

SEPTEMBER 5, 2006 REGULAR MEETING

The Wethersfield Town Council held a meeting on Monday, September 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.

Chairperson Morin announced that there will be an Executive Session immediately following the regular meeting to discuss real estate negotiations and pending litigation.

All stood for the pledge of allegiance to the flag which was led by Deputy Mayor Fortunato.

Economic Development Report

Town Planner Peter Gillespie distributed a memorandum summarizing the Economic Development Loan Program status, and also provided a presentation of the September, 2006 Economic Development Report which included the following:

- 401 Silas Deane Highway - John Oldham - dance and exercise clothing store
- 1067 Silas Deane Highway - Halloween Store - temporary retail space
- 486 Silas Deane Highway - Tim Horton's - site work well underway
- 190 Silas Deane Highway - Teddy's Department Store - plans submitted for renovation
- 844 Silas Deane Highway - City Fish - plans and applications filed for additions

Mr. Gillespie said that he continues to speak with representatives of a small regional restaurant chain for a reuse proposal for an existing building in Town. He reported that a preliminary plan from DeCarlo and Doll for the redesign of the Church Street/Silas Deane Highway intersection has been received and is being reviewed by Town Staff. Mr. Gillespie said that a flyer announcing the Silas Deane Highway Façade Program has been mailed to all business and property owners on the Silas Deane Highway. He announced that the EDIC has mailed out the 2006 Business Survey and a better than usual return is already being noticed. Mr. Gillespie reported that the Tourism Commission has met three times and received six responses to the RFP for the Preserve America grant agreement for the Old Wethersfield Master Plan. He said that the Preserve America Committee will meet tomorrow evening to review the RFP's. Mr. Gillespie reported that a brochure is being prepared for the promotion of the Wethersfield Trolley and a listing of a possible itinerary and contact information for group tour planners is also being prepared.

Deputy Mayor Fortunato said that she is pleased to hear that flyers regarding the façade program have been distributed. She suggested that new businesses along the Silas Deane be targeted given the recent development along the Highway. Mr. Gillespie said that discussion of the program included targeting and granting greater priority to certain areas of the Highway, especially if clusters of applications came from these areas; however he does not want to be too narrowly focused. He said that although the funding is essentially "free" money to property owners; there is a required 50% match on their part. Deputy Mayor Fortunato asked Mr. Gillespie if it is possible to speak to business owners who decided not to locate in Wethersfield, and ask them for their reasons in making this decision. Mr. Gillespie said that a number of the businesses failed at the real estate negotiation table when terms could not be agreed to by both parties.

Councilor Kotkin commented on the hearing for the proposed retail site on the west side of Wethersfield and the significant amount of blasting that will take place in Newington for this project. Mr. Gillespie said that the project has been referred to P&Z for a preliminary hearing and some plans have been changed to accommodate the project. He said that he has not seen any of the detailed plans; therefore he does not know the level of blasting that will take place. Mr. Gillespie said that Newington has been asked to adhere to Wethersfield's blasting requirements; however, there has

not been a receptive response to this. He said that there are other issues to be dealt with regarding the project, such as traffic studies and the permit process. Mr. Gillespie said that he has asked for a full set of the project plans for Wethersfield staff to review in detail.

Chairperson Morin asked that staff comments be shared with the Council once they have reviewed the plans.

Councilor Adil commented that the new Gator Wash carwash has a beautiful glass design enclosure with the waterfall out front. Mr. Gillespie said that the owners are locals who are looking to start a chain of these unattended, automatic car washes. Councilor Adil commented that Battiston's has done a good job on their improvements. Mr. Gillespie said that the owner of Battiston's is considering additional improvements and applying for the Town's façade program. Councilor Adil asked if there is a time limit on current loan grant projects before moving on to new projects. Mr. Gillespie explained that the program is a reimbursement program where the owners are asked to do the work first, and if no progress is seen within a month or so, the EDIC will revisit the loans. He said that notices of additional funds will be sent out and if there is an interest in the additional funds, he will move the original projects along. Councilor Adil asked the Town Manager if there has been interest in the Redevelopment Committee yet. The Town Manager answered that there are approximately eleven interested parties and interviews will be held on September 25.

