

## **NOVEMBER 15, 2004 REGULAR MEETING**

The Wethersfield Town Council held a meeting on November 15, 2004 at 7:00 p.m. in the Council Chambers of the Town Hall.

Present: Councilors Adil, Cascio, Czernicki (7:10), Forrest, Fortunato, Hemmann, Montinieri, Deputy Mayor Karangekis 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 Fortunato.

Chairperson Morin announced that there will be an Executive Session following the regular meeting to discuss Union Negotiations, Real Estate Negotiations, and Pending Litigation.

Councilor Montinieri moved "**TO REMOVE ITEM B.2.b FROM THE TABLE**", seconded by Councilor Cascio. All Councilors present, including the Chairperson, voted AYE. The motion passed 8-0-0.

### PUBLIC COMMENTS

### HEARING

#### ORDINANCE AMENDING CHAPTER 157 VEHICLES AND TRAFFIC CODE REGULATIONS OF THE TOWN OF WETHERSFIELD, CONNECTICUT (POCKET BIKES)

#### ORDINANCE AMENDING ARTICLE XXVII - SILAS DEANE HIGHWAY ADVISORY COMMITTEE

George A. Ruhe, 956 Cloverdale Circle, spoke in support of some type of control of the pocket bikes which present a significant hazard.

Rocco Orsini, 95 Broad Street, spoke in support of the pocket bike ordinance stating that there needs to be control of the noise and nuisance of these motorized vehicles.

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

### GENERAL COMMENTS

Ruth Meister, 25 Stockade Circle, verified that the Pyquaug Village will be discussed at tonight's meeting. Chairperson Morin said that this is so.

Ballou Tooker, 65 Harmund Place, commented on the leaking roof at the Olson House and suggested that, until the repairs are made, the roof be covered somehow.

Susan Bookman, 51 Gooseberry Hill, thanked the Council for their work and offered positive reinforcement to them. Ms. Bookman commented that the passage of the three referendum questions indicates a support of the Council by the residents of Wethersfield.

Tom Brown, 15 Harding Street, spoke in support of a resolution to find a permanent location for Channel 14. Mr. Brown addressed the Town's need for continued maintenance of Town buildings.

Jim Civitillo, 98 Amherst Street, commended the Council members for their volunteer efforts on behalf of the Town. Mr. Civitillo spoke about the Town's leaf collection program and its regulations. Mr. Civitillo said that leaves are to be placed on the snow shelf and not in the street where they create a safety hazard.

Ron Rodd, 88 Westway, speaking on behalf of the People for the Preservation of Wethersfield Neighborhoods, commented on his disapproval of the removal of trees along the southern border of Cottone Field, which was approved by both the Tree Warden and the Shade Tree Commission. Mr. Rodd spoke of the rising public concern over the relationship that exists between the Wethersfield Youth Organization PAC and the Town of Wethersfield as it relates to the fiduciary control of the Cottone Field Light Fund account. Mr. Rodd said that he is seeking a full accounting of all transactions of the Cottone Field Light Fund which is held in trust by the Town of Wethersfield. He said that he is concerned that no deposits have been recorded since April, 2004 although fund-raising events took place subsequent to that date. Mr. Rodd said that at the September 14, 2004 Board of Education meeting, Dan O'Connor, President of the Wethersfield Youth Organization, admitted that he has not yet deposited the additional funds raised. Mr. Rodd said that disclosure of donations to a PAC is required by law and the Town Clerk has confirmed that disclosure by the Wethersfield Youth Organization PAC has not been filed via form ED45, required by State Statute to be filed quarterly.

Dan O'Connor, 34 Dorchester Road, stated that Councilor Czernicki was the catalyst for creating the Wethersfield Youth Organization (WYO). Following the 2003 elections Mr. O'Connor was approached by Lou Sanzaro and asked to be involved in an organization that will give children a voice in politics. Mr. O'Connor said that the organization was formed with the sole intent of endorsing candidates who were thought to be pro-youth. Mr. O'Connor said that the WYO has never raised funds and they do not have a bank account. He said that any fundraiser will be clearly labeled as a "WYO Fundraiser" and will be for the sole intent of producing a flyer for subsequent elections indicating the Organization's endorsement of candidates representing the youth of Wethersfield. Mr. O'Connor thanked Chairperson Morin for his efforts on the golf tournament which raised funds for needy children. Mr. O'Connor also thanked the Council for their support on the referendum.

Judy Emmick, 88 Westway, thanked Mr. O'Connor for his clarification on the WYO. Ms. Emmick inquired about specifics of the Wethersfield Youth Organization PAC form filled out on January 29, 2004 and about the account opened at the Connecticut River Community Bank on December 22, 2003.

