

## **APRIL 19, 2004 REGULAR MEETING**

The Wethersfield Town Council held a meeting on Monday, April 19, 2004 at 7:00 p.m. in the Council Chambers of the Town Hall.

Present: Councilors Adil, Cascio, Czernicki, Forrest, Fortunato, Hemmann, Montinieri, Deputy Mayor Karangekis and Chairperson Morin.

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

Chairperson Morin recognized the passing of Tony Perciballi and John Herz who both made wonderful contributions to the youth of Wethersfield. The Mayor had all present observe a moment of silence on behalf of both gentlemen.

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

### Proclamation - Arbor Day

Chairperson Morin presented a Proclamation to Richard Prentice in honor of the observance of Arbor Day in Wethersfield on April 24, 2004. Mr. Prentice thanked the Mayor and Council for their recognition of Arbor Day and urged all citizens to plant trees.

### Proclamation - Fair Housing

Chairperson Morin read the Proclamation which publicly endorsed the Town's recognition of the right of all people to full and equal housing opportunities in the neighborhood of their choice. The Proclamation states that the Town Manager or her designated representative is responsible for responding to and assisting anyone who claims to be the victim of an illegal discriminatory housing practice in the Town of Wethersfield.

### Proclamation - National Community Development Week

Chairperson Morin read the Proclamation which recognizes the significant impact of the Community Development Block Grant program on the Wethersfield community's pressing neighborhood and human service needs. The Proclamation designates April 12-18 as National Community Development Week in Wethersfield.

### Presentation of Trophies - St. Patrick's Day Parade

Chairperson Morin recognized Jack O'Leary and John McAuliffe for their efforts in putting together a great contingent for the St. Patrick's Day Parade. Mr. O'Leary thanked the Council, Town Manager and Town Clerk for their help and support. Mr. O'Leary presented a trophy to the Wethersfield High School Band for first place in the St. Patrick's Day Parade held on March 13. Members of the marching band present at the meeting introduced themselves and explained their role in the band. Mr. O'Leary also recognized Wethersfield High School band director David Dion for his fantastic efforts and enthusiasm.

Mr. McAuliffe presented a trophy to and thanked the Council, Board of Education, Public Safety Organizations and private organizations who participated in the St. Patrick's Day Parade. The trophy is for "Best Town Participation for a Medium-size Town". Chairperson Morin thanked all who participated for a job well done.

### Report from the Tourism Commission

Anne Kuckro, Chairman of the Tourism Commission, gave a presentation of the Commission's annual report. She stated that the development of tourism will bring visitors to Town to spend money on the Silas Deane Highway, the Berlin Turnpike, and Old Wethersfield. Increased tourism will increase business and will help deduce future increases in the heavy tax burden on Town businesses and property owners. Along with the beautiful and informative Tourism

brochure, the Tourism Commission has created a calendar of seasonal attractions for the year and posted it on the Wethersfield.com website. A tour package has been created and distributed to tour operators, travel agents, hotels, and conference centers. Also a greeting manual will be used by trained greeters at five locations throughout Town. Comprehensive signage is being developed as well as a business and tourist friendly route throughout Town. Ms. Kuckro stated that, in 2006, Wethersfield will re-enact Washington and Rochambeau's visit to Wethersfield. During this visit, the campaign was planned to end the Revolutionary War. A 3'x4' sign will be located on the lawn north of the Village Tavern, hopefully by June 22, 2004 when members of the re-enactment committee will be visiting Wethersfield. Ms. Kuckro said that the Tourism Commission has wonderful volunteers who are greatly appreciated; however there are certain items which require professional expertise.

Councilor Fortunato asked Ms. Kuckro what tour operators are being targeted with the tour package and what type of follow up is planned. Ms. Kuckro said that the marketing materials focus on historic tours and will be distributed to tour operators in New York, New Jersey, and Pennsylvania who have already been contacted and have expressed interest in historic sites in Wethersfield. The follow up has not yet been planned as the materials have yet to be distributed. Councilor Fortunato feels that the follow up is critical in cultivating relationships with tour operators. Councilor Fortunato said that she would like to distribute any pertinent information at the upcoming Hartford Riverfront Recapture Board of Directors meeting that she will be attending later this week.

Councilor Hemmann serves as the liaison to the Tourism Commission and stated that the members have worked very hard to develop a focused plan for tourism in Wethersfield.

Councilor Adil asked if the website 'hitters' are captured so that future information can be forwarded to them. Ms. Kuckro said that this question would have to be answered by the webmaster, Lloyd Goldberg.

Councilor Cascio asked if the festival will be back at some time. Ms. Kuckro said that a number of people have asked, and that the restricted budget and the enabling ordinance have hindered the return of the festival. The Commission's principal goal now is packaging and marketing; however they encourage local organizations to hold events and the Tourism Commission assists them with marketing. A calendar of year-round events seems to be working much better than a one-shot weekend event. Councilor Cascio stated that the Chamber of Commerce now has an office on the Silas Deane Highway and suggested that tourism brochures be made available there. Councilor Cascio asked what the cost to the Town is to fund the Tourism Commission. Town Manager Bonnie Therrien estimated \$5,000-\$6,000, and Ms. Kuckro said that it is \$4,000.

Ms. Kuckro introduced Charlie Forsdick who is the Chairperson of the Heritage Partnership Committee. Mr. Forsdick said that tourism can make a major contribution to the economic development of Wethersfield. He credited the volunteers who have spent a lot of time and effort to accomplish many things with the meager funds allotted the Commission this year. Mr. Forsdick asked the Council to allocate the funds requested in the budget by the Commission for the 2004-2005 year.

Councilor Montinieri moved **"TO REMOVE ITEM B.2.c FROM THE TABLE"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Councilor Czernicki moved **"TO SUSPEND THE RULES TO ADD TWO ITEMS TO THE AGENDA"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Councilor Czernicki moved **"TO ADD A STATUS REPORT ON THE APPOINTMENT OF KEN SOKOLOWSKI TO THE CHARTER REVISION COMMISSION"**, seconded by Councilor Hemmann.

