

FEBRUARY 6, 2006 REGULAR MEETING

The Wethersfield Town Council held a meeting on February 6, 2006 at 7:00 p.m. in the Auditorium of the Silas Deane Middle School.

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

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 Kotkin.

Proclamation - 50th Anniversary - Men's Garden Club

Chairperson Morin introduced Fred O'Dell along with other members of the Men's Garden Club and read a proclamation recognizing the Men's Garden Club 50th Anniversary. Chairperson Morin said that he appreciates all that the Club does for Wethersfield and also for the gardening advice they've provided to him personally.

Mr. O'Dell thanked the Council for their recognition stating that the members of the Garden Club are also active in many other organizations throughout Town. Mr. O'Dell reviewed the Club's plans for the upcoming year which include school programs, a raffle for a garden makeover, and a Garden Club calendar.

Economic Development Report

Town Planner Peter Gillespie gave a presentation of the January, 2006 Economic Development Report which included the following:

- Patty Cakes Bakery - 227 Main Street - new business
- Jefferson X-Ray - 1260 Silas Deane Hwy - new business
- The Wellness Resource Group - 82-86 Wolcott Hill Road - new business
- Vantage Services Group - 100 Great Meadow Road - new business
- Omniedi - 530 Silas Deane Hwy - new business
- Dennis Realty Associates - 99 Main Street - new business
- Church Homes - Ridge Road - Phase 2 preliminary plan to be reviewed by DRAC
- Express Dental Lab - 286 Silas Deane Hwy - plans approved by PZC
- C'est Bien Nail and Skin Salon - 277 Main Street - interior renovations under way
- 416 Silas Deane Hwy - proposed Dunkin Donuts - plans approved for construction
- 486 Silas Deane Hwy - proposed Tim Horton's Restaurant - plans approved for construction
- 1715 Berlin Tpke - Car Wash Facility - application approved for construction
- Folly Brook Boulevard - Age restricted housing - zone change application approved
- 61 Arrow Road - Office Renovations - PZC approved renovation plans
- Old Reservoir Road/Back Lane - Harris Property - Age-restricted housing - preliminary hearing continued until March 3
- Fun Zone - Silas Deane Hwy - new prospective tenant and additional access to property
- 91 Nott Street - five acre site placed on the market for sale

Mr. Gillespie said that the final plan is expected to be delivered from the consultant to the Silas Deane Highway Revitalization Committee in February, and that the Hartford Business Journal printed an article in January about the plan and the revitalization efforts. He said that the Committee met with the DECD representatives regarding the progress with the present STEAP Grant and pending requests for the additional \$500k for the Highway's revitalization.

Mr. Gillespie reminded the Council that on March 15 the EDIC is planning a workshop to profile successful business techniques. He reported that the EDIC has received six responses to their marketing and public relations RFQ and expects to make a recommendation to the Council at the February 21 meeting. Mr. Gillespie said that the EDIC is working with Oldham Studios to create a display board and graphic presentation to be used at the Destination Connecticut Event in March at the Connecticut Convention Center.

Mr. Gillespie reported that the Planning and Zoning Commission received a proposal from the Old Wethersfield Shop Keepers Association for the modification of zoning regulations pertaining to signage.

Deputy Mayor Fortunato suggested that Mr. Gillespie, along with the Chamber of Commerce, make local restaurants aware of upcoming community events. Mr. Gillespie said that there has been some discussion with the Chamber of Commerce as to how this could be coordinated.

Councilor Cascio asked if the water overflows have been addressed relative to the proposed development at the corner of Folly Brook and Spruce Street. Mr. Gillespie said that the Inland Wetlands Commission has spent a considerable amount of time addressing this issue since a good portion of this property is in the flood plan. He said that the developers have agreed to improve the channel to improve the water flow, and elevate the property to take it out of the flood plan zone. Councilor Cascio asked who is responsible if there is a problem. Mr. Gillespie said that it is the developer's responsibility; however the project will be closely monitored by the Public Works and Engineering Departments. Councilor Cascio asked Mr. Gillespie if he had the opportunity to speak with representatives of Stew Leonard's and Mr. Gillespie said that he did not and even if he had had the opportunity, unfortunately Wethersfield could not offer a site comparable to that in Newington.

Councilor Adil said that he will bring discussion of the signage of events to the next Building Committee meeting. He said that information of upcoming events also be provided on the Town website.

Report from the Auditor - Christopher Wolf

Mr. Wolf stated that the audit report provides the Town's overall financial status as of June 30, 2005. He said that the Federal single audit process looks at the community as a receiving entity as a whole rather than auditing each grantor agency's programs individually and reports on a unified basis. Mr. Wolf said that the State of Connecticut adopted similar requirements. He said that Wethersfield received \$1.2 million of Federal assistance and \$9.7 million from the State, of which \$1.8 million is subject to auditing. Mr. Wolf said that the audit includes a review of the Board of Education's form ED001, required by the State to be submitted. He said that the audit also includes a report on the Town's compliance with laws and regulations, which patrol over financial reporting, and that the audit shows that the Town is in compliance with these. The audit also offers constructive suggestions for improvement. Mr. Wolf reviewed the highpoints of the audit including the Town's \$5.6 million general fund which is the Town's basic operating fund. He said that Council needs to strike a balance between the taxpayers who seek a low fund balance and rating agencies which prefer a high fund balance. Mr. Wolf said that overall the Town had revenues in excess of what was anticipated and spent less than what was appropriated which equates to a positive year from a budgetary standpoint.

Councilor Drake referred to GASB statement No. 43 regarding post employment benefit plans other than pension plans that need to be addressed in 2008, and stated that he'd rather see the Council address this now rather than waiting until 2008. Mr. Wolf said that this depends on the collective bargaining issues confronting the community and the Government Accounting Standards Board (GASB) now requires that unfunded benefits be disclosed. Councilor Drake said that his concern is that this issue is something that the Town should be addressing now rather than waiting until 2008. Mr. Wolf said that the recommendation is that the Town have a proactive thought process and develop a strategy to adopt the provisions of GASB No. 43, have an actuary measure this liability, to adopt GASB No. 45, and propose what to do about it.