George A. Ruhe, 956 Cloverdale Circle, shared his thoughts of the recent election. Mr. Ruhe said that the turnout of 83% of the registered voters was laudable, although unfortunately there was a significant undervote on the three referendum questions. He said that the "yes" votes totaled approximately 36% of the total registered voters in Wethersfield and the "no" votes approximately 23%. Mr. Ruhe said that the issues passed; however, 36% of the electorate cannot be considered overwhelming support. He urged the voters of Wethersfield to take an active interest in what Town officials are doing.

Rocco Orsini, 95 Broad Street, spoke on behalf of the Wethersfield Taxpayers Association, Inc. He commented on the issue of leaf piles in the road and that the key to the problem is speed. He said that the leaves need to be picked up more quickly and he suggested that the crews from the Recreation & Parks Department should be assisting with the street leaf pickup and leaving the parks for last. Mr. Orsini also suggested that the leaf pickup be conducted seven days per week and that temporary help be hired during the leaf pickup season. Mr. Orsini commented on the three referendum questions which passed, stating that the Wethersfield Taxpayers Association, Inc. recommended a spending "time out" for the Town. He said that a significant amount of voters did not vote on the questions. Mr. Orsini commented on the charge for the Town Hall/Library Building Committee to be discussed later in the meeting.

Jim Clynch, 903 Ridge Road, commented that he is pleased that the referendum questions were supported by the citizens of Wethersfield. He said that historically there are voters who do not notice the questions at the top of the ballot. Mr. Clynch asked the Town Manager to investigate the outcome of the referendum voting at the polling place where Mr. Ruhe was located. Mr. Clynch commented on the request made by Mr. Ruhe to the Town Manager to remove him from a Town committee.

Joe Coombs, Chairman of the Town Hall/Library Building Committee, provided an update on the current renovations to the Town Hall lower level. He said that demolition and hazardous waste removal has commenced. The removal of hazardous waste at the north-end of the lower level is 95% complete and results of air quality testing are awaited. Mr. Coombs said that additional asbestos found has been taken care of. Demolition and waste removal under the Library will commence shortly.

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

### COUNCIL REPORTS & COMMENTS

Councilor Fortunato reported that the Facilities Committee met prior to tonight's Council meeting and that the Town Manager and members of Channel 14 have toured the Community Center as a new location for Channel 14. Councilor Fortunato reported that the flue at the Olson House has been repaired temporarily and that the roof has been tarped. She asked the Town Manager for verification of this since a member of the public stated this evening that there is no cover over the roof. Town Manager Bonnie Therrien said that the entire roof has not been covered, but only the portion where the holes are on the porch.

Councilor Cascio reported that the Council will receive information on the memorandum of 1979 regarding activities that are to take place at the Community Center. Councilor Cascio announced that the Senior Citizens Advisory Committee will meet on November 18 at 7:00 p.m. at the Community Center.

Councilor Adil reported that he attended the Building Committee meeting and it was discussed whether continuation of the existing contract or the solicitation of new bids will take place for both the contractor and architect of Phase II of the project. He said that the Town Manager is working on this.

Councilor Montinieri announced that the Historical Society's Antique Show will take place on November 19 & 20. Councilor Montinieri reported that Doug Shipman is currently in a tent city outside of Mosul and sends cheerful e-mails. Councilor Montinieri reported that a follow-up meeting of the Metropatterns Committee was held to review the thirty-three opinion responses from the committee. These responses will be tabulated for the Council's information. Councilor Montinieri reported that a Board of Education redistricting meeting will take place November 16 at 7:30 p.m. at Wethersfield High School. Councilor Montinieri reported that the Webb Building Committee budget continues to be very tight and that the Committee approved an additional \$21,000 of abatement to the building which lowers the Contingency Fund to \$56,000. She said that the Committee is hoping to transfer some of the savings realized from the Stillman project into the Webb project. Councilor Montinieri announced that there will be an open house at the Stillman Building on November 29 at 6:00 p.m. Councilor Montinieri reported on the recent Economic Development and Improvement Commission meeting stating that the new zoning regulations will take effect today. Councilor Montinieri announced that the Silas Deane Advisory Committee will be holding a forum on December 9 at 6:30 p.m. at the Police Facility to review and solicit public comment.

