

REGULAR MEETING

October 7, 2002

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

Present: Councilors Cascio, Fitzpatrick, Flynn, Gardow, Hemmann, Morin, Sassano (7:30), Deputy Mayor O'Connor and Chairperson Czernicki. Also present Lt. James Mull, Police Department and Dan Wamish, Motorola.

Chairperson Czernicki welcomed all in attendance and said there would be a presentation by the Wethersfield Historical Society and an executive session at the end of this evenings meeting to discuss possible Enron litigation.

Chairperson Czernicki read the Proclamation for Fire Prevention Month.

The Fire Marshal Gary Santoro, Fire Chief Will Clark and Sparky accepted the Proclamation for Fire Prevention Month.

The White Cane Proclamation was also posted.

All stood for the pledge of allegiance to the flag led by Councilor Gardow.

PRESENTATION - Wethersfield Historical Society

Chairperson Czernicki introduced Judy Parker, President of the Wethersfield Historical Society for a presentation.

President Judy Parker, Dorcas McHugh, Historian and Tom DeMille, Attorney for the Society presented a report on the Wethersfield Historical Society.

The presentation spoke of the good news of the opening of the Village Tavern on Main Street.

Wethersfield Historical Society is a non-profit, educational institution, supported by 997 members, which operate two historic houses, two museums and a research library on behalf of the people of Wethersfield. They have several partnership projects with the Town for the Cove Warehouse and the Deming-Standish House. They are creative and active participants in civic events. They offer numerous cultural programs as well as educational programs. They regularly promote the town.

PUBLIC COMMENTS

HEARINGS

Resolution Concerning the Sale of Town-Owned Real Property Located at 1000 Maple Street, Rocky Hill.

Resolution Concerning the Sale of Town-Owned Real Property Located at 1004 Maple Street, Rocky Hill.

George Ruhe, volunteers in town, Flood Encroachment Board, feels there is a desire on part of this Council to reimburse the Town coffers hope of eliminating detention 5, most emphasis on sell the lots, not too many are engineer, managerial problem, foresight for community, once sold door closed to alternates to a plan yet to be defined. In the absence of knowing what will work, feels it is irresponsible by council. People with flooded yards have come down to speak in the past, he told them to come again and try to defeat resolution. Asked Council to resolve and develop appropriate plan. He thinks it has political overtones. It was looked at numerous times, by Town Engineers and consultants who have reinforced the original plan that it is a good idea, and would solve flooding problems in the area. He would like to see the sale stopped.

Robert Young, 20 Coppermill Road, has heard the conversations on the lots, and feels since we own them, they do serve a purpose. The original intent was for flood control and feels Council should hold off the sale of these lots, until there is a plan in place to control the flooding.

Helen, representing her brother Joseph Zysk of 985 Cloverdale Circle, has lived here for 1 1/2 years, and they have had 6 inches of water in basement, flooded yards, with lumber floating by, feels something needs to be done now.

No one else wishing to speak the Chairperson declared the hearings closed.

Unfinished business

Councilor Cascio motioned "**TO TAKE C2I AND C2K OFF THE TABLE**" seconded by Councilor Hemmann.

Deputy Mayor O'Connor motioned "**TO SUSPEND THE RULES AND TAKE 3Ca OUT OF ORDER**" by Councilor Flynn.

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

A memo from Kathy Bagley was included with the agenda. Town Manager Swetcky Said it would be for a beer garden after the parade for those people marching in the parade and would not be open to the public. He explained alcoholic beverages are not permitted on town property without the Town Council granting an exception. It would be at a staging area near the cove.

Councilor Cascio motioned "**TO GRANT THE WETHERSFIELD VOLUNTEER FIRE DEPARTMENT PERMISSION TO HOLD A BEER GARDEN IN COVE PARK ON SUNDAY, SEPTEMBER 21, 2003 FOR THEIR 200TH ANNIVERSARY CELEBRATION FOR MARCHERS AND THOSE IN UNIFORM ONLY**" seconded by Deputy Mayor O'Connor.

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

Chairperson Czernicki asked if they could provide a brief explanation of what is planned.

Fireman Art Abronzino briefly said they are celebrating their 200th Anniversary as a continuous run Volunteer Fire Department. They are hosting the state convention, which will include demonstrations, training competitions and a parade. Participants of the parade will be judged at two different locations. They will be issuing an anniversary book and wanted to express their appreciation and thanks for the support given to them by the town and the residents. They expect 25,000 people.

General Comments

Paul Courchaine gave a report on the newly formed committee, called the Silas Deane Revitalization Ad Hoc. An earlier meeting had to be cancelled but they will be meeting this Thursday at 8:00 a.m. This is the regularly scheduled time of the Tourism Committee but they plan on taking it out of that meeting. He had the opportunity to speak with Senator Fonfara and they talked of past projects, Village Improvement, Men's Garden Club and invited the Senator to the Village Improvement Associations meeting. He attended and offered his support for the project, and shared his past experiences with median plantings and the success with them in the south end of Hartford.

Martha Mayer, 133 Griswold Road, spoke on Mill Woods Master Plan, tour of the park was planned, she publicized it by up putting signs in the of vicinity of the park. There are a number of people with no or very little knowledge about the plan. She urged Council and citizens, to take advantage of the plans in the library because this is a \$7.5 million plan, requiring bonding, and 40 % is for parking and roads. Cove Park issue needs more coordinated plan than we have to date.

Chairperson Czernicki asked if this was the walk through that was partially rained out. She told the residents it ended

up as a meeting at the bathhouse, with a presentation by the architect. Ms. Bagley, Department Head of Recreation and Park would be willing to reschedule it and they will publicize it again.

Jim Clynych asked why the town chooses to go into executive session to discuss Enron? On Dial-a-ride, it costs Simsbury less than Wethersfield to operate. He is not against services, just against the high cost. Wethersfield does have bus service on Ridge Road, Wolcott Hill Road and the Silas Deane Highway. He hopes Council uses good judgment.

Chairperson Czernicki said it has been referred to Major Contracts to review, Councilor Fitzpatrick said the committee would not be able to discuss it at the next meeting because of other issues they are working on.

Kelly Weinberg, 480 Brimfield Rd, thanked Council for the sidewalks at Emerson Williams and expressed her surprise that there were no improvements made to the existing ones. She lives within the one-mile radius and thinks sidewalk repairs around the town need to be improved. She fell on Ridge Road, while using a backpack carrier for her child, she had slight bruise to her knee, and her child was fine. She knew of another mother whose child received a gash when the stroller capsized in front of Emerson Williams. She had checked with the school office and found they had fewer morning incidents with late students. Feels safety of community is important and would like verification of safety evaluations of sidewalks be done.

Town Manager Swetcky explained the allocation of money, \$75,000, to sidewalk repair and how it is done.

Amy Pinnock, 294 Ridge Road, asked why the project continues to go ahead. She referred to a State Web Site with references to Rogin and Nassua, lawyers representing the cellular clients. She wanted everyone to know the appearance of conflict of interest. Until recently Councilor Flynn was a lawyer for that firm. She did not know it since he did not announce it. She said he was an attorney at the firm at the time the tower project was under way. She was not sure it was conflict of interest. She thought full disclosure might have informed the public and Council that his employer represented the cell company while voting on matters i.e. cell tower of the interest of clients. Also on the Secretary of the States web site, Mr. Flynn, is listed as a treasurer for a political action committee, Connecticut Democratic Leadership Coalition. The chairman is Carl Schiessl, a former state representative, currently chairman of a statewide democratic technology committee. This PAC gives money to conservative democrats who sided with Representative Jim Amann, majority leader. Campaign finance reports shows donations to lobbyist representing cellular companies and thousands of dollars to the town democrats to fund local campaigns. This may answer some of why the project is going forward. I ask you who stands to benefit from the tower going forward? It was not the residents, the neighborhood. It is the cell phone companies, who do not have to fight to put up the tower, they can just jump on the town tower, the lawyers, the lobbyists for cell phone company, Flynn, representatives of eminent and politicians friendly to its cause; Flynn, friends of Mr. Flynn are the winners here. The loses are the people in town who elected him to act in their best interest. This is something she wanted the town to know since the parties involved were not disclosing his conflict of interest in this matter when he was voting supposedly to represent the town. Also, during more information, the better place reported by the Commissioner of Police at the last meeting, was not sold, no record of it being sold, end of Jordan lane, meeting 7-16-02, ZBA said at public meeting of Planning and Zoning, 7-16-02, ATT wireless, voted for Planning and Zoning issue a positive report, with recommendations, tree like in shape and color, made decision with understanding that this was the only site available in Wethersfield for this tower. This was not the only site available, not even the best site, as stated by Police Chief at last meeting, who plans to run for council. I know at the beginning I was speaking of a Councilor who is a member of the democratic party, I would like to say this Council represented more by the republicans, here and now make a motion to make this other site looked at. This matter will not go away. I can promise. I can also promise that at the end of this mess that the town has caused it will cost this town more money than if they just move this tower to a much better location.

Patti Silva questioned if the parents and garden committee at the school would have some input with the Charles Wright sidewalk problem. Wethersfield Special Kids, a support group, will be presenting programs. Pass a nuisance cat ordinance, there are 13 or 14 cats living next door to her and they leave behind feces, hairballs, and dead animals on her property. It is a nuisance and a health hazard. Neighbors do not take responsibility for these cats. Serious matter, forwarded an ordinance to Councilor Morin from Wallingford, all residents of Wethersfield could benefit from it.

