

REGULAR MEETING SEPTEMBER 3, 2002

The Wethersfield Town Council held a meeting on Tuesday, September 3, 2002 at 7:00 p.m. in the Council Chambers of the Town Hall.

Mayor Czernicki announced that there would be an Executive Session at the end of the Council meeting to discuss appointment of an interim Town Manager.

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

Absent: Councilors Cascio and Morin.

Also present Joseph Swetcky, Jr., Acting Town Manager, and Dolores G. Sassano, Town Clerk.

PROCLAMATION: ALWAYS REMEMBER 9-11 DAY

PROCLAMATION: NATIONAL ALCOHOL & DRUG ADDICTION RECOVERY MONTH

Mayor Czernicki read the REMEMBRANCE DAY PROCLAMATION sent by Governor John G. Rowland.

PRESENTATION: JUDITH KEANE ON THE RICHARD M. KEANE FOUNDATION

She thanked the community for all of its support over the past year, for her personally, her family and for the Keane Foundation. She asked for support of the Richard M. Keane Foundation. Her husband, Dick Keane, died along with two other Wethersfield residents, David Winton and Jeffrey Bittner, in the World Trade Center in the terrorist attack on September 11, 2001. The goal of the foundation is to create an intergenerational sports center and with a concurrent mission of providing support for families in our community. There is a recognized need for a facility for families in Wethersfield, ideally holding more than 350 people. It has been identified by the Recreation and Parks department for a building to also include an emergency shelter with the required showers, and allowing expanded services to seniors, indoor walking, exercises, climb wall, adult volleyball to name a few. So, in addition to its gymnasium space and accessibility to people of different abilities, the Family Sports Center established in his memory will provide guidance from caring, trained adults as well as information and referral for emotional support and counseling.

They are looking for a commitment from the town, in any form, to allow the foundation to continue to pursue its establishment in Wethersfield. This is necessary to allow them to request funds, private and public, and grants for a public/private collaboration.

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

Deputy Mayor O'Connor moved "**TO REMOVE ITEMS C.2.f. MAGUIRE GROUP ADDITIONAL WORK; C.2.G TOWN BRUSH COLLECTION, AND ITEM C.2.H PYQUAUG VILLAGE OPEN SPACE, FROM THE TABLE,**" seconded by Councilor Sassano.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

PUBLIC COMMENTS

HEARING

ORDINANCE TRANSFERRING \$393,752 AMONG VARIOUS ACCOUNTS

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

RESOLUTION AUTHORIZING THE ACTING TOWN MANAGER TO ENTER INTO AGREEMENT WITH THE GREATER HARTFORD TRANSIT DISTRICT

Jim Clynch, 903 Ridge Road, for the past four years he has been against this organization; thinks the town could do a better job by acquiring vans. If using Greater Hartford Transit, cut back to 5 days. Using Yellow Cab might cost less than \$185,000.

Robert Young, 20 Coppermill Road, agreed with Mr. Clynch and thought we should privatize with a vendor in our area that would be able to serve residents with moments notice. Having people on standby all the time is costly, if we contract it could cut our costs. Last year's budget saw an increase (6.7 %) and some of us would like to see that decreased, this might be a good place to start.

Rocco Orsini, 95 Broad Street, on behalf of Wethersfield Taxpayers Association, Inc, feels the council will vote the \$185,000 only because it is budgeted and have not done the study to look at other viable alternatives. Need to see what is best for Wethersfield. The schedule appears to be a restrictive reservation system. If we had a cab company we could call the cab as needed. Did an informal survey found out the down side and thinks we need to know what the customer needs. Called a cab company to see the cost structure and thought it represented significant savings. Give the business case to Finance and let Mr. Swetcky give the answers.

The Chairperson declared the Hearing closed.

GENERAL COMMENTS

The following people spoke out against the tower at Kelleher Court citing location, size, possible health hazard and possible devaluation of property. Any materials presented to the Council at the meeting are filed with the agenda in the office.

John Stabler, 290 Ridge Road
Jeannette Stabler, 290 Ridge Road
Phil Flannery, 382 Ridge Road
Paul Clooney, 55 Beverly Road
Mary Pappas, 282 Ridge Road

The general comments were interrupted as more people entered the chambers and stated the meeting was not on TV.

Mayor Czernicki told the audience she did not realize the meeting was not being televised live but that it was being taped.

Alexandra Pappas, 282 Ridge Road

Amy Pinnock, 294 Ridge Road

Agnes Reynolds, 54 Northbrick Lane

Rocco Orsini, Wethersfield Taxpayers Association Inc. mandatory referrals from Council to Zoning abutters do not need to be notified. The policy should be changed so abutters are notified.

Robert Young, 20 Coppermill Road, Planning & Zoning discussed it and passed it, then the public was able to speak.

Woodrow Warren, 9 Nutmeg Circle

Mayor Czernicki asked the Police Chief to come up and explain why the placement is such.

Police Chief Karangekis said the location of those antennas was determined in a study for the police radio system. The towers that are being put up are for the new police radio system. The loss of a tower on property at Balf Quarry necessitated the new location at the firehouse. Radio engineers came in and did a Radio Frequency study to determine where the three antenna sites would be placed. It has to be geographically correct with certain heights for Police to get the signals to various parts of town, for the police cars, fire apparatus and ambulances. That design is basically for the Police Department. The addition of possible cellular space on those towers is something that was looked into as a source of income. It is a monopole, not as ugly as the lattice towers. It is about 60 feet higher than the existing tower, which happens to be on the firehouse roof but not high enough for the Police radio system to use. It is not functional.

Microwave is a sensitive issue. Police, Fire, Public Safety are exempt from any rules relative to the use of microwaves. The tower is aimed up to the tower in Newington, and to the new Police location on the Silas Deane Highway. Those towers shoot signals directly across at heights of 160-175 feet. Radio frequencies studies show these frequencies have to be focused in to individual people in close proximity. One gets more exposure to those radiation issues, 15 - 20 times more, every time you use the cell telephone. You are getting more radiation from the cell phone and from the towers, shooting information to each other. The reason there are no definitive studies on it is because those are the issues they are dealing with. There are ways of using those towers, microwaves and frequencies safely. I think the biggest argument is they are way up in the air, the issue is it is a public safety radio. I cannot address the frequencies being used by the cell people. That was a revenue source for the town. They are very high up also.

For public safety they are the only locations we can have any kind of a radio signal in order to run the Police, Fire and Ambulance radio in town, documented with engineering studies. I would like to remind everyone that every time they use a cell phone they are getting 10 to 15 times more exposure to those same concerns that they are speaking about tonight as they would with that tower being that high up. Experts still cannot come to an agreement.

Mayor Czernicki asked if the residents have specific concerns to get them in writing and get them to the Town Clerk or Mr. Swetcky so he can move them on to our radio experts. Chief Karangekis responded that they could give them reasonable answers. These are not new issues they have had them for the last 15 years for the microwave frequencies. It is a big issue and public safety is exempt from that and as much as they argue about it, they are there and being built across the United States. There is documentation and proof for the use of cell phones but not for the height of the usage for microwave towers.

Amy Pinnock, 294 Ridge Road responded to Chief Karangekis that she has a choice to pick up the cell phone. I plead with you not to put it in my backyard. It is not even 100 feet from my house.

Ken Sokolowski, 79 Main Street, understood there was a site at the Quarry. Inquired why the town did not take, by eminent domain, the corner of the property for use of the tower. Several people responded the property is not in Town. Is there any other land that is there, who owns it and can it be used. The Chief responded it is owned by the State and is a State Hospital.

Alexandra Pappas reiterated the sources she used, FCC, EPA, Food, & Drug, to base her objections on.

