

REGULAR MEETING OCTOBER 1, 2007

The Wethersfield Town Council held a meeting on Monday, October 1, 2007 at 7:40 p.m. in the Banquet Room of the Pitkin Community Center.

Present: Councilors Cascio, Drake, Forrest, Kirsche, Kotkin, Montinieri, Walsh, Deputy Mayor Fortunato and Chairperson Adil.

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

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

PROCLAMATION - FIRE PREVENTION MONTH

Chairperson Adil read the Proclamation for Fire Prevention Month.

Gary Santoro, Fire Marshal and Chuck Flynn, Chief of the Fire Department were there to accept the Proclamation.

Chuck Flynn, Chief of the Fire Department said that October is prevention month but it is something that should be worked on all year long. Last January, February and March, the United States lost over 100 civilians in fires in their homes. He asked that everyone looks at their fire prevention plans for their home and that furnaces, fire places, and wood stoves are checked and new stoves are installed properly.

Gary Santoro, Fire Marshal, said that in front of the Town Councilors is a map that shows the fire problems in the United States. Going through the budget process the Town Manager asked if there was something that the Town could do as outreach for the Town's senior citizens. Inspector Anthony Dignoti put together a program where he has been reaching out to the elderly. In July the National Fire Protection Association was looking for towns who initiated a program because they were sponsoring a program. Last Friday, Wethersfield was recognized as winning that award and with that Inspector Dignoti will be going to the National Fire Protection Association for two days to network with them on what he has done and share with him some of their ideas. This award that the Town is receiving is because of the hard work of Inspector Dignoti.

Dolores Sassano, Town Clerk took attendance.

PUBLIC COMMENTS

HEARING

ORDINANCE - REVISIONS TO CHAPTER 153 - TREES & SHRUBS

Bonnie Therrien, Town Manager, said that the revisions to Chapter 153 have been brought forward by the Tree Warden to the Shade Tree Commission which approved them. These two general changes will get the Town in line with the State Statutes which changed. Basically, the changes are if there are any objections to the Tree Warden's decisions, residents will have 10 days, instead of 8 days, to notify the Shade Tree Commission in writing of the nature of the objection. The second change is that there is a section that says no tree shall be planted closer than 2 feet from the curb line or out of line of the sidewalk except by special permit from the Tree Warden all trees shall be planted, this next part is to be eliminated, all trees shall be planted in line with each other, and at a spacing of between 40 and 60 feet from each other depending on the species of the tree. In line with each other is being recommended for elimination. The rest would stay the same.

Linda Case, 103 Park Avenue, said that she is speaking about the trees. She lives near an oak tree. The green on Park

Avenue was created in the 1920's by a New York landscape firm. Everyday for the past 18 years, it has been a joy to come in and see the focal point of this beautiful green. She said that she writes for Place, the section in the Hartford Courant that deals with our environment and what makes it better and choices that can be made to better the environment. She has been concerned lately of a grave diminishment of the streetscape in Town. It is a confluence of factors. It is former trimming by the utility companies that created the half trees on Wolcott Hill Road, the Town perhaps unnecessarily cutting down trees in connection with development and the homeowners removing trees in the front yards. On Wolcott Hill Road alone, there have been seven or eight trees that were felled. The other related issue is utility clutter. On Wolcott Hill Road, near Bliss Market, homeowners removed some trees and there are two utility boxes about twenty feet apart. The felling of trees is now revealing a host of contraptions. Her concern is for the replanting of trees to replace those that have to be removed. Trees have been removed in front of the CCMC School on Ridge Road, the Stillman Building - Board of Education, and the Carbone Building on Wolcott Hill Road. Her plea is for more planting of shade trees and paying attention to streetscape issues as part of economic development and the environment. There are landscape architecture principals that should be in play, otherwise there are liability issues. The Town can work with developers. The Town has to honor these trees.

No one else wished to speak for or against the Ordinance. The Chairperson declared the hearing closed.

REPEAL OF CHAPTER 75 - ENVIRONMENTAL CODE

Bonnie Therrien, Town Manager, said that the next three Ordinances go together. They are repealing the Environmental Code, Food Establishments, and Public Pools. The Central Connecticut Health District Board of Directors decided it would be good to have one code that they have adopted for all four member Towns. The four Towns need to repeal their own sections of the codes. These hearings are to repeal the sections.