Marguerite Alpert, 7 Morrison Ave, echoed the request for the ordinance and wanted to assure Council that 14 cats do visit her yard, and result is the same. It is unsightly and disgusting. Health problems are begotten from feces and urine. Also a parent at Charles Wright and is concerned with the sidewalk issue. As Chairperson of Gardening and Beautification Committee she would like a call to discuss the matter when the Town is ready to address the issue.

Janet Klett, Chairperson of the Senior Citizens Advisory Board read a letter concerning Dial-a-Ride on their behalf as they are unable to get out at night. They would be willing to revisit the weekend service for alternatives.

Chairperson Czernicki said the Council investigation into the cost of the program was not to cut services but rather to try to curb expenses.

Deputy Mayor O'Connor asked Ms. Klett if Senionet would be teaching use of email. Ms Klett said the question is better asked of Donna Mattison. He thought if seniors can not attend the meetings, they could e-mail their concerns to Town Hall. Ms. Klett understood his point but was unsure they would have the ability to navigate e-mail and did not know if it was being offered.

Mr. Paul Flannery, speaking on the tower, said 9-3 was first time he came to a town council meeting. Told he could submit questions to the Town Clerk. Manager replied at the next Council meeting. Thought the Manager would respond again. He did get a letter from Ms. Sassano with his answers. He spoke about some of them: at Planning and Zoning 9-16, building application, not the tower itself; one of the commissioners asked how they could be expected to vote, without a site plan. Mr. Popper had an old one. As an employee of the town he had all day to get the right things there, and should have. Commissioner Roberts asked if there is a public hearing, Mr. Popper said they could have one if they wanted. Commissioner Jurasin asked if other sites were considered, Commissioner Roberts said there were 3 to 5 others, this one most financially feasible for the town. Chairman Monroe called for a vote, Commissioner Roberts said no; they are being forced to make this decision. Commissioner Oickle spoke about the height of tower, Mr. Popper said if they were voting no to putting the building under the cell tower, the Town Council could override them, 6-3. Why should the Planning and Zoning look at it if the Town Council is going to override 6-3 Commissioner Rodriguez stated he would not want a cell tower in his backyard. They were not talking about a tower but a building under the tower and yet they were concerned about the impact of the tower on the people of Wethersfield. The red flags went up on the 17 of July, where was the Town Council? The right thing to do is to pass the motion, slow this down, no one is going to give away frequencies the Chief was worried about, sure our delegation in Washington can take care of that, please stop look and listen this is going forward too quick, you are ruining that part of Ridge Road and you can not get it back.

Anthony Digirolamo 15 Middletown Avenue was concerned with the need for storm sewers on Middletown Ave between the Green and Summerfield Drive. It appears the pitch is not correct because they are getting water from the East Side coming to the West Side. Heavy and speeding traffic hit the puddles, the house takes a beating, and the storm sewers are going to be necessary, traffic or no, need sewers there. Built the asphalt layer upon layer over the years, the pitch, crown of the road is above the sidewalks. Curbs came later, think about it, we need them. Try to rush it if you can.

Rocco Orsini, 95 Broad Street, Wethersfield Taxpayers Association, against cell towers in residential neighborhood, thinks what happened was wrong, huge obnoxious, ugly reduce property value, result in lower tax revenue works against their beliefs. Also spoke against the staff monitor as he feels it is a police matter. The pension plan for the Board of Education thinks it should be handled the way they do it at Pratt, deduct half of the social security as the company already pays for it and he feels the town employees vested too early. They will be having more to say when they get into contracts.

Cliff Pinnock 294 Ridge Road was really concerned about the cell phone tower, not as a money issue, but as a family issue, it has divided them. Struggled to obtain this house, in a residential area, close to his school, job and family. Cell phone tower, dreams go down the drain, nice area for 2yr old, potential health hazard. Please find a way to put an end to it. He loves it here, important to him and doesn't want to go through legal stuff if they can find an alternate location. They now communicate with neighbors not about flowers, but about this tower. He does not want to see the suffering of the community any longer; it is not a money thing,

Mike Cronin, 9 Crystal Street; spoke on the cat issue and the tower. A lot of people have not gotten an answer. He

hopes no one has a conflict of interest. If someone is profiting from this, it is a crime. If it comes out later, it will be too late for the tower, but it will not be too late to take care of whoever was involved in it. No one is begrudging emergency services their tower, if he stops the tower and a public servant is hurt because of that, he would not be able to live with himself. This tower went up originally as a police fire tower, it was never a cell phone tower, you got the variance on police fire radio tower, no one fights it, they deserve what they need to get the job done, they deserve our gratitude. After all variances and after this deal was cut, it became a cell phone tower, it came in after the fact. Now, you need to stop listen and put a halt temporarily and look into this as a service to the people of that neighborhood. To the people impacted most, they elected you, not cell company, lobbyist, law firm, they are the ones that count as far as you are concerned, that's who you serve.

Brian Kelly, 5 Lacava Lane, added support to the tower issue, watched the last meeting on TV. He never knew about the tower admittedly does get involved with town issues. Would like the issue looked into a little more. Does not know all the reasons or the full story behind the tower, concerned with 3 small children about health issues and hazards. Would not like to look back on an issue with health down the road. Take a hard look, give it the right amount of time, look or study, this issue.

Jean Cronin, Crystal Street, spoke on the staff monitor. When she took her kids to the library one was afraid to go in, because of the kids. Cell tower, Route 3 tower is actually shorter than the one on Ridge. On the health risk, there are no hard studies and towers because cell towers have not been around that long but Council should take that into consideration. She would not want her kids to develop something down the line because Council put their political agenda ahead of the health and welfare of their constituents. Feels it is a shame, and, if it happens, she would make sure they were not elected to Council again.

Robert Young, 20 Coppermill Road wanted to address Dial-a-Ride, hoped Council would look at better ways to provide a better level of service for less money. Rocky Hill Council is going against Enron, hope our Town Council will go along with them if there is some retrievable cash we could possibly get. There were three resignations, where was the resignation from the Ethics Board. Upcoming charter revision, has not been mentioned much lately, maybe a lot of citizens would have a lot of suggestions. Council needs to create some consensus to have a charter revision, assemble different people, should take into consideration, who voters in town are: democrats are 39 %, republicans, 23 %, and unaffiliated 37 %. He would hope the commissions start to change to include unaffiliated. On the cell towers, he feels there are drastic revaluations due looking at these properties, it will cost the town a lot of money. There is a state police tower at the Cedar Hill hospital, put our 180 footer there without devaluing properties. Suggested when looking at union contracts in town, economy not good or improving, he is looking for a 0 increase in next year's budget. As for the lobby in town hall, put a policeman there.

Chairperson Czernicki said the unaffiliated electors in town can contact either the Democratic or Republican Party screening committees and state they are unaffiliated and want to be considered for a board or commission.

George Ruhe, 956 Cloverdale Circle, suggested Council be a good neighbor, it is not fun to have a bad neighbor. Town is trying to increase the tax base, a limited base, but they keep running ahead and devaluing property. He recently had reason to call Mr. Hart and he responded quickly to remove the trash at Treat Road and Silas Deane Highway. He then found out an adjacent owner wanted to buy it but could not afford the delinquent taxes, the property is 10 years tax delinquent, we have not collected taxes, but Council wants to sell these lots which were to be used as detentions ponds to make a few bucks. Think about these issues.

Ballou Tooker, 55 Harmund Place, member of Wethersfield Taxpayers Association, interested in what is going on, and attends meetings. The past issue of Wethersfield Life, referred to some of the people who come to meetings as gadflies. Since he did not know what it meant and looked it up and read the definitions to Council. Yes, we have an interest in the town and wish to receive the best.

Ed Kardas 850 Cloverdale Circle, brought to Council's attention articles in the Courant and AARP. Asked council, to reflect on the past two and project into the next three years, in regards to contracts, and to write contracts to have them consistent with the private sector in view of the present economy.

The Chairperson had asked the Town Manager for information regarding the towers and he provided Council members with a chronology as to where they were and where they have ended up. A number of the memos were made public to them for the first time. She concluded that they went from 3,5 to 8 sites and Kelleher Court was not one of those sites and then they did the crane test there at Kelleher Court site and concluded that it was the best site.

She realized the public asked questions on information given at the last meeting. It certainly turned very quickly, by some people, that she and some of other Councilors, did not care about public safety issues that our police, fire and EMS face each day. That is untrue and she is upset to be portrayed to people in the community as someone who is opposed to public safety officials having the best communication system. She is surprised at some of the items given to them. She asked the Manager to have someone more qualified than them to address the questions.

Chairperson Czernicki called upon Lt. Mull and Mr. Wamish to address the Council. Mr. Wamish works for Motorola and is the radio vendor and has nothing to do with cellular. Kelleher Court was part of the speculation sent out in a bid and Motorola responded to that bid and designed a system for two sites, one is Kelleher Court and the other is Callahan. We looked at other sites, Cedar Crest Hospital, does not cover the town adequately the town. Also looked at site, at Wells and Route 15, would not work either. We designed a system that was cost effective to develop two sites. If the town wishes to pursue a site other than Kelleher it will take at least one additional site, at a cost of .5 million. Knows there is concern about the health issue. He can make comparisons with a few existing transmitters and power output: channel 6, puts out 5 billion watts; WTIC 1080, 50,000 watts; Fire Station #3, 93 watts. Most of the power is disseminated over the trees directed towards the Silas Deane Highway to provide penetration down into that area. The radio signal around that particular area is very light. One of the other reasons for selecting Kelleher Court were the must-cover buildings is the high school. Five of the six buildings of the must-cover buildings are within a mile and a half of Kelleher Court. There was a question about the Balf site, if that site were used you would have to put another site somewhere in the north side of town to provide coverage for must-cover buildings and to get coverage in the Silas Deane area and Old Wethersfield.

