

REGULAR MEETING AUGUST 4, 2003

The Wethersfield Town Council held a meeting on August 4, 2003 at 7:00 p.m. in the Council Chambers of the Town Hall.

Present: Councilors Fitzpatrick, Flynn, Gardow, Hemmann, Deputy Mayor O'Connor and Chairperson Czernicki.

Absent: Councilors Cascio, Morin and Sassano

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 Flynn.

PUBLIC COMMENTS

HEARING

None

GENERAL COMMENTS

Ruth Meister, 25 Stockade Circle, addressed her concern about the Pyquaug Village Open Space. She and Jean Ryan have tried over the past four years to resurrect the Pyquaug Village Association with no success. It is a special resident zone. Open space is now nothing more than a stagnant breeding ground for mosquitos. This area did not get sprayed with larvacide last year as the Town does not own the property. It is not unreasonable to expect some sort of closure.

Chairperson Czernicki said that she understands Ms. Meister's frustration in the length of time that has passed since this issue was first brought to past Councils. The current Council has taken the issue under consideration in Executive Session and is trying to work on a reasonable solution and asks for Ms. Meister's continued patience for just a little longer.

Jean Ryan, 67 Lantern Lane, said that the Town has done maintenance of the open space in the Pyquaug Village area for the past twenty years. The issue of the pond and brook area has bounced back and forth between the Town Administration and Legal Departments and Committees. Because only 60 residents were in favor of the reestablishment of the Pyquaug Association, no Board could be established, nor Officers named. For the majority of residents in the Pyquaug Village, there is no compromise available and the issue of the open space is still not resolved. She suggests all problems referred to Management, Legal Council or Subcommittees adhere to a time frame for resolution of the issue.

Tommy Shippee, 21 Clearfield Road, spoke to the Council of his request for the construction of a skate park in Mill Woods Park. He and his friends complained they need to go to New Britain, Hartford and Newington to use skate parks and they would like to have a skate park in their own Town.

Rocco Orsini, 95 Broad Street, on behalf of the Wethersfield Taxpayers Association, Inc. said he felt the Town has a winner with LogistiCare for Senior Bus Transportation. They suggest the Council consider adding to the charge of the Charter Revision Commission the right of the Town's people to vote on the budget. Regarding the Ordinance Amending Chapter 149, Taxation, the Wethersfield Taxpayers Association, Inc. is concerned about the process to remove someone from the abatement. Veterans also get abatements and asked if the property had to be in their name. Regarding AHEPA's request for payment in lieu of taxes, the amount to be paid should be escalated appropriately to the amount they paid twenty years ago.

Robert Garrey, 43 Main Street, said the repavement of Park Avenue makes the neighborhood look much better. He would like to see the curbs replaced as well. Streets recently repaved did not all receive new curbs and the grass is

growing into the street already. If we are going to spend the funds to repave, we should put new curbing in as well, it has to last a long time.

George A. Ruhe, 956 Cloverdale Circle, is aware of the problems existing in the Pyquaug Village area. He suggested the Wyndwood area probably has similar problems with their open space area. He advocates that Council take a look at a Town pond located near his property also.

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

Deputy Mayor O'Connor moved "**TO REMOVE ITEM C.2.j FROM THE TABLE**", seconded by Councilor Flynn. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

COUNCIL ACTION

Councilor Flynn moved "**TO REAPPOINT DR. NANCY STILWELL AS WETHERSFIELD'S MUNICIPAL AGENT FOR CHILDREN AND CHRISTINE TAYLOR AS WETHERSFIELD'S MUNICIPAL AGENT FOR THE ELDERLY FOR A TERM OF 8-4-03 TO 6-30-05**", seconded by Councilor Fitzpatrick. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

UNFINISHED BUSINESS

Senior Bus Transportation

Councilor Fitzpatrick said that the Major Contracts Committee reviewed the two companies who responded to the bid. Their recommendation tonight comes as a result of their discussion of the Town's issues in the past and the needs of the Town to support the ridership and the ability to obtain reports on the ridership. There is the ability to extend the contract for a three-year period with the option of a third year with a 2.5% increase. It is important to move forward with this and the committee recommends LogistiCare for a three-year contract.

