

[NOTE: These minutes are made available to the public prior to approval of the Town Council.]

REGULAR MEETING

October 21, 2002

The Wethersfield Town Council held a meeting on Monday, October 21, 2002 at 7:00 p.m. in the Council Chambers of the Town Hall.

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

Chairperson Czernicki welcomed all in attendance and said there would be an executive session at the end of this meeting to discuss a potential amendment to a stipulated agreement and to discuss a labor relations matter.

PRESENTATION: Wethersfield Rocky Hill Elks Exalted Ruler, William Rowe presented 25 smoke detectors to the town. The goal is to work closely with the town for youth activities, drug fighting activities, scholarship opportunities and other community supported needs. They participate in Connecticut Health Association and Connecticut Safe Kids. They support our community with child restraint seats, training of the officers for these seats, helmets, and smoke detectors all at no cost to the town or recipients. Elks National Foundation donates \$1.58 for every \$1 they raise. He thanked council for their time and hoped the smoke detectors kept residents safe.

Chairperson Czernicki said the town was most appreciative of all that they do not only for tonight but also for their presence in town. She called Assistant Director of Social and Youth Services, Peg Rooney to come forward to accept the smoke detectors. She said that their clients thank them and really appreciate their donations.

PROCLAMATION: White Cane Day, presented to Frank Meunier.

Mr. Meunier thanked the Mayor and Councilors for all of their work on behalf of the blind but also for all people with disabilities. He cited three things in particular: the curb cuts where the streets are ramped, Lasher Court and many other activities, such as the recreation program and the Fun Playground. Regarding the Blind he said there were several pieces of legislation in the works, one is called the Instructional Material Access Act, it would allow for the production of all kinds of materials used in elementary and secondary schools to be made available in Braille and/or other alternate formats for disabled persons. That Act is still in process and Senator Dodd is a firm supporter. Federation of the Blind is working on a Voter Act to provide voter access to include the blind, oral transmission of votes, large Braille keys. They are opposed to alternative signals going through department of transportation and other agencies, audible traffic signal and tactile signals. They support them on complicated intersections but not on all.

Chairperson Czernicki told the audience that the Chief Karangekis and Officer Tom Reagam were recognized by the CSAC for their work in drug and alcohol prevention.

PROCLAMATION: National Red Ribbon Celebration, presented to Police Chief Karangekis.

Chief Karangekis thanked the Mayor, accepting for all of the members Wethersfield Police Department who are wholeheartedly committed to protecting our young people.

All stood for the pledge of allegiance to the flag led by Deputy Mayor O'Connor.

PUBLIC COMMENTS

HEARINGS

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.

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.

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

GENERAL COMMENTS

Penny Stanziale, Chairperson of the Board of Education, invited Council to attend the public forums for Superintendent finalists. They will be held from 7:30 - 8:30 p.m. in the Webb Resource Room on 10/29, 11/6 or 11/7. She will moderate the forums and they will be televised.

John Miller, 375 Pine Lane spoke for the sale of the Rocky Hill lots purchased for Detention Basin #5. He thinks it will not solve the problem and suggests looking at the condition of the drainage system in the backyards of the neighborhoods involved.

Eleanor Sarge, 33 Colonial Drive thinks the police should be monitoring children in the lobby after school and call their parents. Thinks Council should stop spending money.

Diana Feliciano, 7 Dennison Ridge suggested putting air conditioning into Highcrest. Children are getting ill. Asked Council to move air conditioning installation up in the Capitol Improvement Budget.

Harry Lichtenbaum, Towne House Lane spoke of previous speakers this evening referring to respect and quality of life issues. Speakers at previous meetings have accused Councilor Flynn of a conflict of interest. It was the disrespect of the Deputy Mayor towards another member of Council that is his concern. It is time to be respectful to one another and to get civil.

Woodrow Warren of 9 Nutmeg Circle spoke on the importance of health and safety. Runners at night need some control, they need more reflective materials and the town should designate an area for them to run. Residents should be receiving a response. Learn from Willimantic deal swiftly. There is appropriate levels, local, state and federal, to fight drugs, do something immediately to handle it. Do something to help these people in town they are not criminals, they should not go to jail. Get rid of drugs in town.

Gina DeAngelo of 16 Dennison Ridge spoke on the lack of air and extreme heat at Highcrest School. She was concerned that those children will not get the education they deserve because they cannot focus and concentrate on the work because of the heat.

Rocco Orsini of 95 Broad Street, speaking on behalf of the Wethersfield Taxpayers Association, Inc. asked that information on cell tower be given to the public and abutters and questioned why all the sites were not looked at for the cell towers in the beginning. Also thought Silas Deane Highway is the gateway of the town to be considered for the STP grant application. Try to slow traffic down to stop and spend time here. Association thinks Webb should not take a lot of dollars to convert and the Stillman building, with a little work, could look like the Keeney Center.

Paul Flannary of 382 Ridge Road said Mr. Turner answered the cell questions he dropped off on September 3 on October 7. Radio system was not in the Bond Referendum. Two ladies gave possible radiation links to health problems. Asked why the towers were not fully funded.

Alexandra Pappas 282 Ridge Road "offered residents a chance to clarify certain key points completely missed by certain ignorant residents of this town. This is the purpose of speaking tonight, not about the dangers of cell phone towers, but to illuminate residents and the now majority of Republican members who sit on the Council about the how and the why the cell phone tower came to be in residents backyards in Company 3. The former town manager, the town engineering department and the zoning board of appeals said that residents were appropriately notified of the

construction of the tower. The question then becomes, if abutting property owners were notified than why show up at the eleventh hour to dispute the gruesome sight that sits at the edge of our backyards. Common sense speaks to the fact that residents were not notified. Democratic town Council at the time and the democratic town manager, and the democratic chief of police, meant to push the tower through as quietly as possible. What was the reward for the democratic members of this town? These participants are the same ones who cried that the tower is in the best interest of public safety. The truth is that this tower is in the best interest of AT&T and other cell phone companies to provide the best coverage for their clients and not the public safety community of Wethersfield. The citizens of this community deserve the whole truth and the unbiased truth. That is what I am here to tell tonight. At the last council meeting it was touched upon the fact that funds were given to a certain political party in town, meaning the Democrats. After further investigation, I realized how connected the town of Wethersfield Democratic Committee is to cellular companies. The Connecticut Democratic Coalition is a political action committee in the State of Connecticut. Brendan T. Flynn who was a council member, I am not sure of the date you started your service, but was also treasure of this Pac from 1999 to 2001. Now his wife Nancy is the treasurer of this committee. On December 2, 1999 the SNET Pac gave money to this coalition, which Mr. Flynn is the treasurer on. On February 1, 2002 AT&T represented by Connecticut M Trade Lobbyist gave money to this Council. On February 1, 2002, SNET Pac also donated money to this council. January 1, 2002 Updike, Kelly and Spellacy were lobbyists for AT&T and registered with the Secretary of the State as lobbyists for AT&T previously gave money to this council. Here is the connection to the town of Wethersfield. In 1999 3900 was given directly to the town democratic committee. I may be boring you with this point but it you look over the years 1999, 2002 only 550 combined was given to other democratic town council throughout the entire state of Connecticut. Why did Wethersfield receive at least 6 times the amount than other democratic town councils? I think politics made strange bedfellows. What is in for all of you? Well obviously the town democratic committee, your campaigns are funded by them, you are taking money from cell phone companies and you are voting on this issue. The only one who has ever reclused himself is Dr. Sassano, because he made it know his connection with a cell phone company. The other two members who now sit on this council did not recluse themselves and they voted anyways. In fact when most of these talks were going on you were the majority on the Council and Mr. Flynn sat as Deputy Mayor. Our town man of the year, Police Chief Karangekis, he is the one who has gotten up here the most and yelled about public safety and how we need this for coverage of the town. I find it interesting he plans to run for town council. His campaign will also be funded by the towns democratic committee. He also has been pitting neighbors against each other, neighbors who lived for twenty years in peace together by putting an unconstitutional gag order on Company 3, by not allowing them to converse in a friendly neighborly fashion with their neighbors. Not just about the tower but in any sort. If you do not believe me ask any of the fine gentlemen at Company 3. Former town manager Lee Erdmann also had something to gain from this, it remains to be seen but I would be interested to know his career path after he is done as city manager of Hartford. Some questions I am going to submit to the council which I believe you should find the answers to: Was the town manager of Wethersfield ever approached by the town of Newington to jump on a tower at Newington High School that was being constructed? Why did Wethersfield say no? What were the financial benefits to the town of Newington at the time? And who was the principal lease agreement with the town of Newington for? I find if you find the answers to these questions they will illuminate you even further to the town managers roll in all of this. I think you owe a big apology to the citizens of this town. You could look at me as if you are humoring now but I am wondering how you are going to sleep at night. I want you to look at the single mother who fought for five years in divorce court so her children could keep their childhood home. I want you look at my elderly neighbors, one who is a nurse for over twenty years and tell them how you could do this to them. I want you to look at the young couple who lives two houses down from me who moved to Wethersfield to start a better life for their child and instead they got sacked with a cell phone tower, not in the interest of AT&T but in the interest of town democratic committee. I think that is deplorable. Is it legal the donations you took? Yes it is but the question is it moral? What are you teaching our children? Are you teaching them integrity? Are you teaching them to sell out for a buck?"

