

**Windsor Town Council
Council Chambers – Town Hall
June 7, 2010
Approved Minutes**

Regular Council Meeting

Mayor Trinks called the meeting to order at 7:35 p.m.

1. Roll Call – Present: Mayor Trinks, Deputy Mayor Simon, Councilor Eleveld, Councilor Herzfeld, Councilor Jepsen, Councilor Jubrey, Councilor McKenney, and Councilor McDonald

Absent - Councilor Marci

2. Prayer – Councilor McDonald
3. Pledge of Allegiance – Councilor McDonald
4. Proclamations/Awards

None

5. Public Communications and Petitions

Mr. Bradshaw Smith, 23 Ludlow Road, referred to Item 12E on the agenda regarding the request to consider the removal of a Commission member. He stated, “As you will note in the agenda item summary, the original letter of concern dated June 2, 2010, was addressed to the Mayor and Town Council members, not the Town Manager. As per Council policy, any council member is entitled to have any item placed on the Council’s agenda at their noted request. Concerns with respect to Council appointees are entirely within the purview of the Council. It is extremely unclear why this item is on the agenda at the behest of the Town Manager. As such, it strongly appears that it is the Town Manager who is stoking the fires of discontent. Given the foregoing, he recommends that the item be removed from the agenda until such time as the Mayor and/or one or more other Councilor(s) choose to sponsor this item, even tentatively.”

6. Report of Appointed Boards and Commissions

- A. Board of Education

Mr. Christopher McAuliffe, Board of Education, reported to the Council the following:

- The May 10th Board of Education meeting was a special meeting where they received and accepted the elementary task force report.

- During the May 18th regular meeting, the board received a report on accessing alternative education programs.
- A Project Lighthouse Board workshop has taken place and another one is scheduled to take place on June 16th to discuss the student achievement data analysis.
- Department honor awards were given on June 3, 2010.
- Senior Scholarship Awards are scheduled to take place on June 10, 2010.
- Windsor High School seniors will be graduating on June 15, 2010.
- The next Board meeting will take place on June 14, 2010.

B. Historic District Commission

None

7. Town Manager's Report

Updates from Social Services

The Social Services department has seen an increase in the number of clients who are in need of assistance with their food. Not only has there been an increase in the number of food pantry participants, but the number of households that are eligible for SNAP (formerly known as Food Stamps) has increased as well. In order to help accommodate this need, Social Services partnered with Foodshare to host a SNAP blitz on May 21st. Volunteers from Foodshare came and saw 18 clients and processed 13 applications for SNAP in four hours.

In other food pantry news, the Windsor Jaycees hosted its first annual Horseshoe Tournament to benefit the Windsor Food Pantry on April 24th. Following the event, they presented the pantry with a donation of \$1,000.

Finally, I am pleased to report that Kristen Formanek of our Social Services Division has been elected to the office of President of CLASS (Connecticut Local Administrators of Social Services) for the upcoming year. CLASS is a professional organization for municipal social service providers. There are currently 69 member towns which participate in CLASS. Congratulations to Kristen.

Windsor Recreation & Leisure Services Summer Fun

All are welcome to attend a *2010 Summer Kickoff* event that will be held on Saturday, June 12, 2010 from 1:00 p.m. to 5:00 p.m. at Washington Park. The event will include music, games, fishing, entrance prizes and food for purchase. In case of inclement weather, the event will be held on Sunday, June 13, 2010 from 1:00 p.m. to 5:00 p.m.

For weather update inquiries, please call 860-285-1988.

Outdoor Pool Update:

Both Goslee and Welch pools will be open to the public beginning June 19, 2010. Weekend hours are:

- Lap swim: noon to 1:00 p.m.
- Open swim: 1:15 p.m. to 4:45 p.m.
- Family swim from 5:00 p.m. to 6:00 p.m.

Lap swim, open swim and family swim hours are also available on weekdays as well as swim lessons. A complete schedule of summer pool hours is available on the town's website and in the summer edition of *There's a Lot to Do in Windsor*. For more information regarding aquatic programming, call Recreation at 860.285.1990.