Deputy Mayor O'Connor wanted it clarified that the cost of a new site would be \$500,000. That is what you charged the first time. Mr. Wamish stated radio equipment cost \$250,000, installation and another 180 foot tower, is probably \$280,000. Mr. O'Connor said we already own the radio equipment. Mr. Wamish said the town owns the radio equipment for two sites. If you move to the Balf site, you take what was at Kelleher and you will need an additional site to cover the northern part of town, which is going to cost the additional dollars. The system is designed for two sites. Mr. O'Connor said there were not two sites but three. Mr. Wamish said there are two radio sites. Police headquarters is a control site, it has no radio equipment, it uses a microwave dish. It is like using a telephone line to the other sites. You need something to control the two radio sites. The police station has a microwave transmitter and a receiver. At Fire Station 3 is a radio transmitter and receiver microwave. Also the same is at Callahan. It is the backbone that connects all three. At the police headquarters there is a large dispatch console. A dispatcher sits at the console and presses buttons, that touch of the screen goes through cable to equipment room out to the tower at the police station and transmits via microwave to the two radio sites to tell it to turn on and talk.

Councilor Cascio asked if there was a test done on the Balf site. Mr. Wamish said there were paper studies, all were computer studies of the sites. The original site that was picked was at the end of Jordan Lane and he was told it was no longer available.

Mr. Cascio asked if the paper study was the only study done there. What did the paper printout say about the site? Mr. Wamish said he was told it was unavailable and the study was not done. Deputy Mayor wanted to know if that was the only reason. He was told "would you do a study of a site that is not available?"

Mr. Cascio, asked if you can operate the dispatch with the system we currently have, out of this town hall and have the police in the new facility. Mr. Wamish answered, not the way the system is designed. Mr. Cascio repeated they could not dispatch here without the towers and asked what if we do not use the towers and if we want to stall the process. Mr. Wamish said the system would remain operational the way it is. The police department would not be able to use the new police facility. Mr. Cascio wanted to know why. He was told it was because that is where they would dispatch from. The Town of Farmington ran into similar problems and waited for months to get their dispatch moved into the police building. The Police will have to answer that, his experience is that police do not move until they have dispatch

operational. Mr. Cascio had asked the Manager at the last meeting if we had a contract with AT&T and what the ramifications there would be if they were to delay this process.

Town Manager Swetcky said obviously the town would be exposed to a lawsuit from AT&T, he would not want to publicly get into details of the possibilities because of the litigation that could be involved. The Connecticut Siting Council recently released their decision, a public order, AT&T, to go on any site, had to go to the Connecticut Siting Council to get approval, and they issued an order that AT&T has to go on that tower if they want to go anywhere in this area. If the tower was not built, he would expect a lawsuit from AT&T.

Councilor Fitzpatrick wanted to go back to the \$500,000 figure you used. Are you saying it would cost us \$500,000 to move the tower from Kelleher Court to Jordan Lane? Where are you coming up with that figure?

Mr. Wamish said, if you wanted to put it at the Balf site, it would have to be developed which you are doing at Kelleher. You would have to put a tower and a building so any equipment you move there would be a walk in. Now you are going to have to place another site in another part of Wethersfield to provide the issue of coverage. Mr. Fitzpatrick questioned if a few minutes ago, he indicated he did not do a study from Balf so how would you know? Mr. Wamish said he was giving an indication of costs. Mr. Fitzpatrick said the presentation made had to do with triangulation. Mr. Wamish said they did a paper study for Balf, we did not do it for Jordan Lane.

Chairperson Czernicki and Mr. Cascio said it was the same area. Chairperson Czernicki asked if he were speaking about the north side or the south side of the Jordan Lane extension? It is right across from the cemetery on top of the hill. He believed the Department of Public Works used it. Chairperson Czernicki asked if he considered it to be the Balf site. No, the Balf site is over near the quarry, right on the edge there is a tower. The cemetery site is a different location.

Chairperson Czernicki asked if the cemetery site was tested on paper. No it was not, because he understood the property was no longer available. He was trying to make an example, if you move Kelleher Court to Balf you site need one more site to cover an area you are going to be lacking. So adding that site will cost you approximately \$500,000.

Councilor Fitzpatrick was confused as to why, if we have Callahan, do you automatically in moving it to Balf, eliminate Callahan? Mr. Wamish said, you keep Callahan, Mr. Fitzpatrick interjected, he keeps the police station and move Kelleher to Balf. By moving Kelleher two miles to the west, even one mile, you have ridges that run north to south in Wethersfield, you have Ridge Road, Wolcott Hill Rd, the further back you go from the ridges you get dead spots. You are not going to get the coverage.

Chairperson Czernicki reminded those people in the audience that he was speaking to Council now. There will be opportunity to speak again.

Councilor Gardow missed the last meeting, read the minutes, and had Councilor hours and someone from the public was there and mentioned property across the street from the Kelleher Court site. He went to see Mr. Swetcky about the property across the street. That property owes taxes, he looked at his topographical map at home and it is about 50 feet taller than the parking lot at Fire House 3. His recollection of driving by on route 15 is there do not appear to be many neighbors there. That piece of property owes taxes, can not be more than 1500 feet from the site and is 50 feet taller. Have we investigated that piece of property because they do owe us taxes and it is not that far away from the current location, what do you think the impact on the .5 million dollar bill would be? Mr. Wamish said the facility if kept in the location may be a wash.

Councilor Morin said this is one of the most difficult situations he has had to deal with in serving this town. He has a few questions, he has heard everyone who has come and the experts also. The piece of property we are speaking about at the cemetery, is it in the town of Wethersfield? If the answer is yes great, if the answer is no, then you have to go before a Planning and Zoning board in front of another community before you can put a tower up in there community. Someone asked about lawsuits and what we could expect. We can expect problems no matter which way we go, that is a given. If we forget what Councilor Gardow just said, if we did have to get another tower in another site in Wethersfield think of where it would go? Goodwin Park? The northern edge is well in residential areas and would pose problems. Never mind the lawsuits, what happens, unless one of the people tells us it is okay for the police to be

in the facility without the communication system, he is not happy with that. He knows all are concerned about public safety.

He is not comfortable, if those who have more knowledge than him, say it is unsafe for them to be in that building without the communication system. How long will it take if we do something else? His concern is that he did not have adequate information to make a decision. It will be a tremendous cost to the community in time, effort, the history provided by Mr. Swetcky goes back to 1996 and deals with all we have dealt with since when the voters authorized us to do this. We have spent a lot of money to get to the point where we are today. We run the risk of spending a lot more, if that is what happens. We may have to go back for another referendum for such a large dollar amount. This is an emotional thing, it is not that I discount anyone's opinion. You have to look at all the information that is given and then you go with that hoping it is the right thing. He expects answers to them from the Manager.

Deputy Mayor O'Connor thinks they are legitimate questions, how do we proceed not knowing those answers? Are you recommending we put a halt to this, waiting for the answers to those questions? Councilor Morin said he did not recommend anything, he was asking questions and wanted to know if it was reasonable to get some of the answers tonight.

Town Manager Swetcky could address some of the issues, no they cannot move into that police station. The police station is designed with the police dispatchers built into a part of the police station. They monitor holding pens, control the locks on the doors, that is a self contained unit there. If they are here, they are going to take a police officer off the street to monitor the holding pens, either here or there. They have to be in that police station. If the radio system does not go forward, if it is delayed for a time period the operation and opening of the police station is delayed for the same time period. There is something that should be clarified here, and he thought he had clarified it, initially when the town was looking up at Jordan Lane, they were looking at property that was available at one point and then it was made unavailable because there was talk of the possible sale of the property to the cemetery.

An alternative site was offered up at the Balf site and there were serious negotiations about it but the negotiations fell through.

Another issue to be clarified: the towers were never part of the bond package. The initial tower for the site was always envisioned, in the 96 study, the notion was to try to get a cellular company to build some of the tower. And that is part of the cost Mr. Wamish was speaking about. Right now AT&T is building that tower at Kelleher Court. If we pull back on that lease and not go forward, with that arrangement, we now not only have to pay for a third tower somewhere in town, but also have to pay for the Balf site tower. Tower site bids came to this Council a few months ago, \$120,000-\$150,000 for the 180 foot tower alone.

Councilor Morin asked what about going to another community? If we have to go to Hartford, I do not think Planning and Zoning would think this is the most important thing on their agenda right now.

Councilor Morin asked if we have to look for another site what would we have to do. Town Manager Swetcky said we would have to do more modeling studies and find out what is the most adequate location for that site. Mr. Morin asked what the cost would be. Town Manager said it would be between \$1000 -\$5000.

Councilor Gardow wanted to know what it would take to go in and put the tower up 50 feet higher and take that land from a delinquent taxpayer. Manager said they have been attempting to foreclose on that property for four years, it has been in the court system for four years. You cannot speed up the process of taking the property by tax foreclosure. The courts will always favor the property owner in these cases. We understand there is a perspective buyer for the property. There is a realization that the property may be sold and the taxes collected the court will not foreclose on it.