No one wished to speak for or against the Resolution. The Chairperson declared the hearing closed.

REPEAL OF CHAPTER 87 - FOOD ESTABLISHMENT

No one wished to speak for or against the Resolution. The Chairperson declared the hearing closed.

REPEAL OF CHAPTER 119 - PUBLIC POOLS

No one wished to speak for or against the Resolution. The Chairperson declared the hearing closed.

GENERAL COMMENTS

Woody Warren, 9 Nutmeg Circle, said population scumglit is a dedication to eradicate elements of our society that are knocking our democratic process down. He said the Town Council ought to realize what goes around comes around. Let's face it now. He said he is in a lock down and is being censored and threats have been made to him. He said he needs access to Wethersfield. He said his mission is to perpetuate the founding ideals. He said he has a proposed program so that children will not fail in school. They will become an asset to the community. We have to make a difference. He said that in October 2005 he sent in a Citizen Information Request Form and to date has not heard back from anyone on that issue. He said that he needs access to the Public Access television channels.

John Lepper, 932 Ridge Road, Tree Warden of the Town of Wethersfield, spoke about the issue concerning the trees on Cumberland Avenue. He said that he feels that the Town Council did not receive all of the background information on this issue and should have it before it goes to vote. He said that since he is the one who started the action, he is the best person to tell the Town Council the missing information. It came to his attention that these trees were planted on the Town right-of-way. Under section 23-59 of the Connecticut General Statutes, it says that the tree warden shall have all the care and control of all trees and shrubs in whole or in part within the limits of any public road or grounds and within the limits of this Town. He said that the decision he made was that the trees were in the Town right-of-way and needed to be removed. He issued the order on the 13th of July and gave the homeowner 30 days to get the trees out. He got a response from the homeowner on the 29th day stating that they felt they had the right to keep them there and that was given to the Director of Public Works. He said that he would talk to the Director, who was on vacation,

and would get back to the homeowner. The Director of Public Works said that he gave the homeowner an okay for a planting on the side of the road but not for trees. Mr. Lepper said he wrote back to the homeowner on the second of August and indicated that the order still stood and that they would have an additional two weeks to remove the trees because of his delay in getting back to the homeowner. Mr. Lepper said he was about to call the homeowner with a date for the removal of the trees when he found out that this was going to be on the Town Council agenda at its last meeting. He said that he can fully substantiate his decision for the Town Council with the Wethersfield Tree Code specifically sections 153 A and B, 153-8, and 153-12. He also referred to a court case based in South Windsor. The Hartford Superior Court found in favor of the Town. He also referenced Supreme Court Cases that defended State Statutes 23-59. He said that in his fifteen years as either Tree Warden or on the Tree Commission, the Town has had trees removed from other locations without this type of a problem. In the last few weeks, the Town has removed two trees from parks, neither of which the Town would have planted. His said his decision was based on three court cases and State Statute, which defines his job and how to do it. He said that he cannot for the life of him understand how this went to Planning and Zoning because nowhere in the Statutes does it refer to Planning and Zoning having an interest or issue in the case of trees.

Todd Szwed, 13 Morrison Avenue, presented a petition for a safer, acceptable Morrison Avenue. He said there are over 80 signatures in the petition, including State Senator Paul Doyle and State Representative Russ Morin. He read the petition. It stated concerns residents have with the safety of the repaving project on the street due to the lack of a snow shelf and storm drains. The residents are petitioning for the removal of sidewalks on both sides of the street and the installation of new sidewalks as well as a snow shelf and curbing. It further stated that the cost of the work should be the responsibility of the Town. Their position is for the safety of the families, neighbors and the visitors which is paramount. By leaving the street the way it is, it would compromise public safety and the neighborhood.

Ginger Smith, 1 Morrison Avenue, said that she lives at the top of Morrison Avenue. The snowplow comes up the street and hits her house last. She said that she has three slabs of sidewalk that are sticking out. In her opinion the Town is being penny wise and dollar foolish because when that snow plow comes up the street, there is no distinction between the sidewalk and the street and a plow hits it and pulls it out. If there is more than four inches of snow, the plow drivers are not going to be able to tell the difference. The second safety concern is that cars fly down the street and if they lose control, the car is going to fly into a house on one side or the other with nothing to stop them. There is going to be a bigger problem with someone being harmed or property harmed if the Town does nothing.