Councilor Forrest asked for a point of information to clarify the motion. Councilor Czernicki explained that at the meeting of March 15, 2004, the Charter Revision Commission appointment was tabled and an opinion has now been received from the Town Attorney and this item should be cleared up.

Councilor Adil asked what the opinion of the Town Attorney is on the matter. Town Manager Bonnie Therrien said that the Town Attorney has said that the current vacancy does not have to be filled by the Council. Councilor Adil asked what the request was from the Chairperson of the Charter Revision Commission. Chairperson Morin said that

Chairperson Munroe feels that at this late time with the Commission being almost finished with their review, that it would not be helpful to fill the vacancy. Town Manager Bonnie Therrien said that the State Statute says that there must be no less than five members on the committee and currently there are six members.

Councilor Forrest asked if the current motion before the Council is to appoint Ken Sokolowski specifically or just to appoint another member. Councilor Czernicki said that the motion is to appoint Ken Sokolowski which was the original motion.

The following roll call vote was taken:

Councilor Adil	NAY	Councilor Cascio	AYE
Councilor Czernicki	AYE	Councilor Forrest	AYE
Councilor Fortunato	AYE	Councilor Hemmann	AYE
Councilor Montinieri	AYE	Deputy Mayor Karangekis	AYE
Chairperson Morin	AYE		

The motion passed 8-1-0.

Councilor Czernicki moved "**TO ADD TO THE TOWN COUNCIL AGENDA A SECOND OPPORTUNITY AT THE END OF THE MEETING FOR THE PUBLIC TO ADDRESS THE COUNCIL**", seconded by Councilor Cascio. Councilors Adil, Forrest, Fortunato, Montinieri, Deputy Mayor Karangekis, and Chairperson Morin voted NAY. Councilors Cascio, Czernicki, and Hemmann voted AYE. The motion failed 3-6-0.

#### PUBLIC COMMENTS

#### HEARING

#### ORDINANCE ESTABLISHING A SILAS DEANE HIGHWAY ADVISORY COMMITTEE

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

#### GENERAL COMMENTS

Arlene McCarthy, 50 Cedar Street, commented on the serious concerns of the residents of the proposed Nott Street blasting area, stating that the residents are opposed to the blasting or pounding. She feels that the Town is squandering its limited financial resources on this project. If the project cannot be aborted, the neighborhood residents would like to see chemical demolition used to break down the rocky ledge. She urged the Council to give careful and serious consideration to any decision they make tonight regarding the Nott Street project.

Dominick Tedesco, 83 Woodside Drive, commented on the Nott Street project. He feels that there is no need to blast or jackhammer in the area, but rather to remove 12" to 14" of grass at the corner of Woodside Drive and Nott Street.

Marge Hunt, 26 Westlook Road, commented that she is angry that the Town agreed to the original scope of the Nott Street project before holding a public hearing. She does not believe that the Town should be held to any monetary penalties and wonders what the Town Attorney is doing about this. Ms. Hunt stated that the sidewalks and paving should be finished and leave the ridge alone. If the ridge must be removed, Ms. Hunt would like to see it done with chemical demolition as she is completely against blasting. Ms. Hunt urged the Council to stop raising budgets and stop raising taxes to pay for them. The Town has to stop spending money until the books are in the black. Ms. Hunt commented that she felt a shake to her home from blasting earlier this morning.

Marlene Schaeffer, 142 Coleman Road, commented on the reporting of her comments in the minutes of previous meetings. She said that she delivered a letter to the Town Manager on March 1 and has yet to receive a comment to the letter from the Town Council to amend the minutes. Ms. Schaeffer read and submitted for the record her letter of March 1 to the Town Manager.

Woodrow Warren, 9 Nutmeg Circle, spoke on the safety of children in Wethersfield and an article of March 31. Mr. Warren commented on his opposition to lighting at Cottone Field. He said that the drainage needs to be addressed. Councilor Fortunato asked Chairperson Morin if Mr. Warren could say to what article he is referring and Chairperson Morin told her that she could not. Town Manager Bonnie Therrien said that she will look into it and get back to Councilor Fortunato.

Susan Bookman, 51 Gooseberry Hill, thanked the Council for volunteering their time and for all the aggravation and work they endure trying to make wise decisions for the Town. Ms. Bookman said that she would like to see the Board of Education's budget uncut during the budget hearings. She spoke on behalf of the PAC of the Silas Deane Middle School which supports the Board of Education's budget.

Kathy Boyes, 20 Westlook Road, commented that she would like to see the Nott Street project resolved with chemical demolition. She would like to see the project completed in the most cost-effective, time-efficient manner.

Councilor Forrest left the meeting at this time (8:15 p.m.).

Robert Young, 20 Coppermill Road, commented that he would like to see the vacancy on the Charter Revision Commission filled. He said that there should be an odd amount of members for voting reasons. Mr. Young said that he would like to see something other than pounding or blasting to resolve the Nott Street project. Mr. Young commented on the proposed budget and is concerned about the increase in taxes that will be necessary to sustain the budget. He said that the Town Manager is doing a good job of controlling the Town side and that the Board of Education side seems to be decreasing supplies for the children and increasing everything else. Mr. Young said that he has yet to hear an answer to whether or not the Cottone Field issue will go to referendum as it is appearing in the proposed budget.

Councilor Forrest returned to the meeting at this time (8:25 p.m.).

George A. Ruhe, 956 Cloverdale Circle, commented on the accuracy of the reporting of the end of the March 15, 2004 Council meeting when he was told that he would not be able to make further comments. Mr. Ruhe said that the Wethersfield Taxpayers Association, Inc. recently received an offensive letter from Mr. Joe Cottone attacking the Association. Mr. Ruhe also commented on resolving the appointment to the Charter Revision Commission and the Wethersfield Taxpayers Association, Inc.'s attorney advised them that once a number of members is chosen, that is what the number should continue to be. By not appointing a replacement member, the Council has changed the voting mix of the committee. The Wethersfield Taxpayers Association, Inc. suggests that the Council has, by not replacing the vacant position, created a second Charter Revision Commission and this illegal.

