

[NOTE: These minutes are made available to the public prior to Town Council acceptance.]

APRIL 3, 2006 REGULAR MEETING

The Wethersfield Town Council held a meeting on April 3, 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 Kirsche.

Economic Development Report

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

- Tom's Trains - 729 Silas Deane Hwy - new business
- New England Patio & Hearth - 974 Silas Deane Hwy - new business
- Kenny, Brimmer and Mahoney, LLC - 20-30 Beaver Road - new business
- Compass Engineering Group - 61 Arrow Road - relocation
- Comstock Ferre - Karen Rossi Studios - 263 Main Street - new studio and store
- 416 Silas Deane Hwy - demolition complete; construction underway for Dunkin Donut
- 1715 Berlin Turnpike - Car Wash Facility - construction underway
- 370 Silas Deane Hwy - Patient's Choice Homecare - plans approved for renovation
- 370 Silas Deane Hwy - Systems Integration, Inc. - plans approved for renovation
- Ridge Road - Church Homes - zone change application submitted for Phase 2
- Cumberland Avenue - Northeast Utilities building - offers made for reuse of building
- 1881 Berlin Turnpike - possible construction of an office building

On behalf of the Silas Deane Highway Revitalization Committee, Mr. Gillespie thanked the Council and Board of Education members for their attendance at the public information meeting on March 27 at the Rocky Hill Town Hall and said that it is anticipated that the plan will be complete within two weeks and will then move on to implementation. He stated that Town Staff met with DECD regarding the receipt of a second STEAP grant in the amount of \$500,000. Mr. Gillespie reported that the EDIC held a successful breakfast meeting on March 15 attended by approximately seventy-five members of the business community. He also reported that the Planning & Zoning Commission is presently reviewing the zoning regulations as they relate to the parking of commercial motor vehicles in residential zones. Mr. Gillespie announced that the Town has been awarded a \$50,000 Preserve America Grant to fund a master plan for Old Wethersfield.

PUBLIC COMMENTS

HEARING

None.

GENERAL COMMENTS

George A. Ruhe, 956 Cloverdale Circle, commented on Councilor Walsh's comment at the last Council meeting that there appeared to be no ground swell of public opinion regarding the public comment at the end of Council meetings. Mr. Ruhe stated that there had been no ground swell of public opinion when the public comment was removed from the end of Council meetings either, but it was done anyway. Mr. Ruhe stated that good government requires citizen participation and commented that the Council sometimes needs to do certain things simply because they're the right things to do and not because they have the power to do so. Mr. Ruhe commented on a recent Hartford Courant article addressing aging and suggested that the Council read the article. He also commented on the concern he has regarding the flag not being raised in Old Wethersfield for a number of months now. Mr. Ruhe stated that a temporary means of having the flag flown should have been decided on by this point because the citizens have a right to have the emblem of our country flying.

Edward Tevald, 814 Ridge Road, spoke of his concern over the Town Manager's proposed increase in taxes and mill rate. Mr. Tevald stated that he disagrees with Chairperson Morin's comment that "we're all in the same boat", as Mr. Tevald does not feel like the large number of retired senior citizens in Wethersfield are in that same boat at all. He commented that he does not feel that any of the Councilors are committed to holding the line on taxes. He said that the Town Manager needs to "manage" the Town and not just increase the Town's budget each year.

Robert Young, 20 Coppermill Road, commented that Wethersfield taxes are too high and suggested that the Council consider restraining themselves since the spending over the last two years has continued to raise taxes even higher. Mr. Young said that lower taxes will entice businesses to come to Wethersfield. He said that he does not see leadership cutting back in spending and he urged the Council to continue to think "0" during this year's budget sessions. Mr. Young instructed the Council to look at all segments of the population of Wethersfield when making decisions.