Robert Garry, 10 Morrison Avenue, said that he is speaking as President of the Village Improvement Association at 150 Main Street. He read a letter that he will present to the Town Manager and Town Council after some revisions are made. He said that he hoped the Town Councilors had a chance to read Linda Case's letter to the editor of Wethersfield Life. The Village Improvement Association considered it timely as it is discussing tree loss in Wethersfield at its September meeting. The Village Improvement Association works hard to keep Wethersfield a Tree City USA Community. The Association donates and plants a tree every Arbor Day. The Association also planted nine new cherry trees on Cumberland Avenue in 2005 and 7 new trees on Church Street in 2006. The Village Improvement Association worked hard to create a landscape plan for the Community Center and raised money for many new trees at that location. The Association also donated benches. Wethersfield's loss of street trees is a great concern to the Association. Planting should work to augment, not act as the Town's tree program. The Town needs to allocate more resources, not just money, to tree plantings. The Village Improvement Association respectfully requests that the Town contribute more money to tree plantings and work with the Association to manage the Town's tree inventory and ensure the Town's future as a Tree City USA.

Marguerite Alpert, 7 Morrison Avenue, said that on behalf of the Charles Wright School community she would like to thank Mr. Lepper. Over the last several years, there has been a deliberate effort to plant trees in front of the school. In 2003, they received an America the Beautiful Grant that Mr. Lepper was very instrumental in making happen. This past year for the Arbor Day celebration five trees were planted. It has made an enormous difference in the aesthetic appeal of the school and educational experience for the children and the parents. She would like to see the work at Charles Wright School be replicated on the streets. It is important to have majestic trees on the streets.

COUNCIL REPORTS & COMMENTS

Deputy Mayor Fortunato said that the Shared Services Committee met. There was an update on the Youth Violence/Vandalism Task Force. Staff is meeting with Mrs. Morris and reviewing her findings. Action was taken to address additional students at Charles Wright School with an additional teacher being added. The Town and Board of Education Health Insurance Accounts were discussed. The Shared Services Committee structure was also discussed and items for the future that the Committee wants to address. There was a consensus that the Committee continue to meet monthly and hold quarterly fireside chats.

Chairperson Adil thanked the Deputy Mayor for her work on the Committee, especially the School Facilities Plan.

Councilor Walsh said that he attended the quarterly meeting of all the Land Use Boards as liaison for the Redevelopment Agency. Lee Kuckro, Chairperson of the Redevelopment Agency made a detailed presentation.

Councilor Kotkin said:

- He attended the Insurance Committee meeting. It is early in the year but there have been a significant rise in claims so far. The claims and payments in the first two months of the year are probably a few hundred thousand dollars above where the Town expected to be now. It mostly has to do with some very high claims. It is early in the year and one would hope that over the balance of the year, the Town will be more on budget. The Committee will have to keep tabs on this as the year goes on.
- He attended the Park and Recreation Board meeting. Bids are coming back for the second time the Community Center renovations. On Thursday will be the first meeting of the Mill Woods Building Committee. The Committee will be meeting with the Park and Recreation Director and the engineer who is working on the fields. He hopes it gets off to a quick start and will be able to make use of the \$700,000 grant provided by the State.

Councilor Forrest said that he wanted to dovetail off of what Councilor Walsh mentioned about the Land Use meeting. As Chairperson of the Public Works Committee, there was also discussion about the agreement that the Town has entered into with the YMCA for the acquisition of 5 acres. Everyone at the meeting of the Land Use Committee was very pleased as well as the Conservation Commission. It is a fantastic addition to Wethersfield.

Councilor Kirsche said that the issue of Morrison Avenue sidewalk safety has been an issue for awhile. What the gentleman said in the petition couldn't escape his attention, that the delegation supported it. He said he would like to know if they knew what they were signing and is that a statement of intent to help fund it? If we are moving away from horse and buggy rides and to sidewalk safety he said he thinks it is a step in the right direction. He said that he would like to know more about it.

Councilor Forrest said that it seems that there were some themes in public comment. He said that he thought it apropos that the Town, in its effort to beautify the Silas Deane Highway has put aside some money for tree plantings along that road. It is important that the Town replace its trees and as liaison to the Conservation Commission; he would like to give of his time.