Deputy Mayor Fortunato referred to the Student Activities Funds segment in the Management Letter and stated that this is currently being addressed by the Board of Education. Mr. Wolf said that this was a comment in last year's report and some progress has been made through meetings with the Board of Education's Business Manager and Board members, at which they've indicated a willingness to address this issue. He said that he hopes that by June 30, 2006

definitive action will be taken and policies in place to rectify this. Town Manager Bonnie Therrien stated that the Board of Education and Business Manager are currently working on this and some decisions will need to come before the Council after the budget sessions. Deputy Mayor Fortunato asked Mr. Wolf to elaborate on the comment referring to the staffing structure in the Finance Department. Mr. Wolf said that since things change in Government entities, there is a need to review the Finance Department to compare it to similar communities with regard to staffing levels and it has been recommended that the Town conduct this comparison.

Councilor Kotkin said that he appreciates the depth of the report and how it clearly shows the Town's financial improvements over the past year. Councilor Kotkin referred to the information on changes in net assets, questioning the interest on long term debt and asked Mr. Wolf to explain the drop between 2004 and 2005, and the increase in 2006. Mr. Wolf explained that one has to be careful not to mix the front section of the audit with the back section when dealing with the payment of interest on bonds.

Councilor Adil referred to the Disaster Recovery and Computer System Access section of the Management Letter and asked Mr. Wolf if he has any comment on the proposed hiring of a Chief Information Officer (CIO). Mr. Wolf said that Disaster Recovery is a very important issue in today's society and representatives from Scully & Wolf met with the Town and Board of Education IT staff to discuss practical actions to take to insure continuity and security.

Councilor Cascio asked if the Board of Education has been supplied with the same audit documents provided to the Council and the Town Manager said that they have. Councilor Cascio referred to the Post-employment Benefits section of the Management Letter and stated that this will be an issue to be faced by all communities, and that Wethersfield needs to get a jump start on it. Mr. Wolf said that the GASB policies bring the awareness of this issue to a higher level, especially when municipalities negotiate contracts.

Chairperson Morin stated that the Town Manager and Finance Director have already begun the process of working on this issue. Town Manager Bonnie Therrien said that she and Ms. Hancock have already met with a number of agents in order to receive up-to-date information on the law and Ms. Hancock is currently doing an RFP for actuarial services. She said that there has to be a determination made as to the value of all of the benefits and then a plan to fund this new requirement will be presented at budget time. Chairperson Morin thanked Mr. Wolf for his thorough presentation.

PUBLIC COMMENTS

HEARING

None.

GENERAL COMMENTS

Thomas Wraight, 22 Coleman Road, commented on the imminent danger at the southerly corner of Coleman Road and the Silas Deane Highway involving a grove of trees that includes many dead evergreens, some of which have broken and limbs are on the sidewalk. Mr. Wraight said that vines are hanging over the sidewalk where there is a lot of school children and other pedestrian traffic. He said that he has brought this issue to the Town's Tree Commission and the State of Connecticut who have determined that the trees are on private property. Mr. Wraight said that he spoke with the Town Manager who informed him that the situation has been referred to the Town Attorney due to a lack of response on the part of the property owner. Mr. Wraight stated that he will be the first to testify as to the negligence should someone get hurt. Town Manager Bonnie Therrien stated that she will obtain an update on the issue from the Town Attorney.

Thomas LeClair, 37 Farmingdale Road, questioned how the sale of the Olson property was advertised and why the Council is considering such a modest sale price. Chairperson Morin said that this will be discussed later during tonight's meeting. Mr. LeClair commented that the guard rail near the Olson property has been hit numerous times and is in need of repair. He questioned how the money is collected from the person who hit the guard rail. Chairperson Morin said that the guard rail is State property and the Town has been in touch with the State regarding various issues such as this.

George A. Ruhe, 956 Cloverdale Circle, commented on corruption in government and how it appears that the problems are related to the growing gap between the governed and the governing bodies. He said that Wethersfield needs to strive toward being a leader in democracy as the basic liberties in the Country and in the Town are being eroded, especially in Wethersfield with regard to citizen participation restrictions at Council meetings. Mr. Ruhe questioned whether this is the result of arrogance or corruption. Chairperson Morin challenged Mr. Ruhe's use of the term "corruption" when referring to the Council. Mr. Ruhe claimed that he has chosen his words carefully and that these are issues that run throughout all areas of government. Mr. Ruhe read a comment made by Virginia Governor Tim Kaine regarding the liberties for which our troops are fighting and Mr. Ruhe suggested that the Council rethink their restrictions on public comment at Council meetings.

Robert Young, 20 Coppermill Road, commended Finance Director Lisa Hancock for the commendable job she does and the high standards she maintains in her Department. Mr. Young commented on the economic problems facing the Country and the State. He said that State taxes are too high and this discourages businesses from coming to Connecticut, and that the State will be receiving less Federal funding in the future. Mr. Young recommended that the Council really think about where the money goes, when deliberating the budget.

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

COUNCIL REPORTS & COMMENTS

Deputy Mayor Fortunato reported that she attended the recent Information & Technology Committee meeting where there was further discussion regarding the proposed CIO position. She said that a member of the public commented that they'd like to see the minutes and agendas of committee meetings posted on the website. Deputy Mayor Fortunato suggested that the Council re-examine the role of the Committee with respect to such requests from members of the community. Deputy Mayor Fortunato said that earlier this evening the Shared Services Committee met and was joined by Senator Fonfara who further discussed the CCJES funding lawsuit. She said that the Board of Education is planning to have more conversation regarding the proposed CIO position and will present a formal recommendation to the Council in March. Deputy Mayor Fortunato said that the Committee discussed a number of the Board of Education's CIP projects and also the EDIC's request that the Board of Education inform them of upcoming events in order to combine them with economic development. Deputy Mayor Fortunato reported that the Board of Education will be changing their process for budgeting for benefits. She also reported on the Councilor hours that she held last week where one citizen requested that the Town encourage residents to recycle more enthusiastically. Deputy Mayor Fortunato suggested that information regarding recycling be posted on the Town website.

