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SPECIAL MEETING

November 4, 2002

The Wethersfield Town Council held a special meeting on Monday, November 4, 2002 at 6:00 p.m. in the Manager's Conference Room of the Town Hall between town staff and the Town Council concerning the public safety radio towers.

Present: Councilors Cascio, Fitzpatrick, Flynn, Gardow, Hemmann, Deputy Mayor O'Connor and Chairperson Czernicki. Absent: Councilors Morin, Sassano. Also present: Joseph Swetcky, Interim Town Manager and Dolores G. Sassano, Town Clerk.

Present from Town Staff: John Karangekis, Police Chief, Jim Mull, Police Lieutenant, Gary Santoro, Fire Marshal, Mike Turner, Town Engineer, Fred Valente, Chief Building Official, Tony Martino, Administrative Analyst.

Chairperson Czernicki asked Interim Town Manager Swetcky to provide a brief overview of the public safety radio towers.

He stated that the bond did not contain monies for the tower. It was always intended to try to have it built by a cell company to save on costs. The Town went through the correct processes, it went to Planning and Zoning. It went before the Zoning Board of Appeals. If no cell tower provider or jobber came forward, they knew they would have to build the tower. They manager, staff, consultant and the Police Building Committee knew they would have to come back to Council for guidance on funding for the towers. The options available would be to go to the public for another referendum; to appropriate funds from the Capital Improvement Budget; or to authorize the Town Manager to allow funds to be used for the building of the towers. If the town built the towers, they would then try to collect fees from cell phone providers for the use of the public safety towers in order to recoup the money and to offset future maintenance.

Councilor Cascio asked why it was not bonded. Manager Swetcky said it was because when they were putting the monies together they realized that the CAD system would be \$300,000-\$400,000; the radio system alone would be 2.8 million. They would look for an arrangement with a cell phone company to use the towers. Bloomfield Fire Department had put up a tower and then sold it for \$2 Million, keeping the usage right for themselves. It was a popular idea at the time this was being considered. The Newington "free radio system" was on a cell phone tower, and they had no control over who went on the tower.

Councilor Cascio asked if the original location site was across the parking lot. Mr. Turner said it was never to be placed in another location there due to the fire station fueling system.

Chairperson Czernicki asked if we had never fully funded any other bond issue.

Manager Swetcky said that while you do not intentionally do that, things happen from the time you start putting the monies together to when you actually get to the construction. It happened with the Volunteer Ambulance Facility. By the time they were into the renovations, costs rose. They ended up going to a supplemental bond referendum for almost 50% of it.

Chairperson Czernicki asked what the options were to pay for it if no cell company was found to build it.

Manager Swetcky said more than likely they would have had to come back to council for direction. Either to use the funds from the Capital Improvement budget, a supplemental referendum or to use other town funds.

Chief Karangekis said they would try to appropriate money to build it and then offer its use to cell companies to get back some funds.

Deputy Mayor O'Connor wanted to know why we did not think of selling it outright after we built it, like Bloomfield did.

Manager Swetcky and the Chief said that was never the intention. Bloomfield did it early on, by the time we were thinking of towers, those special deals were not done anymore.

Deputy Mayor O'Connor asked if the Finance Department made the decision not to fully fund the tower.

Manager Swetcky said when they were putting the monies together that was not the issue. The main issue was where they were going to put the Police Facility.

Councilor Cascio said this was an educational process and he questioned the secondary dispatch area, the one mentioned to be at Kelleher Court. It is usable today, when do we use it and could they go there now if they had to use it.

Fire Marshal Santoro stated it is operational, the Police dispatch can put calls up there. It was used by the Fire Department when the microburst came through town. The Police dispatcher, downstairs in Town Hall did put calls through to the secondary system for pumping basements and help with certain cleanup. It allowed the main police dispatch to be reserved for more important emergency calls.

Chief Karangekis said the secondary system, largely donated by CL&P, had been used during emergency tests for Millstone Reactor. They use is for the emergency training operations that had been held.