Councilor Walsh said that the Infrastructure Committee is meeting on the 9th of October and has been working with the residents of Morrison Avenue and he hopes to achieve a workable compromise. He said that he will keep the Council posted.

Deputy Mayor Fortunato said that:

- Last week she attended the Tri-Town Youth Leadership Forum and Dinner. It continues to be a strong group of students coming together to address ways to come together on issues that are impacting youth in three communities. This group is shaping the youth to be leaders and ambassadors to work and get along together.
- The Town Council passed an ordinance concerning the types of signs placed for sales or going out of business. Many of these signs go up on the weekend. She wondered what the process is that the Town goes through to get those signs down. The Council did pass an ordinance to handle these signs and thought the police or zoning officers were enabled to remove the signs as they see them. There is a fine that the Town collects and if a cost benefit analysis is done maybe Town Staff can do it on the weekend. The Town needs to enforce it.

She had the pleasure to attend the Big E last weekend. She went into the Connecticut Building. With the Town's significant anniversary coming up, the Town may be able to get a booth to showcase the Town in preparation of that celebration. The Town could also provide brochures at the building. This would be a good opportunity for marketing the Town's Anniversary.

Chairperson Adil said that the sign problems are much worse in other communities. He said that because of the diligence of the Town Manager and Building Official, it has been kept to a minimum. The same problem goes to tag sale signs. Those signs are also fined \$100 for the first time.

Councilor Drake asked for a clarification of why the Police can't do anything about it.

Bonnie Therrien, Town Manager, said that the Town could have a Police Officer picking up all of the signs but it is not how she thinks a Police Officer's time should be spent. The other issue is that it is a zoning issue, not a public safety issue. The Building Department has to enforce it. Many of these signs appear early in the morning or late at night on the weekends when no one is working in Town Hall.

Councilor Drake said that he brought this up because he saw a Toll Brothers in Newington sign stapled to the Town of Wethersfield sign. He wondered who he should have called. He asked if a Police Officer saw someone putting up a sign could they stop them and fine them.

Bonnie Therrien, Town Manager, said that it is a zoning issue.

Chairperson Adil said that:

- There was an article in the Republican American in Waterbury about the Scarecrows on Main Street, the Silas Robbins House and the Town in general.
- This weekend was the Connecticut River Watershed Clean up. There was a good group of volunteers and they did a good job.
- The Historical Society Craft Fair will be held this Saturday, October 6th.
- The Keane Foundation will be holding several fundraisers, including the Silas Robbins Bed & Breakfast open house.
- The 9th Annual Mikey's Place 5K Run, Walk and Roll will be held on Sunday, October 14th at 11:00 a.m.
- The Volunteer Fire Department will be sponsoring a bus trip to Mohegan Sun.
- The Chamber's Business After-Hours Event will be held on Thursday, October 25th at Coldwell Banker.
- Last Thursday night, he gave testimony to the MDC in support of their changes to the Ordinance that would allow a surcharge to be placed on water bills for property owners that have both sewer and water. He said he heard about the Folly Brook Watershed and the overflows into the Cove are actually as much from Wethersfield as from Hartford. It will create positive things for the Town because it will drive some larger pipes along the Folly Brook right of way. On the negative side, he thinks it needs to go back to the Infrastructure Committee and Public Works Committee to discuss the disconnects in order to cut the overflow down.
- There were two positive things happening at Wethersfield High School. On Saturday, in band competition, Wethersfield won many awards. The football team has been doing well. The Wethersfield Soccer team is now ranked 4th in the State with a 7-0 record.

COUNCIL ACTION

Deputy Mayor Fortunato moved "**TO BRING TOWN ORDINANCE CHAPTER 153 - TREES AND SHRUBS IN LINE WITH CHANGES IN THE STATE STATUTES**" seconded by Councilor Walsh.

Bonnie Therrien, Town Manager, said that there are two changes to get the Town in line with State Statutes. They are if someone wishes to appeal a decision of the Tree Warden they have ten days instead of 8. Secondly, subsection 153-12 the words "in line with each other" will be eliminated.

Councilor Kotkin said in section 153-8 The Authority of the Tree Warden, the last sentence wording is being changed

from shall to may. He asked why.