Councilor Czernicki reported that she attended the meeting of the Channel 14 Executive Board and said that they have some concerns over the size of the space available at the Community Center. Councilor Czernicki said that the Town Manager has scheduled a meeting of the entire Board tomorrow afternoon. Councilor Czernicki asked about the memorandum referring to the Community Center agreement of 1979. Town Manager Bonnie Therrien said that the memorandum of agreement stipulates that the Seniors will be allowed a certain number of rooms at the Community Center. Councilor Czernicki asked if this agreement is still standing as she believes that there have been some adjustments to the agreement. Town Manager Bonnie Therrien said that she needs to research if a previous Council made a commitment, as ultimately it is the Council who decides how Town buildings are utilized. Councilor Czernicki commented on the disruption of phone service throughout Town on November 9. She said that she was concerned about the elderly citizens in the affected area and how they could possibly call out if necessary. Councilor Czernicki thanked the Town Manager for doing all she could to bring most of the neighborhood back on line in an expeditious manner. Councilor Czernicki commented that there have been a number of streets in the Timber Village area whose leaves have already been picked up twice. Town Manager Bonnie Therrien said that she will need to check into this. Councilor Czernicki asked what the Town's policy is regarding the payment of Police Officers who offer their services for private duty such as Community Center functions. Town Manager Bonnie Therrien said that the organization requesting the Officer is charged for the amount paid to the Officer and payment goes through the Town's Finance Office. Councilor Czernicki asked the Town Manager to provide a record of any times within the last two years that a private duty Officer has been paid directly by an organization/individual rather than through the Town's administrative process. Town Manager Bonnie Therrien said that she will gather this information.

Councilor Cascio thanked the Physical Services Division for their quick response to the reporting of an odor in the

catch basin in his neighborhood. Councilor Cascio said that he attended a number of Town events and found a lot of Town support at them. Councilor Cascio announced that this year's Thanksgiving Day football game will be held in Newington. He also announced that the Chamber of Commerce/EDIC Salute to Business will be held at the Keeney Center on December 8 from 5:30-8:30 p.m. and that a surprise event will be occurring in Wethersfield on April 30.

Councilor Fortunato said that she is concerned about Channel 14's concern that there may not be enough space for them at the Community Center. She suggested that the members of their Board share these concerns with the Town Manager since this is all still in the negotiation stage. Councilor Fortunato said that the Facilities Committee has been given the preliminary amount of \$26,000 to wire and air condition the Community Center space for Channel 14, compared with the cost of over \$100,000 to renovate the Olson House. She said that the Town of Wethersfield, rather than Channel 14, will incur this expense.

Councilor Czernicki stated that she did not mean to imply that Channel 14 does not want to be in the space at the Community Center, but that they are concerned that the space allotted, at least initially, does not seem to be able to fulfill their needs. Councilor Czernicki said that Channel 14 looks at the move as an opportunity to engage both seniors and youth in the operation of broadcasting.

Councilor Fortunato thanked Councilor Czernicki for the clarification. She addressed the building maintenance question by announcing that there will be a Shared Services meeting on November 23 at which Town and Board of Education staff will be presented with a draft of a facilities plan.

Chairperson Morin said that he received a call from a resident concerned about the SBC situation. Chairperson Morin said that he phoned the Town Manager and neither of them had been notified. The Town Manager then spoke with Police Chief Cetran to insure that there would be special attention paid to that section of Town where there was no phone service. Chairperson Morin said that the Town Manager made SBC aware that their response was poor and that the Town is displeased with this incident. Chairperson Morin announced that the Friends of the Nature Center will hold a groundbreaking ceremony at the Moeller Home on November 16 at 10:00 a.m. Chairperson Morin announced that Town Engineer Mike Turner was voted Surveyor of the Year by the Connecticut Association of Land Surveyors. Chairperson Morin welcomed Christopher Sheppard as the new Director of the Nature Center.

### COUNCIL ACTION

Councilor Adil moved "**TO APPOINT JEFFREY R. KOTKIN TO THE BOARD OF BUILDING APPEALS FOR THE TERM NOVEMBER 15, 2004 TO JUNE 30, 2009 AND TO APPOINT SUSAN D. O'BRIEN AS AN ALTERNATE TO THE HISTORIC DISTRICT COMMISSION FOR THE TERM NOVEMBER 15, 2004 TO JUNE 30, 2009**", seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

### Pocket Bike Ordinance

Town Manager Bonnie Therrien explained that Deputy Mayor Karangekis requested that Wethersfield look at what other communities have put together concerning motor scooters and pocket bikes. She said that Wethersfield will be only the third or fourth community in the State to do this and model ordinances were reviewed from both New Britain and Hartford. The Town Manager said that the Public Safety Committee met and extracted parts of both models to put together the ordinance for Wethersfield. She said that this ordinance is necessary because there have been complaints and there have been problems with young people not following the rules. It is hoped that the ordinance will help to regulate the use of these types of vehicles.

Councilor Adil moved "**TO APPROVE THE ORDINANCE AMENDING CHAPTER 157 VEHICLES AND TRAFFIC CODE REGULATIONS OF THE TOWN OF WETHERSFIELD, CONNECTICUT**", seconded by Deputy Mayor Karangekis.