Councilor Flynn said that when the Major Contracts Committee met, he had a number of questions on how the bid was to be structured and what the Town's exposure would be given the Town's fluctuating usage. He is pleased to see that this contract caps the Town's exposure within appropriate levels. He likes a multi-year agreement as it sets the price for the near future. It is appropriate and has his support.

Deputy Mayor O'Connor said the contract reads for trips over 1,200 per month there is a charge of \$13.58 per trip. He asked if the Town does not use 1,200 would we receive a credit. Councilor Fitzpatrick said no, but a number of 1,200 is reasonable given the best guess of the recent history of the ridership. LogistiCare will be able to provide accurate reports and information so that we can manage the usage within the 1,200 trips. Deputy Mayor O'Connor asked if we are able to renew the contract at a new rate if we see that our ridership is significantly lower or higher. Town Manager Bonnie Therrien said that this was not discussed with the representatives, but that it could be discussed with them.

Chairperson Czernicki introduced Gianni Zarilli, Director of Operations for LogistiCare and Sal Marotta from Ambassador to answer any questions. Mr. Zarilli said depending on the length of the contract, the rate could be negotiated due to the ridership numbers. According to Town Manager Bonnie Therrien and Dr. Stilwell, the ridership history shows that it has increased from month to month for the past year and a half. Mr. Zarilli said LogistiCare subcontracts work out to transportation providers. They transport over 100,000 trips per month and handle over 25,000 phone calls per month. They can provide better service at a better rate than Wethersfield currently is being provided. Their staff is experienced in handling the elderly. The vendor to be used in the current contract is Ambassador located in Rocky Hill.

Councilor Gardow said that the logistics of the name and phone number changes will have to be worked out with residents to be sure that they are fully aware of the changes. Town Manager Bonnie Therrien said they will be addressing the changes. Mr. Zarilli said each eligible recipient will receive a letter stating when the service will start, what type of vehicle will be approaching their house, the phone number to use, the hours of operation, and so forth. Mr. Zarilli said that any limitations in service are strictly up to the Town.

Councilor Gardow said that he would like to make sure the motion covers the 2.5% increase after the second year. Town Manager Bonnie Therrien said that this could be part of the motion.

Councilor Fitzpatrick moved "TO AWARD THE BID FOR SENIOR BUS TRANSPORTATION

TO LOGISTICARE FROM OCTOBER 1, 2003 TO JUNE 30, 2004 AND JULY 1, 2004 TO JUNE 30, 2005 - IN THE AMOUNT OF \$138,750 FOR 1,200 TRIPS PER MONTH AND AT A COST OF \$13.58 PER TRIP FOR ANYTHING EXCEEDING 1,200 TRIPS PER MONTH WITH A 2.5% INCREASE FOR JULY 1, 2005 TO JUNE 30, 2006", seconded by Councilor Flynn. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

OTHER BUSINESS

Silas Deane Middle School Change Orders

Councilor Flynn moved "**TO APPROVE THE SILAS DEANE MIDDLE SCHOOL CHANGE ORDER IN THE AMOUNT OF \$9,790 TO BUTLER COMPANY FOR ROCK REMOVAL ON NORTH DRIVE**", seconded by Councilor Hemmann.

Mr. Drake explained that this price was a negotiated price of the original bid.

All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

Charter Revision Charge

Councilor Fitzpatrick moved "**TO GIVE THE CHARTER REVISION COMMISSION THE CHARGE OF LOOKING AT ISSUES RELATED TO THE CHARTER AS OUTLINED IN THE TOWN COUNCIL MINUTES OF JULY 7, 2003 AS WELL AS THE REQUESTS SUBMITTED BY COUNCILOR FLYNN AND COUNCILOR HEMMANN**", seconded by Councilor Flynn.

Councilor Flynn said that he'd like to add the request that the Charter Revision Commission look at the issue of having the Town Manager review the proposed Board of Education budget prior to the submission of the entire budget to the Council.

Councilor Hemmann was out of Town on business for the July 7 meeting and has submitted a request to Town Manager Bonnie Therrien for items she'd like to see included in Revision discussions. Town Manager Bonnie Therrien said that the request was forwarded to the Charter Revision Commission.