Councilor Cascio asked about eminent domain. Manager Swetcky said that would take at least a year.

Chairperson Czernicki asked Lt. Mull if we continue to broadcast out of the existing system, could the broadcast come out of town hall and personnel be at the new place.

Lt. Mull answered in order to operate out of the new facility as it was planned, we need to have the radio system. We

cannot open without it. Some of the reasons were stated, we need to monitor our prisoners system, they are processing, our report writers and our dispatchers all come out of the same facility. The dual function of the dispatchers is for the radios and prisoners. It is extremely critical and you must understand if we move the tower, besides the \$500,000, there are many other things, which would have to be considered. There would have to be a complete reengineering of the tower. If we move the tower, we are going to change the design of the radio system as it was approved by the AVC, which is the FCC area 19, it just took us since January to get this modification approved. They just received approval a couple of days ago. If we move this tower the process of approval has to be started all over again for this modification. They only meet once every four or five months. That leads to delays. With our current radio system it is becoming critical we are having daily failures of this radio system as it exists today. We were getting double repeaters trying to talk to each other today. The fire department has suffered two catastrophic failures. The recording system is being operated by a rubber band. We cannot afford in the interest of public safety to delay this project a day. We may run a little behind right now but we cannot delay the overall infrastructure as it exists and as it is designed today. The tower is a public safety tower, it is built for public safety. The other things are on it, the Police need that tower to conduct business soon. These studies and other costs are going to be related and the consultants would have to stay. Lt. Mull has no idea what the engineering cost will be. The Balf site was not selected because we were looking for the best, most economic way to erect the site and have a tower go up. At that time, there was a vendor interested in putting in tower, however, the landowner at the time would not come into agreement without having double costs assigned to the town. The option was abandoned, however, I do think a paper test may have been done. That was in memo from 1998.

To answer the Mayor's question directly, Lt. Mull said, No.

Councilor Fitzpatrick asked how long it would take to do a paper test. Mr. Wamish said it depends on the availability of our engineering department, one to four weeks. We are talking about eminent domain and taxes, obviously if this property sells, there is a lien on this property, the new buyer has an added expense. Can we waive taxes? There is a benefit to the property owner, it would probably sell for more because there is no lien on the property. Could we meet with the property owner could you give us the right to put the tower there? And at the same time run a test.

Town Manager Swetcky said they could approach the current owner to see if they would be interested in something about it.

Councilor Fitzpatrick thought they are going to Motorola and asking them to handle it on a priority basis so we would not have to wait four - six weeks. It is a big budget item, the town is in a bind, could Motorola do it faster.

Mr. Wamish said he would try, there are many projects they are working on, but they may be able to do it in two weeks

Councilor Fitzpatrick thought is could not take more than a few days to contact the current property owner and get a sense from them.

Mr. Wamish said that even moving it 1000 feet the geography changes. You may put a hill or something in the way that was not at the other site. Councilor Fitzpatrick said he understood it was something no one knows at this time. Motorola may not be able to guarantee the coverage we previously did at the other site, after the evaluation is done. Councilor Fitzpatrick stated the evaluation would tell us if it will work or not.

Lt. Mull said the thing that is absolutely critical is the time. If the public safety antenna is moved to a different location, I believe it will take a year before we will get the okay to light it up and operate it. I do not know what you plan on doing with the facility you just built down there. I do not know what the police are going to do if they stay where they are. Everything has been geared to move there. The radio system is ready to collapse. They have been cannibalizing it to keep things going. They are amazed they have not received a call to say they are working off a car battery as at last resort.

Councilor Fitzpatrick is concerned about public safety as the police but people are coming and saying it is going to affect them. All he is asking is to look at these options, he would be remiss if he did not ask the questions. He is not trying to jeopardize anyone's life.

Councilor Hemmann asked what a two week delay would have on the project.

Town Manager Swetcky stated it is in the memo given to Council, the tower is scheduled to be built this week. There are contractors working on the site now. His understanding is the tower should be fully erected by Thursday. Impact on the town overall would be a two week delay, assuming everything gets straightened out within the two week time period. As to what happens in the interim, we turn away the workers tomorrow, we will be incurring costs on that end of it also.

Councilor Cascio moved, **"TO SUSPEND THE RULES AND ADD AN ITEM TO THE AGENDA"**, seconded by the Deputy Mayor. All Councilors present, including the Chairperson voted AYE. The Motion passed 9-0-0.

Councilor Cascio moved, **"TO PUT A MORITORIUM TO ANY FURTHER CONSTRUCTION ON THE CELL TOWER LOCATED ON KELLEHER COURT AND LOOK TO ALTERNATE SITES"**, seconded by Councilor Gardow.

Councilor Morin was not sure moving the tower across the street will make the folks happy, they do not want it in their neighborhood. It is a waste of money. We will have to vote, in his heart he will not vote to delay this for the safety of the fire and police. He could not do it, we have gone through the process for over two years. If we had just come up with this and not have been through a three or four year process, he would accept a delay.

Councilor Fitzpatrick has a concern over the motion and wanted to add a time limit on it. Are we looking at a time frame, his only concern over the last four years, some of things we have been told are not exactly correct. He was looking for a comfort level.

Chairperson Czernicki asked if he were looking to an amendment to the original motion.

Town Manager Swetcky was not sure what the time frame should be on this, It may take up to four weeks to do an engineering study. A reasonable time would be three or four weeks.

Deputy Mayor O'Connor wanted to know if we had paid Motorola yet and thought maybe we had a common goal, you want your money we want to move it along faster. Mr. Wamish said he would make a call but at this time they are working on other projects also and resources are pretty stretched.

Chairperson Czernicki asked if three weeks reasonable. Mr. Wamish said it could be done in two.

Councilor Cascio amended the motion **"TO PUT A MORITORIUM FOR A PERIOD OF TWO WEEKS TO ANY FURTHER CONSTRUCTION ON THE CELL TOWER LOCATED ON KELLEHER COURT AND LOOK TO ALTERNATE SITES"** seconded by Councilor Gardow.

Councilor Sassano read from a memo signed by the Police Chief, Fire Chief and signed by the Wethersfield Volunteer Ambulance Association, April 26, 2001, directed to the Wethersfield Planning and Zoning commission, it is strongly worded plea to have the site at Kelleher Court approved and on page 2 it says the location allows for penetration on both sides of the westernmost ridge. Our representative from Motorola confirmed that Wethersfield has a number of ridges from north and south and the valleys of which prevents coverage the farther west you move. This includes buildings identified as critical but Public Safety personnel such as, Medi Plex Convalescent Home, school buildings and larger office buildings. Without the Kelleher Court tower site, the delivery of Public Safety services would be severely, adversely impacted, endangering both Public Safety personnel and the community they serve.

He understood and thanked the folks that have come to express their concerns to the Council. But when we are privileged to be elected to this Council our perspective has to change. Council does not have the luxury of having our perspective to be short term, short sighted and influenced by very well meaning, sincere and honorable folks such as yourselves. It is our obligation to attempt to raise our sights a little bit, broaden our respective and to try their very best to make decisions which have the welfare of the entire community at the core.

This is not to suggest that the expressions of concern, outrage, disapproval and everything go unheeded but Council has to make decisions on what would be the greater good for the greatest number of people. He for one is very concerned that even a two or three week delay could somehow adversely impact the delivery of Public Safety services to the community. It is for that reason, and that reason alone, nothing to do with cellular contracts, lawsuits or anything else, he must oppose this decision.

For those of you who are interested, the Town Manager referred to a letter from the State of Connecticut Siting Council which requires AT&T to be on this tower. At a public meeting held September 25, the Connecticut Siting Council ruled that the shared use of this tower site is technically, legally, environmentally, and economically feasible and meets public safety concerns. Therefore in compliance with General Statutes 16-50aa, the Council has ordered the shared use of this facility to avoid the unnecessary proliferation of tower structures.

There are reasons beyond what some of you may suggest are political deal making and financial advantages, which he frankly thought were way off base. Council is constrained by a number factors the most important of which is the delivery of effective, consistent, reliable and long overdue upgraded public safety services. He thought the time has come to make a decision which may be viewed by some as an unpopular one, one the does not listen to our residents. He assured them that he has heard them, feels for them but views the obligations as a Town Councilor extend beyond neighborhood issues to include the welfare and safety of all of our residents. He must sadly inform them he will have to vote against the motion.

Lt. Mull, understood what they were trying to do, but he needed to ask, what if, Council decided to move the tower up? What you are doing is causing a delay again, it is not a matter of two weeks, it is getting a radio interference test and reapplying back to get APCO which is the FCC. Any modification to the existing system as it is right now, even moving it, even 500 feet, will require the town to go back to the FCC, reapply and have it heard again. Mr. Wamish said also the FAA. They are losing their patience with us, we got our license in 1998 and it expires in 2003. When they gave us the approval for the existing site they put in a provision that any additional modification requires going back to them. If you decide to move it, this is what we are facing. There will be a delay of at least one year before we could utilize that building. Please make sure you consider these factors.

Chairperson Czernicki said they had an amendment to the original motion and asked if there was any further discussion.