Councilor Adil reported on the meeting of the Budget & Finance Committee where discussion was held on the Debt Management Plan which continues to be worked on by the Town Manager and Finance Director. He said that discussion was also held on the debt management, salary range adjustments and sidewalk shoveling requirements and violations. Councilor Cascio added that the Police Department has identified the properties of those violating the shoveling ordinance and have issued citations. He said that it has been suggested that the Chamber of Commerce include an article on this issue in their upcoming newsletter. Councilor Cascio said that residents need a constant reminder of the safety issues involved when required shoveling does not take place. Councilor Adil suggested that a reminder notice also be included in the January, 2007 tax bills. Councilor Kotkin commented that the Town's achievement of a certain bond rating is part of the Strategic Plan as well as the Debt Management Plan.

Councilor Forrest reported that the Brainard Airport Committee met recently and he reviewed the State DOT plans for the next twenty-five years which include commercial traffic running out of Tweed and Bradley Airports. Councilor Forrest reported that he attended the Board of Directors meeting of Riverfront Recapture where numerous upcoming events were discussed.

Councilor Kirsche reported on the recent transportation meeting of the Advisory Committee for People with Disabilities where the current Ambassador service and the request for additional services were discussed. He said that Town Manager Bonnie Therrien indicated that there will be a new RFP to include weekend runs and citizens at the meeting expressed a willingness to accept a surcharge for the additional service. Councilor Kirsche said that the Portland Maine service is being considered as an alternative, but there is a lot of insurance liability to consider, so this

may not be the most feasible avenue to pursue.

Councilor Cascio reported on the recent meeting of WCTV14 at their new location at the Community Center and they have set a goal of April to be up and running. He said that WCTV14 is seeking volunteers to help at the facility. Councilor Cascio also reported on the meeting of the Parade Committee where a recap of the 2005 parade was provided and suggestions were discussed to improve the parade this year. He said that the income for last year's parade surpassed the expenditures by approximately \$800 which will be carried forward to this year's parade budget. Councilor Cascio said that the Committee is looking into how to improve attendance at the Village Cemetery after the parade and he encouraged all who can to attend to honor our Veterans. Councilor Cascio said that he attended the recent Chamber of Commerce meeting and reported that they are working closely on economic development with the EDIC and the Town Planner. Councilor Cascio said that the Wethersfield High School Shadow Program, which matches students with specific career interests with local business community members for a day, has been very successful with currently over one hundred participants. Councilor Cascio announced some upcoming and future community events.

Councilor Walsh reported on the Capitol Improvement Advisory Committee meeting where community development and various projects were discussed and representatives from various agencies throughout Town attended to talk about priorities for the upcoming year. Councilor Walsh thanked the members of the Committee, Chairperson Morin, Town Manager Bonnie Therrien, Finance Director Lisa Hancock, Town Engineer Mike Turner, and Engineering Analyst Tony Martino for their efforts. Councilor Walsh announced a number of upcoming community events.

Councilor Kotkin said that he attended the January meeting of the Insurance Committee and reported that the Town's workers compensation premiums will be increasing due to a poor history; however, the medical costs are lower through December.

Chairperson Morin requested that the Town Manager look into, with Dr. Stilwell, the modes of transportation available for seniors and the disabled. He said that he attended the recent MDC sponsored Citizen's Advisory Committee meeting concerning the Long-term Control Plan to reduce CSO's in Wethersfield Cove and the upcoming November referendum for the Long-term Control Plan.

Deputy Mayor Fortunato pointed out that it is important for senior and disabled transportation volunteers to possess vehicles with adequate provisions for their passengers. Deputy Mayor Fortunato commented that it would be appropriate to provide training to members of Boards and Commissions as to how to conduct meetings and to provide them with a template for minutes transcription.

Councilor Adil congratulated the members of the Men's Garden Club on the Club's 50th Anniversary, and thanked the members for their work throughout Town. He announced that the Men's Garden Club will be volunteering their efforts this Spring to replant the area surrounding the new Nature Center. Councilor Adil stated that the Town Manager is working with the Beautification Committee and Senator Fonfara to locate funds to improve the appearance of the Marsh Street area. Councilor Adil announced that the Town Assessor has reported that the Town's Grand List has increased 1% which equates to over \$600,000 of new revenue due to commercial redevelopment and that the EDIC continues to work on increased economic growth. Councilor Adil said that the Parks & Recreation Board is moving forward with signage at Town ball fields which will help local businesses and the revenue will help various sports groups. Councilor Adil said that he attended the Keane Foundation Snow Ball and that it was a well-attended, wonderful event.

Councilor Walsh stated that he is distressed by some of the public comments made this evening where the five minute rule for public speaking was referred to as the Council's effort to muzzle the public. Councilor Walsh said that he, as well as other members of the Council, does not see this as an attempt to muzzle and he encourages more people to take the time to come speak at Council meetings. Councilor Walsh referred to the impact of Abraham Lincoln's short Gettysburg Address compared with that of the two-hour speech given by the key speaker that same day in 1863. Councilor Walsh said that the impact is not in the length of a speech, but rather in the quality of what is said. He said that it is wonderful that people have the opportunity to come out to meetings to voice their opinions and that all members of the Council want people to be heard and want to listen receptively.

Councilor Forrest thanked all who expressed their sympathy in various ways in the recent passing of his Grandfather.

Chairperson Morin announced a number of upcoming community events and that the leaf collection has resumed throughout Town and that the efforts of the Physical Services Department are greatly appreciated.