Ron Zdrojeski of 68 Old Common in New England we pride ourselves on our democracy that fact that we have a tradition of open town meetings and that citizens get up and speak their mind. Certainly, sometimes, we engage in heated and passionate debate. The issue de jour, at that time, it was Judy Parker, or it may have been Betty Rosania, who when a citizen came up and started to make some unfortunate personal accusations, she raised her hand and said whoa. Frankly Council generally has that responsibility, you two specifically, Mrs. Mayor and Deputy Mayor have that responsibility. In response to the last lady, I am specifically requesting that Joe Swetcky, our interim town manager at the direction of this Council, ask the US Attorneys office to investigate if there is corruption in this community. If there is and I do not believe that there is, if there is, democrat or republican, I hope somebody winds up going to jail. I

really do. If this lady is right then that is what should happen. But if she is wrong, then we should not allow such accusations to go forward to this Council. You have a responsibility to the Chief, the other people that are volunteers in this community to protect their reputations. Because all of you are volunteers, with exception of Dolores and Joe, You cannot allow that kind of debate to go on. It is just wrong. I consider all of you, except Mr. Gardow, my friend here. I do not know him. This is not attacking public citizens, a lot of people come up here, and they are entitled to have their views heard. That does not mean they have to engage in a debate, which involves smears frankly. If there is something wrong with what happened, then it should be investigated. Put an end to it. The appropriate entity investigating such allegations is the US Attorneys office. Get to it. My recollection is, and I may be mistaken, that it was this Council as presently constituted except for Mr. Gardow, that actually approved the contract that awarded the thing to AT&T. Right off the bat there is a little bit of a problem with the facts as stated. This council has been in for almost a year. You can say you are new and you can study things. Sometimes you study to be deliberate, you want to be thorough and you want to fill in a gap. Other times you study things, because while you have be deliberate and thorough you are trying to a assuage people who are legitimately concerned about issues that you have turned over every stone and there is nothing else that can be done. Finally you can study things only because you do not want to make a decision. Having not been at the meetings I am not going to hazard a guess as to where you all are with respect to the cell tower issue. The National Institute of Health did a very exhaustive study. It was featured on the front page of the New York Times, approximately two to three years ago, which said that there is not any connection that they can find on EMF and the diseases that EMF has been alleged to have caused. If people want to know where these studies are, they can go to the library and do an Internet search. I am not suggesting and I want to make it clear that they have some sincere beliefs, but I do not know if they want that answer, that is the point. Right now we have a 10 - 15 million-dollar police station that will continue to sit vacant because we are not going to have the radio communication we need to open it. That seems to me to be fairly silly. There is already a tower at the fire station, not like the one that is going to be there, but there is already one there. My question is why was that tower there in the first place. What I found out was because it is one of the highest points in town. If you want to have the maximum coverage that is where you have the tower. So, just like when I was sitting up there and there were things at Mill Woods, the debate about the press box, there were certain neighbors around Mill Woods who said they did not want it. Well it is public land it is not your backyard. We have to do things in the best interest of the entire community. That is the same way I feel about the cell tower. What I am interested in is that we get the bang out of our buck for the police station, that our firemen are safe because they are volunteers too and that our town is protected. I just encourage you, if we need the study we need to spend money on it. If we are not going to be sued by AT&T which I believe is a likihood, if we are not going to delay the station opening, if we are not going to have to spend several hundred thousand dollars investing in sites that are not going to be any better than the one we have, I suggest to you that we get on and just open the thing.

Robert Young of 20 Coppermill Road thought the moratorium was good, more information is coming out about the cell tower business. He agreed with Councilor Fitzpatrick for the need to investigate and identify town employees who dropped the ball. Once when we identify these employees we should find out if they are worthy of employment with the Town of Wethersfield. Attended the Connecticut State Senate Debate, one spoke of economic stimulus, to keep taxes to zero and economic means for energy conservation. Use the police because of the authority they have for the monitor in the lobby. If other cell tower needed, take the money out of the Police Budget. They created the problem; they got the pole situated where it is. Employees for the Town of Wethersfield, close to the project should be looked very carefully. Heard on TV, cell phone pollution is hurting the environment. Tonight you gave an award to the Police Chief, something about drugs maybe you should have given him a public abuse award for the people who live on Kelleher Court and Ridge Road area.

Jonathan Bloom, of 24 Lacava Lane, as an abutting property owner received several notices. The issue is not how we got to where we are; it is where do we go from here. One of the issues brought up is the safety of cell phone towers. It boggles his mind that this is an issue. Reality is the electromagnetic field from a cell phone tower is extremely small. It is not a safety hazard. He is an electrical engineer, so this is not unplowed ground to him. FCC website is good for research. The environmental impact study is not necessary if the tower height is over 30 feet. A tower higher than that poses no safety risks whatsoever. They physics of the matter is that the intensity of the field from the antenna reduces as the square of the distance. When your standard cell phone is placed near your ear you are exposing yourself to vastly more signal than you will ever get at the base of that cell phone tower by hundreds, probably thousands. The emission safety is not an issue. Telecommunications Act of 1996 has a number of restrictions on what a town can and

cannot do with zoning cell phone towers. You are restricted in how you handle this issue. You cannot decide the issue based on environmental, health issue RF safety issue, the exposure. The FCC and the federal government have preempted that. You also have requirements in timeliness and process. If they approved it, you may find yourself in a quagmire of legal issues, not just civil issue of what AT&T is going to do but there may also be other issues. He envisioned a zigzag metal tower and maybe some of his neighbors thought so also. He also knew when he purchased his home there was town land. The Town owned the Fire Station and towers were there. He knew he would have little or no control over what the town did to its property. He understand the esthetics really reek here but a public safety issue, if my son is at Emerson Williams School or over at Webb for a scouting meeting, if the public safety people need to get there, I want them to have communications. Public safety trumps esthetics every time.

Peter Maxwell wanted to comment on the hiring of Fletcher Thompson Associates for the consultant to look at both the Webb School and the options for where the school administration office is going. What background information has been provided to them, does anyone know? Councilor Fitzpatrick asked what he meant. Town reports, studies, up to date, relating to the Webb School and to the Francis Stillman School. At what point are they starting? Some of the numbers and scope of work came from the school administration; they were not generated by an independent study. Feels there is a misrepresentation of the figures. Information generated misleads the public and you, . Estimates range from \$470,000 for Stillman to \$2.1 million for Webb to \$9 million. Who is controlling the budget for Fletcher Thompson? Four of the last 6 referendums were rejected. We elected a new council and board of education. We use our common sense, use yours. Reaffirm our trust in your judgment.