John Lepper, Tree Warden, said that it went from shall to may because at one time it was thought that the Tree Warden may not have the experience or knowledge of trees and so it was a shall situation because the members of the Tree Commission had more knowledge. He said that he has education on trees and it does not necessarily have to be a "shall" situation but rather a "may".

Councilor Walsh said that his question is on the same section. He asked if it was agreed upon by both the Tree Warden and the Tree Commission.

John Lepper, Tree Warden, said yes. He said the change from 8 to 10 days is to comply with the State Statutes. The removal of the word in line with gives the Town more flexibility in where it plants trees. The addition of section 153-17 enforcement is for protection of the tree crew. The Town has had incidents where the tree crew has been removing trees and people have interfered with them.

Deputy Mayor Fortunato asked for clarification that if the Town Council adopts these changes how it would impact the other item on the agenda this evening. Does the Town Council have the authority to be able to render a decision either way?

Bonnie Therrien, Town Manager, said that the Town Council always has the authority to make a decision as to what does and doesn't go onto Town property. The Town Council does have to send it to Planning and Zoning for an 8-24 review. There is no law that prohibits the Town Council from making a decision. As the keeper of the Town properties, they are the final decision makers as to what does and doesn't go on Town property.

John Lepper, Tree Warden, said that these changes would not impact the other issue.

Councilor Forrest asked if there is a penalty for enforcement for this new language, section 153-17.

Bonnie Therrien, Town Manager, said that she did not realize the section was new. She does not see anything.

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

Deputy Mayor Fortunato moved "**TO REPEAL CHAPTER 75 - ENVIRONMENTAL CODE**" seconded by Councilor Kirsche.

Bonnie Therrien, Town Manager, said that the Director of the Central Connecticut Health District is at the meeting. Items D, E, and F are repeals of the Town Code because the Health District has established a Code for all four of the member Towns. The Fire Marshal is also at the meeting. A lot of this has to do with the motels in Town, especially along the Berlin Turnpike. The Town needs to keep a good handle on it as a community and she would like to do that. If the Town Council repeals this, the Town loses control to go into motels to check for certain code violations and other issues. At this time, she recommends that this not be repealed. The other chapters, Food Establishments and Public Pools, she has no issues with the repeals.

Councilor Drake asked if there was any reason why there can't be both.

Bonnie Therrien, Town Manager, said that she would think that the Town should only have one.

Paul Hutcheon, Director of the Central Connecticut Health District, said that the purpose of the repeal so that there isn't a duplicate set of Ordinances. Generally, when an order is issued it doesn't make a lot of sense to site both if they are the same. There are a few reasons why he suggested abolishing the ordinances. All four Towns have a food licensing ordinance. The request was made because he wanted to ensure uniformity and enforcement of the ordinances. The Town can have both existing simultaneously and one would not be used when citing a violation.

Councilor Drake asked if the issue is a loss of control by Town staff. The laws are basically the same.

Gary Santoro, Fire Marshal, said that Wethersfield has always been a proactive community and before there is a problem it has been addressed. He said that he and Paul Hutcheon work well together. But there have been unique situations with the motels. If there is something that needs to be tightened up in the Town, he can no longer go to the Town Council and ask for it to be done. He would have to go to the Health District instead. If it is not a problem in all the communities, the Board may not want to change it. He said that he thinks the motels should be kept separate. Five lives have been lost in the motels due to fires.

Councilor Drake said that he agrees 100 percent and asked why the Town is repealing the other two.

Councilor Forrest said the recommendation is to not repeal Chapter 75. In Chapter 87 and 119, does the Health District have enforcement powers and who does it come from.

Paul Hutcheon said that it comes from different laws and State Statutes that authorize him to work as Director of Health and an agent of the Commissioner of Health. And through the Statutes, the State has created a Public Health Code with standards of operation for food establishments and public pools. As a governmental entity, the Board has the authority to create ordinances.

Councilor Forrest asked about the appeal process.

Paul Hutcheon said that in these two ordinances, the Town did not have an appeal process. The State appeal process is through the Commissioner of Health.

Chairperson Adil left the room.

Councilor Kirsche said that after hearing from the Fire Marshal he is changing his mind about this motion.

Deputy Mayor Fortunato asked if there were fines that the Town realizes from these Ordinances.