Councilor Cascio said that he supports the ordinance and that he hopes it is enforceable. He said that the Town needs to educate those responsible for the enforcement of the ordinance. Councilor Cascio suggested that notice of the new ordinance be posted on the Wethersfield website along with a notice in the High School newsletter. Town Manager

Bonnie Therrien said that the Police Department and the Town Staff will work together to make sure that notice gets out to as many people as possible. She said that warnings will probably be issued at the beginning of enforcement.

Councilor Adil suggested that notice also be provided in the Deane Scene publication.

Councilor Hemmann suggested that informational posters also be posted throughout Town in various locations where those affected will notice them.

Councilor Montinieri asked if the other Towns allow these types of vehicles on the sidewalks or if they are completely prohibited. Town Manager Bonnie Therrien said that the others dealt mainly with the roads, although they varied. Councilor Montinieri verified that the Wethersfield ordinance prohibits the use of the vehicles on the sidewalks. Town Manager Bonnie Therrien said that this correct. She said that most of the complaints she's received have been about the roads; however there is a problem if someone is walking on the sidewalk.

Deputy Mayor Karangekis said that this new issue is being handled in pretty much the same way by communities introducing these ordinances. He said that sidewalk riding is risky, especially since these vehicles are motorized and small. Deputy Mayor Karangekis said that he supports the ordinance and believes that the Police Department will commence with the issuance of warnings and will hopefully have few incidents with which to deal over time. Deputy Mayor Karangekis said that individuals can ride the vehicles on private property if they are given permission by the land owner.

Councilor Forrest asked what the effective date of the ordinance will be. Town Manager Bonnie Therrien said that it will be ten days following the approval of the ordinance.

Councilor Czernicki said that she attended a Public Safety Committee meeting along with Councilor Adil and Deputy Mayor Karangekis where this issue was discussed in order to gather more information. She asked if there was a second meeting held to discuss this issue. Deputy Mayor Karangekis said that the Town Manager was to look into the ordinance models of other communities and that this ordinance came from this research rather than from the Public Safety Committee meeting. Town Manager Bonnie Therrien said that the Committee recommended New Britain's model over the others and the Town Attorney reviewed the ordinance.

Chairperson Morin said that he supports the ordinance and that he appreciates the work put in by the Town Manager and Town staff.

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

#### Silas Deane Committee Ordinance

Councilor Adil moved **"TO APPROVE THE AMENDMENTS TO THE SILAS DEANE HIGHWAY COMMITTEE ORDINANCE; APPROVE THE PRELIMINARY REPORT FROM THE SILAS DEANE HIGHWAY ADVISORY COMMITTEE AND TO AUTHORIZE THE USE OF \$25,000 IN CIP FUNDS FOR WORK OF THE SILAS DEANE HIGHWAY ADVISORY COMMITTEE AS ADMINISTERED BY THE ECONOMIC DEVELOPMENT AND IMPROVEMENT COMMISSION"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that the Silas Deane Highway Committee provided presentation to the Council offering recommendations and upgrades to the older Silas Deane Highway Plan and requested the Council's approval of such. The Committee also, at that time, requested that the present Ordinance be amended to allow additional members on the Committee. The Town Manager said that \$25,000 of CIP funds have been carried over from last year's budget for use on the Silas Deane Highway Committee and authorization by the Council is requested to use these funds for upgrades in conjunction with the EDIC.

Councilor Adil asked if the Committee will also be working closely with Town Staff. Town Manager Bonnie Therrien said that they will be.

Councilor Montinieri said that this was one of the topics discussed at this week's EDIC meeting and it was nice to see the EDIC working hand-in-hand with the Silas Deane Highway Committee. She said that providing the funding through the EDIC insures that both Committees are on the same page.

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

### UNFINISHED BUSINESS

#### Pyquaug Village

Councilor Forrest moved "**TO ALLOW DISCUSSION ON THE PYQUAUG VILLAGE ISSUE**", seconded by Councilor Adil.