Windsor Police Officers Recognized

Five Windsor Police Officers will be recognized on June 10th at an award ceremony sponsored by Mothers Against Drunk Driving (MADD) for their enforcement activity of DWI's. These officers, who led the department in DWI (Driving While Intoxicated) arrests last year, are being recognized due to their commitment and dedication to drunken driving enforcement and their success in detecting and apprehending those persons operating under the influence of alcoholic liquors and drugs.

Officer Joseph Beaudoin - 22 arrests

Officer Richard S. Ballou - 18 arrests

Officer Teresa Baboolal - 16 arrests

Officer Joshua Amaro - 15 arrests

Officer Dennis Adams - 13 arrests

Their efforts, as well as the efforts of all patrol personnel, make Windsor a safer community to live and travel.

Annual "Just For Fun Dog Show" Planned

The "Just for Fun Dog Show" will be held on Thursday, June 17th on the town green. This annual event is sponsored by the Town Clerk's Office to promote the month of June as dog licensing month and all participants must have a new dog license. The Town Clerk's Office will remain open from 5:00 p.m. to 6:00 p.m. on the 17th for those who need to purchase a new dog license. Registration begins at 5:30 p.m. Judging begins at 6:00 p.m. Members of 4-H will be selling hot dogs. For more information, call 285-1902.

Road/Sidewalk Projects

I-291: Resurfacing work on I-291 will include milling and paving from Manchester to Bloomfield, with work on the Bissell Bridge and through Windsor to the Bloomfield line. Night work is slated to begin in Manchester on June 6th, with milling to run until July 7th. Paving will follow the milling and is scheduled to be completed on August 3rd. Town staff estimates that the first crew will be in Windsor by mid-June, weather permitting.

Deerfield: Sidewalk work in the Deerfield neighborhood is complete. The project included the reconstruction of approximately 1,600 linear feet of sidewalk with 33 handicap ramps and 900 linear feet of asphalt on a path between Deerfield Road and Windsor Avenue. CDBG-Recovery funds in the amount of \$90,000 were used for this project.

Bond Rating Update

The Moody's Rating Agency announced earlier this spring that it was changing its rating scale for municipal bond issuers to what is known as the "global rating scale". This change resulted in a recalibration of our rating from Aa2 with a positive outlook to Aa1, which is one notch below the top rating of Aaa. There are just 18 Connecticut communities with a higher rating from Moody's than us. Other Aa1 rated communities include Stamford, Danbury, Redding, Stonington, Manchester and Brookfield. Although the recalibration will likely result in our getting even more competitive interest rates, Moody's has clearly stated to all of the issuers this is not considered a formal rating upgrade. Subsequent to the recalibration, Moody's completed a review of our rating and affirmed our Aa1 rating although without the positive outlook. Moody's cited our well-managed and healthy financial operations and a low debt profile, which is expected to remain stable. They also noted challenges being ongoing budgetary pressures related to state aid levels and the possibility that our tax base could be vulnerable to declines in growth due to the economic environment and softening of the real estate market.

Demolition of Dunfey Lane Structures

The status of the demolition of the Dunfey Tavern is as follows:

- Asbestos abatement activities have been completed and environmental clearances were secured for all buildings.
- The tavern building has been leveled. The foundation has been removed and the foundation hole filled. Demolition debris has been removed from this portion of the site.
- Demolition of the motel building has begun. The project is on target for completion by mid-June.

Hiring of Facilities Manager

I am pleased to announce that Mr. Walter (Whit) Przech, Jr. has been hired for the position of Building & Facilities Manager in the Department of Public Works. Mr. Przech currently resides in Newington and will be joining us from a similar position with Bob's Stores where he was responsible for the management of 35 facilities throughout New England, New Jersey and Long Island. He has been in facilities management and repair for 30 years in the corporate sector. In addition to responsibilities related to the maintenance, repair and construction of town buildings and facilities, he will work with the Public Building Commission in the management of its projects. Mr. Przech will be replacing Al Neumann, who has retired after serving the town for 30 years.