Paul Courchaine, 481 Main Street, President of the Wethersfield Preservation Trust and the Wethersfield Village Improvement Association. Both have been involved in the studies, plans, and recommendations relative to the Silas Deane Highway. One, done by Bev Pierce, called for a town center here, at this crossroad. He and Ann Kukro, Chairperson of the Tourism Commission, recently had the services of Ken Kahn, a planner with the Greater Hartford Arts Council. He thought looking from Hartford, the first impression you have is the Silas Deane Highway. Economic development is limited in the historic district. A revitalized Silas Deane Highway could significantly do that. Carol Adil, Beautification Trust, mentioned meeting with EDIC for funds to get a planner for plantings. A plan exists for a treescape done by Thayer Chase and John Lepper. Even Town Planning & Zoning is thinking of design review criteria for the highways in town. So many groups are seeking solutions for Silas Deane and at the risk of another group in town, it might make sense for this Council to form an Ad Hoc committee, getting all the groups together, who might be working at cross purposes without even knowing it. It might also include the new town planner, engineering, and physical services. A group like that could, in this town, in this economic climate, attempt to develop and approach a plan that would say in this year you could do this project. It is vital to the town and to the economic recovery that we

hope to have in the town. I do not think tourism, in and of itself, is going to get us to that place.

Mayor Czernicki asked if he thought some of these people mentioned would serve on this committee. He indicated they would. So this would include someone from the Preservation Trust, Village Improvement, Beautification Trust, and Tourism. And I think someone from engineering, physical services and planner.

Councilor Fitzpatrick would like to introduce a motion for consideration at the next meeting for formation of this committee. I think it is a great idea.

Mayor Czernicki asked Mr. Courchaine to contact some of those people for the next meeting.

Ed Kardas, 850 Cloverdale Circle, participated in tours of Francis Stillman School and the Webb buildings. Where do we go from here? Revitalize the Capitol Improvements Advisory Committee (CIAC) and encourage those with appropriate experience serve on it; CIAC shall conduct an annual evaluation of capital improvement policies and priorities and submit a report to Town Council prior to the budget process; and have CIAC analyze all capital improvement proposals and submit a report to Town Council indicating the pros and cons of the proposal and its consistency with the capital improvement plan and policies. All are Priority 1, to be addressed first, Action can be implemented with internal staff, and Funding can be implemented using existing resources. Council assigns it responsibility for evaluating the report of the awarded vendor and establishing a recommendation form implementation by Council and shorten CIAC to Capital Improvement Committee.

Ballou Tooker, Harmund Place, toured the Francis Stillman School with Joe Hart Director of Physical Services, and recommends that all of Council tour it.

Richard Sparveri, 322 Church Street, asked why the Deputy Mayor was in the hall having a private meeting with residents.

Chairperson Czernicki asked him to remind the residents to put their questions in writing and to give them to the Town Clerk.

There was a short recess.

Barbara Ruhe, 79 Main Street, spoke on the recent editorial about the brain drain. She could not remember when the town was looking for a Superintendent, Acting Town Manager, Town Planner, and Police Chief. She thinks is quite a challenge and a good thing because Wethersfield is a neat town and we could do a lot more with a little creativity. What is the process going to be to locate and hire a Town Manager, Police Chief and a Town Planner? How much input will the citizens have in terms of parameters we think that are important and in terms of people we would prefer in the case of the candidates?

Chairperson Czernicki asked Acting Town Manager Joseph Swetcky to address these concerns. On the Town Manager, there is an item on tonight's agenda. On the Police Chief we are currently accepting applications and we are governed by State Statutes on the testing and will follow that process and we will ask input from the Council as to what characteristics they are looking for. The Town Planner applications closed last Friday, the Human Resources Director Roy Pinette will start reviewing those applications and will short list the applications. We will solicit input from Town Planning and Zoning, from the Town Council members, also from the Economic Development Commission and we will develop a panel and have testing of the short list of candidates. Probably within the next 6 weeks we will have a person on board for that position.

Barbara Ruhe said Acting Town Manager Swetcky answered her questions and she hoped residents of town would let Councilors know as to things they are concerned about. For instance I found Chief Karangekis very understanding and sympathetic in dealing with the issues of children and young people. I think that is absolutely essential. She will write a letter to the Mayor, for the Council, with some of her concerns.

Woodrow Warren, 9 Nutmeg Circle took the tour through Webb and Stillman, Thinks K-6 at the Webb School is great, the Board of Education has to move. These times are not normal.

Shirley Steinmetz, 375 Brimfield Road, was concerned as the last three Council meetings have not been televised and the Town Council funds some of TV14. She had two suggestions: Find out why they are not broadcast and if they are not, broadcast them the next evening and not at 8 AM.

Ken Sokolowski, 79 Main Street, [also available on disk] said Wethersfield.net recently published observations made by citizens of the town concerning the Francis Stillman School, as it may be a suitable home for the Wethersfield Public Schools administration. Also he discovered that one of the communications issues with town council has been solved. Emails to council are to be addressed to Sandi.Wieleba@wethersfieldct.com. He also thanked Gale DiLuzio, Sandi Wieleba, and Dolores Sassano for providing prompt and courteous assistance when information was requested. This information is for personal use as well as a public service on Wethersfield.net and "Red Onion Archives" which contains online copies of unapproved minutes of Council and approved minutes of the Board of Education.

Mayor Czernicki thanked Mr. Sokolowski for recognizing our town employees for providing you with prompt and cheery service.

Robert Young, 20 Coppermill Road, went through the Francis Stillman School with Mr. Hart and was impressed with the sturdiness of the building and the size of it and thinks it is a gem. If we put 1 million or 1.5 million it would give us a lot of opportunity. The Moeller Home should be left the way it is, just doing electrical and plumbing. Stillman would be a good effort and a good home for our school administration.

Rocco Orsini, channel TV14 is becoming somewhat of a disappointment. There have been problems with this show since we gave it back to government. Want to thank Ken for his dynamite web site and to Barbara Ruhe for bringing up the process of selecting the new Town Manager, it is a good idea to get public input. Town Brush collection recommendation has incremental costs. Right now they can put brush out in four foot bundles at the curb and Mr. Paine will pick it up; they can bring it down to the transfer station immediately, it is \$30; if it is a large job, they can contract it out and pay for it; and the free coupon in May. Leave the process the way it is, maybe extend the coupon for two months to expand the program. It needs better advertising, remind the people to bring their brush.

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

COUNCIL ACTION

Councilor Flynn moved "**to Transfer \$393,752 AMONG VARIOUS ACCOUNTS,**" seconded by Deputy Mayor O'Connor.

Acting Town Manager Swetcky stated this is the annual transfer to close out the budget for the fiscal year, 2001-2002 fiscal year. There is an explanation, a reason for the transfer in the Council packet. I would point out though that when you subtract out the transfers from within the police department division the total transfer is \$ 117, 582 among the departments which is one of the lowest we have had to transfer in the past five years.

Councilor Sassano asked for clarification, on the outstanding encumbrances, there are two items, data services and vehicular maintenance which are severely under spent at this point, can you explain what that means. Data Services has a negative number there. Manager Swetcky said those departments run on credits, other departments pay them for services, in the case of data services is the result we had two vacancies. Vehicular services, a combination of service and equipment and parts and also additional charges for services to the departments.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Chairperson Czernicki asked the Manager to comment on the agreement with Dial a Ride.

Acting Town Manager Swetcky referred to the memo by Nancy Stilwell, and said he put additional information on questions which were asked. Basically, we have been though this, it is a very good service. The town provides an extensive seven day a week service. There are three towns in the consortium, Wethersfield, Hartford and East Hartford. We have looked at or attempting to look at the option or bringing in a cab company to provide some of the

services, especially on the weekend. It is not an apples to orange comparison because of the way the costs are broken down. We will continue to look at that option for the future. Nancy's study does show that this program could be run in house for a slight savings, however there would be a major reduction in services. I would recommend that council pass this resolution. It does not preclude us from looking at options for cost saving during this year and again for next years budget. This allows us to continue the relationship and provide the service which we have actually been providing since July under this contract. We will be meeting to go over the services provided this year and go over some options for cost savings.

Councilor Fitzpatrick asked if we sign the contract what avenues do we have if we want to eliminate services or cut back on services, is there a buy out on this? The contract today is for the existing services, if we want to change that, how locked in are we and what are our options in obtaining that?

Acting Town Manager Swetcky said the contract does not preclude us from making changes going forward. If for example we decide we can no longer afford weekend service we could go forth with a date in the future and amend the contract with them and come back to council with them. We have looked at options in the past when we were having cost over runs where we looked at some ways to reduce costs and to reduce some of services, they worked with us, but we did not have to implement them at the time.