Chairperson Czernicki asked if the emergency system goes down, when the current radio system fails, do we go to Kelleher Court?

Fire Marshal Santoro said, no it cannot be used. The Fire Department uses the repeaters at the Balf Quarry and in Rocky Hill at the Veterans Home. The tower at Kelleher Court is too low, it is below the tree line.

Chairperson Czernicki asked if the radio, being held together with a rubber band, goes down, like it did the day of October 8, in the Corpus Christi School emergency, do we go to Kelleher Court.

Fire Marshal Santoro said no, the Fire Department has no backup, when they go down they have to go to talk around (radio to radio-not through dispatch). The dispatcher cannot get in touch with the Fire Department to send them anywhere.

Lt. Mull said the rubber band is holding the tape recording head together. It is a redundant system, however they are left using only one recorder.

Chairperson Czernicki asked if there were other times when the system went down or if the October 8 was the first time.

Chairperson Czernicki stated it had not ties to the moratorium, it was not because of the moratorium. No the fire radio system is old. They cannot get parts for the system.

Lt. Mull said the police are using a borrowed repeater, pending the repair of theirs. The police have different repeaters.

Chairperson Czernicki asked if they would consider Wethersfield to be covered. Lt. Mull answered yes. Could we use Rocky Hill? No they cannot dispatch Wethersfield Fire if the infrastructure went down.

Councilor Cascio asked if there was a finders fee, or commission given to anyone for the site at Kelleher Court.

Manager Swetcky said the town decided to take over the site for the public safety radio tower. The town was approached by a jobber. The current consultant gets a commission for any cell vendor he brings to hang on the tower.

Fire Marshal Santoro said it was over two years ago, when he, Mr. Popper, the Town Planner, and Mr. Valente, Building Official, were approached by a man and his partner interested in buying Church Homes property. His name was Mr. Bill Bellock. They wanted to purchase Church Homes. Mr. Valente was unable to attend the meeting. While they were talking about the Church Homes, Mr. Bellock said his other business was building towers. Mr. Santoro was interested in that because the Fire Department wanted to remove the tower from the roof so they could work on the leaks in the roof at Kelleher Court. They set up a meeting with Chief Clark to talk about getting a vendor to construct a new tower for company 3, providing a generator and they would also provide Nextel service. The company had interest in putting up the tower there. They advised Mr. Erdmann. At the time the Town was in negotiations with Balf Quarry and it was the last the Fire Department was able to talk to Mr. Bellock.

Chairperson Czernicki wanted to know who handled negotiations at that point. Manager Swetcky said, at that point there were no negotiations taking place. We identified it as a potential site and that is when the crane tests began. It was October 2000 the crane tests came back with a favorable report for our radio and the private vendors. Then they went to the process to decide if we needed a consultant to represent us for the radio tower. It was in the radio Bid Specs that went out. Bidders had different consultants look at the sites, they both, Ericsson and Motorola, thought that was the ideal spot for the tower, even though they had differing opinions as to what should go on the towers. They both liked the site.

Chairperson Czernicki reiterated that the Fire Marshal and Chief Clark had met with Mr. Bellock. Mr. Santoro could not remember the representative from Nextel's name, it was about two years ago. Mr. Bellock builds towers for wireless companies. He wanted it up by that April. She asked if he left it with him that the town needed a tower. He said they wanted to take the tower off the roof. She said then it was basically a fire tower.

Chairperson Czernicki asked when did it morph into being a public safety tower and a cell tower. Manager Swetcky said it always was going to be a cell tower under the proposal with Chief Clark. It left the fire department hands and went to the building committee once it was decided to be a good site for our radio communication system.

Chairperson Czernicki asked who made the decision to do the crane tests the town. Mr. Turner said the building committee also allowed cell vendors to participate in our crane tests. The only limitation, we considered was 200 feet, the magic number before having to have certain markings and lights on towers. She said that we had a 50 foot height limitation per zoning. He said they knew the tower had to be at least 180 feet for public safety. That drove their decision to go to Planning & Zoning to revise the regulations. Newington had towers, the process was to go for an exemption for public safety.