Councilor Forrest asked Mr. Gillespie for an explanation of the approval process regarding the Silas Deane Redevelopment Plan. Mr. Gillespie stated that a couple of weeks ago he attended a joint meeting with the Rocky Hill Planning Commission and Fuss & O'Neill to bring the plan to a level of completion. He said that he expects the plan to be adopted and to serve as a guide to the Town and developers, but in the meantime, project plans are submitted to P&Z for zoning review purposes. Mr. Gillespie explained that the P&Z Commission is working on a project by project basis and currently the Church Street intersection has been brought before the State to determine what improvements the State will agree to using STEAP funds.

PUBLIC COMMENTS

HEARING

RESOLUTION AUTHORIZING 2007 EMERGENCY MANAGEMENT PERFORMANCE GRANT

RESOLUTION REGARDING THE AUTHORIZATION AND SUBMISSION OF A GRANT FROM THE CAPITAL AREA SUBSTANCE ABUSE COUNCIL TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES AND THE AWARD OF FUNDS FROM THE GRANT TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES

ORDINANCE APPROPRIATING \$4,000,000 FOR ACQUISITION OF LAND OR AN INTEREST THERIN FOR OPEN SPACE, MUNICIPAL, OR RECREATIONAL USES AND AUTHORIZING THE ISSUE OF \$4,000,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

Edward Kardas, 850 Cloverdale Circle, commented on the Ordinance for Open Space as it relates to the 2000 Plan of Conservation and Development. He reviewed a number of statistics regarding types of land in Wethersfield. Mr. Kardas said that Wethersfield is a mature, established community and any commercial or residential development needs to be complementary to existing residential neighborhoods. He said that zoning changes made since the publication of the 2000 Plan of Conservation and Development have not dramatically changed the use of land in Wethersfield, and changes to the zoning of land use in Wethersfield are subject to the process of the Wethersfield Zoning Regulations. He said that the Town has a contingency fund that can be used for emergencies and could be considered for the purchase of open space. Mr. Kardas commented that property tax increases in recent years have already overstretched income. He said that the Wethersfield's designation as "Tree City U.S.A." speaks volumes of its existing open space. Mr. Kardas recommended that the Council postpone the bonding to obtain open space until the Council establishes a suitable non-partisan committee to implement the Town Manager's recommendation.

Ruth Mesiter, 25 Stockade Circle, commented on the four acres of open space in Pyquaug Village and how the Town has been fighting over this for more than five years. She recommended that the Town take this over as open space.

James Schumaker, 15 Raynor Lane, member of the Wethersfield Conservation Committee, read a brief statement on behalf of the Committee in support of open space and the Town having monies available for the purchase of land parcels as open space. He said that the members of the Wethersfield Conservation Commission have always supported the acquisition of appropriate open space, and encourage the Council to set up the proposed question for referendum.

Robert Young, 20 Coppermill Road, commented that he agrees with Mr. Kardas that the Town already has enough open space at this time. He said that the Town has to look at the cost to build and how valuable a particular project is. Mr. Young stated that the Town already has a number of upcoming referendums, and he doesn't feel that the Town should be spending this money until it is really necessary.

Matthew Cholewa, 90 Ox Yoke Drive, thanked the Council for bringing forward the issue of open space and spoke in favor of it. He said that the time to fund this program is now in order to preserve the few remaining open land parcels in Town. Mr. Cholewa pointed out that the cost of housing costs much more and drains the Town's resources more than the cost of open space.

