

**Windsor Town Council
Council Chambers – Town Hall
January 19, 2010
Approved Minutes**

Regular Council Meeting

Mayor Trinks called the meeting to order at 7:32 p.m.

1. Roll Call – Present: Mayor Trinks, Deputy Mayor Simon, Councilor Eleveld, Councilor Herzfeld, Councilor Jepsen, Councilor Jubrey, Councilor Marci, Councilor McDonald and Councilor McKenney
2. Prayer – Councilor Marci
3. Pledge of Allegiance – Councilor Marci
4. Proclamations/Awards
 - A. Proclamation honoring Windsor Mentoring Month

Councilor Jepsen read the proclamation honoring Windsor Mentoring Month.

5. Public Communications and Petitions

Mr. Eric Bailey, 43 Victoria Street, a member of the Windsor Democratic Town Committee, expressed his opinion on the tax abatement agreement. He feels the agreement should stand as it is. If things were different, the economy was better and we told The Hartford we wanted more tax revenue, they would say that they are sticking to the original agreement. The agreement as written will benefit the town of Windsor and its residents.

Mr. Leo Canty, 27 Devin Way, voiced his opposition to any deal with The Hartford. He is glad to have them in town but feels that we created the economic incentive for them to come into town. He also heard that they have \$46 million. If they are concerned with money, they should negotiate their contract with their lawyers who signed off on this contract. If they are ready to talk expansion, we can talk about that. There are people in town who are struggling, many are unemployed and having difficulties.

Ms. Hillary Carpenter, 45 Bradford Drive, echoed the opposition to any modification of the agreement with The Hartford. The agreement that is in place is fine the way it is and should be honored.

Ms. Elizabeth DuPont, 78 Palisado Avenue, also agrees that we should honor the agreement. From what she sees, circumstances have not changed enough to warrant changing the agreement. As it stands, we will be getting a cut in state funding/aid and will be struggling to provide services.

6. Report of Appointed Boards and Commissions

A. Public Building Commission

Mr. Joseph Novak, Chair, reported to the Council and gave the following updates:

- ❖ The Hayden Station Firehouse bid opening is scheduled for next Thursday. Mr. Novak believes there will be many bids and is hoping that they will come in within budget. They are considering filling a position of a Clerk of the Works due to an upcoming summer retirement to help out with the fire station. They usually don't do it on smaller projects, but this is a good sized project. They will have to see if there is room in the budget, but they feel it is prudent. He noted that the high school had a project manager.
- ❖ The Public Works roof replacement project is still awaiting the skylights repair.
- ❖ The Poquonock School Roof project is awaiting paperwork.
- ❖ The Poquonock Steam Conversion project plans and specs have been received and are under review.
- ❖ The Milo Peck Center Roof project (Phase II) only has the stairs left for completion.
- ❖ The geothermal HVAC system at Northwest Park was sent back to staff to be sent out for rebid because there was only one bidder.

Councilor Herzfeld asked if the Clerk of the Works would be a full time position and would they be on site monitoring construction. Mr. Novak replied that they see it as a part time position at this point. They will be on site to a point, for onsite inspections, meetings and reviews with contractors to make sure they are following the specs.

7. Town Manager's Report

Town-wide Expo on Childhood Services

The annual town-wide expo highlighting childhood services in Windsor will be held on Saturday, February 6, 2010 from 9:30 a.m. to noon at the L.P. Wilson Community Center. This event is sponsored by the Early Childhood Council and is open to parents and caretakers interested in learning about services available for young children in Windsor. Staff representatives from the following programs will be available to provide information: nursery schools, daycare centers, home-based child care providers, family resource centers and town services.

Fun activities for the kids will be available to give the adults a chance to browse the booths. For more information, contact Betsey Lepak, Family Center Leader at Roger Wolcott Early Childhood Center at (860) 246-9032, Ext. 104, or e-mail her at elepak@windsorct.org. The snow date is scheduled for February 13th.