Mr. Brian Funk, Director of Public Works, and Mr. Mark Goossens, Solid Waste Manager, gave a third quarter report on the Landfill and stated the following:

For municipal solid waste (MSW), the landfill received 2,819 tons and \$176,633 in revenues. For the year-to-date (YTD), through the 3rd quarter, this tonnage amount is 443 tons less than targeted. The revenue figure is \$76,603 less than the YTD target. The amounts are 95.7% and 89.1% of the target respectively.

For bulky waste (construction and demolition debris), the landfill received 3,366 tons resulting in \$218,797 in revenues in the 3rd quarter. For YTD, through the 3rd quarter, this tonnage amount is 7,070 tons greater than targeted. The revenue figure is \$459,593 more than the YTD target. These amounts are at 210% of the targeted amount.

For total revenues, the landfill received \$1,868,665 YTD. This was \$361,752 greater revenues than targeted.

For operating expenses, the landfill fund was \$287,748 lower than targeted YTD. The main factors in these savings were lower than budgeted Personal Services and Maintenance and Repair expenses, as well as expenses associated with Supplies and Contractual Services. Staff continues to work to reduce expenses to conform to the reductions in revenues compared to previous years.

For the first three quarters in Annual Operating Income, the Landfill Enterprise Fund has earned a profit of \$931,311. This amount is \$649,501 greater than targeted for YTD. With this profit of about \$930,000, the present Retained Earnings of the Landfill Enterprise Fund stand at \$27,869,873. These funds will be used to meet closure and post-closure costs of the Windsor-Bloomfield landfill.

Deputy Mayor Simon asked where the carbon credit money will be placed and suggested that it be added to the Capital Projects fund since it's a one-time revenue. Town Manager Souza answered that it would be placed into the landfill fund, as described to council when staff initiated this project.

Deputy Mayor Simon asked if economic activity is picking up and is that why bulky waste is picking up. Mr. Funk said the Hartford landfill closed about a year ago and we've seen an uptick in bulky waste since then. If the economy turned around, we would probably see additional bulky waste.

Councilor Jubrey asked about where debris from the buildings on Dunfey Lane was going. Town Manager Souza said that material from this site is taken to Bloomfield and another landfill in the southern part of the state.

Councilor Jubrey asked if we already have the closure funds. Mr. Funk confirmed that we do. Town Manager Souza explained that is for the capping or closure, and per the EPA, we have a 30 year post-monitoring piece and minor maintenance.

Councilor Jepsen asked about the wetlands, pond area near the landfill's border with Northwest Park. Town Manager Souza said that we have received a positive response from the Department of Environmental Protection (DEP) about proposed water runoff treatment and we are having a meeting early next week on a variety of permitting issues. We should know what direction the DEP will be providing us by the end of June.

8. Communication from Council Members

Councilor Eleveld – thanked everyone involved in the Memorial Day events. He thanked everyone who came out yesterday for the volunteer appreciation lunch.

Councilor McKenney – None

Councilor McDonald – reiterated everyone's comments thanking all of the volunteers.

Councilor Marci – Absent

Councilor Jubrey – thanked everyone involved in the Shad Derby.

Councilor Herzfeld – thanked all volunteers who were honored.

Councilor Jepsen – asked that we be mindful of teenagers and graduates at the end of the school year.

Deputy Mayor Simon – None

Mayor Trinks – echoed everyone's comments thanking all of the volunteers.

9. Reports of Standing Committees

Finance – will meet next Monday.

Special Projects – None

Town Improvements – None

Health and Safety – None

10. Ordinances

A. Approve an ordinance entitled "AN ORDINANCE AMENDING CHAPTER 14, ARTICLE XII, WINDSOR REDEVELOPMENT AGENCY."

Resolved by Councilor Jepsen, seconded by Councilor McDonald, that the reading into the minutes of the text of the ordinance entitled "AN ORDINANCE AMENDING CHAPTER 14, ARTICLE XII, WINDSOR REDEVELOPMENT AGENCY" is hereby

waived, the full text of the ordinance having been distributed to each member of the council and copies made available to those persons attending this meeting; and the full text of the ordinance be recorded with the minutes of this meeting.