Town Attorney Bradley came forward to answer any questions of the Council. He said that three Town Attorneys (Moller, Bradley, and Roberts) have addressed this issue and all essentially describe the same options. Attorney Bradley said that it is up to the Council to evaluate the seriousness of the issue and decide what, if anything is to be done about it. Attorney Bradley explained that Pyquaug Village was created by a series of subdivision applications beginning in 1964, involving approximately 200 houses. He said that the proposal involved "set asides" of open space. Attorney Bradley explained that there are six different restrictive covenants or series of declarations which are, unfortunately, not uniform. He said the intent was to create an association made up of the residents of the area and to have input on the appearance of the houses. The second intent of the association was to care for the open space that the developers were required to set aside in exchange for a special zoning preference. The mechanism for running the association and for maintaining the open space was rather primitive and as a result, the association, due to a lack of interest and participation, failed to file annual reports and is now defunct or dissolved by operation of law by the Secretary of State. The property in question; however, is still owned by the association which makes it private property and nominal tax bills are sent out for this property. The taxes of approximately \$1,700-\$2,400 on the property have been unpaid for more than fifteen years. Mr. Bradley stated that the land is restricted due to a stream that runs through it, and that it is both undevelopable and unmarketable. He explained that the options available are for the association to reinstate itself for the purpose of continuing its existence or reinstate itself in order to dissolve and dispose of its assets in some way. Another option for the Council to consider would be if the Town wants to assume the obligation for the property. This would involve starting a tax foreclosure action which would require legal costs. The Town would then assume the liability in owning the property. Attorney Bradley suggested that the primary option would be to bring a foreclosure action against the association; however some Town residents may not agree with Town resources being used to resolve a problem of the association.

Councilor Hemmann asked what the approximate cost would be for a tax foreclosure to collect \$2,400.

Attorney Bradley estimated the cost to be \$3,000-\$5,000 because it will involve a sophisticated title search of multiple properties and an appraisal. He said that the Town will not get back the taxes or the costs, but will, when all is done, own the land. Councilor Hemmann said that since the property cannot be used as open space by the Town other than to incur a liability and maintenance, this is a concern to her.

Deputy Mayor Karangekis asked for Attorney Bradley's opinion on leaving the situation the way it is. Attorney Bradley said that the property is raw land which could have liability associated with it. He said that since the Town does not own the land, there is not much risk involved for the Town. Deputy Mayor Karangekis asked what the liability is to the owners of property abutting the area. Attorney Bradley said that they would be limitedly exposed if there is proof of negligence on their part.

Councilor Cascio asked if a title search of a property in the area would indicate that there was an association involved. Attorney Bradley said that a title search of the land records would show these restrictions. Councilor Cascio verified that if someone wants to purchase the land, the association would have to reestablish itself in order to sell. Attorney Bradley said that this is correct. Councilor Cascio said that past Councils have not taken action on this issue because the land offers nothing to the Town but a liability. He said that the concern in the past has been that the Town is going after landlocked, unusable property. Councilor Cascio said that there are a lot of young families in that area who may want to resurrect the association. Attorney Bradley said that there have been neighbors who have made efforts to

reinstate the association and that Councilor Cascio's point is well taken.

Councilor Adil asked if there are any other groups interested in the land. Attorney Bradley said that he is unaware that any have come forth with an interest in the land.

Town Manager Bonnie Therrien said that the land can be equated with any condominium complex in Town that could go belly-up. She said that the Town cannot start the dangerous precedent of bailing out private associations. She said that she cannot recommend to the Council that the Town maintain this property as there is no available staff or equipment. The Town Manager said that the total due, including interest, as of November 30, 2004 is \$4,505.13. She said that the best thing to do is to put this amount on the Suspense List so that it is removed from the tax roll for collection. She said that the sale of the property is a private, not municipal, issue.

Councilor Forrest suggested that a tax lien may be another solution since, under Connecticut law, the dissolution of the association does not prevent the land owners from having an obligation to land they own. Councilor Forrest said that the Pyquaug Village Association still owns the property and has the obligations and rights that go along with that. He said that since the open space attaches to the developed properties, each member owes a portion of the tax and should be assessed for a portion of the land. Attorney Bradley responded that there have already been tax liens filed on the property and that this situation is different from a condominium where you own a pro-rata share of the property. With the Pyquaug Village Association, the residents only own a certain house subject to certain covenants on the land. He said that the title to the land has always been in the name of the association and someone purchasing property there last year has never had the title in their name. Attorney Bradley said that he does not think the Town can legally send out individual tax bills to the home owners.

Councilor Montinieri said that neither alternative seems to be very workable and she can now see why this item has gone unresolved for so long. She said that some of the residents don't want a portion of the land and yet the Town doesn't want it either, for all the reasons mentioned by the Town Manager.

Councilor Adil said that the only solution is to follow the Town Managers suggestion to place the tax owed on the Suspense List and deal with it when and if the association ever resurrects itself.

Councilor Cascio said that with 200 building lots and \$4,500 owed in taxes, this would equate to \$22.50 per household. He said that he is willing to talk to some of the neighbors in Pyquaug Village to resurrect the association as the issue is really none of the Town's business. He said that the taxes per household per year would be approximately \$3.75.