Richard Sparveri 322 Church Street has been in town for 54 years and was never as ashamed of being from Wethersfield as now. With residents throwing brickbats at Council and the Police Chief with false accusations is shameful. He read a letter from Andrew Adil commenting on the October 7 meeting when Council voted to delay the tower for two weeks. As a former member he understands that councils are under pressure by competing interest in the community. He thought people elected council to make the tough decisions and, if necessary, take the political heat. This council seems incapable of doing that. Delaying the radio tower now, three days away from completion in an attempt to placate a small group of individuals and despite the protestations of our public safety officials was ludicrous. Look at the facts. The current site was tested two years ago, residents were informed in writing that a tower may be constructed on the piece of town property and they were again informed in writing in April of this year of the planning and zoning meeting regarding the tower. They did not show up for the Council's unanimous vote last summer to approve this tower. To appear now after years of site searches, regulatory approvals and thousands of hours of volunteer and professional work to bring this project to a completion is not only wrong it is reckless. Delaying this final piece of the police building radio project places the entire town in peril. In fact the day after the vote we had a near catastrophic failure of an antiquated radio system when the fire department was in the midst of responding to a gas leak at one of the schools. Imagine what would have happened had this had been a real emergency. As an aside the vote to halt construction has resulted in Wethersfield being sued by AT&T for breach of contract, that is more money down the drain. If you think the \$300,000 to \$500,000 is a lot wait until they have to start buying the property on Ridge Road, where back taxes are due, throw out the widows living in the individual homes in the back. I believe they want 3.5 million for the property plus the back taxes, so we are looking at \$4million versus a piece of property we own. Providing we get the 98 % coverage to prevent the situation that happened at Corpus Christi School. If someone is buying a home, due diligence.

Mike Cronin 9 Crystal Street "Mr. Sparveri, just to address you apparently the riff raft spoke up when they voted you out of office last year" Mayor called a point of order and he apologized.

Mayor Czernicki had to call a point of order for Mr. Lichtenbaum and the audience response.

Mr. Cronin continued with "saying he thought the gentleman who came up was probably proper in asking for an investigation. One more grouping relative to that investigation is Mr. Erdmann, Mr.Zdrojeski and a Mr. Bellock who had ties to Loomis Chaffee School. Mr. Bellock was the individual who came to the town on behalf of AT&T and approached I believe Mr. Erdmann, and raised the issue of the Kelleher Court as the site of the cell tower initially. This was never the site before. This is not what the police wanted. This was not what anyone thought of until AT&T and this Mr. Bellock came into town. After that, it became the only site, the best thing since sliced bread; this is what had to be done. What happened to the other sites? If the Chief was to be believed they were to be sold apparently they

weren't, I guess we cannot believe the Chief. Another aside as far as the lobbyist connections, the Chief of Police, Motorola radio and MCI, which is a cell carrier, all share the same lobbyist. I don't know if there is anything there but maybe we can talk that into an investigation as well. Mr. Flynn, you denied at last session when you came to Allah saying you had not been working for that firm for the last year. This all started in 1996, when you were working for that firm, when you were treasurer of this PAC, when you were deputy mayor on this council. So when you try to say you had nothing to do with it last year it started long before that. In addition, that Pac has still not filed their last couple of statements. Mr. Flynn said he should look on the Internet. He said he looked under the name of the Pac so they are in violation in that respect. My neighbor had given a letter to the Town Clerk, apparently it takes two weeks for her to deliver something to the Town Engineer. In addition, there were reports given at the last meeting, you could assume someone would be interested in the reports for this meeting but no initiative was taken. The referendum, again the staff never disclosed the fact that these towers were not going to be fully funded. Since 1996 when it was first discussed, definitely in 2000 when this referendum came up there was no money to put these towers up. So it was going to be a cell company putting these things up the whole time. You never let on to that. When the initial notices went out for all the testing and the sites it said a police radio tower. You knew it was going to be a cell tower, you never said that. You wonder where all these tower people were when this whole thing started. They thought it was going to be a simple police radio. Nobody knew it was going to be a cell tower until two months ago. That is why we are here, that is what is upsetting us. We were left in the dark by this Council, last Council, and by the staff of this town, it is ridiculous. Zoning here is shortsighted; you are ruining a residential neighborhood. Why would anyone want to move to this town? It could happen in their neighborhood, when it could happen in the nicest neighborhood in town. Look at what is happening to the Cove. What is left to this town, the Green is, I guess, all we have. You wonder why developers don't want to come in; you wonder why you can't fill a strip mall on the Silas Deane with anything but discount stores? It is shortsighted zoning planning. You need to catch on to this, you need to do something, and this is the start of it. I'd ask you to keep going with this moratorium, stop this cell tower, put it somewhere else. Thank you."

Shirley Steinmetz 375 Brimfield Road stated it saddens her to see what is going on in the Town of Wethersfield. As a resident for 36 years, she was active for at least 25 of those years. She started as President of Mitchell PTO when they fought to keep that school open, ZBA, Wethersfield Weekend, and Teacher of the Year. What she is hearing tonight is not the Wethersfield she knows and loves. She has attended more council meetings than the number of years represented by the people sitting here. There has always been respect; you do not always have to agree on the issue. That is what makes discussion lively and that is what makes government. You should show respect for each other. Also as Chairman of the Democratic Party and she would like to say to Ms. Pappas that her accusations are not true.

Chairperson Czernicki called a point of order.

They are absolutely not true. She is appalled at what she sees going on in this town. It should not happen. It is not republican. It is not democrat. She was quite sure you all agree with that. It is the way in which you conduct business, it is the way you treat our elected officials. Mr. Flynn has been an active of the town for many years and has served with responsibility and respect. She hopes this stops because this is not the Wethersfield she knows, loves and brought her family up in. There have been disagreements but it has always been respectful. She is appalled at what is going on in this Town. It is the way we conduct business, show respect for the volunteers, and show respect for each other.

Leigh Standish 278 Hartford Avenue "as far as he knows it is still the electorates town, it does not belong to the democratic town committee or any other group although he sees a lot of them tonight, so they had an issue in mind and turned out the troops. It is his estimation this council has conducted itself in a civil manner, and has been respectful of one another. Surprised at hearing these allegations, especially from Mr. Sparveri since he had been censured here for shouting profanities at neighbors who found him and some of his workers removing flyers and lawn signs and a number of other things during an election. He was concerned that he, perhaps among all, should be the last person pointing the finger and saying shame on you. Maybe not the last person because there were a series of very embarrassing circumstances that this last council did, not this council, is known for during the election. He was surprised at the moral outrage that I am hearing this evening, he wondered where it was when the democratic council was conducting itself in the fashion I described. In regard to the cell towers, he is concerned that a body many have known when he purchased a property next to a public land and things he might not be able to control may happen to this land. But as far as he knows it belongs to the electorate and not this council or the democratic town committee. If someone alleges a pattern of contributions, which raises serious question and I suspect that someone should look into

that contribution and not necessarily accuse the accuser of some malfeasance. His concern is that we have rushed headlong into a cell tower location without examining all of the options that might have been available, that might have better respected the quality of life in this town and what happens on our public lands. The democratic process is being played out here and it pleased him to see it. Those citizens who have come here to express their concern have every right to do it. It is shame on Council that you have chosen to be elected and take a public role. You should have the thick skin and not be pointing at them and swearing at them and causing the kinds of allegations he has heard being raised against the people who are brave enough to come here to express their concerns about how this town develops.