Motion Passed 8-0-0 (Councilor Marci absent)

Moved by Councilor Jepsen, seconded by Councilor McDonald, to approve an ordinance entitled, "AN ORDINANCE AMENDING CHAPTER 14, ARTICLE XII, WINDSOR REDEVELOPMENT AGENCY."

Motion Passed 8-0-0 (Councilor Marci absent)

11. Unfinished Business

None

12. New Business

A. Approve applications submitted for Neighborhood Assistance Credit Act Program

Moved by Councilor Jepsen, seconded by Councilor McKenney, that the attached resolution approving the applications of the Windsor Historical Society, Windsor Chamber of Commerce, Windsor Police Cadets, Celebrate Windsor, and CRIS Radio, for participation in the Neighborhood Assistance Act Tax Credit Program administered by the Department of Revenue Service be approved.

WINDSOR TOWN COUNCIL

NEIGHBORHOOD ASSISTANCE ACT (NAA) TAX CREDIT PROGRAM

RESOLUTION

WHEREAS, the State of Connecticut, acting through its Department of Revenue Services, administers a program authorized by the state legislature entitled the Neighborhood Assistance Act (NAA) Tax Credit Program which provides corporations with tax liability in the State of Connecticut an opportunity to receive tax credits for donations made to participating municipal and tax-exempt organizations; and

WHEREAS, in order to utilize the NAA Program eligible municipal and non-profit organizations must first secure the approval of the local governing body in a town served by the applicant; and

WHEREAS, the organizations listed below have submitted applications for assistance in the NAA Program and the Town Council feels that the proposed activities are in the best interests of Windsor's residents;

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF WINDSOR'S TOWN COUNCIL that the following applications for participation in the 2010 Neighborhood Assistance Act (NAA) Tax Credit Program are hereby approved:

<u>Applicant</u>	<u>Dollar Amount</u>	<u>Activity</u>
Windsor Historical Society	\$ 24,500	New Windsor History Exhibit
Windsor Chamber of Commerce to the Chamber Office	\$ 20,000	Interior Facility Improvements
Windsor Police Cadets	\$ 17,500	Program Sponsors
Celebrate Windsor	\$100,000	Seating Replacement
CRIS Radio	\$ 10,000	Radio Reading Service - Windsor Studio

Councilor Jepsen asked about the non-profit group who came to the public hearing requesting to be included in this program. Is there a requirement that the organization be in Windsor?

Mr. Jim Hallisey, Community Development Coordinator, and Mr. Jim Burke, Director of Economic Development, met with Mr. Jim Griffin and it sounds like a great project, but it doesn't comply with IRS guidelines. It would have to be occupied by a charitable organization and they currently do not have a lease in the building. The owners of the Colt building said there is no agreement at this point for the space. The state places the town in a 'review' role. Typically a community reviews the project and makes sure it has met the program requirements. The organization does not have to be in Windsor, but it has to serve the people in our community.

Deputy Mayor Simon said the issue of the deadline is not an issue at all. It's not a timing matter of the application. They don't qualify because of the requirements.

Councilor Eleveld is concerned that most of the applicants are based in Windsor. This is not based in Windsor and doesn't have an obvious Windsor component. Doing this could tie up staff time evaluating the requests of organizations with no ties to Windsor.

Councilor Herzfeld said the key issue is not having a valid lease or ownership in Windsor.

Motion Passed 8-0-0 (Councilor Marci absent)

B. Approve appropriations from Capital Projects Fund for FY 2011 Capital Projects

Moved by Councilor Herzfeld, seconded by Councilor Jepsen, to approve an appropriation of \$277,000 from the Capital Projects Fund Undesignated, Unreserved

Fund Balance to fund the FY 2011 Capital Projects listed on the attachment entitled Attachment A.