Councilor Czernicki said that it is the Town's business when property tax is not being collected. Councilor Czernicki fears that putting the association on the Suspense List will send a message to other common property groups that if they stop paying their taxes, the Town will just put them on the Suspense List. Town Manager Bonnie Therrien said that this land situation is very different from condominiums. She said that she agrees with Councilor Cascio to rally the neighborhood to reinstate the association if for no other reason than the liability issue. Councilor Czernicki asked who actually does own the liability at this time. Attorney Bradley said that he envisions a scenario that would include the suing of everybody which could force attention on the group to reinstate itself. Councilor Czernicki asked if the tax assessment would be equal to each of the landowners. Town Manager Bonnie Therrien said that the landowners do not own anything; it is the association that owns the open space. Councilor Czernicki said that it bothers her that these people are not being held accountable for their personal responsibility, whether it be homeowners or the association. She asked if the Town currently has any liability associated with the land. Attorney Bradley said that it depends on the nature of the defect causing the accident. Councilor Czernicki asked if the Town has in the last six to ten years performed any type of property maintenance of the open space. Town Manager Bonnie Therrien said that the Town became involved only in an issue relating to a piece of sidewalk. Councilor Czernicki asked Attorney Bradley for what purposes the association is not defunct. Attorney Bradley answered that 5% of the members have the ability to get together and have a dissolution proceeding should they have a buyer. Councilor Czernicki asked if the Town sends an annual tax bill to the defunct association. Attorney Bradley said that the Town does send tax bills and liens to the Agent for Service of the Association which no longer exists. Town Manager Bonnie Therrien said that the Town has to show that they are at least trying to collect the taxes and that she will check on the details of this.

Chairperson Morin said that the Pyquaug Village issue is a unique situation. He said that there are some residents

whose property abuts the open space property are interested in obtaining the property and others who want nothing to do with it. Chairperson Morin agrees that the association needs to be put on the Suspense List.

Councilor Adil moved **"TO ADOPT THE TOWN MANAGER'S RECOMMENDATION THAT THE PYQUAUG VILLAGE TAXES BE ADDED TO THE WETHERSFIELD TAX SUSPENSE LIST UNTIL THE PYQUAUG VILLAGE ASSOCIATION IS REFORMED AND THE SALE OF LAND IS ATTEMPTED"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki and Councilor Forrest voted NAY. The motion passed 7-2-0.

#### OTHER BUSINESS

##### SeniorNet Computers

Town Manager Bonnie Therrien explained that an award was made to Gateway, Inc. at the November 1 Council meeting. She said that Gateway, Inc. was not the low bidder when additional necessary equipment was added to the purchase. She said that the Finance Director was able to secure a better price from Dell, Inc. using the State contract.

Deputy Mayor Karangekis moved **"TO RESCIND THE AWARD FOR THE PURCHASE OF SENIORNET COMPUTERS TO GATEWAY, INC. AND TO AUTHORIZE THE AWARD TO DELL, INC. FOR A TOTAL AMOUNT OF \$13,129"**, seconded by Councilor Forrest.

Councilor Cascio thanked the Town Manager Bonnie Therrien for looking into this since he stated at the last meeting that he thought the Town was going to be going with Dell, Inc. for computers.

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

##### Cottone Field Maintenance Equipment and Contract

Town Manager Bonnie Therrien explained that there has been a request for additional equipment for the maintenance of the artificial surface on Cottone Field and for plantings of arborvitae trees. She said the Tree Warden has reported that the cost of the trees will be \$11,000. The Town Manager also suggests the purchase of line painting equipment for all of the athletic fields in Town. She also suggested a service program for the maintenance of Cottone Field. The Town Manager said that she will be working with the Town of Berlin to work out an agreement regarding the maintenance equipment.

Councilor Forrest moved **"TO APPROVE THE PURCHASE OF LINE PAINTING EQUIPMENT FOR ATHLETIC FIELDS, THE SERVICE PROGRAM FOR COTTONE FIELD AND THE INSTALLATION OF ARBORVITAE AND FIFTEEN STREET TREES ON THE NORTH AND EAST SIDES OF COTTONE FIELD AT A TOTAL COST OF \$17,950 AND TO TRANSFER THE FUNDS FROM CAPITAL IMPROVEMENTS ACCOUNT T1950822 5441 TO PHYSICAL SERVICES ACCOUNTS T1550551 5420, T1550551 5225, AND T1550551 5330 RESPECTIVELY"**, seconded by Councilor Adil.

Councilor Adil asked why the original motion in the amount of \$17,950 was for the arborvitae only. Town Manager Bonnie Therrien said that the arborvitae will be effective once they grow and that the Tree Warden has suggested the fifteen street trees. Councilor Adil said that the trees will now create a leaf problem and add to the maintenance. Town Manager Bonnie Therrien said that this is true. She said that the other trees were taken down because they were being strangled by vines and also that they were on the wrong side of the fence. Councilor Adil said that he'd rather see just the arborvitaes planted and use the extra savings toward the lease.