COUNCIL ACTION

Deputy Mayor Fortunato moved **"TO APPOINT ROME, MCGUIGAN P.C., ATTORNEYS AT LAW, AS THE TOWN ATTORNEY, AS OUTLINED IN THEIR PROPOSAL DATED DECEMBER 22, 2005, WITH ATTORNEY JOHN W. BRADLEY, JR. AS THE LEAD ATTORNEY FOR THE TOWN; AND TO REQUEST THE TOWN MANAGER TO FORMULATE A CONTRACT WITH ROME, MCGUIGAN, PC ATTORNEY UNTIL NOVEMBER, 2007"**, seconded by Councilor Adil.

Councilor Adil stated that the interviews went well with a good level of interest. He said that he agrees with the "if it ain't broke, don't fix it" saying with regard to reappointing Rome, McGuigan.

Deputy Mayor Fortunato commented that the firm has very good references and has proven to represent the Town well.

Councilor Cascio said that he was unable to attend the interview meeting; however he received all of the paperwork from the Town Manager for review. He said that Wethersfield was fortunate to have more than one qualified firm apply for the position.

Councilor Drake commented that Rome, McGuigan is well qualified; however he supports Branse, Willis, & Knapp for their expertise and horsepower in dealing with municipal law.

Councilor Walsh said that his decision was between Rome, McGuigan and Halloran & Sage and he has decided to support Rome, McGuigan because of the overall costs and efficiencies of the firm.

Councilor Adil said that there has been a marked decreased in Town Attorney costs in the last three to four years and there were high costs sustained when Halloran & Sage served as the Town Attorney. Councilor Adil said that Attorney Bradley and Attorney Borea share a deep commitment to Wethersfield and he commended the Town Manager for keeping legal costs in check.

Chairperson Morin said that he supports the appointment of Rome, McGuigan, although most of the firms did well in the interview process. He said that he likes the fact that the Town's legal costs have been much more reasonable and controlled in the last few years. He said that the service provided by Rome, McGuigan is good; therefore he does not see any reason to change firms.

All Councilors present, including the Chairperson, voted AYE. Councilor Drake voted NAY. Councilor Cascio ABSTAINED. The motion passed 7-1-1.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

Bocce Courts - Mill Woods Park

Councilor Walsh moved **"TO APPROVE THE CONSTRUCTION OF TWO BOCCE COURTS IN MILL WOODS PARK THAT WILL BE DONATED BY THE UNICO CLUB"**, seconded by Councilor Adil.

Councilor Forrest stated that he supports the motion and appreciates all the UNICO does for Wethersfield.

Councilor Cascio questioned who will be maintaining the bocce courts. UNICO member Mike Fortunato said that it is the intent of the UNICO Club to maintain the courts. Councilor Cascio thanked Mr. Fortunato and the Club for their efforts in bringing this forward. Councilor Cascio asked if anyone can use the courts and if there will be a required sign up for use. Mr. Fortunato said that anyone can use the courts and should there come a time that tournaments are held, UNICO will coordinate sign up with the Parks & Recreation Department. Councilor Cascio asked if there will be equipment available for public use. Mr. Fortunato said that UNICO is donating a set of bocce balls to be held at the concession stand; however, most players bring their own.

Councilor Adil commended UNICO, Kathy Bagley, and the Parks & Recreation Board for bringing this idea forward.

Deputy Mayor Fortunato said that UNICO has had fund raisers for bocce courts and that there has been discussion of UNICO members donating some of the court items. Mr. Fortunato said that UNICO held a successful fundraiser last Fall and raised over \$1,000. He said that local contractors are donating the stone dust and rock for the court and the group is now looking for a lumber donation. Mr. Fortunato said that UNICO members will be donating their time and efforts to construct the bocce courts and the group is planning to sell commemorative paver bricks adjacent to the courts. He said that UNICO is hoping to be able to start installing the courts this Spring.

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

Transfer of \$8,500 - Nature Center - Railing Work

Councilor Adil moved "**TO TRANSFER \$8,500 FROM THE CAPITAL RESERVE FUND 407-5700 TO THE MOELLER HOME RENOVATION ACCOUNT 429-5264**", seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that during the renovations for the Nature Center, there was a delay in completing the steel hand railing which caused the contractor to utilize overtime to complete the work prior to the grand opening. She said that many months later the contractor approached the Town stating that he was owed \$10,000, followed by another bill for \$14,000 which was much higher than that anticipated by Ms. Bagley and the Parks & Recreation Board; therefore a mediation session was held with Town Staff, the Town Attorney and the contractor and the amount was reduced to \$8,500 which covers the actual overtime amount of the worker who installed the railing. Town Manager Bonnie Therrien said that there is no money left in the project account; therefore the \$8,500 must be transferred from the Capital Reserve Fund.

Councilor Adil said that this is a small price to pay since the contractor has donated over \$11,000 in free labor and is only looking to pay his subcontractor for the railing. Councilor Adil asked Ms. Bagley for a total cost for the project and she said that the total cost was \$763,000.

Councilor Kotkin verified that this \$8,500 concludes the costs for the project and was told by the Town Manager that this is correct.

Chairperson Morin said that he does not like receiving items like this so many months after a project is completed and he'd like to see that this is avoided in the future.

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

Waiver of Rental Fee - Showmobile - Town of Newington

Councilor Forrest moved "**TO WAIVE FIFTY PERCENT OF THE SHOWMOBILE RENTAL FEES IN THE AMOUNT OF \$175 FOR THE WATER FALL FESTIVAL TO BE HELD IN NEWINGTON ON SEPTEMBER 30, 2006**", seconded by Councilor Kotkin.

Town Manager Bonnie Therrien explained that the Town of Newington requested that the rental fees be completely waived; however, she recommends that the Council remain consistent with the 50% waiver offered to the Town of Rocky Hill for the rental. She said that the Town of Newington will take care of all of the setup fees.

Deputy Mayor Fortunato asked if the Town is covered for insurance through an MOA and suggested that inspections take place before and after the rental. Town Manager Bonnie Therrien said that an insurance MOA can be created and that the Recreation staff performs an inspection before and after the rental.