Town Clerk Dolores Sassano read a letter submitted to her from Betty Rosania, 88 Desmond Drive, in which she spoke strongly in support of the proposed Land Acquisition Ordinance. Ms. Rosania, in her letter, stated that now is the Town's last chance to save the handful of farms left in Town. She urged the Council to approve the Ordinance.

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

GENERAL COMMENTS

Ken Sokolowski, 79 Main Street, spoke as a representative of the Wethersfield Chamber of Commerce, announcing the 22nd Annual Cornfest to be held rain or shine on September 16, and provided an overview of the planned events of the day.

Robert Young, 20 Coppermill Road, commented on the upcoming MDC referendum and how the cost of the project is now up to approximately \$1.68 billion over ten to fifteen years, which will be passed on to members of the district in the amount of approximately \$423 per year. He said that this is wrong and that the Cove needs to be cleaned up ASAP. Mr. Young commented on the declining test scores of High School sophomores.

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

COUNCIL REPORTS & COMMENTS

Councilor Adil reported that the Building Committee met recently and approved the bid on tonight's agenda for the boiler replacement.

Councilor Cascio thanked the Town staff for responding to a phone call regarding the trees on Wells Road between Willow and Gooseberry. Councilor Cascio asked for an update of the courtyards at Emerson Williams School and Wethersfield High School. The Town Manager said that the courtyard at Webb School is serving as a model and the Building Committee is asking for prices for that project. She said that she will be able to provide a more detailed update in the next couple of weeks.

Chairperson Morin announced a number of upcoming community events.

COUNCIL ACTION

Councilor Adil moved **"TO APPROVE THE FOLLOWING APPOINTMENT RECOMMENDATIONS TO THE CLEAN ENERGY COMMITTEE:**

VIRGINIA JUDSON	D	74 CEDAR STREET	9-5-06 TO 6-30-09
PAUL LOMBARDI	D	67 COLLIER ROAD	9-5-06 TO 6-30-09
JUDY PARKER	R	366 PINE LANE	9-5-06 TO 6-30-09
CYNTHIA JACOBS	D	71 SUNRISE TERRACE	9-5-06 TO 6-30-09
WILLIAM HOLDEN, III	U	78 VILLAGE DR. #45	9-5-06 TO 6-30-09

", seconded by Councilor Walsh.

Councilors discussed whether the term should be for two or three years and decided on a term of three years.

Councilor Walsh thanked Virginia Judson for volunteering to serve on the Committee and complimented her passion and commitment on energy. He said that he looks forward to the commitment of one hundred residents to the Clean Energy program so that the Town can move forward with solar panels on one of the Town buildings.

Councilor Adil asked if this Committee will be charged only with the 2020 program or if they will have other responsibilities as well. The Town Manager said that at this time their main responsibility will be the 2020 program because of the available grant money.

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

Councilor Adil moved **"TO APPROVE THE APPOINTMENT OF CHRISTINE L. TRACZYK TO THE TOURISM COMMISSION FOR THE TERM 9-5-06 TO 6-30-09"**, seconded by Deputy Mayor Fortunato. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Deputy Mayor Fortunato moved **"TO APPROVE THE RESOLUTION AUTHORIZING 2007 EMERGENCY MANAGEMENT PERFORMANCE GRANT"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that this resolution is needed for the Town to qualify for Federal assistance for emergency management.

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

Councilor Adil moved **"TO APPROVE THE RESOLUTION REGARDING THE AUTHORIZATION AND SUBMISSION OF A GRANT FROM THE CAPITAL AREA SUBSTANCE ABUSE COUNCIL TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES AND THE AWARD OF FUNDS FROM THE GRANT TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES "**, seconded by Deputy Mayor Fortunato.

Town Manager Bonnie Therrien explained that the amount of the grant this year is \$4,245 for programs to increase public awareness and prevention of alcohol, tobacco, and other drug abuse.