Chairperson Czernicki stated we could change our service even if we signed this contract so we would not be penalized if we decided to go to a private vendor for weekend services. He said that was his understanding. She knew we served a large geographical area but was unaware our service actually went to eight medical centers whereas Rocky Hill just does Rocky Hill, Wethersfield and Newington, pretty much its own town and limited others. The expanse of our service area as well as our hours of operation are considerably greater than the towns that Ms. Stilwell surveyed. Is that correct? He responded that was correct. If you were to meet with the Greater Hartford Transit area those would be some areas you could discuss. It has always been a concern of this council, specifically Councilor Sassano about the famed deadhead time.

Ms. Stilwell has pointed out our cost for hour and the average cost for hour and Mr. Orsini has spoken about service being provided by a private vendor at considerably less cost to us. The areas, which would have to be reviewed, would be our hours of service and our expanded service area and probably a way to combine some of our trips. If we could get five or six riders going to the same area at the same time would be an option to explore. We seem not to have a specific day for medical or dental. This is an area, where we have wondered how we could possibly reduce the costs. She thought we have begun some meaningful exploration in that area.

Deputy Mayor O'Connor asked if we modify the existing contract as Councilor Fitzpatrick suggested can they come back with a higher per week. For example, if we eliminate weekends, can they come back with a higher per week charge and negate the savings or are they locked into the fee structure or do we have the ability to say we are not going to use these days. Acting Town Manager Swetcky said that would be something we would have to negotiate with them. They may come back with a higher fee schedule but based on the options we provide in terms of looking at cost savings we could realize cost savings. Another question I had was your memo describes the subsidiaries to the three consortium towns, could you explain how those were determined. We use more services and I know we are getting less in federal money than East Hartford and significantly less than Hartford. How do they determine what we get? Acting Town Manager Swetcky said they are federal grants based on a variety of facts, population, poverty statistics, they are transportation grants not based on usage.

Councilor Fitzpatrick is concerned that if we cut back on services and end up spending more the whole thing would be a wash. Is there a possibility that the existing contract could be extended by a month or two so we could meet with the district and have Dr. Stilwell in the meeting to hammer out something which is more beneficial to the town, something that meets our needs better. I do not want to say no we do not want to renew this contract today because we have already passed the deadline and we would be hanging out there without service. There is some level of service that needs to be provided. We might not need the level of service that we have today. I would like the opportunity to negotiate it as opposed to negotiating under an existing contract. Acting Town Manager Swetcky stated it was an option. You could hold off on approval of this contract until you are satisfied with the level of service you want to provide. You do have to remember they will still want to charge for the time they are providing the service at the

higher rate of \$31.74 per hour versus what the rate was last year. The service they proved for July, August and even the month of September will be at \$31.74 per hour. I understand that, in fairness, it is still a business, they have already hired drivers. So if we say that in two months we are going to change our service they have time to adjust whatever they need to adjust, they are not stuck so they do not feel like they have to recoup those costs. I would rather sit down with Dr. Stilwell and the Senior Advisory Committee and this is not working so let us come up with a solution so three months from now we can save the town some money.

Councilor Gardow has no idea what the riders think of Dial a Ride. I do not feel comfortable signing this contract until June if we are going to undo it. I agree with Councilor Fitzpatrick. I want to find out what the people that use this service think of this service before we continue on with this actual contract. Besides meeting with Dr. Stilwell, the Transit committee, perhaps we could also meet with this cab company . We have not done our homework completely. We need to know what the riders expectations are.

Councilor Fitzpatrick would like to table this and send it to major contracts so, town staff and transit have the opportunity to meet and come up with a better package for the town with the assumption that we would continue under the existing contract for 60 days.

Councilor Sassano has always supported this service, when it cost \$66000 a year, I will continue to support it because our community has become known and is respected for its services it provides to its seniors. I do not think it is a good idea of use to think of retracting from the quality of service we render and even a brief examination of the services we provide for seniors, other communities pale in comparison. I like the feeling and I am willing to pay a premium for it and I think seniors appreciate the services that we render. I do agree that it is important to locate savings. The Mayor referred to my comments in the past looking at the number of trips especially when there was no one onboard and realizing we pay for those empty trips I think we need a mechanism to weed out those trips. Perhaps it is a matter of planning. I guess I assumed that kind of planning would mean that people would be going both ways but it not the case. I appreciate Dr. Stilwell's report. It does provide some options for savings and for those in the audience one of the them is to eliminate or minimize weekend service, another is to restrict geographical area, a third is to use dedicated buses for Wethersfield through GHTD and finally through a Wethersfield operated program using two full time buses and drivers but I do not know what her recommendation is and I would like that. Perhaps the recommendation has not come because we have not specified the amount of savings we want. We should be able to operate this service and provide all of the services we currently provide for 10 per cent less, or 5 or 20. I do not know what that number is and I will support tabling this but I would also support signing the contract and allowing our staff to negotiate. I do not support unilaterally reducing services for while we do not have crowds of people but if people are getting to their appointments, we are doing our job. It may be costly but I am going to come down on the side of being more causes for our seniors because they have chosen to live here and as they get on in years and become more vulnerable it is up to us to do whatever we can. I support the program and will continue to do so even though it is more expensive than I would like to see. The cost has grown and some of it is due to the continued erosion of federal support for this and we are left increasingly on our own to provide these services. I think we need to be careful as to how we handle our program and we need to provide as many services to our seniors. I see this as a jewel, an expensive jewel to be sure but it is something we can be proud of.

Councilor Flynn I have no objection to tabling this and having Major Contracts committee look at it in more detail as long as we take the steps necessary to get the information we need. Which means this Council needs to be sure of the questions it is asking. Dr. Stilwell's memo is fine given it was done in a vacuum. When we put this contract in place one of the factors was to expand the service to include transportation to and from weekend worship services and to the Uconn Health Center. Those we two significant issues our senior committee raised at the time. I would caution council for eliminating unilaterally those two components as a way to save cost without consideration as to what the community wants. For many people in Wethersfield the Dial A Ride service is their only link to the outside world. It makes the difference for them between life as a shut-in and life with some degree of engagement in the community. We need to have a detailed report on the demand of the various elements in the services we provide. What is the priority of the community, what is the level of service that we need to provide. For example, Uconn Health Center, can those services be replaced with transportation to the Hartford Hospital Health Center on the Silas Deane Highway. I understand many doctors at Hartford Hospital system have offices there. It is only then that we will be able to structure this program going forward. Did I understand the Acting Town Manager say we pay a premium now on what is in

effect because we do not have a new contract in place or did I misunderstand that. He said the dollar amount is \$31.74, it is an increase from what we paid in fiscal year 01-02. That dollar amount we are going to have to pay for July and August even though we do not have a contract in place. It is not that they are charging us \$35 an hour whereas if we sign the contract we would be paying \$31. Thank you.

Deputy Mayor O'Connor thought Dr. Stilwell had provided a user survey, it was a satisfaction survey, it should be included in the Major Contracts discussion. I would like to second this motion and hopefully we will be able to realize some savings and take into consideration what we have here and what the survey told they wanted and what other information councilors bring forward.

Councilor Fitzpatrick moved **"TO TABLE AND TO REFER TO MAJOR CONTRACTS THE RESOLUTION AUTHORIZING THE ACTING TOWN MANAGER TO ENTER INTO AGREEMENT WITH THE GREATER HARTFORD TRANSIT DISTRICT"**, seconded by Deputy Mayor O'Connor.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Chairperson Czernicki asked Councilors to get information to the Manager on specific questions they might have in reference to the Dial A Ride. I wish to make it clear that there is no change in service in Dial A Ride as it stands right now. Those riders who have appointments will have the service as we decide the best way to provide service.