Kitch Breen Czernicki, 239 Crest Street, commented on the request brought to the Town Manager for lighting at Cottone Field through a Section 8-24 referral. Ms. Czernicki reminded the Council that at the time the lights were first proposed, sports groups and private individuals indicated that they would pay for the lights at a price at that time of \$125,000-\$150,000. She said that there were promises made by specific sports groups and private individuals that maintenance of the lights would be covered by them. Ms. Czernicki suggested that the Council, before beginning their deliberations for the lighting of Cottone Field, approach these sports groups and individuals to insure that they are still willing to uphold their promise to pay for the lights. She asked the Council to also keep in mind that there were a number of people throughout Town who did not want the lights and that with the concern over rising taxes, the Council should look carefully at projects that benefit only a specific segment of the population rather than the entire Town or find a way that the specific segment will absorb the costs of the specific services.

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

COUNCIL REPORTS & COMMENTS

Deputy Mayor Fortunato reported on the recent productive Parade Committee meeting at which changes in the Memorial Day program were discussed. She also reported on the recent Shared Services Committee meeting where potential future building renovations, the auditing of student accounts, and the CIO position were discussed. Deputy Mayor Fortunato reported on the joint meeting between the Infrastructure Committee and the Historical Society to discuss the Society's various leases and it was suggested that an energy audit of the Historical Society buildings be conducted. Deputy Mayor Fortunato stated that she attended and enjoyed the first Taste of Wethersfield event last weekend. She reported that earlier this evening the Adhoc Committee met to follow up on the Social & Youth Services report and will meet again in two weeks when Town staff obtains more information.

Councilor Adil reported on the recent joint meeting of the Budget & Finance Committee and the Infrastructure Committee and the flexibility of the master plan as it relates to Historical Society leases was discussed, as well as the Clean Energy program. Councilor Adil reported that the subcommittee of the Tourism Commission also met and discussed the preliminary work to be done through the Historic Preservation Grant for way-finding signage.

Councilor Cascio announced that the Chamber meeting will be held on Thursday at 8:30 a.m. in the Chamber office.

Councilor Forrest reported that he attended the meeting of the Silas Deane Revitalization Committee and said that he is impressed with and supports the proposed plan. Councilor Forrest asked the Town Manager to look into and remedy the issue with the American flag not flying in old Wethersfield. Councilor Forrest commented on the \$350 tax credit for Wethersfield senior citizens.

Councilor Cascio asked the Town Manager if she will be providing the Council with working documents as back up to the budget packet. Town Manager Bonnie Therrien said that this is being compiled and will be distributed to the Council by the end of the week. Councilor Cascio asked the Town Manager for an updated time line for the Town Hall renovations. The Town Manager said that Phase I is approximately seven months behind. She said that the Library will be closing for three weeks in May and probably for some time in the summer as well. The Town Manager said that Phase II, which is currently underway, will be presented to the Council in May for their review and comment. Councilor Cascio asked the Town Manager if and when the Council was formally notified of the water problems at the Police Station. Town Manager Bonnie Therrien said that she is not aware that the Council was notified, but a resident did speak during a public hearing about the excess portable water being used at the Police Station, and she made note of why in her Weekly Management Report. She said that the MDC, the Health Department, and the contractor have reviewed the situation, have met to discuss it, and feel that the water is not being run enough in certain areas; therefore the water is being run through these pipes to flush the coating on them and hopefully result in a better taste. She said that Health Director Paul Hutcheon will continue to assess the situation.

Councilor Walsh congratulated the Wethersfield Historical Society in their successful first "Taste of Wethersfield" event which drew approximately three hundred attendees. He said that he hopes that this event will become an annual tradition.

Chairperson Morin stated that he also attended and enjoyed the "Taste of Wethersfield" event. He announced that the milling of Griswold Road from Country Club Road to Highland Street will begin on April 10. He announced that resident Anthony Lustrinelli, who has been serving in Iraq for over a year, has returned to the United States and should be back in Wethersfield shortly. Chairperson Morin expressed his joy for Mr. Lustrinelli and his family. Chairperson Morin announced that budget sessions are scheduled to begin on April 10 and that the Budget Hearing will be held at Wethersfield High School at 7:00 p.m. on Monday, April 17.

COUNCIL ACTION

Councilor Adil moved **"TO APPOINT PAUL T. CAMARCO TO THE HUMAN RIGHTS AND RELATIONS COMMISSION FOR THE TERM 4-3-06 TO 6-30-06; AND TO APPOINT MICHAEL R. CARRAGHER TO THE YOUTH ADVISORY BOARD FOR THE TERM 4-3-06 TO 6-30-06"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

UNFINISHED BUSINESS

None.