Frank DiBacca 156 Col. Chester Drive wanted clarification for local bidder preference for Wethersfield based business to qualify for the favorite son rule for bids. Several years ago he went to Fred Valente to ask what the procedures are to be qualify as a Wethersfield based business. Several years ago they filed for the approval. Planning and Zoning gave approvals based on limitations. They filed a bid and were given it. They have two items that say, "May be required" and we have both of them. It was pointed out that we do not pay enough taxes under that business to qualify. They pay over \$100,000 in taxes here, only \$70,000 to Rocky Hill. That one business supports my family, my brothers, sisters, father along with the other businesses, which pay taxes to our town. They sponsor and support our youth soccer leagues. They do what they can for the community. He finds it personally offensive that they were not considered as an approved business. They have followed the rules. They are interested in pursuing the local bidder preference. They have done all that they have been told to do. It is left up to the people he already has spoken with to make a decision as to whether it is to be applied or not. Apparently what is in writing does not apply. If there is anything that could be put forward he would like to see an interpretation so they could establish it correctly.

Chairperson Czernicki said the Town Manager would get the regulations out to you. He said they have the regulations, they simply say you have to pay taxes and have a long- term lease. She believed that the Manager had conversation with him specifically addressing this matter and perhaps he can offer points of clarification.

COUNCIL ACTION

Councilor Fitzpatrick moved, **"TO ACCEPT THE 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"**, seconded by Councilor Flynn.

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

Councilor Morin moved, **"TO ACCEPT THE 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"**, seconded by Councilor Hemmann.

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

Councilor Flynn moved, **"TO APPOINT RAYMOND E. LAVOIE, SR TO THE HOUSING AUTHORITY FOR A TERM FROM 10-21-02 TO 8-31-2003 AND TO APPOINT TO THE ETHICS BOARD AS AN ALTERNATE, CYNTHIA ZUERBLIS OF 119 TWO ROD HIGHWAY FOR A TERM FROM 10-21-02 TO 6-30-2004"** seconded by Councilor Morin.

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

OTHER BUSINESS

Councilor Gardow moved **"TO AMEND THE 2003 TOWN COUNCIL MEETING DATES"**, seconded by Councilor Fitzpatrick.

Chairperson Czernicki said the October 7, 2003 meeting would be moved back to the regularly scheduled first Monday

October 6, 2003 of the month as Yom Kippur would end at 6:00 p.m. that day. 10-21-02

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

Councilor Fitzpatrick moved "**TO REFER THE STP ENHANCEMENT GRANT SOLICITATION TO THE TRAFFIC AND TRANSPORTATION COMMITTEE**", seconded by Councilor Morin.

Town Manager Swetcky explained the memo from Town Engineer Mike Turner indicating the conditions and timeframe restrictions of this grant available for gateway site beautification and list recommended projects for it. He recommended a referral to the Traffic and Transportation Committee for study and report.

Deputy Mayor O'Connor asked an invitation be sent to the newly formed Silas Deane Group as well as the ones listed by Mr. Turner.

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

Councilor Fitzpatrick moved "**TO ACCEPT THE REQUEST FOR FUNDS FROM KATHERINE SMITH TRUST FUND TO REPLACE DRINKING FOUNTAIN ON THE BROAD STREET GREEN**", seconded by Councilor Morin.

Chairperson Czernicki explained the funds from this Trust are only for use on the Green.

Town Manager Swetcky said there was an attached memo from Director of Recreation Kathy Bagley, which explained that the money from this fund may only be used for improvement of the Broad Street Green. They discovered the problem of the running water at the broken fountain after a public complaint and they shut it off, now it needs to be replaced. They would like to get the process rolling for the spring.

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

Chairperson Czernicki asked to have the resignations taken together.

Councilor Flynn motioned "**TO ACCEPT THE RESIGNATION OF DANIEL A. CAMILLIERE FROM THE TOURISM COMMISSION, LESLIE HOLCOMB FORM THE WETHERSFIELD HOUSING AUTHORITY, PAMELA MOONEY FROM THE ETHICS COMMITTEE AND LEE C. ERDMANN FROM THE BOARD OF DIRECTORS OF THE CENTRAL CONNECTICUT HEALTH DISTRICT**" seconded by Councilor Fitzpatrick.

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

BIDS

Councilor Fitzpatrick reported on the meeting of the Major Contracts Committee, they met twice and reviewed the bids and cost summaries for the Webb. They narrowed it down to four to be interviewed. The recommendation of the committee was for Fletcher Thompson. They are strictly on schools; they brought a lot to the table and unabashed enthusiasm for this project. We did not give a specific direction. They will be starting fresh taking the available information also sitting down with the Superintendent for the Ed Specs for the building. They will be sitting down next week to develop the scope of services that will be required. They were the low bidder, in anticipation of getting the big pot; they came in on the low side.

Councilor Flynn added that they made a positive impression, they convinced them of their aptitude and knowledge and were very excited with what they bring to the table.

Councilor Hemmann agreed they really showed a great deal of enthusiasm, which was evident with the presentation, they gave, and she is looking forward to working with them for this project.

Chairperson Czernicki asked if they were meeting with them next week. Councilor Fitzpatrick said that if Council approves them this evening the Major Contracts Committee, the School Building Committee Chair and the

Superintendent of Schools will be sitting down to develop the scope of work that they will be using.

Councilor Fitzpatrick moved **"TO ACCEPT THE BID OF \$18,180 FOR FLETCHER THOMPSON"**, seconded by Councilor Flynn.

Councilor Sassano asked the Manager and the members of the Committee about the broad range of bids for what Council is proposing, from \$18000 to 60,000. He asked if the committee got the impression that all of them were bidding for the same thing. Councilor Fitzpatrick said he thought they all understood the scope of the projects, there were differences in the hours, the fact of senior partner or not. Some were three times the amount of the lowest bid. Councilor Fitzpatrick said some of them had a lot on their plate. He thought they caught Fletcher Thompson at a good time. They asked if the firm were chosen for the first piece, would they be ready to go in March or April. That was key, some were hesitant and did not have the resources to put right into it, they did not want to commit to too much.

Councilor Gardow said that at the Board of Education meeting, the reduced the number of options from 10 to 5, eliminating 2, 3, 7, 9 and 10. Were those removed from the bidding? No they were based on what the original package of the ten options the Council put together. In discussing it we said they were pared down. Mr. Gardow wanted to know if the next meeting with them would include the pared down list. Mr. Fitzpatrick was not sure of the exact list and specs they would use.

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

Councilor Sassano moved, **"TO ACCEPT THE CAD/RMS HARDWARE FOR \$139,216"** seconded by Council Morin.

Deputy Mayor O'Connor stated they were going with the second lowest bidder. The lowest bidder lists the town of Wethersfield as a reference yet we are not choosing them.

Town Manager Swetcky said the lowest bidder is a good company and they had installed a system in his department last year and they were very good. The concern was that their original bid was not fully in compliance. There was some question in what they were proposing, i.e. licensing software, it was incorrect. They went back to each vendor, line by line, item-by-item to be sure they knew what they were supposed to be bidding. We adjusted the prices for each bidder. Their recommendation is on the fact that the second bidder understood the project better than the low bidder and they felt more confident with their pricing. The actual low bidder was in the vicinity of \$113,000 but with the adjustments it brought it up to the \$134,121. They felt concern about the staffing ability. They indicated they did not have the same size staffing that the next lowest bidder did. We were concerned about the timing and support on this they thought the second bidder was more appropriate.

Deputy Mayor O'Connor felt that it was very helpful to learn that. He had received a phone call after the contract for the software was awarded to VisionAir. Apparently another company sent in included hardware, and with this contract we did due diligence but this other company said they were unable to speak to anyone in town hall to tell or their mistake. He never got any feedback on it. Mr. O'Connor liked what was just provided.

Mr. Swetcky said he did speak to many of the bidders on that software package and they did tell them not to bid on hardware. If it is the same vendor that I am thinking of they were still high after taking out the hardware. They also did a single system; this is a redundant system with four servers. When one goes down another falls into place.