Deputy Mayor O'Connor moved **"TO APPROVE THE APPOINTMENT OF LAUREN K. DAY TO THE CULTURE AND THE ARTS FOR A TERM SEPTEMBER 3, 2002 TO JUNE 30, 2005 AND MARK KULMACZ TO THE HUMAN RIGHTS AND RELATIONS COMMISSION FOR A TERM SEPTEMBER 3, 2002 TO JUNE 30, 2005"**, seconded by Councilor Fitzpatrick.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Councilor Flynn moved **"TO APPROVE THE APPOINTMENT OF PHILIP J. CASHMAN TO THE SHADE TREE COMMISSION FOR A TERM SEPTEMBER 3, 2002 TO JUNE 30, 2005,"** seconded by Councilor Fitzpatrick.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

UNFINISHED BUSINESS

Chairperson Czernicki asked for a report from the Traffic/Transportation Committee. Deputy Mayor O'Connor said Traffic/transportation Committee met and discussed the additional work the Maguire Group did on Nott Street. The unanimous recommendation of the committee was to reject the change order request that brought forward by the Town Engineer. For those who do not recall, the McGuire Group had performed some additional work for the town but it was work that was not commissioned by the town and they then in turn looked to bill the town for work we did not ask them to do. While the town appreciates the work they did and the good job done on the work, it was the opinion of the committee, we did not want to send other vendors the idea that you can do additional work and expect to get paid even if it is not authorized. We pay for what we contracted you to do and if you as a vendor see other work that needs to be done there is a way to approach so you will be paid as opposed to doing it and then looking to get paid. Chairperson Czernicki stated the committee recommendation is to reject the change order request.

Deputy Mayor O'Connor moved **"TO REJECT THE CHANGE ORDER REQUEST FOR PAYMENT TO THE MAGUIRE GROUP FOR ADDITIONAL WORK"** seconded by Councilor Hemmann.

Councilor Gardow asked what the total amount requested. Deputy Mayor O'Connor said it was \$8,700.

Councilor Sassano asked what the recommendation of town staff was in this situation. Deputy Mayor O'Connor stated they said to pay it. Did staff give a reason for its willingness to pay other than goodwill. My opinion was it was goodwill. I understand that, but did staff give another reason as to why they are willing to pay for it. No, other than they were trying to do it under some other guise and when they could not fit it into the budget to get it done they did it

without our authorization. Councilor Flynn said the sense he got was that the work probably would have been authorized had they brought it forward to staff's attention before doing the work. It was work that was necessary, it may have had something to do with the right of way analysis but the fact is the Maguire Group personnel working on the project did not seek prior approval from town staff. It is a matter of procedure. You don't shoot first and ask questions later. of some other suggested a partial payment.

Councilors Fitzpatrick, Flynn, Gardow, Hemmann, Deputy Mayor O'Connor and Chairperson Czernicki voted NAY. Councilor Sassano voted Aye. The Motion carried. 6-1-0.

Chairperson Czernicki asked for the report from the Refuse disposal committee on the town brush collection.

Councilor Gardow reported the on the memo from Mr. Hart provided in May. He thought, while he is still in discussions with Newington, for a combined brush disposal area, we can maintain what we are doing now. Short bundles to the curb, taken directly to the transfer station and the free coupon.

Chairperson Czernicki asked if there was discussion of offering a second free pass for the transfer station, either one in the Fall and one in the Spring or consecutive months. He stated they did not discuss it but he will have it inclusive in the town wide cleanup Mr. Hart has been directed to prepare for next Spring.

Chairperson Czernicki asked if council was comfortable with the services as they stand right now. They were all in agreement.

Chairperson Czernicki asked if the Pyquaug Village Open Space Committee also had a report. Deputy Mayor O'Connor said the issue of Pyquaug Village has been ongoing and he does not feel there will be a consensus. There is an Association, it has not met in years, and there is some tax liability associated with it. It owes about \$3000 in back taxes and some members want the town to take over the land, which would have in impact on town budgets for maintenance and some of the residents want to buy the land. One of the things the committee decided to do was a liability issue, it is the Association owners who would be liable first. We asked the Acting Town Manager to refer to the town attorney to send a letter out to those members and explain the liability that they have. Some of the people think they have it some do not think so. I think, if the letter comes from the Town Attorney it has greater impact on them. The recommendation was to see if our Town Attorney would consider drafting a letter and if so, sending it out to the Association members.

There will be no action tonight. We will wait for Acting Town Manager to talk with the town attorney. Chairperson Czernicki asked if anyone had any concerns.

Councilor Flynn said the Town Attorney advises the council and not private citizens and he did not think it was appropriate for him to advise private citizens. Maybe after the Town Attorney looks at this his fears will be allayed, but at this time it is a private dispute. It is Association property, even if the Association is in suspended animation. It is a topic we should approach with a great deal of caution.

Deputy Mayor O'Connor said he did not agree that it is a private dispute because it is a public dispute since that Association owes the Town back taxes. Our responsibility as a town is we can foreclose on the property, put a lien on the property owners. We were advised not to do that because for \$3000 it will cost us \$10,000. One of the other schools of thought, which I do not agree with, is It took 15 years to get to \$3000 in another 30 years it would be worth doing such litigation and my response is that it would just cost us 10 times as much. This has sat here from Councils before me and I do not want to see it sit here. My attitude is if we can help them resolve this issue, so be it and if we can not does it make sense for us to sit here but it is not worth going after. I have a hard time with that, so this is an effort to let people know there is some liability here. What they choose to do about it is their responsibility. Councilor Flynn said it depends on what type of liability, financial liability to the homeowners who are members of the Association or are you talking about liability that they might face if someone gets hurt on this property. If we are talking of financial exposure as to what they may face then that falls in the scope of the of the towns dispute over the back taxes. But, if you are sending a letter out to people saying you have to resurrect the Association because if someone slips and falls on Association property you are going to get sued, it raises specter that people will lose their houses or that, the homeowners insurance will go up. I think, that is going further afield. We have to approach it with a

great deal of caution. Deputy Mayor O'Connor did not think anyone was approaching it that way which is why it was recommended that it be referred to the Town Attorney. In addition, as he had already said, people who attended the meeting would be helping in drafting the letter. They have tried doing something like that already and have not gotten anywhere. They were hoping the Town could help them bring some type of closure to this issue. This was an effort to, depending legal review, on how we could do it to resolve this or it will sit on here for the next 20 councils to come. It does not seem like we are fixing a problem.

Chairperson Czernicki asked Acting Town Manager Swetcky to enter into a discussion with the Town Attorney as to what would be the best course of action. Is there a consensus on this table that we would like the town attorney to look at this and draft a letter to the residents if in fact after discussion with the Manager it is recommended. Do we want that to happen?

Councilor Sassano would agree with Councilor Flynn, that the Town Attorney should not be dispensing legal advice to its residents. The purpose of the Town Attorney is to advise the Council on its appropriate and legal course of action. I think if we, or our representative, were to notify the Association and advise them to that it might be in their best interest to hire and attorney to provide them with counsel I would have no objection. I need to first feel comfortable with the appropriateness of having our Town Attorney advise this private organization. I agree with the Deputy Mayor that anything we can do to assist the residents resolving their problem in the long run is probably in our own best interests, I am not sure this is the best way to do it. Perhaps the Manager with his conversations with our legal counsel could find out what they would recommend is the best way and perhaps bring that back to us. If the Association could get a letter telling them of their options rather than a formal letter from the Town Attorney, I would be more comfortable with that. Deputy Mayor O'Connor said the previous Town Attorney recommended that we do nothing. I just do not agree with this. If the present Town Attorney advises us to do nothing, I do not think it is helping to resolve this issue. We had people on all sides of the issue, take the land, sell the land, keep the land, they all felt this might help them get consensus in their community. I am not advocating threatening people. It is our job to help people. Councilor Sassano said It is possible the prior Town Attorney advised us to do nothing because it is appropriate to do nothing. We need to establish that that course of action is no long valid before we rush it.

Chairperson Czernicki asked the Manager to discuss it with the Town Attorney

OTHER BUSINESS

ENRON LITIGATION

Chairperson Czernicki said there was a request from Councilor Flynn as to a report from our Assistant Town Attorney John O'Brien, Jr. as to where we stand with Enron litigation. Assistant Town Attorney John O'Brien, Jr. presented an update on the status of various Enron litigation strategies. After Acting Town Manager Swetcky asked me to come and give you an update it was my intention to follow that up with a more detailed report for your meeting of September 16th. There is going to be a meeting later this week with CCM Litigation Group, which has been following this litigation. There will be various decisions coming out of that meeting. I will have the opportunity to come back and give you further guidance on this issue. Presently, there are four pieces of Litigation actually pending. Town of West Hartford, in its present form is a proposed class action, quite frankly that case has not moved to any significant degree from the last time we spoke about it. On August the Judge assigned to the matter held a status conference at which he delayed any class certification pending some legal motions that he expects to be filed with regard to various legal issues proposed by the defendants in that case. The defendants in that case are the two legal firms that provided legal advice to CRRA.