Citizens Academy to Begin in March

Here's your chance to learn more about the operation of Town of Windsor departments in an informal, fun way. The seven-week interactive **Citizen's Academy** returns for another session and will begin on Tuesday, March 2nd from 7:00 p.m. to 9:00 p.m. Participants will learn more about the operations of various town and Board of

Education departments, how you can participate in the decisions of the Town Council, meet a variety of town staff and take a tour of the town. The academy will begin on March 2nd and continue on for seven consecutive Tuesday evenings at various town facilities. The program is free, and anyone 18 years or older living or working in Windsor is welcome to apply. To register, call 860.285.1835 or send an email to jubrey@townofwindsorct.com

Public Hearing on Budget

A Public Hearing for the FY 2011 town budget will be held on Monday, February 1, 2010 at 7:15 p.m. in the Town Hall Council Chambers. This is an opportunity for the Town Council to hear budget requests from citizens. For more information call 860.285.1800.

Windsor Residents Reminded to Participate in Recycling Survey

As I mentioned in a recent Town Manager's report, students from the Loomis Chaffee School have been conducting an informal survey of Windsor residents to gauge public awareness and recycling habits. The survey will be available on the town's website for another 7-10 days before the students begin their work in summarizing the data. Residents are encouraged to take a moment to complete the brief and completely anonymous survey found at: www.townofwindsorct.com.

The survey is one of several projects the students have created as part of a partnership with town staff in the study of waste reduction and recycling in Windsor. Your participation in the survey is greatly appreciated.

CTWorks Program

The town is participating in the CTWorks program administered through the State Department of Labor by sponsoring part-time workers for a 12 week period. One of these participants is Ashley Brown, who is currently working in our Records Management program. Ashley began January 6th and will be here through March 31st working 20 to 25 hours a week. Her compensation is paid for by the State. Ashley has already worked in the Town Clerk's Office and in the Building, Engineering and Finance areas. She is helping these departments sort through inactive records and preparing them for permanent archives or destruction, whichever is appropriate according to the State Public Administrator Records Retention Schedule.

Demolition of 175 Broad Street

As the Town Council is aware, the owners of 175 Broad Street applied for a building demolition permit in October. Per the town's demolition delay ordinance, a 90-day waiting period was enacted upon receiving a request from the First Town Downtown organization. Over the last few months, efforts to work with the property owners to preserve the historic home have not proven successful. Therefore the 90-day waiting has expired and a demolition permit will be issued. The property owner has indicated demolition work could start as early as this week.

8. Communication from Council Members

Councilor Eleveld – None

Councilor McKenney – stated that the Connecticut Care Clinic and Connecticut Alliance for Basic Human Needs will hold a one day clinic for uninsured Connecticut residents on February 3rd from 12:00 p.m. to 7:00 p.m. at the Connecticut Convention Center. Contact 877-233-5159 to schedule an appointment. There will also be a two day clinic on March 11th and 14th in Middletown for dental care.

Councilor McDonald – None

Councilor Marci – None

Councilor Jubrey – None

Councilor Herzfeld – attended the Martin Luther King celebration in the Council Chambers sponsored by Archer AME Zion Memorial Church. It was a thoughtful and interesting celebration.

Councilor Jepsen – wished Mrs. Trinks happy birthday.

Deputy Mayor Simon – None

Mayor Trinks – wished Councilor Jepsen a happy birthday. He thanked the Archer AME Church for an inspiring celebration yesterday. Several people stopped by to tell him how organized and well-run the H1N1 clinics were. He asked Town Manager Souza to pass along the many compliments he received to the volunteers and staff. He congratulated Councilor Marci and his family for 40 years in business as Windsor Optical.

9. Reports of Standing Committees

Finance – met last week to discuss the request a modification of the fixed assessment agreement with The Hartford. They also reviewed the annual audit for the town. Deputy Mayor Simon noted that this is the cleanest audit he has seen since his tenure on the Finance Committee of 8 years. There was exceptional cooperation with the Board of Education staff. The town remains in excellent financial health with a reserve that is there if we need it.

Special Projects – None

Town Improvements – None

Health and Safety – There was a meeting last week regarding Agenda Item 12 A (traffic calming), Item D (Length of Service Program for Volunteer Firefighters) and the Rainbow Road traffic diverter which was a temporary device.