Deputy Mayor O'Connor confirmed that this system is for hardware only. Advanced Office Systems, which is being recommended, has software licenses in the bid. He brings this up because some hardware sellers come back a few months later and say you have to buy the software to use the system. Mr. Swetcky said some bids say not applicable some say Microsoft license from educational to government. Mr. Swetcky said this bid does include the Microsoft licensing, when it says N/A it means they already included it in their price. The first bidder had to add it in because they did it as educational and not government. Deputy Mayor O'Connor wanted to know if this included maintenance. Mr. Swetcky said it includes the first year of the contract. What is the annualized maintenance? He said it would be on the hardware. What is the number the Police would have to include for the next year. Mr. Swetcky was unsure of what that number is at this time.

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

Ordinances, resolutions and appointments for introduction

RESOLUTION REGARDING THE AUTHORIZATION AND SUBMISSION OF A GRANT FROM THE CAPITAL AREA SUBSTANCE ABUSE COUNCIL TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES AND THE AWARD OF FUNDS FROM THE GRANT TO THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES.

RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CAPITOL REGION EMERGENCY SERVICES DIVE TEAM AGREEMENT.

ORDINANCE GOVERNING THE LOCATION OF CELLULAR EQUIPMENT ON TOWER AT KELLEHER COURT.

Minutes

Councilor Flynn moved, **"TO ACCEPT THE MINUTES OF THE SPECIAL MEETING OF OCTOBER 2, 2002"**, seconded by Councilor Morin.

Councilors Fitzpatrick, Flynn, Gardow, Hemmann, Morin, Deputy Mayor O'Connor and including the Chairperson voted AYE. The motion passed 7-0-1. Councilor Sassano abstained.

Councilor Fitzpatrick moved, **"TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 7, 2002"**, seconded by Councilor Flynn.

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

General Comments

Reports

Delinquent Taxes Web Site

Town Manager Swetcky said this past July the Council authorized them to enter into an agreement with a collection agency. Part of the agreement was to also post it on the Town Web Site the ten largest delinquent taxpayers, fine holders and ticket holders. They will be sending them formal notices and will have them up on the site by December 2, 2002. Following the second collection of taxes, we will put up the real property taxes and motor vehicle and then proceed with the rest of the fees and fines.

Charter Revision Information

Information in the packets includes the current charter as well as copies of the Connecticut General Statutes pertaining to Charter Revision and an explanation of the process.

Information of the Blight Ordinance Status

Deputy Mayor O'Connor said it was referred to the Town Attorney, he thought it should be a rubber stamp. If he reads the memo correctly, it was just sent. It also mentions setting up an ad hoc committee. At one of the Council meetings he thought they did set one up and that Councilors Morin, Cascio and himself said they would be on it. Please clarify if it was set up. He was also under the impression it had already gone to the town attorney. Mr. Swetcky said when he spoke to him, he needed information and he was going to send it to him.

Chairperson Czernicki said the Councilors were to work with the people on the previous Blight Ordinance Committee.

Public Safety Radio Tower

Reports from Planning and Zoning and on the tower are at our places. An additional report from Motorola and the Manager has provided the Mayor with some recent radio repair occurrences prior to the moratorium being instituted in the month of September.

Chairperson Czernicki said the Councilors should take this opportunity with paid staff in the audience and with Mr. Oickle and Mr. Jurasin in the audience. Mr. Cholewa sent a letter, as he was unable to attend.

Councilor Gardow had the package from October 18, the Church Home site the tower would still have to be 180 feet and that some buildings would have to be raised houses per the information which he provided to the Manager after the last meeting. He believes Motorola should answer it.

Town Manager Swetcky said he could answer it also, after seeing the information from Motorola it was the staff's opinion that the some of the cottages would have to go. The problem is getting a big crane in there. Then you have to do something about the carport, trees, the question also is where do we put the equipment shelters. In that location you are close to the main building.

Councilor Gardow showed Mr. Wamish his map. Mr. Wamish said he did not say anything about buildings having to come down, he said they might have to chop down some trees. You need a right-of-way to get into that area where it looks like the tower should go. How you are going to do that he did not know. He thought the town would need a certificate. You would need a significantly big crane to raise the pieces and put the tower in place.

Councilor Gardow asked if to run a test, you would have to go and remove trees and such. Mr. Wamish said he did not believe a test had to be done on Church Homes. Mr. Gardow continued and asked if the tower had to be 180 feet. You have to be able to clear the tree line, you have trees that are 175 feet high, in order to get the best coverage possible you have to consider going above the trees to get the signal. Mr. Gardow asked if he was saying that buildings would not have to be raised if it went in that location. Yes from what he saw the only thing that would have to be taken care of would be several trees.

Mr. Wamish wanted to be sure that Council was given a copy of his handout. They did not have a map.

Chairperson Czernicki asked if he had said they would not need a crane test at that facility. Would placing a tower there require a fourth tower? No. So it would give us approximately the same amount of coverage? Basically, it will be the same coverage as across the street.

Councilor Morin asked if they moved the site would they have to go to the Siting Council again. Secondly, he thought the reason we discussed moving this tower was the folks who live there are unhappy about it. He thought there were still folks in those cottages now and he did not think they would like it either. It is not that far away from the folks who are complaining about it now. What is directly behind the site, is there a neighborhood behind it? Would not people be affected living right next to it? Mr. Wamish said there are a lot of small buildings and people are living in them.

Chairperson Czernicki said there appears to be concern now the materials received say that cottages would have to be demolished. There appears to be a disconnect here. Mr. Wamish said it would require a study but it does not appear that there would be a problem. Chairperson Czernicki asked Mr. Oickle and Mr. Jurasin to come up and explain the process about the communication tower and the public hearings. Mr. Oickle said he understood Council had a letter from Matt Cholewa, it covers the situation quite well. It covers decisions made one and one half years ago and the most recent. Where we came in with a negative report because we were concerned about the buildings at the base. They are n satisfied now that they added those who would be using the tower work together to architecturally or otherwise to provide maybe a singular building to blend with the fire facility. The reason a decision was made a year ago, where the town was exempt from a 50-foot height requirement. This was the only option we had; some voted against it, they were concerned with the backyard issue. There is not the same concern behind the Police Station. That generally was the issue. These are group decisions.

Councilor Fitzpatrick asked why did they choose, knowing it was going to be a cell tower, amend the zoning regulations why was it not just the site. Mr. Oickle said it was because they knew in both cases that the tower would

have to be pretty high. Fifty feet is not an adequate height for towers. They had an application from the Manager, the Chief spoke and Joe Coombs spoke and a number of others indicating that there was a need to eliminate that requirement by the commission in order to provide the height of the tower.

Councilor Fitzpatrick stated they did not address Kelleher Court specifically. Mr. Oickle and Mr. Jurasin said in their discussions, there were several sites discussed this was one of them, it was the preferred one, due to a number of reasons you have already heard. Clearly the action on their part was to waive the 50-foot height restriction for municipal tower, because they knew more than 50 feet were required to get the coverage.

Councilor Fitzpatrick said a number of people got up and said the neighbors were not notified. Is there a difference in how you notify them? How did the cellular antennas get on there if you only exempt the Town? Originally it was said to us that it would be a town tower, they were not approving anything else at the time. If it had to go back to Planning and Zoning, it would have to go through Council like it did this summer and fall of this year. Eighteen months ago, they were only doing the exemption for the town. Cell towers are allowed in town. They were not approving it in a particular zone, they understood and allowed for the municipal tower to be more than 50 feet. Basically they were concerned that it could be done in the same time frame as the police station because they knew it had to be done together.

Councilor Fitzpatrick asked the Town Manager Swetcky when we went to cell phone provider. Was it after this approval or were there discussions prior to this approval? Town Manager Swetcky stated the whole idea came up in 1996, which was the recommended methodology for being part of the tower operation. There were various discussions with tower brokers, especially with regards to the Balf area. When it came time for the tower at Kelleher Court the Town decided to build a public safety tower there. We did not have any particular vendors in mind at that time. Pinnacle One representing AT&T came in after the approvals were put in place. It was always hoped that the town could retain a cell company to help build the tower, to help defray the cost.