The Attorney General's Office brought three actions on behalf of the CRRA and the most recent, one filed this month, are against the two law firms that are in the lawsuit filed by the Town of West Hartford. The Attorney General has sued Arthur Anderson and has brought various precedings against ENRON within the context of the bankruptcy act. One of the issues at the August 19 status conference was that the action brought by Town of West Hartford ultimately will be consolidated with the Attorney General's action. One of the issues being talked about is whether towns should become members in the class action suit with West Hartford or simply move to intervene within the Attorney General's

action. The whole concept is to maximize all of the Towns recovery while minimizing the costs in legal fees. It is our expectations that answers will come out of the meeting. There was a proposed litigation brought by a different law firm on behalf of the towns. There are about five towns, the most vocal one, Rocky Hill, the litigation has not been filed yet. I have concerns with that particular litigation until I have the opportunity with the attorney.

Deputy Mayor O'Connor asked, if the goal is to sue Arthur Anderson and ENRON, both are not in existence, where is the money to go after? Attorney John O'Brien, Jr. said the thrust is against the two law firms that provided legal advice. Upon review, the malpractice insurance, will only cover about \$70 million. You are right to say it is a probably a waste of time to pursue against Arthur Anderson. Against ENRON it is within the bankruptcy and that is well without the province of municipalities. There are other defendants potentially liable, they are being contemplated to be added to litigation. Deputy Mayor O'Connor asked if at the end of the day, will the money spent fighting for recovery be more than the recovery. Attorney John O'Brien, Jr. said that assumes that the litigation that you become part of is the class action. To the extent that you become and intervening plaintiff in the litigation brought by the Attorney General's office, for all intensive purposes you are riding the coattails of the Attorney General and his action. There is an argument to be made that his action is a more cost effective manner of approach. I think it is important that when you say we, we being all the towns. Deputy Mayor O'Connor realizes that and that it would be a small recovery, possibly not worth the cost.

RECRUITMENT PROCESS: TOWN MANAGER

Chairperson Czernicki asked the Acting Town Manager Swetcky to comment. As everyone knows Lee Erdmann resigned and this is on the agenda to get your feedback on how you would like to proceed with the recruitment process for the new Town Manager. Roy Pinette, Personnel Director, and I would like some guidance as to what you would like. In my comments I indicated a few options, an In house search a recruitment firm, basically we are looking for guidance on what you would like to use so we could get started on it. One of the biggest requirements for recruiting is for Council has to come up to consensus with what you are looking for in a manager. That is one of the big roles a consultant would play. I do not know if we necessarily have that expertise in house there are firms that do that extensively and do a very good job of it. The short answer is yes, we do have the ability to look at a job application and saying if these people are qualified or not qualified. Getting to the job description is where you probably need to get outside help.

Councilor Fitzpatrick stated we should have a job description in place for a town manager. My concern for using head hunters is they have their pool of candidates that they recycle, going to a certain group is limiting who you are bringing in you may miss someone with special qualifications and the process can be quite expensive. He has heard some recommendations: to advertise through the ICMA or to advertise in Boston and New York. Do we have the resources in house to screen the applications that come in?

Chairperson Czernicki asked if we could use more than one method.

Acting Town Manager Swetcky Clearly we have the resources in house to screen, one of the advantages to using a recruitment firm is to get to the screening. We may not have the expertise in house to get to the job description. Councilor Hemmann stated that working with consultants is that they can do the focus group type of activities, meet with the community not just government. It is an advantage based on time for all parties and would open the opportunity for input and it saves time for the bring information forward and do the initial screening.

Councilor Flynn, stated that in previous discussions it was brought forward that CCM has the ability to assist us in this process. There are other firms out there, I agree with Councilor Hemmann we need outside help. For most of us, this is our second job, we have to be realistic about it. The use of outside assistance is the experience would be invaluable.

Councilor Fitzpatrick stated that we do have a full time Personnel Director who could do some of the screening. CCM has strong ties to municipal managers within the State, they deal with the same people within their network and we do not want to preclude someone else from the process. He wants to be sure he sees everyone.

Deputy Mayor O'Connor agrees with Councilor Fitzpatrick and in addition, using an outside firm but we do have a full

time Personnel Director whose job it is to help us. Perhaps use a firm not necessarily tied to the area, it is advisable to use a firm to expand the search area. Would like to put together our in house capabilities and an outside firm.

Councilor Gardow stated that our HR person has to work for the incoming person. I do not know Mr. Pinette or his ethics but I think we have to use an outside firm.

Councilor Sassano thinks it is important to use professional services because there are techniques that save time and money. I understand it is an expensive proposition so not that much money will be saved on the other hand I am willing to give it a chance. I think we have to thoroughly examine our in house candidates and not overlook a jewel that may be right in front of us. I do not think there is any guarantee that we will find someone for Wethersfield in the metro New York area. It is very likely we will find someone right around here. Perhaps CCM could be very valuable while it might be somewhat cynical to think they stock candidates to foist onto other communities, it may very well be that there are some terrific candidates, public servants waiting to step in. The larger question is if the current Finance Director, and Acting Town Manager becomes a candidate and is the new Town Manager, we then have to conduct this all over again for a Finance Director.

Chairperson Czernicki knows that before the Human Resource Director left for vacation he had received some proposals. The word is out there in the street that we will be searching for a new Town Manager. Perhaps we could set aside some time before our meeting on the 16th just prior to that meeting, to look over any proposals that might already be in and maybe our own HR person could meet with us. Councilor Flynn do we want to issue a formal request from search firms or just review the proposal that have been offered to us unsolicited.

Chairperson Czernicki said she did not think we need to do a RFP. Acting Town Manager said that she was correct, we do not need and RFP for this. We do have a list of six firms that do work in Connecticut and at least two have contacted us, one was unsolicited, they knew we needed a Town Manager because they assisted Lee on his move to Hartford. We could contact the rest of the firms on this list and get proposals from them.

Deputy Mayor O'Connor wanted to let Councilor Gardow to know, he understood your feelings about the Human Resources Director appointing his own boss, but, at the end of the day, we as a Council make that appointment. Councilor Flynn also shared his concerns we have to be cautious when the Human Resources Director is acting as gatekeeper, exercising control over whose resumes we get to see.

Councilor Sassano asked Madam Mayor if she would consider taking two reports out of order because we have representatives waiting to give their reports.

Chairperson Czernicki said she would entertain that motion.

Councilor Sassano made a motion **"TO TAKE REPORTS UNDER D1E AND D1D OUT OF ORDER"** seconded by Councilor Fitzpatrick.

Chairperson Czernicki called Mr. Coombs to the podium.

Joseph Coombs, Chairman of the Police Building Facility Committee, where would you like to start?

Chairperson Czernicki asked Mr. Coombs for his status report, D1d, to expand on the Certificate of Occupancy and the sentence, The most predominantly incomplete work is the site exterior. And delineate any other work that still needs to be completed in order to get the CO.

He said he attempted to get the Certificate of Occupancy on the day of contract completion. To get a Certificate of Occupancy or even a partial one is at the discretion of the Building Inspector. Certain requirements have to be met, fulfilled that would allow the beneficial use of the building. If that had occurred, that still would have allowed additional work to occur, completion work in all cases. As luck would have it, upon conclusion of the inspection there were too many major deficiencies to allow a Certificate of Occupancy to be issued. Therefore the work has to continue past the contract date. The work that is remaining could be described to you in various forms; by contractor, it would be like this: Concrete, 100%, Masonry, 100%, Structural Steel, !00%, Roof 100% and then I would have to give

defining values the rest of the way down. Paint, flooring, that is actually the case and in some the contractors we are talking about in those percentages were actually at 95, 97, 98 %, to the extent that this past week we started cleaning windows on the inside. Today we started cleaning windows on the outside and started vacuuming on the second floor. The intent being to clean the second floor and work your way down and out of the building. That is essentially where the work lies too. The work on the second floor is the lesser, simpler of the work, therefore the cleaning and the work is progressing in that manner. The majority of the work left to be done by any of the trades who have work left to be done is on the ground floor. For example, we have not started up the heating system yet. The cooling system has been running but it has to be balanced. You do not balance until you reach a particular point. You like to have most of your things installed. The heating system has not been tested yet because we have not connected the fuel oil tank on the outside. It happens to be an issue of discretion at this point. The flooring is 98 % quarry tile, it has to be grouted. Some pieces of rug have to be put in. Tomorrow we will be conducting an inspection of the elevator. It is a key component because you cannot get a Certificate of Occupancy in a building with an elevator without an elevator. That is how close that we are. My committee met last week to discuss this issue. There will be some additional fees charged to us by the construction manager, in accordance with the terms of the contract you approved at the start of the job. It is called for, in other words a manager just does not walk off. We will be looking at, if it is appropriate to do so, perhaps recovery of some funds from the various contractors. We have addressed the issue to the Town Attorney, he has written us a memo, we discussed it briefly in executive session last week at my committee meeting. We will be looking to discuss further and see where we are, we are that close to finishing. Now site work on the outside is a major component of course, I am also drilling a hole for an antenna right now for the radios.