Chairperson Czernicki asked if it would be correct to say no one from town went to the cell companies? Yes, he wanted to buy property at church homes.

Councilor Hemmann, understood there were no town staff involved in the original Balf site they wanted, based on the report. Manager Swetcky said Lt. Monde introduced a company that builds cell towers to Balf, they did the negotiations. They offered a second location. They knew what they wanted, they wanted this tower built, they would give some revenue to the tower builder but most of the revenue would go to Balf.

Councilor Hemmann asked if the staff approached Balf after the talks fell through to pursue it for the town? Councilor Cascio stated, if it wasn't on town property, the town would not get the revenue.

Manager Swetcky said the goal was to find an arrangement, they thought they could get onto the tower by introducing the builder to Balf. We wanted a tower, that was the main consideration, then the Kelleher court site came up.

Councilor Gardow heard the Manager mention something about the advisory committee and he wanted to know who is in charge of them.

Manager Swetcky said town staff does not make decisions, they make recommendations to Council. There is a building committee, who also make recommendations, but Council makes the final decisions.

In this case, then Manager Erdmann asked him, as the purchasing agent to put out to bid for help managing the town.

When the bids came back, the Town Engineer, Manager and Finance Director came up with, recommendations. Staff does not have a vote. It goes to the Building Committee, it votes on what to send to Council for a vote.

Councilor Fitzpatrick, trying to figure out whom on town staff is responsible for this project. If Council does not have the correct information or has contradictory information, they cannot make a good decision. They heard of a sub performing contractor on the police facility, he was unnamed. It was important to know who he was as we were going reviewing bids for the school and that contractor was being considered. The information was not there, it was not shared. As we move forward, maybe need somebody new to control all of this information. Mr. Swetcky said it was his decision not to recommend approval under local vendor preference to that sub, he feels this contractor does not fall into the local vendor category. He cannot publicly say why they should not go with him without it being adjudicated. They think he caused a good part of the delay at the Police Facility. He chose to say he was not the recommended candidate, he does not fall into local bidder. It is his responsibility as Finance Director. Mr. Swetcky noted Council has a good town staff. Council hires consultants. They have let go three consultants for the radio for lack of confidence. Councilor Fitzpatrick stated he feels out of the loop, not the only thing on the plate, they are volunteers. He did not read the 20 page contract. If something is happening on this project, we can't fire Mr. Coombs, Lee is gone, he said he was responsible. He called for someone to be responsible, to take this on. Mr. Swetcky said he would fall on the sword, but Council needs to decide what they need from staff and what they want from the building committee. They need to decide what level of information Council wants, Instead of just approving it, staff could highlight points in the contract. Mr. Swetcky encouraged Council to call for clarifying information prior to the meeting. Councilor Fitzpatrick was advised by a mentor to always ask questions a 2nd and 3rd time, that he wouldn't get the information he wants the first time. Moving forward, bidding this jointly, construction manager and architect, prevented us from having check and balances. Manager Swetcky, that was not the town staff's recommendation it was the decision of the Building Committee. They make recommendations, provide advice, Council makes the decisions. Councilor Fitzpatrick said it would have been nice to know that.

Deputy Mayor O'Connor stated that when Mr. Bellock met with the town he was looking into buying property. Why would he meet with the Fire Marshal and Building Inspector? Mr. Santoro replied it is rather common, since they know about the requirements to bring the properties up to code and the current status of violations.

When we found out Mr. Bellock was in the business of building a tower, when the Balf failed, did we suggest that Mr. Bellock look at Balf?

Town Manager Swetcky said, he did not know if he did look into that site, but that it would not be profitable to him, Balf would only give finders fees, not sale the land to him. They have arrangements all over the state, they make revenue off the towers.

Councilor Flynn recalled in the high school project, they used a Clerk of the Works. For this model we used architect/manager team. Are they the only two construction methods that are used?