Deputy Mayor O'Connor said he has always been a very vocal supporter of the Police Department. His personal opinion has always been that we have one of the best departments in the State of Connecticut. He cannot ignore the residents who come here and make a comment or accusation that gives the implication that the site was chosen to satisfy AT&T. And that AT&T turned around and made a political donation to satisfy a political party. It does not smell right. A gentleman came up and said it was like peeling an onion back. The more you peel it back the more it stinks. I have not heard a denial of that accusation by the way. I have heard nothing and I do not know how to read that, is it being ignored for the sake of being ignored or is there nothing to deny. I do not know but to me it does not smell right. I came into this meeting tonight thinking that we would take our lumps and was under the impression that this site was the only site available.

When I hear a comment that was read about certain activities, I am not comfortable anymore. I am the last person in the world who would like to see the move get delayed. I am sure it will be spun as republicans are against the police. That is utter nonsense. But I am disappointed by the comments I have heard and I do not know as far as researching, if that is indeed true. But I can not support moving forward with this until I find an answer to another location, and I do think it can be done in two weeks and I think Motorola can make that happen as well if they so choose.

Lt. Mull replied to Deputy Mayor O'Connor that his point was this, if you move the tower site it is not two weeks, I believe it is a year. It is not just police, please understand that, it is a full public safety system, ambulance, fire department, state rescue response, it is physical services in the event of a disaster here in town. This system is set so that with the redundant systems we can respond. In this present day and age with all that is going on, the demands of the service like Motorola is becoming increased. The envelope is closing on us. If we delay, the envelope will close to the point where we may not have access to the resources that they are able to provide in our contract right now. These

are the points I want to make sure you understand.

Councilor Cascio said that what he is hearing is that Wethersfield is not safe today. Lt. Mull said Wethersfield, right now, is safe. What I was saying was that a year from now unless we make drastic improvements to the existing system I have right now, I can not say it will still be running. The system is 20 years old. It has gone beyond it's life expectancy. Like I told you I have been cannibalizing parts just to keep it running. I am supposed to have two reels running at the same time, I have one running and it is running with an elastic band. That is the only thing keeping it going right now. I am giving it to you honestly, and with the facts, that is where we are right now with the existing communication system.

Councilor Hemmann said we are talking about a time frame with a report coming back to Council at it's next meeting. What we may find when we are looking at this and the pieces fit together in regards to doing the test, is that it may not be feasible but we have looked. We have identified. We are not saying we are going to be able to make this perfect, but we need to look. I feel that like that has not been done, after reading the through the packet and due diligence of looking at the sites, she is not saying the information will come back favorable. It may not come back favorable but we need to make that decision. Until we can determine that she does not feel comfortable just letting things go along without having to look.

Lt. Mull replied the point has to be made, that even if it is favorable, we are still talking about the delay. She understood that reason to go back.

Councilor Flynn replied obviously this is a subject which causes strong emotions from residents and apparently from around this table. I am a big boy I have a thick skin as a result of almost eight years of public service to this community. For the record, Deputy Mayor O'Connor, I left private practice a year ago. Deputy Mayor O'Connor said he was not the one who read the letter. Deputy Mayor you repeated the accusations and you expected and demanded a denial and you are getting it. I left private practice a year ago, My law firm when I was in private practice refrained from engaging in any dealing with the Town of Wethersfield, even before town boards and commissions. For the record if we look at the chronology that was provided to us. April 2002, staff begins negotiations with Pinnacle one /AT&T to build the tower at Kelleher Court in exchange for the use of it. June, July 2002, staff comes to an agreement with AT&T to build the tower at Kelleher Court, lease is approved by the Town Council and signed by the Town Manager. The Town Planning and Zoning Commission issues a favorable Sect 8-24 on the lease agreement between the town and AT&T for the Kelleher Court tower. Now, just look at the calendar, April 2002 and June 2002 came during a Republican administration. If anyone thinks that a minority member of Council has the authority to direct or pull the strings behind the scene, then I would just say you should think again. Thank you.

Chairperson Czernicki referred Lt. Mull, to the packet provided by the Town Manager, a memo dated, May 8 1996, from Chief Karangekis to the former Town Manager dated, May 8 1996, speaks to how poorly the communication system functions. And yet it has held up since 1996 until the current time. This letter was written, I am sure, to present a compelling case that we needed to go to an 800 MHZ is what the object is here, because shortly thereafter you applied for frequencies, is that correct. Yes, that is Lt. Mull understanding. I guess to me there is a little bit of question, in 96 it was not going to hold out much longer, but it has made it to 2002. I do not want to put any residents nor emergency personnel at risk but I am thinking it could hold out a little longer. I know at the end of two weeks or three, whatever it takes to investigate some other sites, we may end up where we are right now but I need to have a better comfort level than I have right now.

There is also a memo, which Councilor Sassano referred to, from chief Karangekis, Chief Clark and Paul DeJohn from the Ambulance and I was wondering, will the fire and EMS personnel be using the 800 MHZ system exclusively? Lt. Mull asked if she meant solely? Yes. The fire have another frequency that they use, it is referred to as an intercity. That is if there is an emergency in Hartford or an outside community, but it is not used within our community unless they are bringing in a mutual aid thing. The new 800 system is going to have an on ground fire scene frequency. What that is for is a redundant system. if for some reason a fireman is in the building and it is burning and it gets to the point that the officer in charge finds that the building is burning to the point where they have to get the personnel out, they put out a mayday or it becomes an emergency situation where they have to remove the fire officers from the fire ground, immediately back to a safe haven. If for some reason the transmission does not go across the 800 they will

have this on ground fire frequency that they can transmit on for a short point to point, that is available to them. As far as the ambulance, they have a CMED frequency which is used by the region. Primarily for the operation in Wethersfield, they will be using the 800 frequency.

Chairperson Czernicki asked if either of those bodies would be broadcasting on 400? Lt. Mull said it is his understanding that they will not be broadcasting on the 400. He also said he knows they have a paging system on the 400 but not for the dispatching of the fire ambulance to a fire scene. Chairperson Czernicki asked if person to person they will be using the 400. Lt. Mull said no, they will only be using the 800. Lt Mull said the on ground frequency is also 800. She also said that same memo talked about a secondary emergency system up at the Fire House at Kelleher Court. How frequently do we use that? Do you know when the last time we used that? Lt Mull said it was used when they did renovations downstairs it went over there but as far as our emergency dispatching it will not be used out of there unless we are talking about a nuclear disaster down on the coast. That is the only time they will be using that. The primary location will be in Rocky Hill. Our 911 will transfer down there, our alarm system can get transmitted down there, Newington uses Wethersfield, they come over to us. We are also able to dispatch our Fire Department from Rocky Hill. Chairperson Czernicki asked if we would use the site at Kelleher at all? Lt. Mull stated that the only time they would use that is as a supplement to a long term thing that might be an happening here, an incident here. We were using some of the Fire Houses and we had a wind shear come through, we were receiving calls and the secondary site was dispatching basically utility trucks for sawing branches, pumping basements, doing things like that to free up the higher priority real emergencies.

Chairperson Czernicki asked if the wind shear was the last time we used that as a dispatch center. Lt. Mull said yes, they actually used it. We also use it at other fire houses.

This is addressed to Councilor Flynn, to say that you are member of a minority party and you have no voice is not quite an accurate assessment. The Building Committee is chaired by someone by the then majority party had chosen. And the former Town Attorney who is a member of your party still serves as our legal counsel on matters that have to do with the Police Facility. So whether or not you have the ability to have information I would question that only the majority party has access to information.

Councilor Flynn responded to the Mayor, I am not suggesting that I do not have access to information or that I am not listened to around this table. The implication was that I was able to arrange a sweetheart deal for AT&T. The fact remains that took place in your administration. Are you saying I came to you or to the Deputy Mayor and arranged a sweetheart deal for AT&T? Chairperson Czernicki said, No you did not come to me. Deputy Mayor said, nor did I ever say that. Dan, your implication was the site was chosen in exchange for political contributions. Deputy Mayor's reply, No, what I said was that a comment was read by a public member here that was never responded to. Councilor Flynn's responded, Yes and that was in public comments. Deputy Mayor's reply, it made me uncomfortable because I did not know what the answer was. Councilor Flynn asks, do you know the answer now? Deputy Mayor's reply, No I do not understand your answer personally. The answer is Dan, did I come to you to lobby, did I? I did not ask that question. But I am asking you that Dan. Obviously if you are not getting a response the answer is no. The Mayor gave me the courtesy of giving me a direct response. You are not giving me the courtesy of giving me a direct response to the question. Deputy Mayor's reply, You are asking me if you came to me to lobby me for what? For AT&T, Brendan why would you lobby me for AT&T, I do not have any connection with AT&T, I do not work for them, I do not work in a PAC, I have no connection Dan, you sit around this table you cast a vote, you voted for this lease. Yes I did and not one of these residents was here when that took place. You voted for this lease, did I lobby you for the AT&T lease, well you did not need me Brendan, I was in the minority. Dan, you were the Deputy Mayor, when the lease was done in April 2002. For the record, I only responded to a comment that was read, I did not understand it, you had the opportunity to respond to it. Councilor Flynn's response, It was in Public comment. Deputy Mayor said he did not read it.

Chairperson Czernicki stated they had a motion on the table and a second to the amendment to the motion for a moratorium for a two week period.

Councilor Cascio moved, **"TO PUT A MORITORIUM FOR A PERIOD OF TWO WEEKS TO ANY FURTHER CONSTRUCTION ON THE CELL TOWER LOCATED ON KELLEHER COURT AND LOOK**

TO ALTERNATE SITES" Seconded by Councilor Gardow. Is there any other discussion?