Councilor Fitzpatrick wanted to know why we did not approach Planning and Zoning with that idea. The town has responsibilities. Why did we go in one way, why not lay your cards out on the table? Manager Swetcky said he could not answer that based on what he knows. When the Balf site fell through, there were cellular towers there.

When we decided to go forward with Kelleher Court, if we had to, we would have to pay for the tower. The goal was that it was the site for a tower and whether we paid for it or a cell company. At the time the town went to Planning and Zoning we were more concerned with getting the tower up as a public safety tower and getting approvals for it.

Councilor Fitzpatrick said we knew that we wanted to put cellular on that. It was an expressed goal, to get cell companies to defray the costs.

The Manager said in the event that we did not get that, we did actually put this out to bid with the intention that the town would pay for it. Shortly thereafter a cell phone company notified the Town that they were interested in putting a cell antenna on that tower.

Councilor Fitzpatrick asked if a public safety tower by itself is any different than one supporting a cell tower.

No, it is the same tower; it is just the amount of antennas hanging on the tower.

Councilor Fitzpatrick said he thought our expressed goal was to put things on there. Is there a difference in who gets notified, how they get notified based on if we put a cellular tower. There is a public notice as said in the letter, a legal notice is required in the newspaper according to Messrs. Oickle and Jurasin.

Councilor Fitzpatrick confirmed the initial notification done was by a legal notice in the newspaper. He was trying to get the facts straight. The notification was town wide. What is the 8-24 referral, what is the notification on that?

That is a section of the State Statute for public ownership of the land, this would include these leases. They have to come before the Commission with an advisory vote to Council. If they make a positive decision Council could accept it. If they make a negative decision and if Council wanted to go ahead anyway, you would have to add one more

Councilor for a majority vote. Mr. Jurasin said that in July when the wireless lease came to Council, you had to refer it to Planning and Zoning by CGS to determine if the leasing of space on the tower is in the best interest of the town. Planning and Zoning receives it through the 8-24 referral and they offer an opinion to the body who actually makes the decision. If Planning and Zoning votes to recommend approval then you need a simple majority. If we vote to not recommend approval you need a two thirds vote.

Chairperson Czernicki asked Mr. Jurasin if that is the mandatory referral, which does not have to be noticed. He explained that it is not a hearing, they do not have to notice it because they do not take any official action. They only make a recommendation to Council. The Council would be the body because you would be the one voting for approving or not approving a lease. Planning and Zoning makes a recommendation. They do not feel 10-21-02 that public hearings on 8-24 referrals are necessary. Mr. Oickle said they try to provide the best planning advise possible.

Councilor Fitzpatrick said that so far there has not been any notice. At what point did the neighbors get notice of what was going on? Town Manager Swetcky said it was his understanding that I was at the time of the tower tests. There is another body that reviewed this, that was the Zoning Board of Appeals for the variance for the location of the tower a Kelleher Court and the abutters were notified at the time of their hearing. Councilor Fitzpatrick asked how many people were notified? Mr. Swetcky said he thought it was 20 - 25. Mr. Jurasin said he thought that was important. The Zoning Board of Appeals sent notices of the public hearing for people within a certain distance. Planning and Zoning did not send letters to the people; they put the required legal notice in the paper.

Councilor Fitzpatrick wanted to be sure he understood that "nothing came out of Planning and Zoning except the legal notice in the paper. He wanted to know when the crane test letter went out. Mr. Swetcky said he believed it was October 2000, and there were articles in the newspapers, Wethersfield Post and the Courant. Councilor Fitzpatrick said they were never told we were going to put up, based on planning and zoning and this letter, we never said we were going to put up a 180 foot. Mr. Swetcky said he did not know if at the time of the crane test they knew the height of the tower would be 180 feet, that was the reason for the crane test.

Councilor Flynn asked if the tower is moved, it has to go back before the Siting Council, doesn't it? We have to go through Siting Council again. Mr. Swetcky said it was his understanding that if the town builds a public safety tower itself in a different location, it does not have to go back to the Siting Council. If AT&T decides to build a tower on the Church Homes property, then we would have to rent space from them to hang on that tower. They would have to go to the Siting council to get approval for a tower.

Councilor Hemmann stated there was a cell carrier who was involved in negotiations with Balf at that site. Was the Town involved?

Mr. Swetcky said his understanding was that we were not involved.

Councilor Hemmann wanted to know if there was a reason we were not.

Mr. Swetcky said it was identified as the tower would be built by the cell carrier. They would build it so they could rent out space and gain the revenue to offset the costs to build and maintain.

Councilor Hemmann asked if the negotiations broke down, and if we are looking at it for public safety, why wasn't the town involved in that negotiation? If the negotiations broke down did the town get involved to try to reactive talks? Or find out why?

Mr. Swetcky said the town was faced with that option to go back to Balf on their own to lease space from Balf for the tower. The alternative of going to Kelleher Court came up and it was more attractive because owned the land, we would not have to lease space to put the tower on, it cut out part of the expense.

Councilor Morin said there are pros and cons for the Church Home site. We have gone through this issue for a long time. If he trusts the information given to him, there are a few issues that are going to occur if we use that site. The first one to him is that it is not town property. We could go through public domain or try to buy it. We do not have the money in the budget to purchase it. We would have to go through a referendum, or come up with some of the money,

somewhere. Whoever said to take it out of the Police Budget, it is the wrong answer in his opinion. He was insulted by that comment. We would essentially have to start over again. FAA, FCC, APCO 19 region approval, he does not feel comfortable leaving the police facility empty for any longer. He has been told there are problems with the system now. He applauds Councilor Gardow for his time and effort, he is trying to do something, but he does not agree with him at this time, maybe five years ago we could have been able to do something with that land, to purchase the property. Does it make sense, not to one of nine Council members.

Councilor Gardow had a question on the May 1, 2001 meeting of Planning and Zoning, if you did not approve the change to Article 27-167, to add 117a this article shall not apply to municipal communication facility, they shall be exempt, and if you had voted not to approve that, to quote Mr. Robert Young in the minutes "they were asking for special exemptions that no one else would be able to get in this town." What would the town have to go through to get a tower built on Kelleher Court? Mr. Jurasin said they would have had to go for a variance to the Zoning Board of Appeals. They would have to prove hardship, whether or not they could prove that hardship is always a question and then they could appeal to any decisions made.

Councilor Gardow said that if the rules were not changed for the town of Wethersfield there would have been public meetings one and a half years ago and we would not be here now. It would have gone through a process that was more than just a two by three inch notice in the paper. Mr. Jurasin could not answer that but he did hear here tonight, which he was not aware of, that they did go through the process with Zoning Board of Appeals.

Councilor Gardow said he spoke to a ZBA official, Mr. O'Connor, and asked him about the meeting of April 4, application 942002 and maybe he did not ask the right question but he stated that it was for equipment shelters only and not tower. Mr. Jurasin asked if he was asking about the one in 2002. Councilor Gardow was trying to look at the process. His opinion is that they changed it only for this one location. Mr. Jurasin and Mr. Oickle said that was not the case because they also have a 180-foot tower at the police facility, which they would not have been able to do without the change. The commission dealt with a most complex issue here, even more than most shopping centers. Mainly because there are legal opinions coming from federal courts, changing the rules, Siting Council which has responsibility here. They were not sure sometimes just how much control we had over it the rules seemed to change.

Councilor Flynn said that Mr. Oickle brought up a point, it was his understanding that the Connecticut Supreme Court said that Siting council has sole jurisdiction over these issues. Local planning boards no longer have a say is that correct. Yes it appears to be the case. It has all been changing over the last year or two and Planning and Zoning has zoning attorneys sitting on our Commission, the Chairperson, Rich Roberts and Joe Hamm. These guys keep up with these things and even they had to say, you can or you can't, this has been changed by the most recent rule. They did not think they were doing anything but waiving the 50 foot height, without being site specific which is exactly what our action was. They did go on record, because they travel to different states and do see these tall cell towers and the esthetic treatment to them, in terms of blending in as best as possible. There are several examples both in New York and New Jersey where they look like pine trees from the road. Clearly they are taller and stick out but it is the esthetic image for the people who look at it. It was important enough for us because we knew we could not control where these go in terms of sites. We made sure we made mention of having the design of it be esthetic as possible. We said tree like. They wondered if they had any business in some of these areas.