Bonnie Therrien, Town Manager, said no, the fees go to the Health District.

All Councilors present voted NAY. The motion failed 0-8-0.

Councilor Forrest moved "**TO REPEAL CHAPTER 87 - FOOD ESTABLISHMENT**" seconded by Councilor Cascio.

Bonnie Therrien, Town Manager, said that there will still be a chapter on food establishments but it will be through the Health District and for all four Towns.

All Councilors present voted AYE. The motion passed 8-0-0.

Councilor Kotkin moved "**TO REPEAL CHAPTER 119 - PUBLIC POOLS**" seconded by Councilor Cascio.

All Councilors present voted AYE. The motion passed 8-0-0.

OTHER BUSINESS

Bonnie Therrien, Town Manager, said that the Town along with the Volunteer Ambulance Association has been signatory to a contract from Aetna Ambulance as a back up to when volunteers are not available or need assistance. They provide commercial ambulance and paramedic service to the Town. The contract was executed for three years and has a renewal provision. The Town and Volunteer Association are in agreement with a one year term. The Town Attorney has reviewed the extension and agrees with it. There is a new president of Aetna Ambulance at the meeting.

Councilor Cascio moved "**TO APPROVE THE EXTENSION OF CONTRACT - 1 YEAR - AETNA AMBULANCE**" seconded by Councilor Kirsche.

Wayne Wright, President and CFO of Aetna Ambulance Service and Graham McDonald the Director of Operations for Aetna Ambulance were at the meeting. Aetna Ambulance has had a great relationship with the volunteers in Wethersfield for many years and wants to continue it.

Graham McDonald, Director of Aetna Ambulance, said that he looks forward to working with the Town in the future.

Councilor Drake asked why this was a one year extension.

Bonnie Therrien, Town Manager, said that it is the newness of the executive team, with new people involved. The volunteers requested the one year. Aetna Ambulance has done a great job for the Town.

All Councilors present voted AYE. The motion passed 8-0-0.

Councilor Kotkin moved **"TO APPROVE THE TRANSFER OF \$5,000 FOR THE ADDITION OF 10 PERSONAL PROPERTY AUDITS"** seconded by Councilor Walsh.

Bonnie Therrien, Town Manager, said that every year the Town Council has put aside money in the budget so that the Town can do personal property audits. This year, on the advice of the former Assessor, it was thought that the Town didn't need as much money because of the cost of the revaluation project. The present Assessor feels that if there are additional dollars available because of the low revaluation bid some of that money should be put aside to do some additional audits.

Deputy Mayor Fortunato said that it certainly has been a successful program.

Councilor Kotkin asked if there is any reason 10 audits was chosen instead of 5 or 20.

Bonnie Therrien, Town Manager, said that it was the Assessor's recommendation and she would like to keep as much of the revaluation money set aside for appeals and Attorney's fees.

Councilor Kotkin asked if there were ten specific properties that the Assessor would like to audit.

Bonnie Therrien, Town Manager, said that he did go through the list with him but he has identified properties that he feels should have more personal property and they have not been audited.

Councilor Drake said that he is concerned with how the ten businesses are being selected. What does someone have to do to get on that list of the ten.

Bonnie Therrien, Town Manager, said that normally everyone sends in their personal property forms. The assessor would look at the form and may say that typically that type of business has a lot more personal property than is on the form.

Chairperson Adil returned.

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

Councilor Walsh moved **"TO ALLOW THE PLACEMENT OF FOUR ARBORVITAE TREES WITHIN THE TOWN RIGHT-OF-WAY ON THE PREMISE KNOWN AS 57-59 CUMBERLAND AVENUE PROVIDED THAT THE HOMEOWNER IS CHARGED WITH UPKEEP ON THESE TREES AND THIS AUTHORIZATION MAY BE REVOKED BY THE TOWN COUNCIL AT ANY TIME"** seconded by Deputy Mayor Fortunato.

Bonnie Therrien, Town Manager, said that the Tree Warden gave the Town Council a history on this issue. Certainly when a resident requests that they be able to use Town property she requests that they put the request in writing and she brings it to the Town Council for a decision. As a part of that, the Town Council must make an 8-24 referral first. The Planning and Zoning Commission has approved it and it is now back to Council for a final decision. As mentioned in the motion the homeowner would have to maintain the trees and the Town Council has the right to revoke the

decision.