Councilors Cascio, Fitzpatrick, Gardow, Hemmann, Deputy Mayor O'Connor and the Chairperson voted AYE, Councilors Morin and Sassano vote NAY. Councilor Flynn abstained. The motion passed, 6-2-1.

Councilor Cascio moved **"TO PUT A MORATORIUM TO ANY FURTHER CONSTRUCTION ON THE CELL TOWER LOCATED ON KELLEHER COURT AND LOOK TO ALTERNATE SITES"**, seconded by Councilor Gardow.

Councilors Cascio, Fitzpatrick, Gardow, Hemmann, Deputy Mayor O'Connor and the Chairperson voted AYE, Councilors Morin and Sassano vote NAY. Councilor Flynn abstained. The motion passed, 6-2-1.

Councilor Fitzpatrick was angry to be in this situation. We always seem to be up against the wall waiting for information. I have asked questions before and had been told I had no right to question people but it makes me angry to be in this situation where we are jeopardizing all this stuff. He asked the Town Manager to get a report from the person, not from the building committee, from someone in town hall, someone we are paying his salary, I do not care who it is, whoever you have designated or whoever Lee has designated. I want the chronology as to why these sites were not looked at. I would like to understand why we are up against this situation? Why people felt they were not notified? I want to understand this, because it makes me angry to be in this situation. We are hearing how sweet things are doing, how they are moving along and then at the last minute we start to hear these problems and we are told, if we vote this way, we are jeopardizing. I have raised this point before and I am going to raise it again. Why are we always put in a position where we are jeopardizing public safety when we are working on this police facility? It seems like it has been this way since day one, maybe it has not but it felt like that.

Chairperson Czernicki asked the Manager to get the answers for Councilor Fitzpatrick question and also as quickly as possible to get the information we need.

Councilor Fitzpatrick said he does not want it from the building committee, he wants it from the person internally responsible for this project, he understands we have an advisory committee but there has to be someone internally so this does not happen again.

Rick Abraham, Baneberry Lane, his parents live at 230 Ridge Road, and he wanted clarification. He feels the Jordan Lane site was not checked, he said if they used the Balf site, they would need a third site but what about with Jordan Lane. Mr. Wamish said without a test they would not know but they have to know if it is available.

Chairperson Czernicki said it would be investigated. He responded that he respects the Council members who at least said to check them out. If it comes back no, at least we checked, that is all we are asking.

Alexander Pappas, Ridge Road, speaking about the tower. I have read the minutes, I have done my research, no one asked how the citizens of Wethersfield felt about this tower being in their backyard. No one on the Council at that time questioned it. You are responsible to question it. It is sad that she has to come to force you to do your job. These are peoples homes. People have worked their lives to pay for their homes. We are all concerned with Public Safety. It is deplorable that you would let the police station system get to the point where it is being held together with a rubber band. Do not blame us for bringing this to your attention, you should have questioned it three years ago when you knew about the system. You knew you had to construct a tower.

Chairperson Czernicki offered a point of clarification. On or about October 11, 2000, 40 direct abutters were notified that there was going to be a crane test. In April, 2002, approximately 20 direct property abutters were also notified. There have been some opportunities for you to come out and make comment. I asked the Town Manager if at those times were there comments from the residents. Sometimes things fall through the crack but for the public record there were two different items of notification.

No one else wishing to speak, Chairperson Czernicki closed public comments.

COUNCIL ACTION

Deputy Mayor O'Connor motioned **"TO SELL THE TOWN OWNED REAL PROPERTY LOCATED AT 1004 MAPLE STREET, ROCKY HILL"** seconded by Councilor Gardow.

Councilor Morin addressed his comments for both resolutions concerning the detention pond, to control the flooding, he has listened to two engineering firms highly regarded in the business and our town engineer whom he holds in high regard. He does not support selling these lots. He does not know what we stand to gain.

Councilor Flynn addressed his remarks also to both resolutions. He said to sell these lots without a hint of an alternate plan is foolishness which borders on recklessness. Perhaps members of this council do not believe there is a flooding problem along this watershed. He has seen it, he has helped his neighbors move their personal property from the flood waters to protect it. He has heard residents come in and describe this. A vote to sell these lots he believes tells residents that their problems are not important enough to merit assistance or even the attention from this Council. Accordingly he feels it is irresponsible to precede on this issue.

Chairperson Czernicki said there is a motion to sell lot 1004 Maple Street to the highest bidder with a minimum bid of \$62,500.

Councilors Cascio, Fitzpatrick, Gardow, Hemmann, Deputy Mayor O'Connor and Chairperson Czernicki voted AYE. Councilors Flynn, Morin and Sassano voted NAY, the motion passed 6-3-0.

Councilor Cascio motioned **"TO SELL THE TOWN OWNED REAL PROPERTY LOCATED AT 1000 MAPLE STREET, ROCKY HILL"** seconded by Deputy Mayor O'Connor.

Councilors Cascio, Fitzpatrick, Gardow, Hemmann, Deputy Mayor O'Connor and Chairperson Czernicki voted AYE. Councilors Flynn, Morin and Sassano voted NAY, the motion passed 6-3-0.

Charles Wright Sidewalk

Councilor Cascio said that at the Shared Service Meeting earlier this evening the issue was the Charles Wright School, it is not anything new, it has been a problem for 15 years. We hope we have a solution for council tonight. The solution is to add a storm drain at an estimated cost of \$7000, it would add a yard drain adjacent to the east of the puddling area and connect via new plastic storm pipe to the catch basin in the northeast corner of the parking lot. This requires cutting and patching the pavement in the front lot. Town Manager Swetcky said the estimated cost is \$7000 but we discussed some modifications at Shared Services to drive down the cost. Councilor Cascio said that along with that they had looked at a total replacement of the entire sidewalk. It is approximately 125 linear feet of walk between Nott St and the southwest corner of the School building. It would be raised so the adjacent land will grade away from the walk and the pond of the water would take place on the west side. Raising the walk would trap water without a place to drain. There would have to do two of the projects. The sidewalk would be asphalt the width of the plow, it would be larger. It seemed to be the problem, when in the winter the plow would plow up the dirt and cause crevices with the wheels. That price was estimated at \$4500 but the estimate was done with concrete. Town manager Swetcky said the cost of the bituminous would be less than the estimate. Councilor Cascio said the Shared Services Committee was in agreement that these two projects should go forward.

Councilor Fitzpatrick moved **"TO GRADE AND REPLACE THE SIDEWALK"** , seconded by Councilor Cascio.

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

Staff Monitor for the Town Hall and Library

Councilor Cascio said this was brought to the entire Council and was an item that the Recreation and Parks, the Library, the Town Manager, and the Police had gotten together to discuss it. The solution to a situation which they were concerned about. At the Shared Services Meeting earlier this evening, there was an item that had been in the budget and they wanted to know if it was removed and when it was removed. Councilor Cascio did not have that information to answer the question. It was the first he knew of a staff person having been in the budget at one point.

They recommended that they pass this to council.

Chairperson Czernicki said Council passed it for a three month trial and will look at it at the end of the period and assess it at that time. Councilor Cascio said the job has been posted.

Councilor Gardow said that was discussed at the last meeting. He felt with the Police Station being right downstairs he would have voted against it. He thinks it is silly.

Other Business

Board of Education Pension Changes

Town Manager Swetcky explained that there are members of the Board of Education school administration that are covered by unions, they are not teachers, they are secretaries and custodians. They negotiated with the Board of Education for their contracts and these would bring them in level with the pensions negotiated by the town hall employees several years ago. The Board of Education approved these contracts however, because it is a town wide pension fund the Town Council also has to approve these changes. For clarification, he did look the changes over they are the same changes they made for local 1303 union contract and he would call them cost neutral changes. The contribution increase that is provided for by the employee actually covers the cost increases of projected actual cost increases. This was fashioned that way by our actuary. The added cost of the changes should be neutral.

Councilor Gardow asked if these pension plans you are saying are cost neutral, meaning in the end it is a wash. Are we getting more money up front in case folks leave board of Education employee before they reach retirement age. It is something that works in our favor at all?

Town Manager Swetcky said, No, It is a neutral benefit. When an employee leaves prior to retirement they have the option of taking the money back, their contributions back. The plan allows for that and they get interest, interest is 3%. They get the option to take it back, they can leave their money in the plan after they are vested and they can collect when they reach the age of 65. It is a neutral arrangement.

Councilor Gardow asked when they get vested.

Town Manager Swetcky said it started at 5 years, 50 % vested. Then it comes out 10% a year until you hit 10 years.

Councilor Gardow asked if someone leaves at 4.9 years, what does it mean?

Town Manager Swetcky said anything under 5 years they would automatically get back their contributions. We are not allowed to keep the money.

Councilor Gardow said it sounded like a good deal, which we will have to work on.

Town Manager Swetcky said now it is a good deal, three years ago when interest rates were higher, it was not.

Councilor Sassano left the room.

Councilor Cascio motioned "**TO ACCEPT THE CHANGES IN THE PROVISION FOR THE TOWN PENSION PLAN FOR BOARD OF EDUCATION EMPLOYEES ELIGIBLE TO PARTICIPATE IN THE PLAN**", seconded by Councilor Morin.

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

Resignations

Councilor Cascio moved, "**ACCEPTANCE OF THE RESIGNATIONS OF RUSSELL LIPES FROM THE WETHERSFIELD HOUSING AUTHORITY COMMISSION, JOSEPH W. DERR FROM THE CAPITAL**

IMPROVEMENTS ADVISORY, COMMISSION AND ANNE E. MALESTA THOMAS FROM THE YOUTH ADVISORY BOARD", seconded by Councilor Morin.