Councilor Drake questioned whether the Showmobile should be loaned rather than rented for a fee. Town Manager Bonnie Therrien said that a rental fee at 50% was charged of Rocky Hill when they used the Showmobile and she recommends that the Showmobile not be loaned out without Wethersfield Town staff being there to set it up, since it is a complicated, expensive piece of machinery. She said that the rental fee is at the discretion of the Council.

Chairperson Morin said that the Town is fairly consistent with the 50% reduction of service fees.

Councilor Cascio said that the 50% reduction is a good will gesture and he agrees with Deputy Mayor Fortunato that an inspection should take place before and after the rental. He said that he is pleased to hear that Town staff accompany the rental of the Showmobile and asked if the staff gets paid for this. Town Manager Bonnie Therrien said that the Town staff does get paid for the set up and take down of the Showmobile.

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

Salary Range Adjustments - Non-Union Personnel

Councilor Adil moved "**TO APPROVE THE PROPOSED PAY RANGES FOR ADMINISTRATIVE GROUP EMPLOYEES**", seconded by Deputy Mayor Fortunato.

Town Manager Bonnie Therrien explained that the Budget and Finance Committee approved the pay ranges for the current seven non-union Town Administrative Group Employees. She said that the last adjustment to this pay scale was three years ago and this staff did not receive a pay raise for two consecutive years. The Town Manager said that the adjustment will put the pay ranges in line with surrounding municipalities and will keep the pay scale ahead of members of the 818 Union who are supervised by the Administrative Group Employees. She said that she recommends that the ranges be adjusted for 2006 and 2007; however these employees will not currently receive raises due to this action.

Councilor Forrest left the meeting at this time (9:30 p.m.).

Councilor Adil asked why #B goes back in time. Town Manager Bonnie Therrien explained that this is to provide a history of the salary ranges.

Councilor Cascio asked why the Town Manager is not on this list. Town Manager Bonnie Therrien explained that the Town Manager salary is kept separate in all Towns and that the range is based on merit and the agreed upon Town Manager's contract.

Councilor Drake verified that the Town Administrative Group Employees received merit raises. Town Manager Bonnie Therrien said that they received merit raises last year and this year, but no cost of living raises.

Councilor Forrest returned to the meeting at this time (9:33 p.m.).

Councilor Kirsche said that he supports the motion and he is pleased that raises will not come through immediately. He said that the range needs to be updated in order for Wethersfield to compete for talents with other surrounding communities.

Chairperson Morin said that he supports the work of the Budget and Finance Committee and the recommendation of the Town Manager.

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

Sale of the Olson House to James Clynych

Deputy Mayor Fortunato moved **"TO APPROVE THE SALE OF THE OLSON HOUSE TO MR. JAMES CLYNCH AND TO AUTHORIZE THE TOWN MANAGER TO SIGN THE SALES AGREEMENT AND TO PLACE ALL PROCEEDS IN THE LAND ACQUISITION FUND FOR FUTURE PURCHASE"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that on August 15, 2005 the previous Council authorized her to market the sale through bids of the Olson House, as the cost to repair the building was over \$180,000. She said that she has recently received anonymous phone calls from people stating that this sale seems to be a bit shady, which it has not. She explained that the deed states that the building must be utilized for public use unless the Wethersfield Historical Society votes to approve a change for the use, which they did. Town Manager Bonnie Therrien said that the Town went through the Planning & Zoning Commission to review possible uses and it was determined that office use would be appropriate for the building. She said that the three parties who took the tour of the house with the Chief Building Official were fully informed of the condition of the building. The Town Manager said that the appraised value of \$139,000 was determined on August 31, 2005 and only one bid, in the amount of \$81,000 was received. She said that Mr. Clynch has been made aware and understands all that he is getting into regarding the renovation of this building and the restrictions and requirements of the Historic District.

Councilor Kotkin spoke to the protection to the Town if the building is not renovated and a certificate of occupancy issued within two years which enables the Town to repurchase the property for \$81,000 plus any increased value of the property due to improvements made.

Councilor Kotkin moved **"TO AMEND THE MOTION TO INCLUDE THE TOWN'S RIGHT TO FIRST REFUSAL AT MARKET PRICE SHOULD THE PROPERTY BE PUT UP FOR SALE IN THE FUTURE"**, seconded by Councilor Adil.

Chairperson Morin asked if this has been previously discussed with Mr. Clynch. Town Manager Bonnie Therrien said that the Town Attorney discussed this with Attorney Paul Doyle who represents Mr. Clynch, and he said that there would be agreement on this.

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

Councilor Kirsche said that he understands how the sale of this historic house can seem fishy with an \$81,000 sale and he is reassured by the fact that this sale was publicized before September 20 and that up until this point, an \$82,000 bid would have been accepted. He said that the property, which carries a liability of \$180,000, is now wiped of the Town's books and instead will increase the tax base. He said that building in the protective language for the purchase and sale agreement takes care of the Town.

Deputy Mayor Fortunato stated that this came before the Infrastructure Committee over a year ago and that the sale of the property is a win-win situation for the community in terms of the tax roll and for the restoration of the house. She said that the process began when safety concerns were raised by Channel 14 and the Council moved diligently to make renovations to the Community Center to accommodate them. Deputy Mayor Fortunato wished Mr. Clynch success in bringing a small business into the building at the gateway to the community.

Councilor Forrest reminded the Council that this motion approves the renovation of a building which the Town had limited funds to renovate themselves. He said that he is pleased to see that the house is being sold to a Wethersfield resident. Councilor Forrest said that he is satisfied with the legal restrictions and protections for the Town.