Deputy Mayor Fortunato asked if this is the formula grant the Social and Youth Services Department has been receiving. Town Manager Bonnie Therrien said that she doesn't think so, but she will check. Deputy Mayor Fortunato said that State funding is decreasing and it is important for the Town to do as much as they can with the funding received.

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

Councilor Adil moved **"FOR THE ADOPTION OF THE FOLLOWING BOND ORDINANCE:**

ORDINANCE APPROPRIATING \$4,000,000 FOR ACQUISITION OF LAND OR AN INTEREST THERIN FOR OPEN SPACE, MUNICIPAL, OR RECREATIONAL USES AND AUTHORIZING THE ISSUE OF \$4,000,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT ORDAINED,

- a. That the Town of Wethersfield appropriate FOUR MILLION DOLLARS (\$4,000,000) for acquisition of land or an interest therein for open space, municipal, or recreational uses, after referral of any proposed acquisition to the Town Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes, Revision of 1958, as amended, and approval by the Town Council following public hearing held on not less than five days' published notice. The appropriation may be spent for survey fees, feasibility and planning studies related to potential acquisition, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project.
- b. That the Town issue bonds or notes in an amount not to exceed FOUR MILLION DOLLARS (\$4,000,000) to finance the appropriation for the project. The amount of bonds or notes authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.
- c. That the Town issue and renew its temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed FOUR MILLION DOLLARS (\$4,000,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378.
- d. The Town Manager and the Treasurer of the Town shall sign the bonds or notes by their manual or facsimile signatures. The law firm of Day, Berry & Howard LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Treasurer are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.
- e. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.
- f. That the Town Manager and the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.
- g. That the Town Manager, the Treasurer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.
- h. That this ordinance shall become effective after publication and approval by the electors at referendum as provided in the Town Charter.

", seconded by Councilor Kirsche.

Councilor Forrest commented that this ordinance is historic for the Town and is the right step for the Town to be taking.

Councilor Kirsche said that he supports the ordinance, stating that it is a combination of strong conservationist ideology and a business decision. He said that the \$19-\$23 per household as a potential negative tax impact in the coming years is an affordable insurance policy against residential development and preserving open space. Councilor Kirsche said that the ordinance is both fiscally and environmentally responsible.

Councilor Walsh said that he supports preserving what open space is left throughout Town and he stressed the cost of residential development to the Town.

Deputy Mayor Fortunato stated that a study commission was appointed for the Conservation Commission to identify parcels of land and to look at the Town's ability to bond. She said that should the referendum pass, the funds will not be spent at one time, but rather the funds enable the Town to negotiate with land owners. She said that there are a number of spending checks and balances including the Planning and Zoning Commission and the Conservation Commission. Deputy Mayor Fortunato said that she sees this as a legacy for the future and as a way for the Town to save money down the road since housing development will require additional resources from the Town. She said that it is also a way for the Town to preserve its agrarian roots and she fully supports the ordinance. She urged members of the Conservation Commission to form a group to educate the public of this important issue.

Councilor Kotkin said that he supports the Ordinance and that regarding the concerns over whether the Council will be held responsible for deciding what parcels are to be purchased, he commented that this was discussed by the Council and it was determined that there will be a number of checks and balances in place. He said that first of all the Council cannot do anything without the voters first giving them authority; secondly, the funding has to be used within three years; and thirdly, besides the Council, there are other boards and commissions that will be reviewing any proposed purchase.

Councilor Adil commented that he sees this ordinance as providing the potential for further public/private partnerships and as an investment in Wethersfield's future. He said that this is something that will have short-term, low-cost consequences for long-term results.

Councilor Cascio clarified that the purpose of the ordinance is to appropriate \$4 million for land acquisition and that it is key that the text and the proper communication of its purpose is provided to the community so that they see the whole picture rather than just the \$4 million.

Chairperson Morin stated that this is something that's finally come forward and has been discussed for many, many years. He said that he appreciates the courage and foresight of the Council to bring this forward. He said that the Council will work closely with the Conservation Commission who will identify important properties to preserve.