Manager Swetcky, said there is a third way, called design/build. Mr. Flynn was familiar with that having used it on a smaller HVAL project. Mr. Swetcky said staff was against hiring of the architect/manager team. He and Mr. Turner attended a conference on school building projects. They liked the idea of a construction manager. In fairness to the police facility it worked well there. They joined together and proposed as one team on the police facility. Staff would prefer to hire the architect and then when they are ready hire a construction manager. The reasoning is the architect could design a castle and the construction manager could bring it back down to a house.

Councilor Flynn said he would like a report on the pros and cons of each approach, especially as we move forward.

Chairperson Czernicki asked the Manager to provide that to Council.

Chairperson Czernicki was contacted by Tony Camilliere last week and was asked if the Manager, Mayor and Deputy Mayor would meet with him and his partner, Mr. Bellock. Councilor Flynn was invited but was unable to attend. She wanted the Manager to explain about the meeting.

Manager Swetcky said there were basically two parts to the meeting. The first part was a verbal proposal, lacking

specifics, they would like permission to build on the property at Church Homes, they would allow the town to put their radio system antenna there and the equipment shelters and they would honor agreements AT&T and Verizon made with the Town. Our tower would come down and they would get the scrap value for it. They would get assigned contracts and go after other companies for the tower. The second part was to explain their status, they do not own the property. They have an option to purchase. They are trying to get their financing together, there is an agreed upon price and it has to be done by March.

Manager Swetcky said, Mr. Bellock called again this week, and made the same offers. Mr. Bellock stated that in his opinion he thinks the town has a good deal where it is at Kelleher Court.

The Mayor wanted people to know that she had said that perhaps the tower at Kelleher Court would be temporary. Mr. Bellock said there is something called a hot switch, where cutover could be done in a 24 hour period, if it was done, if he buys that site, if the Council decides they do not want to stay at Kelleher Court. If he buys the property Mr. Bellock will request to put a tower there. Mr. Swetcky said if the Council goes ahead with the Moratorium Ordinance, then Mr. Bellock might try to go with a second tower at Church Homes.

Councilor Cascio asked what Mr. Bellock was going to put in there, storage, Nextel offices? Chairperson Czernicki thought it was apartments for the hearing impaired, they did not qualify for assisted living but more adapted living.

Councilor Fitzpatrick asked if Mr. Bellock, has any connection to the consultant who is getting 18%?

Mr. Swetcky said no, when they got the proposals for tower management, Mr. Bellock was one of the bidders for consultant. They, in this case, Mr. Turner and Mr. Swetcky, did not consider him, they wanted one to look out for Wethersfield's best interests in regard to the radio system. Ironically, Pinnacle One was also a bidder and eventually, they did build the tower for us.

Councilor Cascio asked if we do not allow other cell carriers on the tower, who makes the decision if he can make another tower across the street. Mr. Swetcky advised ultimately Wethersfield does not have a final say, only the Connecticut Siting Council. Mr. Bellock would have to prove need.

Chairperson Czernicki asked when the town decided to go ahead with the test who did it?

Mr. Swetcky said the town hired a company to do a radio study, Jim Donnelley and he thinks, it was Lt. Monde who identified Balf as a site.

Chief Karangekis said they would also had to go to APCO 19, as well as the Connecticut Siting Council. They do not do things overnight. He had to go to a meeting where they were prepared to take back our frequencies at that time. They gave us a short extension but we have to be broadcasting, up and operating on the frequencies. Motorola has to build the infrastructure.

Chairperson Czernicki said nothing is going to change what is going on with moving public safety forward.

Lt. Mull said to move the public radio safety equipment, in the future, they would have to go to APCO 19 again even if they moved across the street. It would take over a year to try to do it, it will not happen immediately.

Deputy Mayor O'Connor said they did ask that question and Mr. Bellock told them something different. Mr. O'Connor was not doubting the Police.

Councilor Cascio, moved to adjourn, seconded by Councilor Flynn at 7:10 p.m.

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