OTHER BUSINESS

Transfer of \$18,000 - Town Hall Underground Storage Tank

Councilor Adil moved **"TO TRANSFER \$18,000 FROM THE CONTINGENCY ACCOUNT T1910900 5250 TO THE TOWN HALL/LIBRARY RENOVATION FUND 337-5432-13111"**, seconded by Councilor Walsh.

Town Manager Bonnie Therrien explained that in December, 2004, during excavation of the basement floor for the new elevator shaft for Town Hall, an underground fuel oil tank system was unexpectedly located and had to be

removed. She said that she did not plan to bring this to the Council unless there were sufficient funds in the Contingency account, and since the account fared well this year, rather than use the bond money for this, she is bringing the transfer from the Contingency account before the Council. The Town Manager said that this allows for the bond money to be used for the renovations.

Councilor Adil thanked the Town Manager for suggesting that funds be transferred from the Contingency account since this allows for the bond money to go further in the renovations, rather than be used to remove the underground tank.

Councilor Drake asked if through the referendum, if bond funding would have been allowed to be spent for the removal of the underground tank. Town Manager Bonnie Therrien said that she had checked on this originally with bond counsel who said that the bond money could have been used for this issue.

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

Spring Clean Up - Free Day - Transfer Station

Councilor Forrest moved **"TO APPROVE A FREE SPRING CLEAN UP DAY THAT INCLUDES A ONE TIME PER HOUSEHOLD FREE DROP-OFF PROGRAM AT THE TRANSFER STATION FOR MAY 20, 2006 AND TO AUTHORIZE A TRANSFER OF \$2,500 FROM CONTINGENCY ACCOUNT T1910900 5250 TO REFUSE & RECYCLING ACCOUNT NUMBER T1560 5256 5577"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that normally this has been offered twice per year in the Spring and the Fall; however, when the Council authorized it in the fall, she suggested that they wait to approve it for the Spring until she had a better idea of the available funding.

Chairperson Morin commented that this is a well-received service to the residents of Wethersfield.

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

Clean Energy Program

Councilor Walsh moved **"TO HAVE THE TOWN OF WETHERSFIELD JOIN THE CLEAN ENERGY PROGRAM - 20% BY 2010 CAMPAIGN AND HAVE THE TOWN MANAGER SOLICIT FOR A FIVE MEMBER CITIZENS' ENERGY COMMITTEE THAT WILL MAKE RECOMMENDATIONS BACK TO THE TOWN COUNCIL FOR WAYS TO ACHIEVE THE CLEAN ENERGY GOALS"**, seconded by Deputy Mayor Fortunato.

Town Manager Bonnie Therrien explained that this is a program that many municipalities have joined. She said that the Budget Infrastructure Committee deliberated for many months the information provided and whether Wethersfield should join and they voted 4-1-1 to recommend to the Council that the Town join the program and move forward with forming the Citizens' Energy Committee.

Councilor Adil said that the Budget & Finance Committee and the Budget Infrastructure Committee worked together diligently for many months and he thanked them for their hard work. He said that this could eventually help the Town to achieve energy independence in that it will be taking dirty energy off the rolls for a long-term benefit to the community.

Deputy Mayor Fortunato stated that Bob Wall from the Clean Energy organization has made himself very available for questions and discussions. She said that this is the beginning of many more clean energy programs in which the Town can be involved and is an excellent time for Wethersfield to become involved, since the State Legislature is considering the introduction of bills that address this as well. Deputy Mayor Fortunato said that Mr. Wall has informed her that some eighty residents have already signed up to participate in the program.

Councilor Cascio asked if the motion is for permission to talk with the Clean Energy group and he asked what the cost will be over the term of the program. Town Manager Bonnie Therrien said that the motion is for the commitment of the Council to join the program and to recommend that the Town Manager recruit an advisory committee to advise the Council on achieving the goals set forth by the program. Regarding cost, the Town Manager said that an approximation based on kilowatt hours would be another \$6,000-\$8,000 to achieve clean energy. Councilor Cascio asked what the Clean Energy group will tell the Town that isn't already known. Town Manager Bonnie Therrien said that it is a commitment on behalf of the Town to purchase clean energy to help reduce the national stigma of emissions in the air. She said that there are a number of options and that an RFP will have to go out to purchase renewable energy certificates in order to achieve the goal by 2010 and the committee will assist in achieving this goal without spending excess money.