Bruce Saccoccia, 21 Holly Lane, commented that he is opposed to the blasting on Nott Street. He stated that he expected the Council to have more factual information regarding the lighting of Cottone field and not to answer residents' questions with "I believe so". Mr. Cicocia would like to hear educated "yes" or "no" answers instead. Mr. Cicocia believes that the Cottone Field project has been put on the fast track for reasons unbeknownst to him and that lighting is a want, not a need.

Rocco Orsini, 95 Broad Street, spoke on behalf of the Wethersfield Taxpayers Association, Inc. He said that the Wethersfield Taxpayers Association, Inc. congratulates Officer Marlene Schaeffer for twenty-eight years of service to Wethersfield and that she should be accorded something for this. Mr. Orsini agreed with Mr. Warren's comment that we are all in this together and that we all need to work together to make Wethersfield an even better place. Mr. Orsini also commented on the budget and clarified that there will be ten minutes at both the beginning and end of the budget hearing. He said that taxes will increase 19% under the proposed budget. The Wethersfield Taxpayers Association, Inc. thinks that this is ridiculous.

Harry Lichtenbaum, read a letter he wrote to the Wethersfield Life newspaper applauding the changes to the structure of the Council meetings and stating that they were long overdue. Mr. Lichtenbaum believes that the changes occurred in order to move the meeting along and allow the Council to complete the agenda in a timely manner.

Dan O'Connor, 34 Dorchester Road, stated that he agrees with the well-meaning statements made by Mr. Lichtenbaum.

Mr. O'Connor commented that if the Cottone Field project comes down to a referendum, it will be about lights more than the turf. He feels that the referendum will be about how the residents choose to govern Wethersfield. Mr. O'Connor said that the elected leaders should be allowed to govern and make decisions. Mr. O'Connor commented on the petition of the Wethersfield Taxpayers Association, Inc. and the manner in which it is being pursued. Mr. O'Connor believes that the Wethersfield Taxpayers Association, Inc. is spreading false information about the community, especially the Cottone Field project. Mr. O'Connor requested that the Town Manager verify that all signers of the petition know what it is they have signed and also to find out if the Wethersfield Taxpayers Association, Inc. has done anything illegal in obtaining the signatures.

Ronald Rodd, 88 Westway, gave an update of the renovations to Cottone Field. He said that a request for proposal was sent out and four bids were received. He said that the decision to go with the design and build process does not seem to work because of requirements on the contractors and because the dollar amounts are not detailed enough. He said that it will be very difficult for the Advisory Committee to evaluate the bids because they are not "apples to apples". Mr. Rodd feels that renovating Cottone Field is not something that the Town needs to do at this time.

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

### COUNCIL COMMENTS & REPORTS

Councilor Fortunato gave a report of the April 13 Shared Services Committee meeting. The Webb and Stillman projects are currently waiting for bids to come in and there is currently a \$1 million deficit in this project's budget because of the rising cost of steel. Final improvements are being made to the Silas Deane Middle School and the project will be closed out shortly. The planning process of the Fireside Chat was also resumed. Councilor Fortunato reported that she has had several communications of the Library Director regarding the Library budget and that the library may have to consider additional days of closing. Councilor Fortunato also clarified the point that there is no comprehensive audit of the Board of Education, but rather a one-line item in the Town's audit.

Deputy Mayor Karangekis reported on the Public Works Committee meeting where discussion was held on the automated refuse fees to businesses. The item will require additional research and therefore will not be taken off the table of the Council agenda tonight.

Councilor Cascio reported on the Senior Advisory Committee meeting and stated that they are a very serious, active and fun group to have in the Wethersfield community. Councilor Cascio also attended the Memorial Day Parade Committee meeting and reported that the Parade Marshall will be Robert Gillanders who is a National Guard member. The Parade will be dedicated this year to Rose Sipolla. Councilor Cascio asked the date of the Wethersfield High School graduation and Chairperson Morin told him that it will be June 21, 2004.

Councilor Adil asked the Town Manager, as part of the budget process, to break down the costs for services provided in Wethersfield that are not provided in surrounding communities. Town Manager Therrien said that she is already working on this and it will be ready for the budget reviews. Councilor Adil reminded the public that more financial pressure is being put on local governments due to the lack of State and Federal funding and the increase in mandates. Councilor Adil thanked Chairperson Morin for the recognition of both Tony and John. He said that Wethersfield also recently lost another fine past Wethersfield resident, Bruce Edwards.

Councilor Montinieri gave a report of the Youth Advisory Board meeting where the impact of the proposed budget was discussed. A Youth Volunteer Recognition Night was recently held where over three hundred youth volunteers were recognized for their efforts in the community. Councilor Montinieri reported that the Technology Committee has connected with the Town Hall/Library Building Committee and communication between the two groups continues. Councilor Montinieri reported that the Historical Society is going through long-range planning with their facilitator.

Councilor Cascio asked why the Town Council cannot recognize former Police Officer Marlene Schaeffer with a resolution. Town Manager Therrien said that she asked Ms. Schaeffer if she wished to be recognized and was told "no".

Councilor Czernicki corrected a comment made earlier in the meeting by Mr. O'Connor that the referendum petitioners

had attended an AARP meeting. Councilor Czernicki said that the petitioners were outside the meeting, but that the AARP does not allow any political groups into their meetings; therefore no one solicited inside the meeting for the referendum. Councilor Czernicki stated that the reason she wanted to allow for a second Public Comment at the end of the meeting is because there has been a long gap between Council meetings and that there are a lot of current issues in Town. Councilor Czernicki stated that it is the right of the people, whether political appointees or private citizens to agree or disagree on issues and she is uncomfortable with the direction the Council is taking in not allowing discourse. Councilor Czernicki commented on tonight's agenda item dealing with the State Elections Enforcement Findings and does not understand why the Council went into Executive Session at the last meeting (3/29) to discuss this when it was actually ruled upon at a previous public meeting (3/24). She'd like to know why the issue had to go into Executive Session when it was a matter of public knowledge.