10. Ordinances

None

11. Unfinished Business

A. Consider modification of Fixed Assessment Agreement with Hartford Life

Mayor Trinks recognized Town Manager Souza and asked him to provide an overview regarding the request to modify the Hartford Life Fixed Assessment agreement, which he did. Mr. Mike Knipper, Sr. Vice President, Enterprise Services, The Hartford, also discussed the request for a modification to this agreement.

Councilor Eleveld recused himself from the item as he has a business relationship with the company.

Deputy Mayor Simon said the Finance Committee did not make a recommendation, but instead prepared materials for the Council to review. He has been spending a lot of effort trying to figure out why this request is being made. At the least, this request is extraordinary tone deaf to the circumstances going on in the community and at worst he feels that it is somewhat greedy. He can't find any reason why The Hartford wants this changed besides that they want it changed. Mike Knipper of The Hartford shared how it has been a good corporate citizen of Windsor through working with the schools and collecting gifts for needy families during the holidays.

Deputy Mayor Simon stated that good citizens also honor their obligations. In this case, there is an obligation to honor this agreement. The Finance Committee did receive a mid-year financial report stating that financial revenues will be down this year and with reduced state aid, approving this request would be akin to government malpractice. This amount works out to be the equivalent of salaries for six or seven employees. We have an agreement, let's stick to the agreement.

Councilor Jepsen is worried about the long-term relationship and building upon that relationship. He is worried about a good neighbor moving. There is plenty of time to negotiate - the whole calendar year.

Councilor Herzfeld stated he took the position at the last meeting that he was open to exploring or considering opening the door to new negotiations. Since then, he has spoken to many individuals on both sides of the aisle. Only one person he spoke to suggested negotiating the contract. He is concerned about the precedent we would be setting. He is not in support of modifying the agreement.

Councilor McDonald appreciates The Hartford being in Windsor. At the same time, it's a tough economy. His concern is the precedent it may set. There are other companies that the town has these types of contracts with. The negotiations were done in good faith. He is not in favor of making any changes to the contracts.

Councilor Marci doesn't see that the abatement can be modified in any way at all.

Councilor Jubrey noted that The Hartford has offices in Simsbury and Hartford as well and asked if there is a chance that Phase III can be completed in Simsbury instead of

Windsor. Mr. Knipper said there is no space to build at the Simsbury or Hartford locations.

Mayor Trinks said rather than talk about how much money we might lose, let's talk about how much we have made. The Hartford built a \$107 million building and they had a project that came in under budget. They didn't ask the town for any help with infrastructure changes. There are about 298 townspeople that call The Hartford their employer. We still need that tool in our economic development toolbox to draw other companies to our town. It is the showpiece of our corporate community. A company considering coming to Windsor may call The Hartford and ask "What is the town of Windsor like to work with?" Do we want to be known as the town that works with our corporate citizens or not? Precedence doesn't bother him because we can say no to anyone who comes through here. All he is asking for is the opportunity to work something out. If The Hartford doesn't budge from their original offer, then we can say the contract is in effect or they can meet us in negotiations and work this out. Everybody here is correct, but there is more to it. It's easy to say "Oh, another corporate giveaway." We already gave it away as an abatement four years ago. They've already gone ahead of schedule and we have benefited by collecting the taxes earlier than anticipated. He doesn't want The Hartford or anyone else to say open this contract or we are moving out of town because then it's already too late.

Deputy Mayor Simon said that the reason this is being considered is The Hartford's size. They have a lot of money. What we are afraid of is blackmail. They will not move over this. They made the decision to speed up their construction process and they came out ahead. Should we be the town that businesses say sign an agreement and then go back and ask for concessions or do we become the town with credibility that honors its agreements?

Councilor McKenney said why should Windsor pay when we did nothing wrong. A contract is a contract. There is no guarantee that if we negotiate this contract they will stay. There is increasing usage of our food bank and to consider giving money back to this corporation is not the right thing to do at this time. People get paid lots of money to make projections and they knew the result of moving up their construction. We need to stick to the contract and our word.