Chairperson Czernicki questioned the April 3 and May 1 meetings of 2001, when the exemption was given to the town, was the Siting Council the only governing body at the time? Mr. Oickle could not answer that. He would have to refer to our town attorney. Attorney Jack Bradley said the Connecticut Siting Council has exclusive jurisdiction over the location of what are called facilities. Then you have to determine if you are a facility or not. With the Newington tower, the so called Callahan Tower, we had to get permission from the Siting Council for our application in that regard. We were advised by the Siting Council that they would decline jurisdiction over a municipal public safety communication tower as we were proposing at Kelleher Court. We have an ordinance in the Town that governs the height of radio towers. In order to build any of the radio towers we requested an exemption from that ordinance. CGS section 8-2 allows a town to exempt itself for any or all zoning regulations. Some towns exempt all municipal from zoning. Most towns in this area do not exempt municipality, that is to say they have to go through the same process as other groups. The ordinance amendment was passed, it exempted the town from the 50 foot requirement but the town must still comply with all the other provisions on that ordinance and we do. Chairperson Czernicki said in so doing it

also exempted the town from having a public hearing. No, the proper procedure for amending a zoning ordinance, which is in the jurisdiction of the Planning and Zoning Commission, was followed. Proper legal notice was given in order to amend the zoning ordinances for the Town of Wethersfield. Chairperson Czernicki said that once amended they no longer had to have public hearings on any additional towers, is that right? Not exactly, there was a public hearing before the Zoning Board of Appeals by which certified mail notice was given to abutting homeowners and that was filed this year on a variance for the location of the ground equipment and the application says "and tower". Chairperson Czernicki confirmed that it said both.

Chairperson Czernicki said they sit up here tonight in a fairly difficult position. The Town has an identified need to continue building the radio system in order for the new police facility to open in the near future and many residents and some Councilors have questions about the Tower at the Kelleher site. This is a situation that seems to beg for more and more questions about how and why certain decisions were made. It's an area where inaccurate information was delivered, and where a revenue stream was created which seemingly drove choices that led the Town to settle on the Kelleher site. An effort to exempt tower heights from public hearings was successful. Reports that appear to be lacking in specifics all can lead to an uncomfortable feeling about the tower placement.

There have been accusations that political grandstanding is going on, that some councilors have no regard for the safety of the residents or for public safety officers. In fact the moratorium was instituted to provide opportunity for councilors to get the information they felt was needed to make the best decision based on complete and accurate information. Even as late as this evening we are still being provided with conflicting information. The radio system that worked or failed to work prior to the moratorium is the same system that each of us will live with until the new system is functional. The ever-escalating problems with that system were not created by the moratorium nor will they be solved by ending the moratorium.

The issue that the town always looked upon the towers as revenue stream thru the collection of rents seems to be accurate. I believe that most of us sitting here were under the impression that sufficient funds were bonded to pay for our needs and that rentals would be used moving forward to defray costs for upkeep and replacement. The town has an obligation moving forward to present referenda that is complete and credible.

The town has contractual obligations to honor. The new police facility must continue to move toward opening with a fully functional communication system. Tonight I will request the Manager convene a meeting with all paid staff that have worked on the project since its inception to fully and clearly identify to Council all that led to the final choice of Kelleher Court. We have at our places a resolution for introduction to prevent any further vendors from leasing space on the tower. This council will make every effort to provide public hearings on matters that so seriously affect residents. The town understands your frustrations. There may exist future alternate solutions for this town in placement of the towers and with voter approval, we may possibly be able to explore some future options. But at this time, unless there is further comment from any member of this Council the moratorium on the tower at Kelleher Court will cease tomorrow morning.

Councilor Fitzpatrick said he agrees with Ron Zdrojeski. He does not think we should go to the States Attorney because he does not believe anything was done illegally. He agreed with Rocco that this is work that should have been done before, he doesn't know why it wasn't. Going forward, we are going to continue doing some capital projects and we really need to understand why these options were not looked at. We need to look at it with the perspective of doing things better, do we have the right people in place to manage these projects. Do we need additional people, do we need somebody different to handle a project in the future to make sure all the bases are covered. One of the things that became evident through this project is the amount of information. There were a number of things we were told turned out to be not true, even tonight reinforces the idea. We are listening town staff saying we have to tear buildings down and then we hear we do not have to tear them down. We need someone to take responsibility for this project and make sure all the t's are crossed and the i's are dotted. He looks forward to understand this, we cannot afford to have a project go like this again.

Councilor Sassano said that Madam Mayor mentioned the most important item that has come up this evening. That is the moratorium is no more. We have been notified by AT&T that they intend to continue construction and the only way we can stop them is with an injunction. He does not believe this council is going to request that action. So what it

does is raises in his mind, why the moratorium. I understand that we tried to get more information but frankly none of this is very surprising. It simply fills in a lot of the details that most of them knew or vaguely suspected about what steps are gone through. Planning and Zoning has never sent out letters to abutting land owners, they make a legal notice for everything. That is always the way they have done it and for us to assume that they sent letters out is just wrong. We would like Planning and Zoning to do that but bob Jurasin and he had talked about this in the past. That is not the way it is done. If we want to send letters out to everybody every time an issue comes we can do that. But until we change the process it is not going to be changed. People are going to be angry because they did not know about it, they did no get the letter. The town did not sent one out, it did not have to. Maybe that is an item to discuss down the road. He really does not think there has been any negligence here. He is wondering what the property owners are going to say. They won two weeks. The tower is going up. He does not know if two weeks places us in greater jeopardy in terms of public safety. He thinks it was a terrible coincidence that there was a failure of equipment in an instance at Corpus Christi School. He hopes that two weeks before the system is operational we do not have another one. He sees this as a grand exercise in, he really does not know what it is, but it is an exercise . now it is time for us to make a decision to go forward with construction. He knows it will upset some people but it will put to bed the issue of where the tower is going to be located. Unless the council is going to take action to continue the moratorium he thinks they need to tell people it is going to go forward as originally proposed.

Councilor Fitzpatrick asked innocent questions before on this project and he felt his integrity was challenged. As a result he feels a little defensive tonight based on Councilor Sassano's remarks. His intention, he wants to make clear, he is not questioning anyone in terms that things were done wrong. There are pages and pages of contradictions. There are too many of those questions sitting out there. Maybe at this point we have to sit down and see how we notify neighbors. That is what he is looking for. When he voted for the moratorium it was because it looked like there was a plausible alternative. To ignore it, he would have felt like he was not doing his job. He was on board with this police station when it first started. Even when some on this council and citizens of this town did not approve of it. He supported it and moved forward. He took his lumps from Rocco and from others. He could do that because he felt comfortable with it. Unfortunately there are things that he does not feel comfortable with, he is not questioning anyone's integrity, he is saying this is not a very smooth process. Nobody seems to get all the facts right. He does not see what the problem is in going to look at it because this is not going to be the last building built in Wethersfield. We hear week after week how business is run. Every time we do something in business we have a wrap-up. People sit down to see how things went, what was right as well as what was wrong to learn for the next one. That is what he is asking for, it is not to question what anyone did. If we are not doing it right let's do it right. If we need to notify neighbors by mail lets do that.