Councilor Fortunato confirmed that the information regarding the article referred to by Mr. Warren will be provided to the Council. Chairperson Morin said that the Town Manager will obtain the information and provide it to the Council.

Chairperson Morin reported that he also attended the Youth Advisory Board Volunteer Recognition Ceremony. He also has met at the Senior Center with Congressman Larson, Senator Ciotto, Senator Fonfara, and Representative Doyle to discuss the Medicare program and how it affects senior citizens. Chairperson Morin announced that the public hearing on the 2004-2005 budget will be held at 7:00 p.m. on Monday, April 26 at the Wethersfield High School auditorium. Chairperson Morin also announced Bring Your Child to Work Day on Thursday, April 22 and the formal opening of the new Chamber of Commerce office on April 29 at 10:00 a.m. Also coming up will be a status meeting on the Wethersfield Cove. Those interested can check the date and time with Town Manager Therrien.

#### COUNCIL ACTION

Councilor Czernicki moved **"TO ACCEPT THE RESIGNATION OF NEIL C. BRICKLEY FROM THE ARTIFICIAL SURFACE FOOTBALL FIELD COMMITTEE"**, seconded by Councilor Hemmann. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

Councilor Czernicki moved **"TO ACCEPT THE RESIGNATION OF RICHARD L. DOBMEIER FROM THE SCHOOL PROJECTS BUILDING COMMITTEE - WEBB, STILLMAN & PHYSICAL SERVICES"**, seconded by Councilor Cascio.

Councilor Adil, on behalf of the Council, thanked Mr. Dobmeier for all of his efforts.

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

Councilor Czernicki moved **"TO APPOINT DR. KEN SOKOLOWSKI TO THE CHARTER REVISION COMMISSION FOR THE TERM OF APRIL 19, 2004 TO COMPLETION"**, seconded by Councilor Hemmann.

Councilor Adil said that he appreciates Dr. Sokolowski's interest in the committee; however the committee is almost finished with their charge. Councilor Adil said that the Chairperson of the Charter Revision Commission has requested that the vacancy not be filled at this late date. Councilor Adil stated that he does not appreciate the threat of a lawsuit and he is unsure of what purpose this appointment will serve and therefore cannot support the motion.

Councilor Hemmann said that the appointment is to replace a resignation on the committee. She feels that Dr. Sokolowski is well informed of the issues before the committee, will step up to the plate very quickly and his appointment will not be disruptive nor delay any timeline the committee has established.

Councilor Czernicki agreed with Councilor Hemmann's comments and said that there was no threat of a lawsuit made, but rather comments made by residents to deal with the process. Councilor Czernicki said that there are times, however, when residents may feel that they have no recourse but to seek legal aid to resolve their concerns. She said that Dr. Sokolowski has attended a number of the Charter Revision meetings and could be up to speed in no time at all. Councilor Czernicki said that the formulation of a seven member body for the committee should be honored.

Councilor Adil commented that he believes that a press release that reads that the Council appoint someone "or else" is

a threat and he does not appreciate this. He said that the point is that the Chairperson of the Charter Revision Commission has requested that an appointment not be made for the vacancy and this request should be honored.

Chairperson Morin said that Chairperson Munroe did respectfully request in writing that the Council not fill the vacancy at this time and he respects the wishes of Mrs. Munroe. The Town Attorney has assured that not filling the vacancy is legal.

Councilors Adil, Forrest, Fortunato, Montinieri, Deputy Mayor Karangekis, and Chairperson Morin voted NAY. Councilors Cascio, Czernicki, and Hemmann voted AYE. The motion failed 3-6-0.

#### Ordinance Establishing A Silas Deane Highway Advisory Committee

Town Manager Therrien explained that the ordinance amends a prior ordinance creating a Silas Deane Highway Advisory Committee to look at the master plan, see what is viable and get done what needs to get done. She said that many have shown interest in serving on the committee and she still needs representation from residents at large. She asked that any residents contact her as soon as possible.

Councilor Adil moved **"TO ORDAIN THAT THE MUNICIPAL CODE OF THE TOWN OF WETHERSFIELD, CONNECTICUT BE AMENDED TO INCLUDE ARTICLE XXVII, SECTION 10-98 & 99, IN ACCORDANCE WITH SECTION 1-4, AMENDMENTS TO THE CODE OF WETHERSFIELD AS PRESENTED ON APRIL 19, 2004 AT THE WETHERSFIELD TOWN COUNCIL MEETING"**, seconded by Councilor Forrest.

Councilor Cascio questioned item C which states that "any vacancy in the membership of the Committee shall be filled by Council for the unexpired term of such member." He asked if the Chairperson requests that a vacancy not be filled, if the Council does not have to fill it. Chairperson Morin said that this is up to the Council to decide at that time.

Councilor Adil commended both the adhoc Silas Deane Revitalization Committee and the EDIC for the work they have put forth thus far.

Councilors Adil, Forrest, Fortunato, Montinieri, Deputy Mayor Karangekis, and Chairperson Morin voted AYE. Councilors Cascio, Czernicki, and Hemmann voted NAY. The motion passed 6-3-0.

#### UNFINISHED BUSINESS

##### Budget Transfer - CMED - \$24,000

Town Manager Therrien explained that additional information was requested at the last Council meeting with regard to the \$24,000 transfer for payment to CMED for the provision of pre-ambulance arrival instructions to business owners and residents of Wethersfield. She said that Berlin and Newington are both hiring private ambulance services to perform this at a cost of \$20,000. She said that Rocky Hill has hired another dispatcher to cover the mandated service. Plymouth has left CMED, but the costs to Wethersfield will stay the same regardless. She said that the Police, Fire and Volunteer Ambulance would rather that Wethersfield hire dispatchers than rely on an outside company, but there are budget constraints that make this an issue.

