CONTRACT AWARD TO CROWLEY FORD LLC FOR THE PURCHASE OF FIVE F350 PICKUP TRUCKS FROM \$140,029 TO \$168,228 AND TO AUTHORIZE THE TOWN MANAGER TO NEGOTIATE AND SIGN A FINANCING/LEASE PURCHASE AGREEMENT FOR THE TRUCKS WITH THE LEASE COMPANY THAT OFFERS THE MOST FAVORABLE TERMS TO THE TOWN,”** seconded by Councilor Roberts.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Jeff Bridges reported that at the August 2, 2010 Town Council meeting, a motion was approved to award a contract for the purchase of five F350 pickup trucks to Crowley Ford LLC in the amount of \$140,029. That amount is incorrect; the correct cost of the five trucks is \$168,228. Town Council will need to pass a motion to correct the award amount.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

### MINUTES

Councilor Hurley moved **“TO APPROVE THE SPECIAL MEETING MINUTES OF JUNE 23, 2010”** seconded by Councilor Montinieri.

All Councilors present, including the Chairperson voted AYE. The motion passed 6-0-3.

Deputy Mayor Console moved **“TO APPROVE THE REGULAR MEETING MINUTES OF AUGUST 2, 2010”** seconded by Councilor Kotkin.

All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

### **PUBLIC COMMENTS**

Barbara Ruhe, 74 Main Street, commented on the U-Verse boxes. She suggested that the U-Verse box at the High School could be screened with shrubbery, but AT&T would need to maintain the bushes. She also noted that she feels more people utilize Spring Street rather than

Middletown Avenue and felt Morrison Avenue is more heavily traveled than Middletown Avenue.

George Ruhe, 956 Clovercrest Circle, commented on the article Deputy Mayor Console mentioned regarding government budgets. He also commented on the five year commitment being made to the Keane Foundation Carnival and cautioned the Town Council about other organizations that may come before the Council and ask for a commitment referencing that "it was done for the Keane Foundation."

## **ADJOURNMENT**

At 9:36 p.m., Councilor Roberts moved "**TO ADJOURN THE MEETING**" seconded by Councilor Kotkin. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano  
Town Clerk  
*Approved by Vote of Council*  
*September 7, 2010*