Deputy Mayor O'Connor asked if he just heard right, that the construction manager is charging extra for his services and his services are his going after contractors who did not meet the deadline. Mr. Coombs replied it is a double edge sword. He has to make his observations, we have to make our observations. He is working for us, he has to report to us. Who hired the contractors. The construction manager did all the bidding out and hiring and the council did the ultimate by approving the contracts that were given out. The construction manager basically hired these contractors and now he is charging us to go after them for not doing his job. Yes, understand, his time as a construction manager is now going over, due to the fact that some of the contractors in question have not finished and he has to meet his obligations and they have to meet theirs. Deputy Mayor O'Connor questioned if his obligation should not have been to make sure his contractors got the work done on time. Since they did not, he can then turn around and charge the town for the extra time he has to make sure they get their job done on time, it seems like he got paid twice. Mr. Coombs said from day one his obligation is to make sure they got done on time but while it is an easy statement to make there are always factors that influence the end date. Those can be varied. The wrong piece of equipment, the right piece of equipment and we had that, change orders, late deliveries, late scheduling, late ordering, long lead items, mostly mechanical equipment. Those are the kinds of things that influence the timeliness of the contract. Frankly, you have to make your observations when you get to a point as to why didn't that happen, what's taking so long that is the definitive process of ending a project. Deputy Mayor O'Connor asked if it seemed like it was in the construction manager's best interest for this to keep getting delayed because he keeps getting paid. Not really, there is a lot to do with reputation, nobody wants to get caught out there saying you cannot deliver on time. That doesn't help you get your next job. If you wanted to look at that in a very simplistic sense you could say sure, on and on forever. That is not what is happening here, that is not their attitude and have assured us that that is not their attitude and I do believe them. Councilor Hemmann asked if there were penalty clauses in these contracts with the contractors. No, we did not elect in the beginning to put them in the contract. We discussed it with Council and it was not the thing to do, in the sense that you had a step contractor, not a general contractor where everyone stepped off at once, we also have the major issue behind us of the radio system which was not simply going to fall into place when the building was built. That was a long lead item from way back when, essentially one might argue, yes if you put a penalty on the contractors where you be when you wouldn't be able to use the building to begin with and you don't have your radio system in place.

Chairperson Czernicki ask if he felt confident that by the time the radio system is in place everything else will also be in place? Yes, we are going to have a finished building prior to the radio system being in place. And the radio system, components of it, is down in Middletown, in storage and some of staff went down for the review process and it was tested in July in the factory under simulated conditions, it will be brought back here where it will be assembled and to be tested under the conditions of the area. Are we paying for the storage? Not at this time, they have been very good to us, I must be honest with you, in fairness we should anticipate it, I don't see it coming at the moment, I think they have been rather good with us. What is holding us up? Is CO holding us up from putting the radio components in? Partially

but not entirely, some of the radio components are being installed, those that have to be in a specified time, like the console, where the dispatchers work, cannot be done at this time, because there is other work that has to be done prior to working on the console. The console shell is there to work on, we will be meeting with them tomorrow. Until the rest contractual work is done we may end up paying for storage for the radio components. It is possible. If I can get the CO done very shortly here, then I can put it in space in the building. All of the equipment is not going into the building, some is going to the fire house, and to the third location in Newington. The bulk of the stored equipment needs to go to the firehouse. The firehouse is the true center of the communication system. Chairperson Czernicki's last question is you make reference to bid tonight is for half of the furniture for the facility. Is there money, left in the bond, for the other half of the furniture? I am not sure, I have been very judicious with the expenditures, I see where I am budget wise, and I don't think there is enough money to purchase the rest of the furniture completely. There may be some for a little more. One of the things helping us out is we have an electrical system that was designed by the engineer, in concert with CL&P.. It is an energy efficient system that has to be subject to an audit by CL&P to certify we have everything there to make it an energy efficient building. Should that occur then they will be giving us \$10,000 rebate. So with that combined with the other would that be enough for the furniture? I have to put the numbers together to tell you that. I still have money in my administrative account, I have not used it all. So is a fair amount of furniture going over there from here? The Chief has been told to take it all. I would like to pass it and I hope you will, this will provide for all the work stations. Well what would we not be getting? Conference table, more specialized, but regular furniture. Councilor Fitzpatrick would like to get a budget to see where we are right now. You had a budget for the building, you either spent it or encumbered it, can we see that? Every second council meeting I do supply you with reports, including one for the police building project, with a balance as to what is remaining. Do we have a sense as to what we have? We are not over budget. It is very unlikely that on this aspect we will go over budget. They have been very good, the change orders on this project have been kept to a minimum. It is a very small percentage of the overall project has been change order. On the facility itself, we are very well in budget. We are not going to have a surplus, a major surplus. If we are into the contingency at this point then we are spending off the contingency. Right. Is there enough money in the contingency to cover these unexpected expenses, like the CM coming in with bills? Yes there sure be and also we are attempting to talk to the town Attorney and are looking at the possibility of recovering the additional costs from the contractors on the project, possibility of additional funds coming from that source. The budget is always changing. It is a working budget you know. I think we need to be more realistic when we put these budgets together. On a \$4 million dollar project you plugged in 10% for furniture. It would help in the future if we had a better idea of the amounts especially when we have to go out to Bond. In the construction industry, when you do devise budgets for various projects, ordinary projects, the norm is a 10% contingency to address the things that come up. Unfortunately, I have never found a project that didn't have an issue where contingency had to be addressed, something came along, and some of the contingency came about as the police department saw the need for something to change or to add a little something. Some of the things that had to be addressed by contingency and it had to be addressed. I know you know that. I do but we are going to be looking at more proposals for schools, do we go back and say, the \$440,000 for furniture and fixtures. Do we go to architects and have them be more accurate rather than the 10%. Why not use this as an education for the next project? I see your point in a procedural sense. The architect came up with the numbers, long before me. He sat with the Police Chief and others, and he got into the conceptual discussion as to what do you need, what do you want to add. There is a certain amount of boilerplate that goes in any building, be a school or a police station, then you refine it based on the needs of the client. That's how you got the numbers that were given to you for the creation of the budget. In the deliberation of that budget, it was recognized that the number was unrealistic by the project manager and committee, so we adjusted the funding of the over all bond issue to meet the needs in a different way. But we still gave the basic building and services. On some things we retracted and on some things we improved here and there. While I understand when you say you want to use this as a learning vehicle or a model I caution you, you can only go so far with that, there are different needs for schools, police stations, office buildings. There are a lot of specialized things in this police station. The architect provided these numbers on the conceptual drawings on a bland building. People looked at it and wanted it to look better and we adjusted it to what we have now. From the outset we said we wanted a dual fuel system, that never changed. We had to adjust the budget for that but it will give great payback. Councilor Sassano thanked Mr. Coombs for his time tonight. We can see the light at the end of the tunnel. Without breaching the attorney privilege can you give us some ideas of the delays? Were these delays, typical delays or a real mess up. Were any due to incompetence or negligence? No, maybe inexperience by a contractor in his ordering. And finally, we had many people speaking tonight talking about relocating one of the radio towers, is that in any way going to effect the operation of our system if we delay activating that tower. Yes, you can be sure it will. At the bottom of you memo you assume the radio system will be

operational in November if everything goes as planned.