Councilor Cascio moved **"TO TRANSFER \$24,000 FROM THE CONTINGENCY ACCOUNT TO ACCOUNT #T1423522 - POLICE - SUPPORT SERVICES"**, seconded by Councilor Forrest.

Councilor Hemmann asked if Mr. DeJohn from the Volunteer Ambulance Service could approach the Council to answer any questions. She said that the service seems very feasible and asked Mr. DeJohn why he would rather hire dispatchers instead. Mr. DeJohn said that understanding the budgetary situation at this time, he is willing to give CMED a try and revisit the issue in a year.

Councilor Cascio asked the Town Manager if she has an idea of how much it will cost to hire the new dispatchers. Town Manager Therrien said that a full-time dispatcher will cost \$42,000 plus benefits of approximately \$18,000 and

she believes that the Town would have to hire the full-timer plus a part-timer. Mr. DeJohn said that training will be required and that the software cost is \$30,000-\$40,000.

Councilor Forrest asked the Town Manager what the time period is for the contract with CMED. Town Manager Therrien said that the initial term of the contract is July 1, 2004 to June 30, 2005 and if there are drastic problems or issues, the contract can be terminated.

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

### OTHER BUSINESS

#### Referral to Planning & Zoning - 8-24 Referral - Sprint Lease

Deputy Mayor Karangekis moved **"TO REFER THE SPRING SPECTRUM, L.P. LEASE AGREEMENT TO THE PLANNING AND ZONING COMMISSION FOR AN 8-24 REVIEW"**, seconded by Councilor Adil.

Deputy Mayor Karangekis explained that there will be significant income derived from this and he supports it.

Councilor Adil asked the Town Manager how much income will actually be derived. Town Manager Therrien said that the amount is approximately \$2,500 per month. Councilor Adil asked if the cell tower at Kelleher Court has reached its maximum. Town Manager Therrien said that this will cap off the cell tower at Kelleher Court, but there is still space on other cell towers. Councilor Adil recommends that the Town maximize the use of the cell tower. Town Manager Therrien said that the revenues derived will offset the costs for the radio tower.

Councilor Hemmann asked if this is the vendor that the Siting Council said had to be chosen. Town Manager Therrien said that this is correct. Councilor Hemmann asked how many parking spaces have been lost with this additional shed. Town Manager Therrien said that she does not know, but will find out.

Councilor Montinieri asked if there is any progress with the interference issue mentioned at the last Council meeting. Town Manager Therrien said that Motorola will begin their work this week. Nextel is also willing to work with the Town on the issue if it is found they may be a part of the problem.

Councilor Forrest asked if there is an accounting line item for revenue from the cell tower. The Town Manager said that currently it is listed under "general revenue" and in the future it may become an enterprise fund. Councilor Forrest asked if the Council is bound by the Siting Council. Town Manager Therrien said that the Council is bound by the Connecticut Siting Council and that the Town Attorney recommends going to Planning & Zoning for an 8-24 review.

Councilor Fortunato asked if the Town can proceed with further vendors while the interference issue is in the process of being investigated. Town Manager Therrien said she plans on the static issue being long resolved before Sprint goes onto the tower. Councilor Fortunato asked what type of maintenance is involved with cell towers and what cost there is to the Town. Town Manager Therrien said that the biggest cost is the software yearly contract and maintenance of the software itself. There are generators to be maintained and since the tower will soon be going off warranty, the costs will all fall back onto the Town. She said she will provide the exact figures in next week's Management Report.

Councilor Forrest stated that he has seen cell towers that look like big pine trees and asked the Town Manager to look into the possibility of the tower at Kelleher changing its appearance to be more aesthetically and environmentally pleasing.

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

#### Stillman and Webb Building - Award of Inspections Testing and Electrical Service

Councilor Cascio moved **"TO AWARD INSPECTIONS TESTING TO EASTERN MATERIALS TESTING LABORATORY IN THE AMOUNT OF \$15,000 FOR WEBB SCHOOL AND \$10,000 FOR STILLMAN; AND TO AWARD NEW ELECTRICAL SERVICE TO CONNECTICUT LIGHT AND POWER IN THE AMOUNT**

**OF \$5,231.33"**, seconded by Councilor Fortunato.

Town Manager Therrien explained that this testing is for the concrete during different stages of construction. This is a subcontract through the general contractor which is why it is not put out to bid. Because the amount is over \$5,000 it has to be approved by the Council. The second item is for new electrical service for the Webb School.

Councilor Montinieri asked that a Technology Committee member review the electrical service being proposed in the Webb building. Town Manager Therrien said that a Technology Committee member would have no expertise in electrical issues; however Data Services would, and they could look at the electrical service.

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

#### Nott Street Project

Town Manager Therrien reported that there was a meeting held with representatives from DOT on April 1 which was attended by numerous Town staff as well as Deputy Mayor Karangekis, Councilor Czernicki, and Councilor Montinieri. She was informed that the Town must comply with the requirements of Federal Traffic & Transportation roads once they sign the contract accepting Federal and/or State funds. The Town held hearings, thru the Traffic & Transportation Committee, and designed the changes to the road. There was an initial waiver requested and granted by the State. The Town now has limited options which include stopping the project now, paving the road as is, and finishing the sidewalks. The cost of all of the work will be borne by the Town. To date \$758,300 has been spent by the State and Federal Government, plus \$400,000 to finish the project, and the Town will need to pay for this expenditure because the Town took the money to repair a safety issue, among other issues. Now, should there be any type of accident on the road, there could be a significant lawsuit against the Town due to the fact that the Town originally said that there is a safety issue on that road. Neither the State, nor the Federal Government will grant any additional waivers for the project. The use of chemicals was discussed at the April 1 meeting and the general contractor has received a quote in the amount of \$750,000 and a hydraulic hammer will still be required as the chemicals do not break up 100% of the rock. The time span for the chemical demolition is estimated to be quite a few months. The Town will need to bear the entire expense of this chemical demolition because the original agreement was for blasting and the State will not do the chemical demolition. The last option is the hoe rammer process which will also be the financial responsibility of the Town. The estimated cost is \$6,000 per day for approximately two months. The State has agreed to deduct the price of blasting (\$40,000) off the cost of any of these other options chosen by the Town. The Town Manager recommends to the Council that the hoe rammer process be chosen as it is the least expensive way to go.