ATTACHMENT "A"
FY 11 Capital Projects

<u>Project</u>	<u>Cost</u>
Sidewalk and Curb Replacement	\$67,000
Maple Avenue & Spring Street Reconstruction	\$30,000
Tree Replacement Program	\$55,000
Federal Sign Upgrade Program	\$50,000
Pavement Line Striping	<u>\$75,000</u>
Total	\$277,000

Town Manager Souza provided an overview of the appropriations. These appropriations are for capital improvement projects that are listed in the town's FY 2011 CIP and that were discussed with Council during the CIP and budget development processes. Many of the projects staff is requesting funding for now are projects that help us reach our asset management goals.

\$67,000 is being requested for sidewalk and curb replacement. This project had been funded in the General Fund in previous years.

\$30,000 is being requested for Maple Avenue & Spring Street preliminary engineering and design costs to plan for the reconstruction or improvement of these roads. These streets are displaying signs of fatigue and distress due to aging, insufficient construction materials and other related road cuts and damage. This project would consist of road surface improvements by means of reclamation or milling, pavement resurfacing, new curbing, snow shelf improvement (brick, new plantings, re-grading) and necessary sidewalk repairs.

\$55,000 is requested for the tree replacement program. Due to lack of a dedicated annual funding source, little has been done to replace these trees over the past several years. The funding requested for this project will allow staff to begin a multi-year effort to replace trees and re-establish Windsor's urban forest. Staff anticipates that this funding will allow for 50 trees to be replaced each year for the next four years, beginning in the fall of 2010. In addition, this funding will be used to develop a tree inventory to track the

number and types of trees in the neighborhoods, in commercial areas, and the parks to assist in determining priorities for tree maintenance and planting.

\$50,000 is requested for the Federal Sign Upgrade Program to improve the retro-reflectivity of our signs. In 2008, the federal government revised the guidelines on sign retro-reflectivity. To meet these requirements, the town inventoried all of the town-owned regulatory and warning signs using GPS, and used the data to create a database of these signs, as well as a Geographic Information System (GIS) map showing the locations of these signs. There are approximately 3,000 town-owned regulatory and warning signs. The inventory indicated that there are about 1,050 signs that should be replaced to meet the federal guidelines. The funding requested would be used over the next four years to replace 775 of these signs, which represents about 75% of those needing replacement.

\$75,000 is requested for pavement line striping. Funding for pavement markings in the past has come from the State Town Aid Roads (TAR) grant. Moving forward, the town needs to expend a greater percentage of TAR funds on pavement preventive maintenance activities such as pavement crack filling. Epoxy pavement markings should be reinstalled every five years. The funding requested for this CIP will allow the town to reinstall 20% of the town's markings each year for three years. Additional funding would be needed after three years to keep pace with the replacement schedule.

It is requested that \$277,000 be appropriated from the Capital Projects Fund Undesignated, Unreserved Fund Balance to fund the FY 2011 Capital Projects outlined above and listed on the attachment entitled Attachment A.

Motion Passed 8-0-0 (Councilor Marci absent)

C. Introduce a bond ordinance entitled "AN ORDINANCE APPROPRIATING \$470,000 FOR COSTS IN CONNECTION WITH IMPROVEMENTS TO DAY HILL ROAD FROM THE VICINITY OF ITS INTERSECTION WITH GREAT POND ROAD TO APPROXIMATELY 2,200 FEET WEST OF THAT INTERSECTION, AND RELATED AMENITIES AND IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF \$470,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION."

Resolved by Councilor Jepsen, seconded by Councilor McDonald, that the reading into the minutes of the text of the ordinance entitled "AN ORDINANCE APPROPRIATING \$470,000 FOR COSTS IN CONNECTION WITH IMPROVEMENTS TO DAY HILL ROAD FROM THE VICINITY OF ITS INTERSECTION WITH GREAT POND ROAD TO APPROXIMATELY 2,200 FEET WEST OF THAT INTERSECTION, AND RELATED AMENITIES AND IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF \$470,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION" is hereby waived, the full text of the ordinance having been distributed to each member of the council and copies made available to those persons attending this meeting; and the full text of the ordinance be recorded with the minutes of this meeting.