Councilor Jubrey is not worried about blackmail, but worried about The Hartford making a business decision that there are other towns that are more attractive to do business in. He doesn't have a problem empowering the Town Manager to negotiate the contract. He doesn't see anyone here doing anything wrong. It's unfortunate we even have to have this discussion.

Councilor Jepsen agrees with the Mayor that negotiations are the right thing to do. It takes only three councilors to agree to have the Town Manager speak with The Hartford, if it will take more than one hour to complete a councilor's request.

Councilor McKenney asked for a point of information and asked if we are going to make a ruling on this.

Mayor Trinks read Section 28 found in the Councilor Rules of Order concerning requesting information from staff.

Deputy Mayor Simon believes the intent of the rule is for informational purposes, not for the minority of the Town Council to make a decision overruling the majority on a policy issue. He feels what would be most appropriate in directing the Town Manager to make a policy decision to negotiate over a fixed assessment agreement is for a motion to be placed on the table tonight for the Town Manager to do just that.

Mayor Trinks said that this (asking the town manager to speak with The Hartford) may lend itself to another motion at another meeting as the Town Manager would still have to come back before the full Council for their final approval.

Deputy Mayor Simon asked if motion is allowed to be placed on the table tonight.

Mayor Trinks stated that the motion can be placed on the table tonight, but he's not sure if this motion overrides the Section #28 rule.

Mayor Trinks said that we have a request already on the table by Councilor Jepsen using the Council's Rules of Order Section #28.

Councilor Jepsen said that it is clear there are five people here who don't want to change anything and the Town Manager and The Hartford would be cognizant of that and may come back with something that may sway any of the five. He is throwing it out as an option.

Mayor Trinks added that three of the Councilors could not direct the Town Manager to accept and agree to an amendment. Only the Town Council could make that decision.

Deputy Mayor Simon stated that it would be appropriate for the speaker to make a motion seeking five of us to direct the Town Manager to negotiate the agreement. If there are not 5 votes to negotiate, then negotiations should not go forward. He feels this is a policy decision and not an informational request that should be asked of town staff.

Mayor Trinks stated that there is at present no motion on the floor. He asked the Town Manager if the town has a policy not to renegotiate or reopen contracts. He then asked if the Town Council has a policy to reopen or renegotiate a contract. If not, then a policy vote needs to be placed on the table.

Councilor Jubrey is in favor of negotiations but only if it's not a waste of the Town Manager's time. Negotiations could waste four months of his time and a majority of the councilors are still opposed.

Mayor Trinks feels that in light of the ambiguity of the Council's request of staff time that it is not appropriate at this point for this request to go forward. The negotiations may delve into policy negotiations and he is not sure if that is the true intent of that section.

He noted that no motion has been placed on the table and no action is being taken tonight.

(No motions were made and no votes were taken.)

B. Consider modification of Building Permit Fee Application with Hartford Life

Town Manager Souza provided an overview of the requested modification to the Building Permit Fee Reduction Agreement with Hartford Life.

Councilor Eleveld recused himself from the item due to a business relationship with The Hartford.

Deputy Mayor Simon stated that we should honor this agreement and be refunded \$123,000 at the appropriate time.

Councilor Herzfeld said that unless someone makes a motion, we should honor the contract.

Mayor Trinks stated he feels that we should look at the agreements and reopen this and get a renegotiated settlement.

(No motions were made and no votes were taken.)

Moved by Councilor Jepsen, seconded by Deputy Mayor Simon, to take a five minute recess at 9:05 p.m.

Motion Passed 9-0-0

The meeting reconvened at 9:16 p.m.

12. New Business

A. Approve endorsement of the Traffic Calming Manual

Moved by Councilor Marci, seconded by Councilor McDonald, that the Town Council endorse the Traffic Calming Manual and direct staff to use the manual when assessing neighborhood traffic issues.

Assistant Town Manager, Emily Moon, provided an overview of the manual, which the Health and Safety Committee reviewed. This manual also sets forth a protocol for evaluating traffic calming needs and prioritizing their implementation. The manual is designed to give town staff and the Town Council a tool to use to apply a consistent approach to assessing and responding to neighborhood traffic concerns.