Councilor Flynn thinks it is important to do a post mortem after every project especially one of this magnitude. Process improvement. Good and bad because hopefully in the next six months we will be going out again. In the high school we applied those lessons to Deane and to the Police Station, there is no reason why we should not do it again. He has a concern about the resolution that has just been introduced. He does not know if it should be given to Rich Roberts or to Jack because he has already been wrestling with these issues, he will leave that up to the manager. There is state statute 26-50aa it is called the tower sharing statute. The General Assembly has decreed that if a tower goes up and there is space available on it, generally the owner of the tower has to share. They get paid for it, but they have to make it available. He does not know how absolute that is, or if they are legally able to say to another company that we do not want you. The Siting Council will be able to direct us on that.

Councilor Hemmann thought the two weeks allowed for more question, to get more data but it also pointed out inconsistencies had been present prior are still present they came forward in the two week period. Shame on us if them if they let that continue for future projects. If they do not have accountability there are not going to be future projects. She agrees with Councilor Fitzpatrick in some of his observations about evaluating the projects and trying to clean it up so the accountability is there. Information they are getting encompasses what they need to know.

Councilor Gardow said in regard to section 8-24 mandatory referral on the playground as handled poorly by the Town, including us. We were at a budget meeting when the then Manager came in and said "playground", what do you think. We said sure let's move it forward and make sure the residents are informed and part of the process. That did not happen. The school sent a letter out inviting neighbors to come to the ground breaking of the new playground. That was the first the neighbors heard about it. There was a meeting with the community and the Chief was there, Ms.

Bagley explained how it works. He had not seen angry residents like that until this time. The reason we are here tonight is because of 8-24. If we do it on a case by case basis we may be able to inform residents about what is going on. If we do not we will run into more situations like we had the last three council meetings. He hopes they take these by case by case basis and determine whether or not 8-24, we need to use our judgment about that. He understands there is a state law out there and what it means but he wants to avoid situations like this again. This is eating up a lot of council time that could have been spent doing other things. He wants to be sure to include the citizens of the town in the processes that go on, to get things done in Town.

Councilor Flynn had a question on the 8-24 referral for Messrs. Oickle and Jurasin. That is a statutory referral by this Council to Planning and Zoning. He understands the difference in the agenda of a public hearing and public meeting. At the hearing members of the public are allowed to speak, is that correct? Yes. At a meeting, generally speaking they are not allowed to speak, is that correct? No. When it is not mandatory Planning and Zoning Commission lets the public speak, it is Chair's discretion. They have always allowed open discussion. It is on every agenda. Is a 8-24 referral scheduled for a hearing or a meeting. It is for a meeting, there is no formal action just a recommendation to this Council. You should hold the hearings here, that is your job. We do. When we make the referral, could we request that a more wide reaching notice go out. Is the procedure limited by 8-24? It does not discuss holding hearings, you could probably do it. They have not done it in the 27 years Mr. Oickle has been on it. Would it require more time? Chairperson Czernicki said the Planning and Zoning meetings are the day after Council meetings. They would have to allow two weeks to have time to give a notice to residents prior to the issue going to Planning and Zoning. It could be done. Mr. Oickle said that giving a notice to everyone in Town, would require 8-10,000 notices. That would be a huge cost to the town. Chairperson Czernicki suggested using a larger print ad in the Courant.

Attorney Bradley said in response to Mr. Flynn, in 3500 824 says anytime council is buying land, selling land, relocating streets, playgrounds, they must refer to Planning and Zoning for a report. If within 35 days Planning and Zoning does not issue a report, it is deemed favorable. If the Planning and Zoning Commission renders a negative report you can still pass it with a super majority vote.

COUNCILOR COMMENTS

Chairperson Czernicki questioned the Monthly Reports on page 13, there was a reference to Joe Coombs was listed in a group of town employees having met with Laurel Goodgion and she wanted to know when and why he was referred to as an employee and she asked the Manager to explain. Town Manager Swetcky was unaware of that meeting but had met with the Director to discuss the renovations of the Library.

Councilor Gardow asked, in the leaf clearing time of year, just what it means "to sweep leaves to the curb". He wanted a clear direction on it. The Manager responded with it means to the snow shelf, the curb, not into the road. Unfortunately people sweep them off their grass and into the road.

Councilor Gardow wanted to know who gives out tickets for those not following that procedure and leaving the leaves in the road and creating a hazard. Town Manager Swetcky was not sure about that. He asked him to find out the answer because it is a safety issue.

PUBLIC COMMENTS

Anthony Digirolamo, 15 Middletown Avenue asked when and how residents would know the leaf schedule pickup. People put them up too early.

Town Manager Swetcky said it will be posted in the newspapers and it will start the last week of October.

Paul Courchaine 41 Main Street stated that several citizens, he included, had spent a year working on the Blight Ordinance, it was reviewed at least three times by the town attorney, they took information from other towns. It was finished, it needs to be voted on. It was turned over to Mr. Adil. Deputy Mayor O'Connor said the town attorney was looking at it to put some teeth into it. Mr. Courchaine said they would be available to see it to completion.

Jonathan Bloom, Lacava Lane stated this Council voted to approve the tower earlier this year, perhaps legal notices

should go in the Sports section of the paper. He also recommended using a flyer in the paper to advertise the Heritage Fair. He knew Glastonbury had a festival by a flyer in the paper. People need some leeway for getting the leaves to be curb due to the number of trees. As for the microphones, we should have passed the hat earlier in the evening when the Chamber was full of people.

Councilor Gardow said they Channel 14 Advisory Committee was going to spec out the mics for the chamber.

Jim Clynych 903 Ridge Road agreed that Councilor Fitzpatrick was a cheerleader for the new police facility. As for the blight ordinance why not tax people more if they do not keep up their homes

Rocco Orsini, 95 Broad Street liked Mr. Bloom's idea of passing the hat. Then we can work on the floors, it is a pretty outdated building. Hoped they learned to listen to the people with this cell tower issue, because they fight back. Disenfranchised voters, half of the races go unopposed and you wonder why people do not go out to vote.

Chairperson Czernicki said the reason for the two week study did give them different information. It was the will of this Council to do that. Yes it was worthwhile. It was not an exercise in futility. Once the peoples voice was heard and, it was the voice of the people, the democratic process went on. The voice of the people wanted to know why the town was doing this to them. She felt she was not given enough information to make a decision. She thinks someone is accountable for the inaccurate information and the mistakes that were made. Mr. Wamish said two weeks ago that the cemetery site was not tested because it was not available. In fact the cemetery site was not sold. When decisions are made on faulty information, then all of us suffer. It is not fair for us or for you out there to have to listen to inaccurate information or faulty or that contradicts itself, because we are volunteers, it is the worst night she has ever sat up here in five and a half years. We can only make decisions based on information provided to us and when it is faulty then we make faulty decisions.

Mr. Orsini thanked her for her passion. We need more people to care about people, for many people it is process driven. Chairperson Czernicki said it has never been process driven. If I was on Council and received that information I would have asked for a motion to find out if it could be put on Church Homes. Finally in closing, they were asked to participate in the selection of a new Town Manager. He wants a town manager to be fiscally responsible, with a can do attitude and one who will promise that he will get involved in process improvement. Nothing has changed. Everything has to be put on the table and we have to ask why we do it that way. The whole town system has to be reviewed for process improvement.

Councilor Flynn moved "**TO ADJOURN THE REGULAR MEETING AND MOVE INTO EXECUTIVE SESSION**" seconded by Councilor Morin. After a five minute break, the Council went into executive session at 11:05 p.m. Present were: Councilors Flynn, Fitzpatrick, Gardow, Hemmann, Morin, Sassano, Deputy Mayor O'Connor and Chairperson Czernicki. Also: Town Manager Swetcky and Town Clerk Sassano. There were no votes taken. At 11:20 p.m. Councilor Flynn moved "**TO RETURN TO THE REGULAR MEETING**", seconded by Councilor Fitzpatrick. At 11:21 Councilor Fitzpatrick moved "**TO ADJOURN**" seconded by Councilor Flynn. All Councilors present including the Chairperson voted AYE. The motion passed 8-0-0.

Dolores G. Sassano
Town Clerk