The following roll call vote was taken by the Town Clerk:

Councilor Adil	AYE	Councilor Kirsche	AYE
Councilor Cascio	AYE	Councilor Kotkin	AYE
Councilor Drake	AYE	Councilor Walsh	AYE
Councilor Forrest	AYE	Deputy Mayor	AYE
Chairperson Morin	AYE	Fortunato	

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

Deputy Mayor Fortunato moved **"THAT THE BOND ORDINANCE APPROVED AT THIS MEETING BE SUBMITTED TO A REFERENDUM VOTE IN ACCORDANCE WITH THE TOWN CHARTER ON NOVEMBER 7, 2006 BETWEEN THE HOURS OF 6:00 A.M. AND 8:00 P.M. UNDER THE FOLLOWING BALLOT HEADING:**

'SHALL THE TOWN OF WETHERSFIELD APPROPRIATE \$4,000,000 FOR ACQUISITION OF LAND OR AN INTEREST THEREIN FOR OPEN SPACE, MUNICIPAL, OR RECREATIONAL USES AND

AUTHORIZE THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION?'

AND THAT THE TOWN CLERK PUBLISH A NOTICE OF PASSAGE AND NOTICE OF SUCH REFERENDUM AND MAKE ABSENTEE BALLOTS AVAILABLE", seconded by Councilor Walsh.

The following roll call vote was taken by the Town Clerk:

Councilor Adil	AYE	Councilor Kirsche	AYE
Councilor Cascio	AYE	Councilor Kotkin	AYE
Councilor Drake	AYE	Councilor Walsh	AYE
Councilor Forrest	AYE	Deputy Mayor	AYE
Chairperson Morin	AYE	Fortunato	

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

UNFINISHED BUSINESS

None.

OTHER BUSINESS

Cancellation of November 6, 2006 Meeting

Town Manager Bonnie Therrien explained that the Town Clerk has requested that the November 6, 2006 meeting be cancelled in order to enable her to undertake her pre-election responsibilities.

Councilor Adil moved **"TO CANCEL THE NOVEMBER 6, 2006 MEETING OF THE TOWN COUNCIL"**, seconded by Councilor Kotkin. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Bond Fund Transfer - Police Station to Town Hall/Library Project

Town Manager Bonnie Therrien explained that at their August 28, 2006 meeting, the Town Hall Building Committee voted to request that the Town Council authorize the transfer of funds remaining in the Police Building Project budget to the Phase I Town Hall/Library Renovation project budget. She said that per the Town Attorney, the statute of limitations for claims from all vendors who did work on that project will expire as of September 1, 2006 and he has authorized this action for the funds to be placed in the Phase I Town Hall/Library Renovations Contingency.

Councilor Drake said that he seems to remember that there were a number of items that the Town purchased at the end of the Police Building project and he believes that the Town should be reimbursed for these items before this money is transferred over to the Town Hall/ Library Renovation project budget. The Town Manager said that the Police Union and public donations provided funding for many of the items purchased for the Police Station that could not be funded through the Bond..

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

BIDS

Mapleside Drive Sidewalk Improvements

Deputy Mayor Fortunato moved **"TO AWARD A CONTRACT FOR SIDEWALK CONSTRUCTION ON MAPLESIDE DRIVE IN ACCORDANCE WITH TOWN SPECIFICATIONS TO ALEX LOMAGLIO TRUCKING AND CONSTRUCTION IN THE AMOUNT OF \$80,595"**, seconded by Councilor Adil.

Town Manager Bonnie Therrien explained that this project will be funded by an approved bond. She said that the project budget is \$85,000, that the vendor is very reputable, and that it is anticipated that the project will commence within the next two weeks.