Town Clerk Sassano said Councilor Hemmann's request has been already sent to the Commission and that Councilor Flynn's request will be forwarded to them.

All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

CCM Lawsuit Against the State

Town Manager Bonnie Therrien said that in January the Connecticut Conference of Municipalities (CCM) sued the State on behalf of all cities and towns after the State refused to make State payments to the Towns due to budget issues. The State did end up paying \$60 million, 75% of what was owed to us. CCM is now asking each of the Towns to pay their pro rata share for these cases. Wethersfield's share is \$600. Because of this lawsuit, Wethersfield received \$135,552 of their State money.

Deputy Mayor O'Connor said that he thought that this type of action is just what we are already paying CCM to do. Town Manager Bonnie Therrien said that any kind of class action on behalf of the municipalities, CCM does a pro rata share. Normally, the Town would know what the price is ahead of time and it would be brought to the Council to be approved. In this case, because of the need to release the checks and get them to the Towns ASAP, the procedure was

reversed. Any type of class action suit on behalf of the municipalities is above and beyond the dues paid.

No action was taken.

BIDS

Town Manager Bonnie Therrien said that the Town has worked with Commercial Roofing in the past and they have done a very good job. The key to the Charles Wright School Roof Project is that, if at all possible, both she and the Board of Education would like the job completed ASAP. Neither wants any kind of work going on while school is in session. Because of the lost time in obtaining the State Grant, and the wet weather this week, she met with Moe McCarthy, David Wahl and the consultant to decide what to recommend to the Council. There has been new legislation passed that any projects after July 1, 2003 will have to have an additional .5 inch of insulation installed on the roof. This project was approved before July 1; therefore we do not have to comply with this new legislation. An option would be to patch the roof as we have a warranty from Owens Corning. Owens Corning has gone bankrupt and we are in year 19 of a 20-year warranty. We could then rebid the roofing project in the Spring. The vendor said that he will do as much as he can and will stop two days before school is in session and hold the bid and continue the work next Summer for the price agreed to in the present bid. To make up the \$21,045 difference, there is approximately \$10,000 left over from the air conditioning project at Hanmer and Highcrest. There is an additional \$5,000 left over from the Charles Wright project for alarms and clocks. Town Manager Bonnie Therrien said that this project needs to be moved on ASAP for the safety of the kids and to lock in the price.

Councilor Fitzpatrick questioned if starting the roof now and completing it next Summer is a good way to do the project. Mr. McCarthy said that the best option would be to accept the bid under this proposal. The vendor said that he will have the substantial leaking areas covered to end water leaks. During the process, the vendor will be responsible for any new work and his insurance will cover any damage to old work. The Town is therefore protected. Councilor Fitzpatrick verified with Town Manager Bonnie Therrien that one option was for Council to accept the bid, yet delay the work until next year with the price locked in. Councilor Fitzpatrick supports accepting the bid, but he is reluctant to start the work and stop it until next Summer. He doesn't want to jeopardize the whole project by completing it in two stages.

Mike Turner, Town Engineer, said that the work will be stopped at artificial dividing points. Whole sections will be completed rather than stopping at midway points.

Deputy Mayor O'Connor said that he shares Councilor Fitzpatrick's concerns and asked why the job cannot be completed before the start of school. Mr. Turner said that it is a matter of physical manpower availability. There are 19 HVAC units to be disconnected and lifted off the roof. The electrical and mechanical components are the real time factors to be considered. Deputy Mayor O'Connor feels that if the vendor wants the business badly enough, he will complete the work by the time school starts. Mr. Turner said that some Saturday overtime is built into the bid already. Deputy Mayor O'Connor is concerned that the vendor could be dissolved by next year. Mr. Turner said that the Town will hold a performance and labor bond. Deputy Mayor O'Connor asked if the new legislation for additional insulation would come into play by holding up work until next year. Town Manager Bonnie Therrien said that we should be all right because we are holding the bid from this year. Mr. Turner said that if Council were to reject the project at this time and rebid it next year, we would be obligated to meet the new requirements.