Councilor Kirsche commented that he thought the motion was to authorize the committee to further pursue and provide their opinion of the three options, and does not represent a commitment to the program. Town Manager Bonnie Therrien said that this is not her understanding.

Councilor Adil said that the motion indicates the pursuit of a commitment through the committee and if the Town Council is committed, this will be referred to a five-person committee to provide a road map of options as to how to achieve the Clean Energy goals, which the Council will then either approve or not.

Councilor Kirsche said that the idea of the program is hard to oppose on a philosophical ground, and he is in favor of clean energy on an individual basis from the ground up; however he feels uncomfortable making the decision that Wethersfield should put itself into the energy business.

Councilor Walsh stated that he understands Councilor Kirsche's concerns; however, he is a great supporter of the program and has signed up for it on an individual basis. He said that he is in support of the program and that it will help the community in the long run.

Councilor Drake stated that there appears to be no financial basis for alternative energy and that it is more of a "feel good" idea. He said that he struggles with the idea that this Council will take taxpayer money just because some people feel that program is a nice thing to do. Councilor Drake said that the Town is going to pay more for something that has no financial basis, no technical basis, and no tangible payback. He said that if someone wants to personally take part in an energy efficiency program that is their choice; however, it is not up to the Town Council to ask the taxpayers to foot the bill for program participation. Councilor Drake said that he supports the idea of a committee to investigate clean energy options for the Town, but he has concerns about the costs for the program and also that the Town should not put themselves in the position of being in the energy business.

Chairperson Morin said that he disagrees with Councilor Drake because he feels that providing clean air is more than a "feel good" thing. He said that it is responsible legislation to begin and he respects the concerns over the financial aspect of the program; however the resources in this country are dwindling and he feels good about looking to alternative sources for energy. Chairperson Morin stated that he fully supports the program.

All Councilors present, including the Chairperson, voted AYE. Councilor Cascio, Councilor Drake, and Councilor Kirsche voted NAY. Councilor Kotkin ABSTAINED. The motion passed 5-3-1.

8-24 Referral - T-Mobile

Councilor Forrest moved **"TO REFER THE PROPOSED OMNIPOINT COMMUNICATIONS AGREEMENT TO THE PLANNING AND ZONING COMMISSION FOR A REVIEW AND REPORT IN ACCORDANCE WITH §8-24 OF THE GENERAL STATUTES"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that Omnipoint Communications, Inc. is a new carrier to go onto Kelleher Court and the lease payment will be \$1,800 per month with an annual 3% increase.

Councilor Adil asked if the original offer was lower and the Town Manager said that it was and that the Town was able to obtain approximately \$200 more. Councilor Adil asked to what fund the income from these leases goes. Town Manager Bonnie Therrien said that 100% of the money goes into the radio budget. Councilor Drake asked if the lease is currently being reviewed and Town Manager Bonnie Therrien told him that the lease is being reviewed by Town Attorney Bradley. Councilor Drake said that the lease indicates that the 3% increase is per term rather than annually and that the lease also does not include the right for the Town to terminate. He suggested that these items be further reviewed and that the 3% increase should tie into the tax rate like other businesses in Town. Town Manager Bonnie Therrien said that the businesses' personal property is tied into the tax rate; however this is a lease amount and Council would have to vote on changing the language in the lease.

Councilor Cascio said that he is concerned with the use of the ground area around the cell tower, specifically with relation to the parking situation. He asked if anyone has spoken with a representative of the Fire Department to discuss any impact on them and also how many more carriers the tower will hold. Town Manager Bonnie Therrien said that she believes there are one or two spaces left on the tower. Councilor Cascio asked what the ground impact will be and the Town Manager said there will be approximately 225 square feet of parking area lost. Councilor Cascio said that he is concerned about the parking issue and how it will impact the Town's public safety personnel. He asked if the Town has any input to the Siting Council on how many more carriers will be allowed on the tower. The Town Manager said that input can be provided to the Connecticut Siting Council and they will inform the Town as to when they are ready for this. She said that the Town Council can express their request that no more carriers be allowed on the tower; however she does not think that the Siting Council will uphold the request since more carriers can be accommodated. Councilor Cascio said that discussion needs to be had with representatives of the Fire Department to insure that there is no infringement upon their safety.