Ms. Moon reviewed the goals for traffic calming and stated that good traffic calming solutions have four parts: engineering, education, enforcement and enhancement. She

described the step-by-step process for requesting traffic calming and the importance of having neighborhood involvement and buy-in.

Town Manager Souza said that staff is recommending that the committee consider setting aside \$10,000 annually to implement elements of the traffic calming manual. This funding would be proposed during the budget deliberations.

Deputy Mayor Simon thinks it's a good idea to have a written process in place so everyone understands the way to proceed as opposed to relying on ad-hoc and inconsistent decisions.

Councilor Marci, Chair, Health and Safety Committee, has reviewed this in the past and the committee fully endorsed it. It has been modeled on other communities' manuals.

Councilor McDonald also sits on the Health and Safety Committee and endorses this.

Motion Passed 9-0-0

- B. Accept an Easement from The Housing Authority of the Town of Windsor to construct a bus shelter on Deerfield Road.

Moved by Deputy Mayor Simon, seconded by Councilor Herzfeld, that subject to approval by the Housing Authority of the Town of Windsor, to accept an easement as shown on the map entitled, "Easement Map of Bus Shelter at Deerfield Road Windsor, Connecticut Prepared for the Town of Windsor Scale 1"=20' Date December 12, 2009 Oswald Blint Surveying 95 Giddings Avenue Windsor, Connecticut 860.833.6850" which map is to be filed in the Town Clerk's Office in said Town of Windsor, Connecticut."

Town Manager Souza said this is related to the replacement of an existing bus shelter. The Town Council has previously approved authorizing expenditures of \$43,000 for the installation of two bus shelters, with an 80% reimbursement from the Greater Hartford Transit District.

Motion Passed 9-0-0

- C. Authorize the Town Manager to enter into and execute an agreement with the Greater Hartford Transit District Concerning Bus Shelters

Resolved by Councilor Jepsen, seconded by Deputy Mayor Simon, that Peter P. Souza, Town Manager, is hereby authorized to enter into and execute the agreements entitled "Agreement Number 10-GHTD-X430-01" and "Security Agreement"

Motion Passed 9-0-0

- D. Introduce a resolution to authorize the Town Manager to enter into and execute an agreement for the Length of Service Program for the Windsor Volunteer Fire Department.

Fire Chief, Bill Lewis, gave an overview of the program. In an attempt to keep the existing firefighters as long as possible and to keep the department volunteers, the town applied for and received a federal grant named SAFER (Staffing for Adequate Fire and Emergency Response) totaling \$291,115 to create a Length of Service Awards Program (LOSAP). The intent of this program is to offer a financial reward for maintaining an active membership with the fire department.

The Health & Safety Committee met on January 11th and made a favorable recommendation that the Town Council authorize the Town Manager to enter into and execute an agreement with the Wilcox and Reynolds Insurance Company to manage a length of service program for the Windsor Volunteer Fire Department with the understanding that the initial four years would be funded with federal funds and the out years of the program would be subject to the town's annual budget appropriation process. The committee also recommended that prior to formal Town Council action on the proposed program, that the item be referred to the Finance Committee for further review and recommendation.

Councilor Eleveld thinks it's a good program and asked why the Wilcox insurance bid was so much lower and what assurance we have that they will stay in business. Chief Lewis responded that he believes it is because they are a smaller group who has been involved with many of these types of programs and that they have been in business for over 40 years.

Mayor Trinks referred the item to the Finance Committee.

E. Presentation on American Recovery and Reinvestment Act projects

Assistant Town Manager, Emily Moon, discussed the American Recovery and Reinvestment Act projects that the town has applied for and in many cases received full funding for such as:

- ❖ Nature Center Geothermal Installation
- ❖ Police Department Fingerprinting System
- ❖ Police Department In-Car Cameras
- ❖ Day Hill Road Rehabilitation Project
- ❖ Hayden Station Fire Station Renovation and Expansion
- ❖ Dunfey Tavern Demolition, Housing Rehabilitation/Refinancing and Deerfield Neighborhood Improvements

Town Manager Souza added that all of this adds up to \$1.55 million. He thanked all the staff for their work in order to meet the deadlines of the Recovery Act.