I understand from Mr. Callahan of Newington that the radio system that community had been talking about and had been reported in the papers that they were getting it for free is now going to be replaced. Is that true? Yes that is what I understand. Deputy Mayor O'Connor asked who the construction manager is. He said it is DiCarlo and Dahl. If we are asking the Town Attorney to go after the inexperienced contractor, shouldn't we go after DiCarlo and Dahl for hiring him? Again you are asking a complex question, the Town Attorney said to proceed with caution, investigate, have everything in place, we obviously have to consult with him further and also bring it back to you.

Councilor Gardow asked when the building committee goes into executive session with the Attorney is there a way we could get that information, in a Council executive session, to know what is going on? You're the Council we work for you. I'm telling you events that occurred up to now and if we go on. Chairperson Czernicki said we did not hear of this until now which is why Councilor Gardow is asking the question. Is there a way, either in executive session or by confidential mail that we can find out what is going on? Acting Town Manager said it would be premature to do it now as they have not decided what they are going to do. The building committee is meeting before the next Council meeting. He will talk it over with the Town Attorney to see what and how much he would be able to tell them.

David Drake, Chairman of the School Building Committee. I have not been here in a while, everything is going quite well. As you recall this is being done in Two Phases. Phase I was this summer, which basically has two parts, Part one was the asbestos abatement which was done two weeks ago. There was only one change order. All the air quality testing was done and approved by the State so we are in great shape there. They are in the school, education is happening. The auxiliary gym was a rough start, the contractor was really slow starting off, Newfield Construction sent a lot of letters out, got the Town Attorney involved. Their contractor who did the concrete did a poor job. They made a major mistake on one of the walls. We had to have the wall reengineered, a repair had to be made. The contractor was Marconi Construction. Based on our Attorney, their Attorney and the Bond Counsel, they fired their contractor and they brought their own people in and they have done a good job and now we are a couple of days ahead of schedule. They really worked a lot over the last two or three weeks to bring themselves up to speed. We are going to watch them carefully, They are performing well now. We are scheduled to be done the middle of October and it looks like we will be done. The steel is up and the walls are being blocked in this week. We are actually in pretty good shape, we were shaky there for a couple of weeks. Phase 2 is the other big issue. Approval went very well. The bids went out last week, we had a walk through today. We expect all the bids back on the 17th of this month. We had a fair amount of activity. We had 15 bid packages going out and we have multiple bids, we do hope to have pretty good response. The bids are due on the 17th and it gives our construction manager, Newfield, a week to correlate these into some type of package. They will present to you what they recommend and you make the final decision. We would like to do that the end of September at a special meeting. We will be ready to go. Chairperson Czernicki asked if it would be good within that week as some Councilors will not be here for the 30th. We are ready and want to get going, we need a special meeting because we have a lot of bids maybe two or three hours. There is a fair amount of money there, so we want to do it right.

Deputy Mayor O'Connor asked if any of the bids were seen yet? Chairperson Drake explained they all have to be opened at the same time on the 17th. So you don't know if they are coming in higher than we thought? No, on the 17th. What is going to happen is a lot of these contractors will bid 3 or 4 pieces of those bids and Newfield has to spend a lot of time, I think we have 39 packages out. Acting Town Manager said we have over 50 out. They have to put these together, it will take a little time.

Councilor Flynn said thank you as I have told you privately many times, your committee and the police committee are doing great work and we appreciate it. The two week delay that was referenced in the media is now a thing of the past, you've caught up and you anticipate opening the temporary classrooms on schedule in Mid October. One question I do have is this check from Northeast Utilities.

Chairperson Drake said that basically the contract they sent us is for \$98,000 of rebates which is a fair amount of money. The architect did a great job on this. The way this is going to happen is very similar to Joe's [police facility]. This money really helps us tremendously, it allows us to take all these little things off the table, ceiling tiles etc. When the project gets to the end they accept it and write us a check for \$98,000, so we will have to carry that for about a

month or so at the end of the project. As soon as I get the contract I'll send it forward. The people at NU have been on vacation and no one has been able to track down the contract. So this money is not coming in any time soon. You will sign a contract for \$98,000 and as long as we put those into the building they will give us the check at the projects end. We will have a very high energy efficiency rating, the numbers will in incredible. We will have one of a few buildings with a CO detector in each of the rooms. If the Carbon Monoxide builds up the makeup mirror will turn up for each room. If the building worked the way it should work, and it doesn't right now, the air makeup systems are not ventilating as they should but that will all be fixed with this new system. NU estimates we will be saving 56-60,000, which is not a true number because the building is not operating right but it is still a significant number, it's going to be a good building.

Councilor Gardow went to the building committee meeting and he was impressed with the recovery that was made from what was brought to Council two weeks ago. I was very happy about that. I sat next to Mr. Menzo and his enthusiasm in working through construction was incredible. I asked if he could see the school and he invited me to go the opening day of school. It was hectic, he was helping kids find their rooms but the building actually looked better to me, maybe because it was full of children last Thursday than it did when we did our walk through. The enthusiasm is contagious with staff and it will be for the students. Mr. Drake said Mr. Menzo made it a real project for everybody. It seems to working out. By emptying the building he was able to throw out a lot of stuff. We'll have to see how it is at the end of the month, but we'll have to deal with it.

BIDS

Councilor Fitzpatrick moved **"TO AWARD THE BID TO MACCLAIN TRUCKING, TILCON CT AND DW. TRANSPORT & LEASING IN THE AMOUNT OF \$45,000 FOR QUARRY & BITUMINOUS MATERIALS,"** seconded by Councilor Flynn.

Councilor Sassano left the room at 10:50.

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

Councilor Sassano returned at 10:55.

Councilor Flynn moved **"TO AWARD THE BID TO BIDDER # 1 - WETHERSFIELD SWEEPING IN THE AMOUNT OF \$87,000 FOR STREET SWEEPING/CATCH BASIN & STORM SEWER CLEANING SERVICES,"** seconded by Deputy Mayor O'Connor.

Councilor Gardow asked if this was a yearly expense that we incur. Acting Town Manager explained that it was and that they do one complete pass of street sweeping at the end of the winter season to pick up the sand that is on the roads and also the same thing with the catch basin cleaning. We do one complete pass of all the catch basins in town. Again to clean them out and pick up any sand from the winter that may have gone down into the sewers. Also we do it on an as needed basis. Although the bid on the agenda is incorrect, the amount budgeted is \$87,000. The actual bid for one pass is \$18,000 for street sweeping and one pass for the catch basin cleaning is \$21,000. It is considerably less than the amount budgeted.

Deputy Mayor O'Connor asked someone in this business and they said they did not have to be cleaned each year. Can we inspect them to see if they need cleaning? They do an inspection, they look inside, if it does not need to be cleaned, they go onto the next one but they have to look at them individually. You are going to find that you will have to clean 65 -70 % of them need to be cleaned because of the accumulation of things that go into them. I actually have experience in catch basin cleaning, it was one of my summer jobs when I was younger. This is one of the primary reasons why you do get your drainage problems on the roads during the storm because the catch basin is clogged. So we are charged on every single one of them not just the ones that have to be cleaned. They have to inspect them and they do one complete pass.

Chairperson Czernicki asked if this was a service that was ever considered doing in house. Acting Town Manager Swetcky would not recommend doing it in house. The street sweeping equipment is \$80 -100,000 itself and the brooms

used are extremely expensive. The catch basin equipment is probably \$70,000 and for doing it once a year or on a as needed basis it doesn't justify the expense.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Councilor Flynn moved "**TO AWARD THE BID TO AMERICAN ROCK SALT, MORTON SALT, INTERNATIONAL SALT CO AND EASTER SALT CO. IN THE AMOUNT OF \$19,000 FOR SALT FOR THE ROADWAYS,**" seconded by Councilor Hemmann.

Acting Town Manager asked that the award be made to four lowest bidders, to allow us to have backup vendors in case of a severe winter and are unable to get it from our supplier. We ran into that situation two years ago.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Councilor Sassano moved "**TO AWARD THE BID TO BIDDERS #1 & 2 - A.J.D.C. ENTERPRISES LLC AND MACCLAIN TRUCKING IN THE AMOUNT OF \$29,900 FOR WASHED AND SCREENED SAND,**" seconded by Councilor Flynn.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

Councilor Flynn moved "**TO AWARD THE BID TO JOHN WATTS ASSOCIATES IN THE AMOUNT OF \$63,881.90 FOR POLICE FURNITURE/WORKSTATIONS UNDER THE STATE BID,**" seconded by Councilor Gardow.