Councilor Adil stated that he understands the need for revenue and he would not want to see Wethersfield firefighters harmed in any way; however, when asked, the Fire Chief stated that he does not believe that these plans jeopardize the safety of the firefighters.

Councilor Kotkin asked if the Planning and Zoning Commission will be looking at the parking issue when reviewing this referral and the Town Manager said that they will as they have in the past.

Councilor Cascio stated, in response to Councilor Adil's comment, that it is important to receive an official opinion from the Fire Chief so that the Council will not be held accountable to the situation should a complaint come forward. Councilor Adil stated that it is unfortunate that people will always find a reason to complain and it is the Council's job to make decisions on what is right for the community. Councilor Cascio said that this is why an official letter will be good.

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

Assistance to Firefighters Grant

Deputy Mayor Fortunato moved "**TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A U.S. DEPARTMENT OF HOMELAND SECURITY, OFFICE FOR DOMESTIC PREPAREDNESS, ASSISTANCE TO FIREFIGHTERS GRANT FOR VEHICLE EXHAUST EXTRACTION SYSTEMS FOR THE THREE FIRE STATIONS**", seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that the Council, at their last meeting, authorized her to apply for this grant for a mass communications system, and the new Federal guidelines indicate that this type of project is no longer eligible; therefore this is a grant under a different category. She said the match for the grant is \$10,130 which the Council will need to add to the 2006-2007 budget or plan the installation so that the funds could be budgeted in 2007-2008.

Deputy Mayor Fortunato asked what will happen to the mass notification system and the Town Manager said that it will be put into next year's capital program.

Councilor Drake asked if the Town really needs this program so as to justify adding \$10,000 to the budget. The Town manager said that the exhaust fumes are a health issue and a priority for the Fire Department.

Councilor Kirsche asked if there are any projections as to the ongoing maintenance costs and the Town manager said that she will get this information to the Council.

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

Postage Processing Equipment - Lease Request

Councilor Kotkin moved "**TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A FIVE YEAR LEASE AGREEMENT FOR POSTAGE METER EQUIPMENT**", seconded by Councilor Walsh.

Town Manager Bonnie Therrien explained that the Postal Service is requiring that all postage meters be replaced with digital technology by December, 2006. She said that Finance Director Lisa Hancock has researched new equipment and the related costs and although the Town owns its current postage meter, she is recommending that it is more cost effective to lease the new required equipment as opposed to purchasing it.

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

BIDS

None.

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

ORDINANCE AMENDING CHAPTER 70, DOGS AND OTHER ANIMALS, PUBLIC REGULATIONS OF THE TOWN OF WETHERSFIELD, CONNECTICUT

BE IT ORDAINED THAT Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 70 is hereby amended as set forth below.

§70-1. Purpose and intent of chapter.

The purposes of this chapter are to promote the public health, safety, and general welfare of the citizens of the town by addressing the public nuisance caused by vicious and dangerous animals and to ensure that all animals receive adequate care. This chapter is intended to supplement and not supplant the provisions contained in Connecticut General Statutes. § 22-339 et seq. regarding domestic animals. The animal control officer shall have the discretion as to whether to proceed pursuant to state or local law.

§. 70-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult means any individual 18 years of age or older.

Animal means any nonhuman animate being which is endowed with the power of voluntary motion, including fish and fowl.

Animal control officer means an employee or agent of the town to enforce the licensing, inspection and enforcement requirements contained within this chapter and state statutes.

Animal nuisance means any nuisance arising out of the keeping, maintaining or owning of, or failure to

exercise sufficient control of, an animal.

Animal shelter means any facility operated by the town and shall also include any facility authorized by the animal control officer or his designee to impound, confine, detain, care for or destroy any animal.