Councilor Adil moved **"TO RECOMMEND TO THE DEPARTMENT OF TRANSPORTATION THAT THEY BEGIN THE ROCK EXCAVATION WORK ON NOTT STREET UTILIZING THE HAMMERING MACHINE METHOD AND TO HAVE THE TOWN MANAGER BEGIN NEGOTIATIONS FOR A PRICE FOR THIS WORK AND TO MEET WITH OUR STATE DELEGATION AND FEDERAL LEGISLATORS TO OBTAIN FURTHER ASSISTANCE "**, seconded by Councilor Forrest.

Councilor Czernicki asked if the Town Manager could possibly plead the Town's case through the legislative delegation to have the State and Federal Government review the scope of the project again. Town Manager Therrien said that she could do this.

Councilor Cascio verified that the only way the Town will not need to pay any additional money is to go with the original contract for blasting.

Councilor Fortunato asked if the contract actually states that the Town agrees to blasting. Town Manager Therrien said that the contract with the State says that if blasting is necessary, the Town will allow it. The Council in 1999 authorized the Town Manager to sign the contract. Councilor Fortunato agrees with getting the legislative delegation involved.

Chairperson Morin said that the Town has to be concerned now with delays and claims against the Town by the contractor.

Councilor Montinieri suggested that a test blast be conducted with a very low charge on a Saturday morning when

residents could be home to feel the impact. She reminded the Council that the Contractor does not expect any damage at all with the blasting.

Councilor Czernicki reiterated her strong objections to even an experimental blast as it is difficult to determine when the experiment is not working and that homeowners have sustained damage. Councilor Czernicki is concerned about the Town's strict liability. She feels that the Town could then be open to lawsuits costing as much as the options to blasting.

Councilor Forrest stated that Councilor Montinieri is taking into consideration both the damage to property and the economic cost to the Town in her suggestion of a test blast. Councilor Forrest said that he has not heard any legal opinions from the Town Attorney about the doctrine of strict liability. Councilor Forrest said that he feels it is worth \$200,000 to go from blasting to ram hoeing as this has the least impact on the budget when compared to the other options and their costs.

Councilor Hemmann asked what the time line is for the project to be complete. Town Manager Therrien said that the date is September, 2004. Councilor Hemmann said that the Town needs to go forward with getting the legislative delegation involved. Councilor Hemmann said that if the Council decides to go with hoe ramming, she'd like to see that the pre-blasting survey still be conducted on the homes in the area.

Councilor Adil asked if the pre-blasting survey has already been done. Town Manager Therrien said that it has been conducted on some of the homes in the area. He would prefer blasting as he feels it will be less damaging, but he respects the wishes of the property owners in the Nott Street neighborhood.

Councilor Fortunato said that the involvement of the Federal Government isn't as simple as going to Congressman Larson and asking him to make a call or two. This will take time and in the meantime the Town needs to move forward. The residents do not want the blasting and now all the controls need to be put into place to insure that the hammering is done appropriately and in consideration of the residents in the area. Councilor Fortunato verified that if blasting were conducted, the pre-blast surveys were done by the contractor. She asked if any additional surveying will also be done by the contractor or if the Town will need to do this. Town Manager Therrien said that she does not think any additional surveying will be necessary for hammering, but she can find out. She believes that further surveying will be the responsibility of the Town. The Town Manager also said that any penalties incurred by the contractor for delays will be passed along to the Town as will any claims for damage to property from hammering. Town Manager Therrien said that the Insurance Committee is very concerned about this as the hammering could incur greater liability for the Town. Councilor Fortunato stated that in hindsight, blasting would have been a better process.

Deputy Mayor Karangekis said that this is a very emotional issue and he believes that a certain amount of hysteria has occurred over the issue. He said that the Town cannot afford the \$1 million plus to stop the project. He stated that he supports moving forward with the hoe ramming at this point.

Councilor Hemmann asked if the liability to the Town will increase if additional pre-blast surveys are not conducted for the hoe ramming. Town Manager Therrien said that she will ask CIRMA about this.

Councilor Montinieri suggested that the Council have an informational meeting with the DOT, Mr. Tabshay, a blaster, the Town Manager, and the Fire Marshall to see if a test blast could be conducted. Town Manager Therrien said that she can find out if this would be possible at this point in time.

Chairperson Morin said that he does not believe that a test blast can be conducted since the Council has already voted not to blast. He recommended that the Council either vote on an option to move forward or attempt to have the State delegation look into other options.

Councilor Czernicki asked the Town Manager to ask CIRMA about the strict liability issue. She would like to know if the Town approves blasting, are we as liable for damage as the blaster himself.

Chairperson Morin stated that the Council is doing their best to be sensitive to the residents in the Nott Street area.

Councilor Cascio said that the Town Manager is being asked to obtain further information and assistance and to approve the motion may not be the direction the Council would want to have taken.

Councilor Adil moved **"TO WITHDRAW HIS MOTION TO RECOMMEND TO THE DEPARTMENT OF TRANSPORTATION THAT THEY BEGIN THE ROCK EXCAVATION WORK ON NOTT STREET UTILIZING THE HAMMERING MACHINE METHOD AND TO HAVE THE TOWN MANAGER BEGIN NEGOTIATIONS FOR A PRICE FOR THIS WORK AND TO MEET WITH OUR STATE DELEGATION AND FEDERAL LEGISLATORS TO OBTAIN FURTHER ASSISTANCE"**, seconded by Councilor Forrest. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-1.