Motion Passed 7-0-0 (Councilor Eleveld out of Chambers and Councilor Marci absent)

Moved by Councilor Jepsen, seconded by Councilor Herzfeld to introduce a bond ordinance entitled "AN ORDINANCE APPROPRIATING \$470,000 FOR COSTS IN CONNECTION WITH IMPROVEMENTS TO DAY HILL ROAD FROM THE VICINITY OF ITS INTERSECTION WITH GREAT POND ROAD TO APPROXIMATELY 2,200 FEET WEST OF THAT INTERSECTION, AND RELATED AMENITIES AND IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF \$470,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION."

Town Manager Souza gave an overview of the ordinance and stated the following:

Staff is proposing authorizing the issuance of bonds for the next phase of Day Hill Road rehabilitations, which were included in the FY 2011 Capital Improvement Program (CIP). We are requesting that the Town Council consider this now so that staff can complete the rehabilitation work during this construction season. The segment of roadway that will be rehabilitated suffered greatly over the past winter and spring and we would like to avoid having to make constant and less than sufficient repairs throughout next winter and spring to this section of Day Hill Road.

This year's planned project will involve the reconstruction of the westbound lanes from Great Pond Drive to the western driveway of the former ABB campus, a distance of approximately 2,200 feet. This section of road was previously reclaimed but never overlaid. The pavement has significant raveling and rutting.

The CIP planned \$468,000 in FY 2011 for Day Hill Road reconstruction activities. However, this amount corresponded to performing work near Northfield Drive. After analyzing pavement conditions this spring, the section between Prospect Hill Road and the ABB west driveway was deemed to be a more urgent priority. As such, staff is recommending using the CIP planned borrowing amount to accomplish the rehabilitation of part of this segment (the westbound lanes from Great Pond Drive to the ABB west driveway). Over the next month or so, staff will finalize a plan to design and fund repair and rehabilitation of the remaining Day Hill Road segments in the area between Prospect Hill Road and the ABB westerly driveway that are in critical need of repair. This work will include work on both east and west bound lanes. We anticipate using a combination of Town Aid for Roads and unexpended funds from previous Day Hill Road reconstruction projects to fund the remaining segments.

The total estimated revised cost for this project is \$576,400, including approximately 2% for permanent bond issuance costs.

In order to maintain the planned borrowing level for FY 2011, per the CIP, and to keep anticipated debt service in FY 2012 similar to FY 2011, anticipated funding sources for this project are:

- \$470,000 from bond proceeds, as considered tonight.

- \$25,000 from the \$50,000 Day Hill Road design allocation that Town Council approved in December 2009.
- Approximately \$81,400 from the previous phase's unexpended project budget. The bond ordinance for the previous phase allowed for bond proceeds to be used for reconstruction activities from Blue Hills Avenue up to Great Pond Drive, which incorporates the scope of this year's project.

Staff has explored the possibility of borrowing the \$470,000 via a Bond Anticipation Note. Also reviewed was the option of temporarily financing this amount internally with cash-on-hand until permanent financing takes place in the spring of 2011. The estimated cost of preparing and selling a short-term note is \$15,000 to \$20,000. If the town were to finance the \$470,000 internally, the lost interest earnings over 9 months is estimated at approximately \$2,500. Therefore, it is recommended that the project be financed internally with cash-on-hand until permanent bonding is issued in the spring of 2011.

Motion Passed 8-0-0 (Councilor Marci absent)

- D. Set a Public Hearing for June 21, 2010 at 7:20 p.m. to hear an ordinance entitled "AN ORDINANCE APPROPRIATING \$470,000 FOR COSTS IN CONNECTION WITH IMPROVEMENTS TO DAY HILL ROAD FROM THE VICINITY OF ITS INTERSECTION WITH GREAT POND ROAD TO APPROXIMATELY 2,200 FEET WEST OF THAT INTERSECTION, AND RELATED AMENITIES AND IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF \$470,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION."