Councilor Cascio asked if there has been any incidents involving problems with staking along Mapleside. The Town Manager replied that there have been no incidents to date. Councilor Cascio asked if the residents of Mapleside have been informed that the project will be commencing. The Town Manager said that a letter was sent to the residents. Councilor Cascio asked if a letter went out to parents of children who walk this route to the Emerson Williams School. The Town Manager said that she will check with the Board of Education on this.

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

Boiler Replacement - Town Hall Project

Councilor Adil moved **"TO AWARD A BID TO REPLACE THE TOWN HALL BOILERS IN ACCORDANCE WITH THE TOWN'S SPECIFICATIONS TO BARRY ASSOCIATES INC. IN AN AMOUNT NOT TO EXCEED \$162,222"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that this is the recommendation of the Building Committee for new boilers to be installed as part of Phase I of the Town Hall/Library Renovation project. She said that the Building Committee is recommending the second lowest bidder since the low bidder was unable to answer a number of questions to the Town's satisfaction.

Councilor Adil asked Town Hall/Library Building Committee Chairman Joe Coombs if there has been any negative feedback regarding the award of the bid to Barry Associates rather than the lowest bidder. Mr. Coombs said that the Committee solicited comments from the lowest bidder regarding the project and they were unable to fit the criteria of the specifications. Councilor Adil questioned the time frame of the project as it relates to ordering the boilers. Mr. Coombs said that the manufacturer of the boilers has been around for years and the size boiler the Town is purchasing is a stocked item which should be available next week.

Councilor Adil left the meeting at this time (8:45 p.m.).

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

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

ORDINANCE AMENDING CHAPTER 78, FALSE ALARMS

[HISTORY: Adopted by the Town Council of the Town of Wethersfield 4-6-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Ambulance and emergency services -- See Ch. 7.

Fire alarms -- See Ch. 79.

§ 78-1. Purpose.

The purpose of this chapter is to reduce needless alarms to which the Wethersfield Police Department and the Wethersfield Volunteer Fire Department respond to as a result of the activation of burglar, holdup, panic and fire alarms that automatically summon the Police Department or the Fire Department either via a central station, the Wethersfield Police Department or automatic dialers.

§ 78-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALARM SYSTEM -- An assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this chapter, the term "alarm system" shall include but not be limited to the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems," "manual holdup alarm systems," "audible alarm systems" and "fire alarm systems." "Alarm systems" which monitor temperature, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or any attempted robbery or a fire or smoke condition at a premises are specifically excluded from the provision of this chapter, as are alternative "alarm systems" designed to notify of medical emergencies.

FALSE ALARM -- The activation of any alarm system to which the Police and/or Fire Department responds which is not caused by:

- A. Fire, a criminal act or other emergency. An act of nature, such as an earthquake, tornado or hurricane.
- B. Circumstances occurring off the protected property and within the control of ~~either~~ the subscriber, his alarm business or his answering service.
- C. A person motivated solely by criminal, malicious or mischievous intent.

SUBSCRIBER -- A person who buys and/or leases or otherwise obtains an alarm system and thereafter installs it or has it installed. The term "subscriber" shall also mean a person who has control of premises in which an operable alarm system exists, with the ultimate responsibility for the alarm system being with the property owner.

§ 78-3. Permits required; term; liability of town; penalty for violation.

- A. No person shall possess or use an alarm system within the Town of Wethersfield without first applying for and receiving an alarm user permit.
- B. Any permit issued hereunder shall be valid for one year from the date of issuance.
- C. Any permit issued hereunder shall be predicated upon the express condition that the permittee shall indemnify and hold the Town of Wethersfield harmless from any and all damages arising out of the activities of any permittee.
- D. Any person who violates any of the provisions of this section shall be subject to a penalty of \$250.00.

§ 78-4. Permit applications.

All applications for alarm user permits shall be accompanied by an application fee of \$25.00 and filed with the Police Department. The application must state where the alarm device or alarm system will be located, the name of the installer, the type of device or system, a list of persons to be contacted in the event of an alarm, and other information as may be required for the public's health and safety.