Councilor Cascio moved **"TO TABLE THE MOTION TO BEGIN THE ROCK EXCAVATION WORK ON NOTT STREET"**, seconded by Councilor Czernicki. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-1.

Councilor Cascio moved **"TO DIRECT THE TOWN MANAGER TO MEET WITH OUR STATE DELEGATION AND FEDERAL LEGISLATORS TO OBTAIN FURTHER ASSISTANCE AND ALSO TO OBTAIN INFORMATION FROM CIRMA"**, seconded by Councilor Czernicki. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-1.

#### State Elections Enforcement Findings - Reimbursement

Town Manager Bonnie Therrien explained that this item was discussed during an Executive Session because the Town had not yet, at that time, heard from the State regarding the Consent Agreement. Since then the State Elections Enforcement Commission has voted to accept the Consent Agreement having to do with a misplaced peg on one voting machine during last November's election. Once the problem was detected, the machine was taken out of the election area immediately. The Registrars and Machine Workers were fined for this violation in the amount of \$150 for each Registrar and \$50 for each Machine Operator. Each has paid their fine out of their own pocket. The Town Attorney has given the opinion that the Council may, if they wish, vote to reimburse the employees.

Councilor Fortunato moved **"TO ALLOW FOR THE REIMBURSEMENT, IF REQUESTED, OF THE FINE AMOUNT PAID TO THE STATE ELECTIONS ENFORCEMENT COMMISSION BY EITHER THE REGISTRARS OR THE MACHINE WORKERS"**, seconded by Councilor Adil.

Councilor Cascio asked if the Registrars know their full responsibilities and the possibility of violation fines when they assume their positions. Town Manager Bonnie Therrien said that she cannot answer this as the positions are elected.

Councilor Hemmann commented that the Town Attorney, in his letter, refers to Connecticut General Statutes §7-102a which provides that "each municipality shall protect and save harmless any municipal officer, whether elected or appointed, of any board, committee, council, agency or commission...or any municipal employee,...from financial loss and expense including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence,... on the part of such officer or such employee while acting in the discharge of his duties."

Councilor Czernicki asked if each of the four individuals involved examined the machines and found them to be working correctly. Town Manager Bonnie Therrien said that the office machinery people examined the machines and she assumes they go over the machines with the registrars before the polls open. Councilor Czernicki clarified that it is the Registrars' duty to verify that the machines are working correctly and asked if there has been any investigation into why all four individuals signed off that the machines were working correctly if they weren't. She said that someone must have tampered with the alleged machine if four people had already signed off that it was working properly. Town Manager Bonnie Therrien said that the peg was loose. Councilor Czernicki asked if any of the four individuals has asked to be reimbursed. Town Manager Bonnie Therrien said that the machine workers do not wish to be reimbursed and the Registrars may request reimbursement, but have not formally done so yet. Councilor Czernicki said that the Registrars were trained and need to be held accountable for their actions.

Councilor Fortunato stated that the four individuals give due diligence to the job they do and as they are acting as agents of the Town, she feels that the Town has the obligation to reimburse them should they request such.

Councilor Forrest said that he wonders if, under the contract with the employees, the Town is obligated to reimburse all four of them and then have them refuse the reimbursement. Councilor Forrest agrees with Councilor Czernicki in that there needs to be responsibility and accountability in Town government and that this is a very serious issue. Councilor Forrest believes that the individuals are a part of the Town and the accountability rests on the Council to take the burden of reimbursement. Councilor Forrest pointed out that the individuals who made the mistake feel horrible about it and that it was not done intentionally.

Councilor Czernicki said that it has already been stated that the Registrars are elected officials and therefore the Council is not responsible for their actions. They are paid employees of the Town. She, at no time, inferred that the individuals made this mistake on purpose. She feels that a legitimate mistake has been made and there is an ownership and responsibility for not following through on one's job. Councilor Czernicki is concerned that if the machines were checked before leaving the Town Hall and then checked again at the voting location and were found to be working properly, there is irresponsibility in not calling in the Police Department to conduct an investigation into machine tampering. If tampering has been ruled out, this is an issue of someone not doing their job. The answer is very simple; if you mess up, you own the responsibility and the punishment that comes with it.

Councilor Adil moved the question.

Councilors Adil, Forrest, Fortunato, Montinieri, Deputy Mayor Karangekis, and Chairperson Morin voted AYE to move the question. Councilors Cascio, Czernicki, and Hemmann voted NAY. The motion passed 6-3-0.

Councilors Adil, Forrest, Fortunato, Montinieri, Deputy Mayor Karangekis, and Chairperson Morin voted AYE on the original motion. Councilors Cascio, Czernicki, and Hemmann voted NAY. The motion passed 6-3-0.

#### America the Beautiful Grant

Town Manager Bonnie Therrien explained that the Town would like to apply for the America the Beautiful Grant for the planting of trees in front of the Police Station. The Town's match will be in-kind services for the labor in planting the trees.

Deputy Mayor Karangekis moved "**TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR THE AMERICA THE BEAUTIFUL GRANT FOR THE PLANTING OF TREES IN FRONT OF THE POLICE STATION**", seconded by Councilor Czernicki.

Councilor Adil left the meeting at this time (10:40 p.m.).

Councilor Cascio asked if this is a similar grant to the Charles Wright School and that there is a little cost to the community for the in-kind services for planting. Town Manager Bonnie Therrien said that the cost is completely in-kind and no cash.