At large means that an animal is off the premises of the owner and not on a leash or otherwise under the immediate control of a person capable of restraining the animal.

Disposition means adoption, sale, quarantine, voluntary or involuntary placement or euthanasia humanely administered to the animal.

Farm means a tract of land containing two acres or more, used in part or wholly for agricultural purposes for profit, which may include the raising and keeping of domestic or other animals.

Guard or attack dog means a dog trained to attack or apprehend on command to protect persons or property.

Impoundment means the taking into custody of an animal by an animal control officer, or any authorized representative thereof.

Muzzle means a device constructed of strong, soft material designed to fasten over the mouth of an animal to prevent it from biting any person or other animal.

Owner or keeper means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or keeping or having property rights to, any animal covered by this chapter.

Public nuisance means any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" shall include, but not be limited to, any animal that:

1. Is repeatedly found running at large;
2. Is in any section of any park or open space land where animals are not permitted, **EXCEPT AT TOWN DESIGNATED DOG PARKS**, or where permitted, is not on a leash or otherwise under the control of its owner or keeper;
3. Damages or defiles any property other than that of the owner, unless the owner or keeper immediately picks up after the animal;
4. Barks, whines, howls or makes any noise natural to its species in an excessive or continuous fashion so as to disturb the peace, except where such activity occurs on a farm;
5. Is in heat and is not confined or under the owner's or keeper's control so as to prevent attraction or contact with other animals;
6. Whether or not on the property of its owner, that without provocation molests, attacks, or otherwise unreasonably interferes with the freedom of movement of persons in a public right-of-way or on private property other than that of the animal's owner;
7. Chases motor vehicles in a public right-of-way;
8. Is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence and the inadequacy of the facilities and care; or
9. Attacks another animal off the property of the owner or keeper of the attacking animal.

Under restraint means that an animal is secured by a leash or is otherwise under the control of an individual who is mentally and physically capable of restraining the animal and obedient to that person's commands, or securely enclosed (e.g., appropriate fence) within the real property limits of the owner's premises.

Vicious or dangerous animal means an animal that has attacked, bitten, or physically injured human beings

without adequate provocation. Any animal that without provocation has bitten or attacked a human being or has behaved so as to impose a threat of imminent bodily harm to a person conducting himself peacefully and lawfully shall be prima facie presumed vicious or dangerous. No animal may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

§. 70-3. Nuisance.

It shall be unlawful for any person to keep any animal on any property located within the town when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

§. 70-4. Adequacy of facilities and care.

Every owner shall provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather; veterinary care when needed to prevent suffering; humane care and treatment; and maintain them in a secure enclosure.

§ 70-5. Administrative sanctions and remedies.

As part of any order issued in writing and by certified mail, pursuant to this chapter, the animal control officer shall have the authority to order the following administrative sanctions and remedies if there is no compliance after seven days from the date of issue:

1. Obedience training for the animal in question;
2. Muzzling of a dog or animal while off the property of the owner;
3. Confinement of an animal indoors, unless the animal is under the direct control of a responsible adult;
4. Confinement of an animal in a secure enclosure;
5. Reduction of the number of animals kept at any one location;
6. Removal of an animal from the custody of the animal's owner or keeper in cases of neglect or cruelty;
7. The sterilization of an animal;
8. A ban on maintaining other animals in the town;
9. The euthanizing of an animal; and
10. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect the health and safety of the public.

§. 70-6. Enforcement of chapter provisions.

The animal control officer or his designees shall be the enforcement officials for this chapter. These officials, along with police officers, shall have the authority to act on behalf of the town in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this chapter. The animal control officer shall fully investigate all complaints made pursuant to this chapter and shall take all statements under oath. The owner or keeper of such animal shall be given an opportunity to make a statement under oath. It shall be a violation of this chapter to interfere with any animal control officer or other enforcement official in the performance of his duties.

§. 70-7. Penalties for violation of chapter.