Moved by Councilor Jepsen, seconded by Councilor Herzfeld that a Public Hearing be set for June 21, 2010 at 7:20 p.m. (prevailing time) to act on a bond ordinance entitled "AN ORDINANCE APPROPRIATING \$470,000 FOR COSTS IN CONNECTION WITH IMPROVEMENTS TO DAY HILL ROAD FROM THE VICINITY OF ITS INTERSECTION WITH GREAT POND ROAD TO APPROXIMATELY 2,200 FEET WEST OF THAT INTERSECTION, AND RELATED AMENITIES AND IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF \$470,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION" and be it further resolved that the town clerk is authorized and directed to post and publish notice of said Public Hearing.

Motion Passed 8-0-0 (Councilor Marci absent)

- E. Receive referral from Inlands Wetlands and Watercourses Commission regarding request to consider removal of Commission member per Section 6-3 of the *Town Charter*.

Moved by Deputy Mayor Simon, seconded by Councilor Jepsen, that the Town Council hereby adopts a resolution of intent to remove Mr. Robert Fromer from his appointed position on the Inland Wetlands and Watercourses Commission per Section 6-3 of the *Windsor Town Charter* due to his antagonistic, condescending and unprofessional

behavior and comments to applicants, fellow commissioners and town staff, which impedes the ability of the commission to complete its work efficiently and effectively.

Deputy Mayor Simon commented that this is on the agenda because the Deputy Mayor, ranking republican member and Mayor reviewed the request for council to consider it and concurred with it being placed on the agenda.

Town Attorney Oswecki reviewed Connecticut General Statutes, Section 22 a-42, which states that a municipality can adopt an Inland Wetlands & Watercourses ordinance for the Inland Wetlands and Watercourses Commission (IWWC) that gives the Council the authority to provide for the method of selection and removal of any member of the IWWC. He explained that the Town Council had exercised that authority by adopting the IWWC Ordinance, Article VII, and particularly in Section 14-73, that states that "The Town Council shall fill all vacancies in the membership of the commission in the same manner as provided for in Section 6-1 of the *Town Charter* for the filling of vacancies and may remove any member in the manner provided in Section 6-3 of the *Town Charter*." The State of CT statute has been implemented via the ordinance and the ordinance then reflects the *Town Charter*.

Appointees are made as per Section 6-3 of the *Town Charter*, which states that, "Any appointee of the Council except the town manager appointed for an indefinite term may be removed by an affirmative vote of five (5) members of said council as herein provided. At least thirty (30) days before the proposed removal of any appointee, the council shall adopt a resolution stating its intention to remove such appointee and the reasons therefore, a copy of which shall be served forthwith on said appointee who may, within ten (10) days, demand a public hearing at which the appointee shall have an opportunity to be heard in the appointee's own defense, personally and/or by counsel, in which event said appointee shall not be removed until such public hearing has been held. Such public hearing shall be held not earlier than twenty (20) days nor later than thirty (30) days after an appointee has been notified of the council's intention to remove said appointee. Upon the passage of the resolution stating the council's intention to remove an appointee, said appointee shall be suspended and compensation, if any, may be terminated; provided said appointee shall receive any accrued compensation and benefits to which the appointee is entitled, and provided further, that, if reinstated, said appointee shall thereupon receive the compensation and benefits for the period during which said appointee was suspended. Within thirty (30) days after the aforesaid public hearing, or, if there be no public hearing, within thirty (30) days after adoption of the resolution stating its intention to remove an appointee, the council shall approve or reject such resolution...."

Town Attorney Oswecki explained that since the *Town Charter* does not define what a public hearing is that the Town Council would revert to using a 'common law public hearing' which is the basic substantive rights of any person who is subject to this motion.

There are three basic substantive rights:

1. The right to know the charges or claims referred;
2. The right to meet such charges or claims by competent evidence;
3. The right to be heard through counsel upon the probative force of evidence produced by both sides and upon the law applicable thereto.

Town Attorney Oswecki suggested that a copy be provided of the resolution and any other materials upon which this decision was based to the appointee. It is then up to the appointee to make a request for a public hearing which would then be scheduled in accordance to the *Town Charter*.