Councilor Hemmann asked if the aftercare information was asked of each of the vendors during the RFP process. Town Manager Bonnie Therrien said that it was asked if there is an aftercare program and each replied that there is, but did not provide a price at that time. Councilor Hemmann said that this should have been rolled into the overall cost of the process. She said that the "savings" of \$73,680 is what she would call the cost of doing business. Councilor Hemmann asked if the line painting equipment was budgeted for. Town Manager Bonnie Therrien said that it was not and that although the present equipment is failing, its replacement was probably placed lower on the priority list before

the resurfacing of Cottone Field. Councilor Hemmann said that it bothers her that this failing equipment wasn't budgeted for and that this seems to be happening more frequently. She said that it seems to be unclear as to who is responsible for the maintenance of different fields throughout Town. She suggested that the Town look into branching off a Grounds Division of the Recreation & Parks Department.

Councilor Czernicki said that she also does not see the "savings" of \$73,680 as money that should be spent. She said that it should be applied to the cost of the loan. Councilor Czernicki asked if there would be a fee associated with the rental of the pull behind sweeper and tractor from Berlin. Town Manager Bonnie Therrien said that they probably would agree to let Wethersfield borrow it, although sometimes arrangements can be made. Councilor Czernicki asked if the two pieces are specific for use only at Cottone Field. Town Manager Bonnie Therrien said that the tractor could be used for other purposes, but the sweeper is just for Cottone Field. Councilor Czernicki said that a verbal agreement was made by the 2003 Booster Club that they would pick up the costs for the maintenance of the field. Town Manager Bonnie Therrien said that letters will be going out to the Booster Clubs to address this. Councilor Czernicki asked if the trees would be replacing the ones recently taken down. The Town Manager said that none of those by the concession stand would be replaced. Councilor Czernicki asked the Town Manager to provide a timeframe for payment of the loan if the \$73,680 were applied to it and also how much interest could be saved. The Town Manager said that it could reduce the time by approximately six months to one year; she said she will look into the interest savings. Councilor Czernicki asked if the annual cost of \$5,900 for the field turf service program will increase each year. Town Manager Bonnie Therrien said that the Town could probably lock in now for five years. Councilor Czernicki asked why the service program was discussed during interviews with vendors yet was not included in the bid amounts. Town Manager Bonnie Therrien said that it was not included in the bid specs, but was brought up during the interviews.

Councilor Cascio stated that it is unusual for the Tree Warden to allow a tree to be cut down unless there is something wrong with it; therefore there must have been just cause for the trees at Cottone Field to be removed. Councilor Cascio suggested that the fence be painted before the planting of new trees.

Councilor Forrest said that his motion is simply to provide for trees to make Cottone Field look nice.

Councilor Adil moved "**TO AMEND THE MOTION TO REMOVE THE FIFTEEN STREET TREES**", seconded by Councilor Montinieri.

Chairperson Morin said that this has been brought forth by the Town Manager to work with the neighbors of Cottone Field in providing a natural buffer. Chairperson Morin said that he cannot support the motion as amended as Tree Warden John Lepper is one of the most highly regarded tree persons in Connecticut and that the fifteen street trees will be a benefit to the neighborhood.

All Councilors present, including the Chairperson, voted NAY. Councilor Adil and Councilor Cascio voted AYE. The motion to amend failed 2-7-0.

Councilor Cascio said that the falling leaves from the trees need to be considered in the maintenance of the turf. He said he is concerned that the leaves cannot be raked from the artificial surface and will require additional maintenance.

Councilor Czernicki said that she cannot support the motion because a process to pay down the Town's debt is not being followed. She said she would be happy to try to provide for trees in next year's budget.

Councilor Hemmann said that she cannot support the motion because this was not a budgeted process and because these items were not taken into consideration in the bid process.

Chairperson Morin said that the Town doesn't need to purchase the line painting equipment and could pay a company to come out and line Cottone Field only. He said that he understands Councilor Hemmann's frustration with budgeting, but the issues with the Capital Budget each year put the Council in a bind with many items. Chairperson Morin said that he does support the motion.

The following roll-call vote was taken:

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

The motion passed 5-3-1.

#### Appointment and Charge for Town Hall/Library Building Committee

Town Manager Bonnie Therrien explained that, per Charter, the Council is required to appoint a second Town Hall/Library Building Committee with a charge as a result of the successful referendum.