All Councilors present, including the Chairperson, voted AYE. The motion passed 7-0-0.

ORDINANCES, RESOLUTIONS, APPOINTMENTS FOR INTRODUCTION

RESOLUTION OF MUNICIPAL SUPPORT OF GRISWOLD ROAD PAVEMENT REHABILITATION PROJECT

Reconstruction of Griswold Road, from Country Club Road to Highland Street.

WHEREAS, the Town of Wethersfield has published a news release, mailed the news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing availability of plans for public inspection on the proposed STP Urban Transportation project known as Griswold Road Pavement Rehabilitation Project; and

WHEREAS, plans were made available for public review and residents have had the opportunity to voice their concerns; and

WHEREAS, the Capital Region Planning Agency has selected this project as a regional priority and has agreed to utilize federal funds for right of way and construction activities; and

WHEREAS, the project is located on a municipally owned road, the preliminary engineering phase will be performed by the Town of Wethersfield, utilizing 100% municipal funds, the rights of way if required will utilize 10% municipal funds; and

WHEREAS, the Town Council has considered the concerns of the residents from the public information program and finds the proposed Griswold Road Pavement Rehabilitation project is in the best interests of the Town of Wethersfield, and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public;

WHEREAS, the Town of Wethersfield, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

MINUTES

Councilor Flynn moved "**TO APPROVE THE MINUTES OF THE REGULAR MEETING OF AUGUST 19, 2002,**" seconded by Councilor Hemmann.

Councilor Gardow asked why the minutes were back to the terse style. Actually, Mrs. Wieleba did these when I was on vacation for two days. These minutes are good and if you really need to see something you can go to the tapes or the video to get the minutia. I was happy to see this again.

All Councilors present, including the Chairperson, voted AYE. Deputy Mayor O'Connor and Councilor Sassano abstained. The motion passed 6-0-2.

General Comments

Reports

- a. Charles Wright Sidewalk
- b. Recruitment Status
- c. Town Attorney Opinion - School Administrative Offices
- d. Status Report: Police Facility Bond Projects
- e. Status Report: Silas Deane Middle School Renovations

Councilor Gardow asked if this sidewalk was near the street because he had gone to see where there was a problem. It is the sidewalk into the yard going to the building.

Councilor Hemmann said the problem exists and we need to fix it, we need a solution.

Deputy Mayor O'Connor asked if we knew what caused the problem. Acting Town Manager Swetcky said it was drainage. There is none there.

Chairperson Czernicki said the recruitment status had already been addressed.

Town Attorney determined the Board of Education School Administrative Offices is under the control of the Board of Education.

Chairperson Czernicki said the Police and School Building Reports had already been heard tonight.

COUNCIL

Councilor Hemmann received a call to have the flags placed on Main Street for 9-11. They were not sure as to how to get them up.

Deputy Mayor O'Connor asked the Acting Town Manager if he knew about a sign being made for the Keeney Center Parking. Stu Popper had met with the HDC and now that he has left they would like to know what will become of it.

Deputy Mayor O'Connor would also like to meet with the new owners of the Goff Brook Shopping center and asked the Acting Town Manager if he would arrange a meeting.

Councilor Gardow went to the Channel 14 meeting and the discussion was on the production of the Town Council meetings. I guess we have a problem with training. Whose responsibility is it? If the people who are the producing this is Council then it comes under the Town Manager. We need to have training.

Mr. Menzo is holding an open house Thursday and invited the Council to attend.

He would like a tour of the Stillman and would like to have it arranged.

The Army Corp of Engineers is coming to inspect something on September 20 and I would like to know what it is. Is it about dredging the Cove? Acting Manager Swetcky said they came and went out with the sidewalk inspector. They come frequently and send letters to inform us of the day they will be in town.

He feels Mandatory referral is bogus, it was bogus when it went out for the playground and it was bogus for the tower. Residents should know what is going on.

On the Spring Street construction, why was a police officer there looking into the hole. I see the Chief is still here and I would like to know why we have an officer there. It is a Town Road isn't it Mr. Swetcky? No, the entire project is a State project. Why was a policeman there? The Chief replied he is there because he was requested. We do not pay them, the construction company hires them. In some instances they may use a flagman but they prefer to use an officer. It is their choice. Why was he at Clovercrest? He was requested, it is not required that they use police.

On the Ethics Board and the Town Clerk was to report back to us. Did you find anything out? The Town Clerk has a verbal resignation but it has to be in writing and I have to wait for it to arrive. Okay, because the last thing we want is an Ethics Board that cannot function.

Chairperson Czernicki told the Acting Town Manager she received a call concerning an incident at the High School Football Field, on Saturday afternoon the home scrimmage had to move due to the mud. The concern was for the fall schedule, will it be usable? Also, I had a request for the Town to do a memorial plaque or stone for 9-11, perhaps we can take it under consideration.

PUBLIC

Ballou Tooker, Harmund Place, encouraged by Mr. Gardow going to see the Francis-Stillman School, think of the floors, they are now carpeted but the are wood and could be refinished. The other system is the heating system, the boiler has to be replaced, not the whole system.

Jim Clynych, 903 Ridge Road, concerned about the bids for the salt and the washed sand contract, with the mild winter, did we have it left over. Agrees with Dr. Sassano on Dial A Ride, there are people who are unable to get around without it. The question is are we getting a bang for our buck. It has gone up considerably. With computers today reports should be more specific, who, where, how often, number of people. Always opposed the weekend service, if someone needs to go somewhere, call the cab. It would be cheaper. Rocco has received calls from irate senior citizens, we are typing to make it a better service not to cut it. I did not realize they have to give a 14 notice for a doctor's appointment, this is absurd. Lorraine Quigly Monstream, a former town employee, died and her brother was the first veteran killed in the Korean War.

Rocco Orsini, 95 Broad St, would like to volunteer to Mr. Courchaine that the Men's Garden Club would like to join that committee. Spoke on Dial A Ride, Mandatory Referral and read the resolution introduced tonight. This should have been done for the playground, or the poles. He asked Councilor Gardow to keep after the Mandatory Referral. Chairperson Czernicki spoke of the Thursday, September 26, a tour of Mill Woods Park starting at Fusco Field at 6 p.m. it will highlight to the changes in the Plan for Mill Woods Park. Councilor hours, for September, 4:15 - 5:15 PM, The Mayor will do the 5th, Councilor Gardow will take the 12th, Deputy Mayor will take the 19th. The 26th TBA.

Mr. Dobmeir, on the School Building, and said Mr. Menzo knows all the names of the students, he will know the entering class by mid September. On Dial A Ride, I am on the Greater Hartford Transit District for Wethersfield and I know the reports exists, we get them monthly, certainly you are welcome to have it.

Councilor Gardow said that would be good to have for the monthly report, his list is not complete yet.

EXECUTIVE SESSION

At 11:40 p.m. Councilor Fitzpatrick moved "**TO GO INTO EXECUTIVE SESSION TO DISCUSS APPOINTMENT OF AN INTERIM TOWN MANAGER**" seconded by Deputy Mayor O'Connor. All Councilors present, including the Chairperson voted AYE. The motion passed 7-0-0. Also present were Joseph Swetcky, Jr., Acting Town Manager, No motions were made and no votes were taken during executive session.

At 11:55 p.m. Councilor Fitzpatrick moved "**TO GO OUT OF EXECUTIVE SESSION AND BACK TO REGULAR SESSION**" seconded by Councilor Flynn.

All Councilors present, including the Chairperson voted AYE. The motion passed 7-0-0.

Deputy Mayor O'Connor moved "**TO APPROVE JOSEPH SWETCKY AS THE INTERIM TOWN MANAGER WITH A SALARY OF \$96,000 AND WITH A CAR AND OTHER AMENTIES** " seconded by Councilor Fitzpatrick.

ADJOURNMENT

At 11:5 p.m. Councilor Fitzpatrick, moved "**TO ADJOURN THE MEETING**" seconded by Councilor Flynn. All Councilors present, including the Chairperson voted AYE. The motion passed 7-0-0.

Dolores G. Sassano
Town Clerk

Approved September 16, 2002