Councilor Cascio asked the Town Manager to reiterate the conversation he had with her regarding the Hartford Courant's article about the developer of the property. Town Manager Bonnie Therrien said that the Hartford Courant reporter stated that anyone, like Mr. Clynch who is not a developer, who attempts to take on such an endeavor as the renovation of the Olson House and putting a business into the building, fits the description of a developer. Councilor Cascio asked for an estimated closing date and the Town Manager said that she recommends waiting until thirty days after Channel 14 moves out of the building in April.

Councilor Adil said that he wants to make sure that all due diligence has been met with regard to the deed restrictions

and Mr. Clynch's understanding that he will work in conjunction with the Historic District. He said that he has some concerns that future Council's or Boards and Commissions will not take this responsibility as seriously as the current Council is.

Chairperson Morin stated that Mr. Clynch is a respected member of the Wethersfield community and he believes that Mr. Clynch will keep the historic integrity of the structure in mind when dealing with the Historic District.

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

Budget Transfer - Town Attorney Account - \$40,000

Councilor Forrest moved "**TO TRANSFER \$15,000 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO TOWN ATTORNEY ACCOUNT T1030125 5220 AND \$25,000 FROM THE UNDESIGNATED FUND BALANCE**", seconded by Councilor Kotkin.

Town Manager Bonnie Therrien explained that the Town is involved in a Jane Doe/Ellen Foley lawsuit whereby the insurance company is reimbursing the Town 100% of the costs and once this is received the funds for the 2005-2006 budget go back into the General Fund rather than the Town Attorney fund which will put this fund behind. She said that the Town has done extremely well in collecting back taxes, interest, and lien fees, but once again these monies go into the General Fund and she needs some of the money back to get through the fiscal year with the original budgeted amount.

Chairperson Morin clarified that this is not money incurred to pay fees for the Town Attorney.

Councilor Adil asked when the \$413,933 was put into the General Fund and the Town Manager said that it was this past year and although it is good to collect these back taxes, the interest earned on this will decrease in the next budget.

Councilor Drake asked if the \$15,000 is new money spent on attorney fees and the Town Manager said that it cost approximately \$43,000 in attorney fees in order to collect \$413,933. Councilor Drake said that the Town Manager's statement at a previous meeting that attorney fees have gone down is inaccurate since they have actually gone up. Chairperson Morin clarified that the Council approves the delinquent taxpayers who the Town Attorney will go after; that he doesn't decide on his own to do this.

Councilor Kotkin said that he supports the motion and that he feels that the Town Attorney has done an excellent job in collecting back taxes and also defending the Town from possible lawsuits.

Councilor Walsh said that he supports the motion as the Town has received a good return on its investment.

Town Manager Bonnie Therrien pointed out that the Town realized a savings this year of \$36,000 for the Assistant Town Attorney fee.

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

Budget Transfer - Human Resources Department - Recruitment - \$3,000

Councilor Adil moved "**TO TRANSFER \$3,000 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO HUMAN RESOURCES ACCOUNT T1024200 5215**", seconded by Deputy Mayor Fortunato.

Town Manager Bonnie Therrien explained that this transfer is for a number of unanticipated openings and also that ad prices for recruiting have increased.

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

Budget Transfer - Human Resources Department - Labor Relations - \$5,000

Councilor Forrest moved "**TO TRANSFER \$5,000 FROM THE CONTINGENCY ACCOUNT T1910900 5250**

TO HUMAN RESOURCES ACCOUNT T1024200 5247", seconded by Deputy Mayor Fortunato.

Town Manager Bonnie Therrien explained that the labor attorney is separate from the Town Attorney and the Human Resources account for labor relations is currently over budget as a result of unanticipated expenses related to the Library staff's petitioning to unionize.

Councilor Adil asked how the Town Manager manages to coordinate union negotiating along with her other duties. The Town Manager said that she has key staff in the negotiations with her and she only utilizes the labor attorney if the negotiations go to arbitration, which she attempts to avoid. Councilor Adil pointed out that the Town is not spending money on a Human Resources Manager.

Councilor Forrest said that he sees the \$5,000 as a cost of doing business and he looks forward to the situation being handled appropriately.

Councilor Drake asked if the union has any obligation to pay any of the costs to create a union and the Town Manager said that they don't. She said that she was pleased that the Library employees are separated into two unions.

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

Removal of Blighted Property from List - 1210 Silas Deane Highway

Councilor Walsh moved "**TO REMOVE 1210 SILAS DEANE HIGHWAY FROM THE BLIGHTED PROPERTY LIST**", seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that the steel frame next to the Puritan Furniture property has been removed.

Councilor Forrest said that it takes more than an ordinance, but rather extensive negotiating with the landowner to produce results, and he thanked Chairperson Morin for the work he put in to get this done.

Chairperson Morin said that he is pleased to see properties coming off the Blighted Property List.

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

Budget Transfer - Human Resources Department - Support Services \$1,500

Councilor Adil moved "**TO TRANSFER \$1,500 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO HUMAN RESOURCES ACCOUNT T1024200 5225**", seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that she had forgotten to budget for the mandated Hepatitis B vaccinations as this doesn't occur every year.

Councilor Forrest asked what the current balance is in the Contingency Account and the Town Manager said that with everything approved this evening the balance will be \$231,143 which is better than at this point last year.

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

Washington-Rochambeau Revolutionary Route Panel

Councilor Walsh moved "**TO AUTHORIZE THE TOWN MANAGER TO ACCEPT AND SIGN THE AGREEMENT TO ACCEPT THE WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE INTERPRETIVE PANEL**", seconded by Councilor Cascio.

Town Manager Bonnie Therrien explained that this is a part of the anniversary of the Washington-Rochambeau event. She said that Wethersfield's panel will be placed in front of the Village Tavern during the year of the anniversary.

Councilor Walsh said that he is very excited to see Wethersfield honored in this way and he hopes that the panel can be installed for the 225th Anniversary. Councilor Walsh pointed out a typographical error in the Washington-Rochambeau write up of the Wethersfield Conference.

Councilor Adil thanked Anne Kuckro for the time she has devoted to this endeavor. He asked if local businesses are being made aware of the event and the Town Manager said that the Tourism Commission is working on a lot of publicity.