Councilor Fortunato moved **"TO APPOINT THE TOWN HALL/LIBRARY BUILDING COMMITTEE OF PAUL T. CAMARCO, JOSEPH F. COOMBS, DAVID R. EDWARDS III, RAYMOND A. GRASSO, CARMEN A. PACE, STUART TEMPLE, AND TIMOTHY O. TUELL TO COMPLETE THE FOLLOWING TASKS:**

- 1. SELECTION OF AN ARCHITECT OR EXPANSION OF THE CURRENT ARCHITECT'S SCOPE**
- 2. DEVELOPMENT OF THOUGHTFUL PLANS TO RENOVATE THE FIRST AND SECOND FLOORS OF TOWN HALL, AND PHASE 2 OF THE LIBRARY RENOVATIONS**
- 3. SOLICITATION OF INPUT FROM THE PUBLIC AND THE DESIGN REVIEW BOARD ON EXTERIOR IMPROVEMENTS TO THE BUILDING**
- 4. INCORPORATION OF TECHNOLOGY ADVANCES WITH FLEXIBILITY FOR FUTURE NEEDS**
- 5. KEEPING STEADY PROGRESS OF CONSTRUCTION WHILE MAINTAINING OPERATIONS AND MINIMIZING DISRUPTION OF TOWN SERVICES",**

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

#### BIDS

##### Telephone Bid - Elementary Schools

Councilor Montinieri moved **"TO AWARD THE BID FOR THE INSTALLATION OF A PHONE SYSTEM FOR THE ELEMENTARY SCHOOLS TO SHARED TECHNOLOGIES AT A COST OF \$60,965.83",** seconded by Councilor Fortunato.

Councilor Forrest asked why two of the bids were so much higher. Town Manager Bonnie Therrien said that these bids included technology that the elementary schools will never need.

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

#### ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

##### ORDINANCE AMENDING CHAPTER 75 ENVIRONMENTAL CODE 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 75-5, K is hereby amended as set forth below.

CHAPTER 75  
Environmental Code

§ 75-5. Standards for rooming units

- K. The use of resistance heating coil type cooking devices, including but not limited to stoves, hot plates, electric frying pans, toasters and toaster ovens, is prohibited in rooming units. Microwave ovens and coffee makers listed by Underwriters Laboratories, Inc. and rated not to exceed 110 volts are permitted only if the owners of the property hire a licensed electrician to certify to the Town Building Department that the existing electrical system is capable of supporting the use of additional appliances in each room.

RESOLUTION AUTHORIZING SOCIAL SERVICES BLOCK GRANT

BE IT RESOLVED, that the Town Manager, Bonnie L. Therrien, is empowered to execute, amend and deliver in the name and on behalf of the Town of Wethersfield a certain contract for \$9,408 with the Department of Social Services of the State of Connecticut for a SSBG Social Services Block Grant and to affix the town seal.

RESOLUTION FOR \$10,000 IMPROVEMENTS TO THE SHOWMOBILE

WHEREAS, pursuant to Connecticut General Statute 4-66g the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Wethersfield make an application to the State for \$10,000 in order to undertake WHEREAS, pursuant to Connecticut General Statute 4-66g the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Wethersfield make an application to the State for \$10,000 in order to undertake improvements to the Showmobile and to execute an assistance agreement.

NOW, THEREFORE, BE IT RESOLVED by the Wethersfield Town Council:

1. That it is cognizant of the conditions and prerequisites for the State Assistance imposed by CGS 4-66g.
2. That the filing of an application for State financial assistance by the Town of Wethersfield in an amount not to exceed \$10,000 is hereby approved and that Bonnie L. Therrien, Town Manager is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Wethersfield.

MINUTES

Councilor Forrest moved "**TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF NOVEMBER 1, 2004**", seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. Councilor Czernicki and Councilor Hemmann ABSTAINED. The motion passed 7-0-2.

Town Clerk Sassano amended the minutes on page 15881 to change Mr. Hardey's title from Town Attorney to SEA Consultant.

Councilor Adil moved "**TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 1, 2004 AS AMENDED**", seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. Councilor Hemmann ABSTAINED. The motion passed 9-0-0.

**ADJOURNMENT**

At 9:55 p.m., Councilor Adil moved "**TO ENTER INTO EXECUTIVE SESSION**" seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

At 10:55 p.m., Councilor Adil moved **"TO ENTER BACK INTO THE REGULAR MEETING"** seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Councilor Adil moved **"TO ACCEPT THE SETTLEMENT AGREEMENT FOR MOTOROLA, INC. FOR RADIO EQUIPMENT CREDITS AS PROPOSED BY ATTORNEY BORREA AND THE TOWN MANAGER"**, seconded by Councilor Fortunato. All Councilors present, including the Chairperson, voted AYE. The motion passed 9-0-0.

At 10:56 p.m., Councilor Adil moved **"TO ADJOURN THE MEETING"** seconded by Councilor Forrest. All Councilors present, including the Chairperson voted AYE. The motion passed 9-0-0.

Dolores G. Sassano  
Town Clerk