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

Bids

Councilor Cascio moved **"TO ACCEPT THE LEASE FINANCING FOR THE SUTPHEN FIRE PUMPER FOR \$40,643.21"** seconded by Councilor Morin.

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

Councilor Sassano returned.

Councilor Cascio moved **"TO ACCEPT THE SIDEWALK CONSTRUCTION AND REPAIR FOR \$65,767.75"**, seconded by Councilor Gardow.

Councilor Gardow had a question on where the repairs and replacement of broken or damaged sidewalks. He wanted to know if they were now able to answer questions as to whether or not their sidewalks would be repaired.

Town Manger Swetcky said the sidewalk owners have been notified. They have to be noticed, he will find out where and provide that to the Council. They will be posted on our Web site.

Councilor Gardow wanted to know if the resident does it on his own, does it mean we can do more. Yes. Typically what is the percentage of residents who take it in there own hands and have it done with their own contractor. Town Manger Swetcky said it is very small, for the homeowner to get a contractor it would be more expensive than to have our contractor do it for them. They are not allowed to patch anymore.

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

Councilor Sassano moved **"TO ACCEPT THE BID WAIVER ON THE CALLAHAN TOWER COST SHARING WITH VOICE STREAM FOR \$16,452.95"**, seconded by Councilor Morin.

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

Councilor Cascio moved **"TO ACCEPT THE BID FOR EQUIPMENT RENTAL FOR \$20,000"** seconded by Councilor Morin.

Councilor Gardow wanted to know where and when the equipment will be used, for what project or is this an open ended account. Is this planned for something?

Town Manager Swetcky said it is open ended, when they need a piece of equipment not in operation or they do not own it they rent it for the day or project. There is nothing at this time. For example, with the bike trail a special cutter was required and they rented it for a day or two as needed. Most of the equipment in this rental is something we do not use all the time so there is no need to own it. The \$20,000 is an estimate, they may not use all of it. Councilor Gardow asked if this open ended rental has been used in the past and how much of it is used typically. This is a high end. How is this tracked in the Physical Services budget? How does it come back at the end of the year? Does it vaporize into the black hole of public government? Town Manager Swetcky said it is budgeted in different accounts, some of it is in physical services.

When council approves a capitol project, bike trial, the cost of the equipment rented for that project, will be assigned to that project. If the money is in the physical services budget it will be charged to that budget. If the money is not needed in that budget it shows up at the end of the year as part of our surplus. It is in the rental account in the budget.

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

Councilor Flynn moved **"TO ACCEPT THE BID WAIVER FOR PERSONAL COMPUTERS 18,552"** seconded by Councilor Morin .

Deputy Mayor O'Connor was concerned about buying computers from Gateway, they are experiencing very serious problems. He wonders if we are better off pricing Dells and doing a side by side comparison. He would be more comfortable if that was done before moving forward on this.

Councilor Cascio read the last paragraph calling for a flat panel monitor and a CD and thought it was more expensive and a luxury.

Town Manager Swetcky said he thought it added about \$300 to the price. No everyone is ordering flat monitors. It is for space reduction in crowded area.

Councilor Cascio asked about the surge protectors, at \$79 each.

Town Manager Swetcky said we have a problem with wiring in the building and will blow out computers frequently due to the surges in this building. Everyone has to have a surge monitor, it has cut down on the number of problems we have had.

Councilor Flynn asked if they come with a warranty. Town Manager Swetcky said they do and would replace the surge protector.

Councilor Fitzpatrick said the flat monitor is for people who spend their day staring at a screen, it is much more user friendly.

Chairperson Czernicki said the narrative called for eight computers on the attached sheet there are ten listed.

Town Manager Swetcky said that when the memo from Mr. Dudley was sent to him, two computers were not on it. The Manager then asked to include the ones for the assessor and for finance. The ten on the attached are correct.

Councilor Morin he would not be opposed to get more information to compare, the folks who have given us the information are knowledgeable but he is not sure they did a comparison.

Councilor Gardow said the total cost is \$18,552 and then there is an asterisk which says the price does not include shipping, typically, \$90 per system. So what are we doing here, do we drive to South Dakota to get these or go to West Farms Mall? What he is seeing here is stuff like this is typically under the radar screen. Because this went over \$10,000 we got to see a bid that has things but what is underneath the \$10,000 threshold that is getting by for other things that we buy. It concerns him. He does not want to micromanage but his concern is what else is festering under the \$10,000 limit. It is a concern with him.

Councilor Gardow moved, **"TO TABLE THE BID WAIVER FOR PERSONAL COMPUTERS \$18,552"** seconded by Deputy Mayor O'Connor.

Deputy mayor asked the Town Manager to break out the type of processor, how long they will last, gateway has stores, it may be cheaper to pick them up there.

Town Manager Swetcky said they did actually shop this around, with Dell and Gateway, and he apologized for not having that spreadsheet with him. He will provide it at the next Council meeting.

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

Ordinances, Resolutions and Appointments for Introduction

RESOLUTION REGARDING THE AUTHORIZATION AND SUBMISSION OF A GRANT FROM THE

CONNECTICUT DEPARTMENT OF EDUCATION TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES AND THE AWARD OF FUNDS FROM THE GRANT TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WETHERSFIELD that Joseph Swetcky, Interim Town Manger, and Nancy Stilwell, Director of Social and Youth services are hereby authorized to make, execute and approve on behalf of the Town of Wethersfield, a contract between the State Department of Education and the Town Of Wethersfield Department of Social and Youth Services. Said contract shall be in the amount of \$20,967 for contributions to program services within the "Youth Services Bureau" for fiscal year 2002/2003.

PURPOSE: Authorization to have Town Manager and Director of Social and Youth Services Execute Grant documents

PREPARED BY: Nancy Stilwell, Director, Social and Youth Services

INTRODUCED BY: Kitch Breen Czernicki, Mayor

Date: October 7, 2002

RESOLUTION CONCERNING THE ACCEPTANCE OF MAYFIELD ROAD FROM THE EAST STREETLINE OF MIDDLETOWN AVENUE TO AND INCLUDING THE CUL DE SAC AS A PUBLIC ROAD AND WAY IN THE TOWN OF WETHERSFIELD.

BE IT RESOLVED, that **Mayfield Road** from the easterly streetline of Middletown Avenue to and including the cul de sac, approximately 550 feet in length, together with all easements as shown on a map entitled: "Resubdivision Plan of Mayfield Subdivision, #404 thru #422 Middletown Avenue, Wethersfield, Connecticut, prepared for Granite Homes, Inc., Dated Jan. 14, 1996, last revised Apr. 25, 1997, Scale 1"=40 ', Sheet 1 of 6, prepared by Hallisey & Herbert, Civil Engineers and Land Surveyors, 2264 Silas Deane Highway, Rocky Hill, Connecticut, Kenneth Herbert, LS" be accepted as a public road and way in the Town of Wethersfield.

PURPOSE: To accept Mayfield Road

PREPARED BY: Michael J. Turner, Town Engineer

INTRODUCED BY: Kitch Breen Czernicki, Mayor

DATE: September 25, 2002

Minutes

Councilor Fitzpatrick moved to accept the minutes of the Special[change of date] Regular Meeting of September 16, 2002, seconded by Councilor Flynn.

Councilor Cascio wanted to be sure the current minutes reflect, on page 15232, it is the paragraph, beginning with Councilor Morin, wants to set the record straight, it is his understanding that the Chairman of the Planning and Zoning is Matt Cholewa. Councilor Morin said he would add Vice in front of Chairman Roberts because that is how it is listed.

Councilors Cascio, Fitzpatrick, Hemmann, Morin, Sassano, Deputy Mayor O'Connor and the Chairperson voted AYE. Councilors Flynn and Gardow abstained. The motion passed, 7-0-2.

Councilor Fitzpatrick moved to accept the minutes of the Special Meeting of September 16, 2002 seconded by Councilor Morin. Councilors Cascio, Flynn, Fitzpatrick, Hemmann, Morin, Sassano, Deputy Mayor O'Connor and the chairperson voted AYE. Councilor Gardow abstained. The motion passed 8-0-1.

Councilor Fitzpatrick moved to accept the minutes of the special meeting of September 30, 2002 seconded by Councilor Flynn.

Councilors Cascio, Flynn, Fitzpatrick, Gardow, Hemmann, Morin, Deputy Mayor O'Connor and the chairperson voted AYE. Councilor Sassano abstained. The motion passed 8-0-1.

Reports

MDC Overflow Alarm System

Chairperson Czernicki and town Manager Swetcky were able to view the actual facility where the entire city is on the board with light and audible alarms. It was fairly impressive and the guaranteed that they would always have someone monitoring it.

Stormwater Permitting Process

Councilor Morin had questions on it and town Manager Swetcky said the memo is from Mike Turner, Town engineer who will be in charge of the permitting process. He indicates he has a draft proposal and has been in contact with other town engineers. As they get closer they will get the application in.

Chairperson Czernicki asked if he thought there would be a coordinated effort among municipalities.

Town Manager Swetcky said that is the goal is to try to do that, this undertaking as Councilor Morin said will take a great deal of resources.

Police Facility Building Process

Councilor Gardow stated that about a month ago they had a situation at the Silas Deane Middle School where a contractor was not doing his job and they called in the attorneys and they got it fixed and they are back on track.