BIDS

Town Hall Furniture - Basement of Town Hall

Councilor Adil moved **"TO AWARD A CONTRACT TO JOHN WATTS ASSOCIATES TO PROVIDE FURNITURE FOR TOWN HALL IN THE AMOUNT OF \$35,633"**, seconded by Councilor Cascio.

Councilor Adil commented that the furniture appears to be retro-style and is appropriate for a 1950's building. He asked the Town Manager when the moving will take place and she answered that this week the furniture will be moved in and next week staff will move in.

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

Tanglewood Open Space Drainage Improvements

Deputy Mayor Fortunato moved **"TO AWARD A CONTRACT FOR CONSTRUCTION SERVICES TO TERRY CONTRACTING AND MATERIALS, INC. AT A COST NOT TO EXCEED \$34,640"**, seconded by Councilor Kotkin.

Town Manager Bonnie Therrien explained that this drainage project has been on the books for quite a while and will utilize 2/3 State Bonding money and 1/3 local money to improve some of the drainage areas of the Tanglewood Open Space. She said that the project will take approximately forty-five days to complete.

Councilor Adil asked what actions will be taken to improve the drainage. Town Manager Bonnie Therrien said that trees will be cleared and piping will be installed to clear out the water.

Councilor Kotkin asked if this is the area between Ivy Lane and Colonel Chester and was told that this is correct.

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

Quarry and Bituminous Materials

Councilor Forrest moved **"TO AWARD THE QUARRY AND BITUMINOUS MATERIALS BID BY ITEM TO THE LOWEST RESPONSIBLE BIDDERS, DRVN ENTERPRISES, INC., JV III CONSTRUCTION, TILCON CT, AND AMERICAN MATERIALS CORP. AT A COMBINED COST NOT TO EXCEED \$50,000"**, seconded by Councilor Walsh.

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

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

ORDINANCE AMENDING CHAPTER 105 - NOISE CONTROL

Chapter 105, NOISE CONTROL

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 3-4-1 through 3-4-12 of the Code of 1972. Section 105-3 amended at time of adoption of Code; see Ch. 1, General Provisions, Art II. Other amendments

noted where applicable.]

GENERAL REFERENCES

Noise to attract sales -- See Ch. 116.

§ 105-1. Title.

The short title of this chapter shall be the "Town of Wethersfield Noise Control Ordinance."

§ 105-2. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This chapter is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of Wethersfield through the reduction, control and prevention of noise.

§ 105-3. Definitions.

BACKGROUND NOISE -- Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable. In statistical terms, it is the level which is exceeded ninety percent (90%) of the time (L90) in which the measurement is taken.

BUSINESS ZONE -- Those areas so designated under the Village Business Zone (VB), Town Center Zone (TC), Office Zone (O), General Business Zone (GB), Regional Commercial Zone (RC) and Business Park Zone (BP) of the Zoning Regulations of the Town of Wethersfield.

CHIEF OF POLICE -- The Chief of Police of the Town of Wethersfield or a duly authorized officer subject to his order.

CONSTRUCTION -- The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

CONSTRUCTION EQUIPMENT -- Any equipment or device operated by fuel or electric power used in construction or demolition work.

DAYTIME HOURS -- The hours between 7:00 a.m. and 10:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 10:00 p.m. on Sunday.

DECIBEL -- A unit of measurement of the sound level, the symbol for which is "db."

DEMOLITION -- Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

DOMESTIC POWER EQUIPMENT -- Includes but is not limited to power saws, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

EMERGENCY VEHICLE -- Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

EMERGENCY WORK -- Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent changes.

EXCESSIVE NOISE -- Any sound, the intensity of which exceeds the standards set forth in § 105-5.

IMPULSE NOISE -- Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid delay.

INDUSTRIAL ZONE -- Those areas so designated under the Office Zone (O) and Business Park Zone (BP) of the Zoning Regulations of the Town of Wethersfield.

INTRUSION ALARM -- A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

MOTOR VEHICLE -- A vehicle as defined in Subdivisions (30) and (31) of Section 14-1, Connecticut General Statutes, Revision of 1958, as amended.

MUFFLER -- A device for abating sound such as escaping gases.

NIGHTTIME HOURS -- The hours between 10:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 10:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

NOISE LEVEL -- The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated "db(A)" or "db(a)."

PERSON -- Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state or other legal entity of any kind.

PREMISES -- Any building, structure, land or portion thereof, including all appurtenances, owned or controlled by a person. A noise emitter's premises includes contiguous publicly dedicated street and highway rights-of-way, all road rights-of-way and waters of the state.

PROPERTY LINE -- That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned and controlled by another person and which separates real property from the public right-of-way.

PUBLIC RIGHT-OF-WAY -- Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad or similar place which is owned or controlled by a government entity.

RECREATIONAL VEHICLE - A vehicle which is (1) built on a single chassis, (2) designed to be self-propelled or permanently towable by a light-duty truck, and (3) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

RESIDENTIAL ZONE -- Those areas so designated under Open Space Zone (AA-OS), AA Residence Zone, A-1 Residence Zone, A Residence Zone, B Residence Zone, C Residence Zone, and Special Residential Development Zone (SRO) of the Zoning Regulations of the Town of Wethersfield.

SOUND -- A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

SOUND-LEVEL METER -- An instrument used to measure sound levels. A "sound-level meter" shall conform, as a minimum, to the American National Standards Institute operational specifications for sound level meters S1.4-1971 (Type S2A).

SOUND-PRESSURE LEVEL -- Twenty (20) times the logarithm to the base 10 of the ratio of the pressure of a sound to the reference pressure of twenty (20) micronewtons per square meter (20×10^{-6} newtons/meter²) or two ten-thousandths (0.0002) dyne per square centimeter, and is expressed in decibels (db).

§ 105-4. Noise measurement procedures.