- a. It shall be a violation of this chapter to:
 1. Fail to comply with any provision of this chapter;

2. Fail to pay any fines, civil penalties or costs imposed by the animal control officer within 15 days of the imposition of such fines or costs, unless payment thereof is lawfully stayed; or
 3. Make any false statements, under oath, with respect to this chapter.
- b. Any person who fails to comply with a written citation issued by the animal control officer or his designee within seven days shall be deemed guilty of a municipal infraction and shall be subject to a fine of \$100.00. If a violation continues after such written notice, each day's violation shall be deemed to be a separate offense.

§. 70-8. Appeals procedure.

Any provision of this chapter may be appealed to the town manager within 30 days of the issuance of the citation. The citation holder can appeal the decision of the town manager to the superior court.

§. 70-9 - 70-40. Reserved.

ARTICLE II. DOGS

DIVISION 1. GENERALLY

§. 70-41. Restraint generally.

- a. It shall be unlawful, **EXCEPT AT TOWN DESIGNATED DOG PARKS**, for the owner or keeper of any dog to fail to keep his dog under restraint or to permit his dog to run at large upon the streets and public ways of the town or upon property other than that of such owner or keeper.
- b. No owner, keeper or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the animal from becoming a public nuisance.

§. 70-42. Restraint of guard or attack dogs.

- a. Every owner of a guard or attack dog shall keep such dog confined in a building, compartment or other enclosure. Any such enclosure shall be completely surrounded by a secured fence or enclosure that is appropriate to confine such dogs and shall be approved by the animal control officer.
- b. The areas of confinement shall have gates and entrances thereto securely closed and locked, and all fences shall be properly maintained and escape-proof.
- c. When outside the enclosure on the owner's or keeper's property, all guard or attack dogs shall be under the direct and immediate control of a responsible adult who can fully control the dog at all times.
- d. When off the property of the owner or keeper, all guard or attack dogs shall be under restraint of a responsible adult at all times.
- e. The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies while in the course of their official duties.

§. 70-43. Feces removal.

- a. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dog means any member of the canine species, male or female.

Keep means possessing, controlling, exercising or allowing a dog to run at large.

Owner means any person possessing, keeping, harboring or having custody of a dog.

- b. Required; provision of disposal containers. It shall be unlawful for any person owning, keeping,

walking or in control of any dog to allow or permit such animal to defecate upon any private property owned by another person, condominium common elements, street, sidewalk, gutter or other public area unless such person shall remove all feces so deposited by such dog before leaving the immediate premises; provided, however, that the town may provide excrement disposal containers in all public parks into which a person may deposit any feces instead of removing such feces from the park premises.

- c. Exception. The provisions of this section shall not apply to any visually impaired person walking in control of a guide dog or by any person who is physically unable to remove such feces.
- d. Enforcement of section provisions. For the purposes of enforcing the provisions of this section, tickets may be issued by any persons authorized to issue tickets for parking violations, the canine control officer of the town or his agent.
- e. Appeal. Any person issued a ticket for violating any of the provisions of this section may appeal the \$25.00 fine to the town manager and, if necessary, to the superior court. The town manager may, following a hearing on any such appeal, upon a showing of good cause, sustain the appeal and dismiss the ticketed violation.

§. 70-44 - 70-70. Reserve

DIVISION 2. VICIOUS OR DANGEROUS DOGS

§. 70-71. Restraint.

Every animal established to be vicious or dangerous shall be confined by its owner or authorized agent of its owner within a building or secure enclosure as set forth in section 70-42 and, whenever outside the building or secure enclosure, shall be securely muzzled and restrained by a responsible adult with a chain having a minimum tensile strength of 300 pounds and not more than six feet in length, or caged. Every person harboring an animal established to be vicious or dangerous is charged with an affirmative duty to confine the animal in such a way as defined in section 70-42.

§. 70-72. Registration and insurance requirements.

Every owner of an animal which has been established to be vicious or dangerous shall be subject to the following requirements:

1. The owner shall provide the town with written proof that the owner has procured liability insurance in an aggregate amount of not less than \$100,000.00 for damage or injury to persons or property. Policy cancellation shall constitute a violation of this section and subject the owner to the penalties provided in this chapter, unless the owner provides the town with written proof that the vicious or dangerous animal has been sold, given away, died, or otherwise disposed of.
2. The owner or keeper shall display a sign on the premises warning that there is a vicious or dangerous animal or guard or attack dog on the premises. Such sign shall be visible to anyone entering the main entrance to the premises where the animal is domiciled or kept. The sign shall include both an approved vicious animal logo and lettering so as to warn both children and adults.