Councilor Herzfeld asked about the fingerprint hardware and software and if we are leasing it. The Deerfield sidewalk reconstruction project that was voted down was originally slated for these funds. Where did the funds go to?

Assistant Town Manager Moon said that it is her understanding that it's very typical to lease this type of equipment and to also have a maintenance contract. It allows us to make sure we stay current with technology. It is a five-year lease agreement. Regarding the sidewalk funds, we worked with the State to make sure their intents were

still met. We are using the funds to make some sidewalk repairs. It will also allow us to install ramps on existing sidewalks to make them ADA compliant.

13. Resignations and Appointments

Moved by Deputy Mayor Simon, seconded by Councilor Marci, to:

Item C: Reappoint Allen Kronick as a democratic alternate member to the Capital Improvements Committee for a three year term to expire May 5, 2012 or until a success is appointed.

Item K: Appoint Michael Bivans as a democratic alternate member to the Fair Rent Commission for a three year term to expire March 31, 2012 or until a successor is appointed.

Item W. Reappoint Gary Johnson as a democratic member to the Public Building Commission for a three year term to expire November 30, 2012 or until a successor is appointed.

Motion Passed 9-0-0

14. Minutes of Preceding Meetings

A. Minutes of the January 4, 2010 Regular Town Council Meeting

Moved by Councilor Jepsen, seconded by Councilor Eleveld, to approve the minutes of the January 4, 2010 Regular Town Council Meeting. Corrections: None.

Motion Passed 9-0-0

15. Public Communications and Petitions

Mr. Bradshaw Smith, 23 Ludlow Road, distributed a letter, dated December 15, 2009, which he then read into the record as follows:

Bradshaw Smith....distributed to the Council and Clerk of the Council the following letter which he then read into the record.

15 December, 2009

Milo W. Peck, Jr., President
Board of Education
Windsor Public School District
601 Mattanuck Avenue
Windsor, CT 06095

Dear Mr. Peck:

On Monday December 7, 2009, this municipality had its first accumulating snowfall of the season, amounting to several inches. Fortunately, for the school walkers, there were no District operations that day. There were, however, the following day, and the undersigned watched with horror and disgust as students en route to school, directly or indirectly (i.e. via school bus [stop]), slipped and slid along the unshovelled sidewalks adjacent to Broad Street and Windsor Ave.

Even as of this morning, one week later, students are still forced to transit some of the above areas, which, courtesy of the Town of Windsor, has not been addressed. Who cares, says Mr. "You don't sign my check", a/k/a, Peter P. Souza, its not coming out of my check! Who cares, says Emily Moon, its not coming out of my check!

As you are aware, students are legally required to be in school when ever such is in session. Thus, should there ever be an accident, yes Mr. Peck, it will be coming out of the District's check, for not assuring students had safe routes to school.

Given the forgoing, this writer hopes that you do care and as such, will address this matter forcefully, and on the record, with the Town's chief elected officer.

If you have any comments or questions with respect to my observations, please do not hesitate to contact me.

Sincerely,
Original signed by
Bradshaw Smith

cc: Donald S. Trinks, Mayor
Alan J. Simon, Deputy Mayor
Donald A. Jepsen, Jr. Minority leader

Mr. Smith said the response thereto from all parties including Messieurs Trinks, Simon and Jepsen has been one of complete and total silence.

BY HAND

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Original signed by
Bradshaw Smith

cc: Donald S. Trinks, Mayor
Alan J. Simon, Deputy Mayor
Donald A. Jepsen, Jr. Minority leader

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16. Executive Session

None

17. Adjournment

Moved by Councilor Eleveld, seconded by Councilor McDonald, to adjourn the meeting at 10:01 p.m.

Motion Passed 9-0-0

Respectfully submitted,

Kristin Countryman
Clerk of the Windsor Town Council

cc: Town Clerk, Main Library, Wilson Branch