All alarm devices and alarm systems are subject to approval by the chief of police prior to installation, with the exception of any fire alarm system, which shall be subject to approval by the fire marshal.

Existing alarm systems must be registered and a permit issued within 90 days of the date of adoption of this ordinance.

§ 78-5. Alarm Registration Renewal

Permits for all alarm systems shall require an annual renewal one year from the date of permit or registration issuance. Renewals shall be accompanied by a renewal fee of \$25.00 and filed with the Police Department. Except that permits for alarm systems servicing solely residential property shall require a renewal every three years from the date of permit or registration issuance and shall be accompanied by a renewal fee of \$25.00.

§ 78-6. Imposition of fines.

Effective July 1, 2005, the Town of Wethersfield will charge the subscriber of an alarm system a fine for each emergency police and/or fire response to a false alarm as follows:

- A. For the first two false alarms in any one calendar year, a warning;
- B. For the third false alarm in any one calendar year, a \$50.00 penalty with such penalty increasing in \$25.00 increments for each false alarm in any one calendar year thereafter.

If the subscriber is not the owner of the property in which the alarm system is located, the town shall give the property owner notice of the occurrence of the first false alarm generated by the alarm system of the property.

§ 78-7. Right to appeal.

The subscriber in receipt of a violation ticket may appeal the fine at anytime within five (5) days of the receipt of said notice by filing an appeals notice at police headquarters. After review of said appeal, the Police Chief or Fire Chief, in the event of fire alarm systems, will make a determination as to whether or not the circumstances surrounding the false alarm justify the waiver of the fine. The subscriber will be notified in writing as to the results of the appeal.

§ 78-8. Payment of fines.

All fines payable under this chapter will be made to the Tax Collector and will be due and payable within thirty (30) days of the day of notice or, if appealed, within thirty (30) days of the date of decision on the appeal. Payments not received within this period will result in the automatic doubling of the fine. In addition, if the subscriber subject to the fine is not the property owner, the Tax Collector shall give the property owner notice of the subscriber's failure to pay the fine in the allowable period. The property owner shall have a fifteen-day period from the date of such notice in which to pay the original fine at the original amount. If not paid within such fifteen-day period, the amount of the fine which the property owner may pay shall be doubled.

§ 78-9. Administration and enforcement.

The Police Chief will enforce and administer this chapter and any rules and regulations promulgated there under, except that the Fire Chief shall have jurisdiction over the fire alarm systems.

MINUTES

Councilor Adil returned to the meeting at this time.

Deputy Mayor Fortunato moved "**TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF JULY 17, 2006**", seconded by Councilor Kirsche. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Councilor Adil moved "**TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF AUGUST 7, 2006**", seconded by Councilor Kirsche.

Councilor Kotkin amended the minutes to delete the second sentence of his comments in the third paragraph on page 13693. Councilor Kotkin said that he did not make this comment.

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

Councilor Adil moved **"TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF AUGUST 21, 2006"**, seconded by Councilor Walsh.

Councilor Kotkin amended the minutes to read "Virginia Judson" under the General Comments on page 13702. He also stated that he did not make the comment in the last sentence of his comments on page 13712.

All Councilors present, including the Chairperson, voted AYE. Councilor Cascio ABSTAINED. The motion passed 8-0-1.

ADJOURNMENT

At 8:48 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.

Councilor Walsh left the meeting at this time (9:02 p.m.).

At 9:22 p.m., Councilor Adil moved **"TO ENTER BACK INTO THE REGULAR MEETING"** seconded by Councilor Drake. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

At 9:22 p.m., Councilor Cascio moved **"TO ADJOURN THE MEETING"** seconded by Councilor Kotkin. All Councilors present, including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano
Town Clerk

Approved by vote of Council September 18, 2006