Reading this building was supposed to have a Certificate of Occupancy on August 18 and they were given notice of their contractual were in default. A month later, it is still not ready. Why are we not pulling the bonds on these people to get them to go?

He sees one project that is doing extremely well at the Middle School where we had a hiccup and bam, it's moving. Here it will be two months before you know it, do you have any insight?

Town Manager Swetcky said he knows the Town Attorney is involved and that the Bond contractors for this project have been put on notice. Right now they are assessing what the additional costs will be and that will be taken out of the remaining balances that have to be paid to the contractors. We are at the point where these contractors are not performing at all, they are performing and working towards completion. It is a matter of collecting the damages. One of the arguments that could be made even if the building were ready we were unable to move into the building at that point. There is some question as to the actual damage is to the town other than the actual costs of the construction manager on the project.

Councilor Fitzpatrick said the recently opened the bids for the second phase of the Middle School. One of the contractors was claiming local bidder preference and we resolved that but it would make a strong case. The Building Committee did not name him. He was unaware that he was the contractor that was causing the delay until someone else told him that night. He was the person the Chairperson of the Building Committee referred to as a poor performing sub. No names were given. Why is so hard to get straight information on that project? You have to find stuff out. I would hope this Council needs to pry more information from the Building Committees.

Councilor Cascio asked for clarification on the town Attorney working on this case. Is that the current Town Attorney? Town Manager Swetcky stated he thought so but was unsure and would check on it. The way it works is the attorney has an open file. If there is a new matter, and I believe this is a new matter, it goes to the current Town Attorney.

Mulch Sealing Program

Councilor Flynn asked when this came up the last time Lee said the program had not been viewed as a success so why are we doing it again.

Town Manager Swetcky was not sure what the previous town manager said but they thought it was not a success on streets without a high volume of traffic. The compound has to be worked in and run over by vehicles. You need activity to push it into the ground. This is the second half of the contract.

Councilor Gardow asked if this was used on Main Street that made a mess. It is a fairly high volume area.

Town Manager Swetcky said that was one of the streets we did not receive any complaints on.

Town Planning & Zoning Report

Chairperson Czernicki said it was when they changed their negative referral to a positive referral. It has two stipulations 1)the ground building shall match the police station as best as possible in color and material; 2) town should consider combining equipment shelters of private vendors and 3) the propose antenna shall be made as unobtrusive as possible.

COUNCIL COMMENTS

Councilor Cascio reported the chamber of commerce had a very successful CornFest and the committee is planning one in conjunction with the 200th Anniversary of the Fire Department. The Library will be closed on the 16 and 17 of next week to replace the lights. It is all set with the town staff.

Councilor Cascio asked how they could get a cat ordinance.

Councilor Morin said it could mirror what Wallingford did.

Town Manager Swetcky said cats roam it is difficult to know whose they are and it might be difficult to do.

Councilor Cascio asked if is were something they wanted to do.

Chairperson Czernicki said it could be sent to the Town Attorney to look it over.

Councilor Cascio asked if they test a new site, we currently operate at 95% coverage Kelleher will cover 98%. Will we be able to get that is percentage also?

Councilor Hemmann attended the Advisory for People with Disabilities on September 18, they had a presentation by Kathy Bagley in regard to Fun Place at the playground between the Community Center and the Pool. It was first developed when Tom Lasher was with us and they picked out equipment with money allocated in the Capitol Improvements Funding. The Advisory Committee made a donation for the equipment of \$5000. There will be a very nice, well thought out playground, it will be accessible to children with disabilities as well as normal children. It replaces equipment in place for 30 years.

Councilor Gardow read a letter from Melba Osgood concerning the Town Clerk issue going to the Ethics Board. Why was the resignation from the ethics board not included tonight? He was away at the last town council meeting. He noticed and was surprised it was not on the agenda. The town clerk responded that she has to have the letter before it goes on the agenda and it had just arrived as did another resignation but it was after the agenda and meeting were set. They will be on the next agenda. Martha Meyer was here this evening looking for the residents to be part of the process more and he thinks it is up to the Parks Board to make sure they are aware. It was a busy Saturday morning, the fire company use the pumped at the pond, there was touch football, and he was cleaning his yard and he saw boys walking by with garbage bags. They were members of a Boy Scout troop 85 cleaning up the park; he gives them a big hurrah for doing that. It made him feel good about the community and the scouts and the leadership there. When we get information from Mr. Hart about the town wide cleanup we could include troop 85 and perhaps troop 50 also.

Deputy Mayor O'Connor was asking if the posting of the tax delinquents has taken place yet. Please let us know the status of that. Could you outline the steps involved in the Charter Reform? Chairperson Czernicki said they did receive it in December he thought it was missing from his packet. He asked the town Manager to look into a blight ordinance review, and he thought Lee referred to our town Attorney to review.

Chairperson Czernicki said the Seniornet Opening will be at 1 pm and the Heritage Way will be opening at 10 AM on the 19th of October, the reception for former town Manager Lee Erdmann will be on the 16th of October as well. Next week on Tuesday the Major Contracts Committee will be meeting to review possible architects for the Webb School and there is a letter from Mr. Bennett for Bennett Associates will be in town on October 23 and 24, for interviews with council members, groups and individuals. She has given Mr. Pinette a number of groups she thought he might want to contact and if Councilors have others they should give him a call. You need to keep 45 minutes of time available during those two days. Call in your availability as well.

Public Comments

Edward Kardas, 850 Cloverdale Circle, commented on 95 vs. 98 per cent coverage. His understanding applied to current location of towers, on this building and on the fire station 3. The 98 % are for the proposed towers. Tower north of Cedar Crest Hospital is a state owned tower, is it possible for the town to use that and what would the percentage of coverage be. What if the towers were no higher than the current antenna, what type of coverage would that provide? If we use other towers we might not have to go to the extra expense of .5 million dollars.

Kelly Weinberg, after the Webb school issue and the towers, maybe people will learn to become involved before it is a problem; she wanted to make a suggestion for computers, Hewitt Packard is a wonderful company it comes in a good package, under \$1000. As for the monitor in the Library, where are the parents? It is like the Board of Education wanting a bus for after school activities, that is not the Board or Towns responsibility. It is the parents responsibility, She is a stay at home Mom and is sacrificing a lot financially to be home with her children to be there for them. She thinks it is the parents responsibility to pay for a monitor to watch those children and not the Town's. It is not a hangout, if they are working there it is okay, if not they need to have other arrangements. She supports the cat ordinance, cats are pets and belong in your home.

Jim Clynych 903 Ridge Road speaking for 217 qualified veterans out of 2300 veterans in town who are eligible for low income abatement. The town is in full control of this and would be able to help these veterans. Homelessness is growing because of they are not making it on their low income. He was sad when Ms. Klett spoke because she does so much for the veterans in Town. He thinks she was misinformed by a Supervisor in Town Hall. He is not talking about taking the service away, just containing its costs. July Dial-a-Ride cost was \$26704 for the town.

Rocco Orsini, 95 Broad Street, mentioned that Rick Garrey told him they could retro fit the Council Chambers with new microphones for \$3000, with 50% reimbursement from Cox Cable. He asked Councilor Gardow to look into it. Every time someone looks away you lose them on the TV. He was going to wait for the new Chief coming in to talk about the quality of life in town and cats. That is a quality of life issue, it impacts on other people. The illegal pipes on the Harley Davidson's coming out of Olde Towne late at night also are a quality of life issue. Police are not doing anything to them. Boom boxes in the cars are also a quality of life issue. These could be in the proposed ordinance for quality of life. The Mayor mentioned letters were sent out notifying neighbors of the towers. Was there ever a letter to say we are putting a tower in the neighborhood? She thought the letter mentioned a tower in the area. She wanted to acknowledge that notices were sent and there were opportunities provided for residents to come and make comment or ask questions. We need to be able to notify folks of things that are going on. He wished Mr. Fitzpatrick good luck in finding the person responsible because we have already heard from Mr. Erdmann twice he was the one responsible. He would like to have this Council review all the contracts. Your pensions are a hot ticket item. Penny asked for them a few weeks ago and she still has not received them. Chairperson Czernicki said she did not ask Council. Someone said she asked Shared Services. It was not clear in some areas, in the retiree medical area, Pratt has an early retirement penalty, the town does not have that. We ought to dig into the contracts to see just what the town employees get. In his opinion they are very generous benefits. They may have been justified in the past but not now. Medigap insurance is paid for by the town for retiree and spouse. Major Medical is also included. It bothers him to fund those in the public sector with something he is not getting in the private sector. Now is the time to start planning what we want to see in

those contracts. We want to see a zero per cent increase. Share the pain with the private sector.

At 11:35 p.m., Councilor Flynn moved that Council go into Executive Session to hear from Assistant Town Attorney John O'Brien on possible litigation in the ENRON situation, seconded by Councilor Fitzpatrick.

All Councilors present including the Chairperson voted AYE.

Council entered into Executive Session at 11:45 p.m. Beside members of Council, the Town Manager and the Town Clerk, the following people were there: Attorney John O'Brien.

No motions or votes were taken.

Councilor Fitzpatrick moved to end Executive Session at 11:55 p.m. seconded by Councilor Cascio.

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

ADJOURNMENT

Councilor Flynn moved to adjourn at 11:58 p.m. seconded by Councilor Cascio.

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

Dolores G. Sassano
Town Clerk

Approved 10-21-2002