Councilor Kirsche asked if the motion should be amended. If the trees should be allowed to grow too large, the cost for removal would be substantial. The amendment should say that the trees would be removed at the homeowner's expense.

Councilor Kirsche moved **"TO AMEND THE MOTION TO INCLUDE THE REMOVAL OF THE TREES WILL BE AT THE HOMEOWNER'S EXPENSE"** seconded by Councilor Forrest.

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

Councilor Walsh said that this homeowner has taken a lot of time to improve this property. As long as there is a revocable license and the homeowner is responsible for the removal, this is a compromise that protects the Town and doesn't discourage the homeowner from making improvements.

Councilor Cascio said that he doesn't want Mr. Lepper to feel that this is any disrespect to him as the Town Tree Warden. He said that he looked at the property and truly doesn't see it to be a hazard. He said he thinks this is an innocent issue of the homeowner getting excited about beautifying the corner.

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

Councilor Montinieri moved **"TO CANCEL THE NOVEMBER 5, 2007 TOWN COUNCIL MEETING"** seconded by Councilor Kirsche.

Bonnie Therrien, Town Manager, said that in the past, the Town Councils have cancelled the meeting scheduled for the night before the Town election.

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

Councilor Kotkin moved **"TO APPROVE THE MEMORANDUM OF AGREEMENT SIGNATURE - STATE TOBACCO PREVENTION & ENFORCEMENT POLICE PARTNERSHIP PROGRAM"** seconded by Councilor Kirsche.

Bonnie Therrien, Town Manager, said that every year the Town receives grant money to help reduce the sale of tobacco products to minors through the Police Department. This is to update a signature memorandum.

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

BIDS

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

RESOLUTION APPROVING A CONTRACT WITH WORLD ENERGY SOLUTIONS, INC. TO PROVIDE ENERGY AUCTION AND PROCUREMENT SERVICES

Whereas, the Town of Wethersfield desires energy cost reductions, better energy risk management, and more budget certainty; and

Whereas the Town Manager, Bonnie L. Therrien has been authorized to participate in the solicitation of electricity supply services with the Connecticut Consortium for Cooperative Purchasing for Electricity;

Whereas the Connecticut Consortium and Staff recommend engaging World Energy Solutions, Inc. and its auction platform to help the Town of Wethersfield achieve these objectives; and

Whereas the Town Council is authorizing a benchmark be established by World Energy Solutions, Inc. and a contract

with the lowest bidder, given that the lowest bid is below a previously agreed upon benchmark.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WETHERSFIELD, CONNECTICUT, THAT:

Part 1: The Town Council approves the contract with World Energy Solutions Inc. and plans on engaging their services for future energy procurements run by the Town of Wethersfield and/or its affiliates.

Part 2: That the Town Manager, Bonnie L. Therrien, is authorized to act on behalf of the town of Wethersfield to negotiate and sign a contract with World Energy Solutions Inc to provide energy auction and procurement services.

Part 3: That any contract or energy purchase related to the auction will not be considered valid until it is approved by the Town Manager, Bonnie L. Therrien, the Town's designated representative prior to the auction.

RESOLUTION AUTHORIZING SOCIAL SERVICES BLOCK GRANT

BE IT RESOLVED, that the Town Manager, Bonnie L. Therrien, is empowered to execute, amend and deliver in the name and on behalf of the Town of Wethersfield a certain contract for \$9,652 with the Department of Social Services of the State of Connecticut for a SSBG Social Services Block Grant and to affix the town seal.

MINUTES

Councilor Kirsche moved "**TO APPROVE THE MEETING MINUTES OF SEPTEMBER 17, 2007**" seconded by Councilor Forrest.

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

EXECUTIVE SESSION

At 9:20 p.m., Councilor Walsh moved "**TO ENTER EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND UNION NEGOTIATIONS**" seconded by Councilor Montinieri.

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

ADJOURNMENT

At 9:39 p.m., Councilor Cascio moved "**TO LEAVE EXECUTIVE SESSION AND ADJOURN THE MEETING**" seconded by Councilor Walsh.

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

Dolores G. Sassano
Town Clerk

APPROVE BY VOTE OF COUNCIL OCTOBER 15, 2007