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

#### BIDS

##### Drainage - Church Street

Town Manager Bonnie Therrien explained that the Church Street Storm Drainage Improvement bid was awarded in 2003 to Country Stonescapes, LLC. at a cost of \$70,658.50, and due to a reduction in their workforce, they are unable to fulfill the contract. The next lowest bidder is Tabshey Development of Wethersfield who came in with a bid of \$75,583. Chairperson Morin has suggested that either Country Stonescapes should pay the difference or Tabshey Development should be asked to reduce their amount to \$70,658.50. The Town Manager could not reach either company to confirm this, but she believes that Country Stonescapes has agreed to pay the difference. She recommends that the Council table this bid until the information is received.

Councilor Czernicki moved **"TO TABLE THE CHURCH STREET STORM DRAINAGE IMPROVEMENTS BID TO ALLOW THE TOWN MANAGER TO OBTAIN INFORMATION ON THE DIFFERENCE IN THE COST OF THE WITHDRAWING LOW BIDDER AND THE NEXT LOWEST BIDDER"**, seconded by Deputy Mayor Karangekis.

Chairperson Morin said that any questions by Council can be submitted to the Town Manager.

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

#### Electrical Controls - Mill Woods Filter Operation

Town Manager Bonnie Therrien explained that the Mill Woods Pond filter is twenty-nine years old and a bid has gone out to have the electrical controls and equipment updated and five bids were received. Of these five, only two provided the required bid security of 5% of the amount bid for the job; therefore, she recommends that the Town Council award the bid to Design To Finish, LLC who is the lowest bidder and they provided the bid security as required by the bid specifications.

Councilor Montinieri moved **"TO AWARD THE BID FOR THE REPLACEMENT OF ELECTRICAL CONTROLS AND EQUIPMENT FOR THE MILL WOODS POOL FILTER OPERATION TO DESIGN TO FINISH, LLC - IN THE AMOUNT NOT TO EXCEED \$12,820"**, seconded by Councilor Forrest.

Councilor Fortunato said that vendors 1 & 2 came in lower and are Wethersfield businesses. She asked if they were not considered because they did not post the required bond. Town Manager Bonnie Therrien said that this is correct as this is part of the specs of the bid. Councilor Fortunato asked if they could be approached to reconsider this. Town Manager Bonnie Therrien said that this can only be done if Council rejects all of the bids and goes back out to bid.

Councilor Hemmann asked if the funds are available in the Recreation & Parks budget. Town Manager Bonnie Therrien said that the Mill Woods improvement funds are in the Capital Improvements budget. Councilor Hemmann asked how long the amount has been in the Capital Improvements budget. Town Manager Bonnie Therrien said that there has been money in the Mill Woods Park Improvement budget for a couple of years.

Chairperson Morin said that it is unfortunate that the local bidders did not meet the bid specs.

Councilor Adil returned to the meeting at this time (10:45 p.m.).

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

#### ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

##### **RESOLUTION RECOUPING REVENUE LOSS FOR MANUFACTURING MACHINERY, EQUIPMENT, AND COMMERCIAL VEHICLES EXEMPTION**

**BE IT RESOLVED**, that the Town of Wethersfield hereby elects to implement §Sec 53, PA 03-2, authorizing municipalities to levy a tax on certain new manufacturing machinery and equipment, and commercial trucks as follows:

§Sec 53. (Effective from passage) "With respect to property for which an exemption from the Grand List for October 1, 2001, was approved under subdivision (72) of (74) of Section 12-81 of the Connecticut General Statutes, any municipality may, by vote of its legislative body, levy a tax due with respect to such property in the municipal fiscal year ending June 30, 2004, in an amount equal to not more than the difference between the amount of the grant payable for such property under Section 12-94b of the General Statutes, as modified pursuant to the provisions of Section 52 of Public Act 02-1 of the May 9 special session, and the amount of such grant under the provisions of this act."

##### **RESOLUTION REGARDING A REFERENDUM ON PROPOSED IMPROVEMENTS TO COTTONE FIELD**

**WHEREAS**, the Town Council has voted to move forward with plans to improve Cottone Field by adding artificial turf and lighting; and

**WHEREAS**, the proposal to make such improvements has generated a considerable amount of discussion and debate, both at Council meetings and in the community at large; and

**WHEREAS**, the public discussion and debate that has occurred thus far suggests that there may be misinformation or misconceptions on both sides of the issue; and

**WHEREAS**, a focused and finite public consideration of the costs and benefits of the project would be in the best interests of the community as a whole; and

**WHEREAS**, the estimates and bids for the proposed improvements are expected to be in excess of \$1,000,000 for all of the components; and

**WHEREAS**, Section 311 of the Charter of the Town of Wethersfield contemplates an obligatory referendum prior to the effectiveness of any resolution for the issuance of bonds or for any special appropriation in excess of \$100,000; and

**WHEREAS**, the financial impact of the proposed improvements on the fiscal well-being of the Town is well in excess of the threshold established by the Charter as requiring approval by the electors at a referendum;

**NOW THEREFORE, BE IT RESOLVED** that the Town Council directs the Town Manager, in conjunction with the Town Clerk, Town Attorney, Town Engineer, and Finance Director, to prepare and coordinate the financial aspects of the proposed improvements to Cottone Field, i.e. the artificial turf and lighting, in such a manner that it may be submitted to a referendum of the electors of the Town of Wethersfield at the earliest possible juncture.

## MINUTES

Councilor Forrest moved "**TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF MARCH 29, 2004**", seconded by Councilor Cascio.

Councilor Cascio, on page 16515, asked about a motion being made on March 15, 2003 regarding funds allocated to the Silas Deane Revitalization Committee and was told that the Town Clerk would look into this. He presently asked if this has been looked into yet. Town Manager Bonnie Therrien said that she is waiting for a legal opinion from Town Attorney Bradley and will appear in either the next Weekly Management Report or on the next Council agenda.

Councilor Forrest verified that the Town Manager will provide information on Council action rescinding in general.

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

## **ADJOURNMENT**

At 10:50 p.m., Councilor Forrest moved "**TO ADJOURN THE MEETING**" seconded by Councilor Cascio. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano  
Town Clerk

*Approved by vote of Council 5/3/04*