§. 70-73--70-100. Reserved.

ORDINANCE AMENDING CHAPTER 113-02N OF THE CODE OF WETHERSFIELD

BE IT ORDAINED THAT Part II General Legislation of the Municipal Code of the Town of Wethersfield, Connecticut, Chapter 113-02N, Peace and Good Order, is hereby amended as set forth below.

(additions to or changes in **bold**, ~~strikeout if removing~~)

Chapter 113: PEACE AND GOOD ORDER

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 2-5-1 through 2-5-3 of the Code of 1972. Amendments noted where applicable.]

GENERAL REFERENCES

Noise - See Ch. 105.

Nuisances - See Ch. 108

POCKET BIKES - See Ch. 157-18 A, B, & C - 11/15/2004

§ 113-1. Golf on school grounds.

The playing or practice of golf on school grounds is prohibited, except as authorized by the Board of Education.

§ 113-2. Restricted acts.

It shall be unlawful for any person to commit any of the following acts in any park or playground or upon any property (including property devoted to school use but excluding town-owned street rights-of-way) that is owned, leased or controlled by the Town of Wethersfield:

- A. To deface, remove or destroy any sign, notice or protective device.
- B. To provide any music or entertainment or make or cause to be made any public speech or address except by permission from the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- C. To sell, offer or solicit for sale any goods or merchandise without permission from the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- D. To gamble or bet or have any instrument of gambling; specifically excluding bingo for other than cash prizes or gift certificates, with participation limited to members of the sponsoring club or organization, a permit for the same to be issued pursuant to the Connecticut General Statutes and the conditions contained herein.
- E. To operate any commercial vehicle except on business of the town or to give instructions to any person in driving an automobile or in learning to drive an automobile or to drive at a rate exceeding 15 miles per hour or to drive any automobile or other vehicle except on provided roads or to park any car except in areas designated for public parking or to park overnight without permission from the Department of ~~Recreation and Parks~~ **Parks and Recreation** or the Department of Public Works.
- F. To operate any motor-powered minibike or go-cart.
- G. To drive or propel a bicycle except on roads, sidewalks or footpaths, unless otherwise posted.
- H. To remain, stay or loiter in any park or playground from sunset to 8:00 a.m. except in those areas or activities authorized for use outside those hours by the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- I. To wade or swim in any pond, brook, lake or river in any park or playground under the control of the town except at the provided swimming areas and only then during supervised periods determined and designated by the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- J. To distribute any circulars, cards or written matter or to post, plaster or affix any placard, notice or sign without permission from the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- K. To plant or remove trees or shrubs without permission of the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- L. To fish in any pond, brook, lake or river except at areas set aside and designated for such purposes.
- M. To play baseball, golf, football or other active games except in areas approved by the Department of ~~Recreation and Parks~~ **Parks and Recreation**.
- N. To permit or take a dog onto such town-owned, -leased or -controlled property, except when under the control of a responsible person and except that such dog is also kept on a leash as well as under proper control in those areas designated as requiring a leash by the Department of ~~Recreation and Parks~~ **Parks and Recreation**; however this provision does not apply to designated dog parks.

- O. To operate or use any motorized model airplane, motorized model boat and/or motor-powered boat on any town-owned or -leased property or in any park or playground, except in areas approved by the Department of ~~Recreation and Parks~~ **Parks and Recreation**. [Added 5-2-1994]

§ 113-3. Construal of provisions.

The provisions of § 113-2 shall not be construed to prevent such activities as the Board of Education or its duly authorized agents may permit in furtherance of its educational program within the scope of its statutory authority on town property devoted to school use.

MINUTES

Councilor Adil moved "**TO ACCEPT THE MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF MARCH 20, 2006**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 8-0-1.

Councilor Adil moved "**TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF MARCH 21, 2006**", seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 8-0-1.

ADJOURNMENT

At 8:15 p.m., Councilor Forrest moved "**TO ADJOURN THE MEETING**" seconded by Councilor Adil. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano
Town Clerk