Mr. McCarthy said that the work will start in the areas where the roof is leaking. Other, separate sections will be worked on next summer. The two areas are not interconnected and can be worked on separately with no problem.

Deputy Mayor O'Connor asked if we pay the vendor as the work is done. Mr. Turner said that we pay as the work is done and we withhold a 5% retainage on each requisition.

Councilor Hemmann asked if Owens Corning has patched the roof in the past. Mr. McCarthy said that they have been out there several times since the leaking started last November. The patching is a quick fix and it is difficult to know if you've actually caught the leak or not.

Councilor Fitzpatrick said that roofing issues with Owens Corning have been discussed in the past and since their

bankruptcy it was agreed upon that all they will do is meet their obligation to patch. As long as they keep patching, they can let the warranty clock run out.

Deputy Mayor O'Connor asked if in the course of roof replacement serious water damage is discovered, who would be liable for that? Mr. McCarthy said that he believes that part of the contract would be for Commercial Roofing to replace any metal decking that is severely corroded. Deputy Mayor O'Connor asked if the dollar amount decreases if there is no damage found. Both Mr. McCarthy and Mr. Turner responded yes. Mr. Turner said that there is an allowance in the bid specs for square footage of deck replacement.

Deputy Mayor O'Connor moved **"TO AWARD THE BID FOR THE CHARLES WRIGHT SCHOOL ROOF PROJECT TO BIDDER #2 COMMERCIAL ROOFING, INC. - IN THE AMOUNT OF \$477,600, AS LONG AS WRITTEN VERIFICATION IS MADE THAT WORK CAN BEGIN AS SOON AS POSSIBLE WITH ALL WORK STOPPING TWO DAYS BEFORE SCHOOL OPENS AND THEY ARE WILLING TO HOLD THE BID PRICE UNTIL THE SUMMER OF 2004 WHEN THE PROJECT IS COMPLETE, WITH THE REMAINING AMOUNT OF \$21,045 COMING FROM THE CNEF FUND - AIR CONDITIONING AT HIGHCREST/HAMNER (\$10,000) AND THE CHARLES WRIGHT ALARM ACCOUNT (\$5,000); AND BE IT FURTHER RESOLVED IF WRITTEN VERIFICATION FROM COMMERCIAL ROOFING, INC. ON THE ITEMS LISTED IN THIS MOTION ARE NOT MET, THE COUNCIL REJECTS ALL BIDS AND ASKS THAT THE PROJECT BE REBID IN THE SPRING OF 2004"**, seconded by Councilor Flynn. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

ORDINANCE AMENDING CHAPTER 149, TAXATION

Town Manager Bonnie Therrien said that she spoke with Wethersfield Firefighters who are concerned that the ordinance is written in such a way that they would not be eligible for this particular tax abatement if their property is in their spouse's name. There are other volunteers who also do not qualify. She said that we may want to take a look at the entire program. In Berlin, the program was not run as a tax abatement, but rather as fixed amount payments.

Councilor Flynn verified that the referral cannot be made tonight as the Ordinance must come up for action first. Town Manager Bonnie Therrien said that this is correct.

RESOLUTION TO GRANT THE AHEPA 58 APARTMENTS \$6,150 IN LIEU OF TAXES

Town Manager Bonnie Therrien said that AHEPA, a non-profit organization, has made this request. They have already built units on the property and would like to construct 42 additional units of Section 202/8. In the past, we allowed them a \$6,150 payment in lieu of taxes. Town Manager Bonnie Therrien said that this should go to a hearing as it is a loss of tax income. Most Towns allow for tax abatements for such non-profit organizations in order to assist the builders as well as the potential residents.

Councilor Gardow asked what AHEPA is and what the letters stand for. Town Manager Bonnie Therrien said that she is not sure. Councilor Gardow said again that if \$6,150 was given in 1984, we need to find out what that amount should be in 2003-dollars.

Chairperson Czernicki asked if the payment in lieu of taxes can be directed solely for the purpose of reducing rents. Town Manager Bonnie Therrien believes that it goes into a general fund. She will double check this.