For the purpose of determining noise levels as set forth in this chapter, the following guidelines shall be applicable:

- A. A person conducting sound measurements shall have been trained in the techniques and principles of sound-measuring equipment and instrumentation.
- B. Instruments used to determine sound-level measurement shall be sound-level meters as defined by this chapter.
- C. The following steps should be taken when preparing to take sound-level measurements:
 - 1. The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.
 - 2. Measurements to determine compliance with § 105-5 shall be taken at a point that is located more or less one (1) foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.
 - 3. The recommended practices for determining statistical noise levels shall be those as outlined in the document entitled "Connecticut Noise Survey Data Form No. 101."

§ 105-5. Noise levels.

It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

Zone in Which Noise Emitted is Located	Zone in Which Noise Receptor is Located			
	Industrial [db(A)]	Business [db(A)]	Residential (Daytime Hours) [db(A)]	Residential (Nighttime Hours) [db(A)]
Industrial	70	66	61	51
Business	62	62	55	45
Residential	62	55	55	45

§ 105-6. Background and impulse noise.

- A. In those individual cases where the background noise levels caused by sources not subject to this chapter exceed the standards contained herein, a source shall be considered to cause excessive noise if the noise emitted by such source exceeds the background noise levels by five (5) db(A), provided that no source subject to the provisions of this chapter shall emit noise in excess of eighty (80) db(A) at any time and provided that this section does not decrease the permissible levels of other sections of this chapter.
- B. No person shall cause or allow the emission of impulse noise in excess of eighty (80) db peak sound-pressure level during nighttime hours to any residential zone.
- C. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) db peak sound-pressure level at any time to any zone.

§ 105-7. Exceptions.

- A. This chapter shall not apply to noise emitted by or related to:
 - 1. Natural phenomena.
 - 2. Any bell or chime from any building clock, school or church.
 - 3. Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation.
 - 4. A public emergency sound signal.
 - 5. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
 - 6. Farming equipment or farming activity.
 - 7. An emergency.
 - 8. Snow removal equipment.
- B. The following shall be exempt from this chapter, subject to special conditions as specified:
 - 1. Noise generated by any construction equipment which is operated during daytime hours, provided that the

operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in § 105-5.

2. Noise from domestic power equipment operated during daytime hours.
3. Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this chapter.
4. Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.
5. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, concerts and fireworks displays.
6. Noise created by blasting other than that conducted in connection with construction activities shall be exempted, provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public and provided that a permit for such blasting has been obtained from local authorities.
7. Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during the hours specified in this Code or, if no hours are specified or are specifically prohibited, then during daytime hours. [Amended 9-7-1993]
8. Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.
9. Public-address systems used in election campaign activities during daylight hours only.

§ 105-8. Vehicle noise restrictions.

The following activities are prohibited:

- A. Motor vehicle noise. All motor vehicles operated within the limits of the Town of Wethersfield shall be subject to the noise standards and decibel levels ~~set forth in the regulations authorized in Section 14-80a of the Connecticut General Statutes~~ **set forth in the Department of Motor Vehicle Regulations Sections 14-80a-1a through 14-80a-10a entitled *Maximum Permissible Noise Levels from Vehicle*.**
- B. Motor vehicle sound-amplifying devices. No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in § 105-5.
- C. Recreational vehicle noise. No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of a recreational vehicle. ~~A noise shall be deemed to be unreasonably loud and a violation of this chapter when the noise so generated exceeds the noise level standards set forth in § 105-5.~~ **All recreational vehicles operated within the limits of the Town of Wethersfield shall be subject to the noise standards and decibel levels set forth in the Department of Motor Vehicle Regulations Sections 14-80a-1a through 14-80a-10a entitled *Maximum Permissible Noise Levels from Vehicle*.**

§ 105-9. Enforcement

This chapter has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 168 of the Code of the Town of Wethersfield shall be followed.

§ 105-10. Variances.

- A. Any person living or doing business in Wethersfield may apply to the Chief of Police for a variance from one (1) or more of the provisions of this chapter which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the Chief of Police at least twenty (20) days prior to the start of the activity for which the variance is sought:
 1. The location and nature of the activity.
 2. The time period and hours of operation of said activity.

3. The nature and intensity of the noise that will be generated.
- B. No variance from this chapter shall be granted unless it has been demonstrated that:
1. The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;
 2. The noise levels generated by the proposed activity will not constitute a danger to the public health; and
 3. Compliance with this chapter constitutes an unreasonable hardship on the applicant.
- C. The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.
- D. Failure to rule on an application within the designated time shall constitute approval of the variance.

§ 105-11. More stringent provisions to apply.

All provisions of the Zoning Regulations¹ of the Town of Wethersfield which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this chapter shall be held to make the same unconstitutional or be superseded by any s law or regulations, this chapter shall not thereby be invalidated, and the remainder of the chapter shall continue in effect.

¹ See Chapter 167a, Zoning. Also, 105-5 & 105-9 amended August 15, 2005.

MINUTES

Councilor Adil moved **"TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF JANUARY 11, 2006"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 8-0-1.

Councilor Walsh moved **"TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF JANUARY 17, 2006"**, seconded by Councilor Kotkin. All Councilors present, including the Chairperson, voted AYE. Councilor Forrest and Deputy Mayor Fortunato ABSTAINED. The motion passed 7-0-2.

Councilor Adil moved **"TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF JANUARY 21, 2006"**, seconded by Councilor Kotkin. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio, Councilor Forrest, and Deputy Mayor Fortunato ABSTAINED. The motion passed 6-0-3.

ADJOURNMENT

At 10:15 p.m., Councilor Adil moved **"TO ENTER INTO EXECUTIVE SESSION"** seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

At 10:26 p.m., Councilor Adil moved **"TO ENTER BACK INTO THE REGULAR SESSION"** seconded by Councilor Walsh. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

At 10:26 p.m., Councilor Kotkin moved **"TO ENTER INTO EXECUTIVE SESSION"** seconded by Councilor Cascio. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano
Town Clerk