Councilor Flynn moved **"TO APPOINT ANDREW ADIL AND TRACY GIONFRIDDO EACH TO THE CONSERVATION COMMISSION FOR A TERM OF AUGUST 4, 2003 TO JUNE 30, 2006"**, seconded by Deputy Mayor O'Connor. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

MINUTES

Deputy Mayor O'Connor moved **"TO APPROVE THE MINUTES OF THE JULY 21, 2003 REGULAR**

MEETING", seconded by Councilor Hemmann. Councilor Gardow restated his concern the minutes are too verbose and they need more consistency.

All Councilors present, including the Chairperson, voted AYE. Councilor Flynn ABSTAINED. The motion passed 5-0-1.

GENERAL COMMENTS

REPORTS

Drainage Committee Report - Flood and Erosion Control Board

Councilor Hemmann said that the Board met to discuss the drainage projects over the past ten years. They looked at the current listing to be sure priorities are still the same. The Board met and came forward with the recommendation to proceed with the current projects in place. These projects include the Murphy Pond Dam and the Bell Pond Dam. There is a lot of information provided to Councilors. The next action of the Board will be to pull the bond money from the State for the remaining projects. The other issue addressed was The Kasper Group who was the design firm for some of the projects. The Kasper Group has gone bankrupt and we are without the final design plans. The Town Attorney has attempted to obtain them without avail. There may be a need to use our on-call engineers for the finalization of those plans.

Councilor Fitzpatrick asked about Project 16, the Maple Street Culvert. He asked if someone could get back to the Council as to why this project was not included as part of the State's construction. Town Manager Bonnie Therrien said that she will find this out.

Councilor Gardow said that Maple Street Culvert is on the southeast quadrant of Middletown Avenue and is on private land owned by the Great Meadows Trust. It doesn't physically back up to where project is.

Councilor Fitzpatrick said the description states this project is part of the Route 3 widening project and he would like clarification on this.

Chairperson Czernicki said that it has been suggested that the Town spend additional funds to acquire plans for one of the projects. The Town is actually paying twice in this case. Councilor Hemmann said that there is \$3,770 not paid to Kasper. The Town really has no choice but to pay to acquire plans. The projects cannot go forward without them. The designs need to be reviewed and finalized.

Councilor Gardow said an engineer is not going to put their seal on something they have not worked on. Unfortunately the plans done by the Kasper Group got mixed up in another trial and they have disappeared.

COUNCIL

Town Manager Bonnie Therrien said that there has been a problem with the air conditioning at the Community Center. It has been checked a number of times and is working at the moment. Quotes received to repair the air conditioning indicate that the cost would be approximately \$6,500. There was insurance money received and this will be used toward this repair.

PUBLIC

Ballou Tooker, 65 Harmund Place, thanked the Council for their action on the Dial-A-Ride situation and for accepting the contract with LogistiCare.

Rocco Orsini, 95 Broad Street, asked Town Manager Bonnie Therrien to provide an outline of all of the Union contracts as required in the Town Charter. He recalls a suggestion of doing away with Wethersfield's Dog Pound and joining in a regional Dog Pound with Connecticut K-9 in Newington. Town Manager Bonnie Therrien said that one solution is to maintain our current part-time Animal Control Officers, but not our own Pound. The other solution would

to be to have a regional Animal Shelter housed in one Town. Berlin is currently building one. Mr. Orsini said that people have come forward with not very flattering reports on what has been happening with Connecticut K-9 and with the Hartford Pound. Pets are very important to families.

ADJOURNMENT

At 8:15 p.m., Councilor Flynn moved "**TO ENTER INTO EXECUTIVE SESSION**" seconded by Councilor Gardow. All Councilors present, including the Chairperson voted AYE. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

At 8:45 p.m., Councilor Flynn moved "**TO ENTER BACK INTO THE REGULAR MEETING**" seconded by Councilor Fitzpatrick. All Councilors present, including the Chairperson voted AYE. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

At 8:45 p.m. councilor Flynn moved "**TO ADJOURN THE MEETING**" seconded by Councilor Hemmann. All councilors present including the chairperson voted AYE. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

Dolores G. Sassano
Town Clerk

Approved by vote of Council 8/18/03