Mayor Trinks asked to whom the request would go. Town Attorney Oswecki said the *Charter* does not directly state who it should go to, but if the Mayor receives it, he may want to have it go to the Town Manager for the sake of timeliness.

Deputy Mayor Simon inquired about the term. Town Attorney Oswecki said the appointee is appointed for a definite term and has a right to serve that term, unless you take action per the *Charter*. The *Charter* states that any appointee, except the Town Manager or those with an indefinite term, may be removed by five members of the Council. The *Charter* does state that you provide the appointee with reason(s). Cause of removal is defined by the Town Council.

Deputy Mayor Simon stated that per his understanding, that if this resolution of intent passes tonight, that Mr. Fromer is suspended from being on the Commission until the Town Council makes a final decision on his case. Town Attorney Oswecki confirmed this.

Councilor Herzfeld asked if the Council adopts this resolution and has a public hearing this evening, is it appealable. Town Attorney says that the vote is final. There is no appeal. However, there are methods to bring just about anything to court.

Councilor Jepsen asked if the backup should be included in the resolution. Town Attorney Oswecki said the resolution is sufficient to give to Mr. Fromer.

Mayor Trinks asked if the copy of the resolution should be certified when sent to Mr. Fromer. Attorney Oswecki advised that it should be served by hand or sent certified mail.

Deputy Mayor Simon said if the resolution of intent passes tonight, the public hearing must occur between June 27th and July 7th.

Councilor Eleveld said that based upon the *Charter*, his understanding is that we will almost have a mini trial where Mr. Fromer will have representation and the Council will be presented with information and Mr. Fromer will be given a chance to rebut. He also stated that he thought if you are on a commission and nobody wants there, you should leave. He stated that he knew that he might sound rather simple, but he feels it's unfortunate that we need to go to this extent. Town Attorney Oswecki said we will not

be looking at a formal trial, but there are certain elements that will make it appear like a trial.

Councilor Herzfeld asked if this is something that has happened previously. Town Attorney Oswecki said he has not seen this during his experience.

Motion Passed 8-0-0 (Councilor Marci absent)

Moved by Councilor Jepsen, seconded by Councilor Jubrey, to move items 12. F. and 12. G. to Item 16. Executive Session.

F. Approve settlement for Inland Southeast Windsor vs. Town of Windsor case

G. Approve settlement for Town of Windsor vs. American Contractors Indemnity case

13. Resignations and Appointments

Moved by Deputy Mayor Simon, seconded by Councilor Jepsen, to accept the resignation of Jason Seacat from the Conservation Commission.

Motion Passed 8-0-0 (Councilor Marci absent)

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

Item L: Appoint Lillard (Jay) Lewis as a democratic alternate member to the Conservation Commission for a five year term to expire January 30, 2015 or until a successor is appointed.

Item V: Reappoint Joyce Armstrong as a democratic member to the Human Relations Commission for a three year term to expire May 31, 2013 or until a successor is appointed.

Item W: Reappoint Richard Armstrong as a democratic member to the Human Relations Commission for a three year term to expire May 31, 2013 or until a successor is appointed.

Item DD: Reappoint Nellie Holmes Mason as a republican member to the Library Advisory Board for a three year term to expire April 31, 2013 or until a successor is appointed.

Motion Passed 8-0-0 (Councilor Marci absent)

14. Minutes of Preceding Meetings

A. Minutes of the May 17, 2010 Regular Town Council Meeting

Moved by Councilor Jepsen, seconded by Councilor McDonald, to approve the minutes of the May 17, 2010 Regular Town Council Meeting. Corrections: None.

Motion Passed 8-0-0 (Councilor Marci absent)

15. Public Communications and Petitions

Mr. Bradshaw Smith, 23 Ludlow Road, addressed the Council. He stated that "Earlier this evening the Council heard the Director of Public Works state that the dump is scheduled to reach capacity (i.e., close) in about a year and a half. This engenders the very interesting question as to where our trash is going to go immediately thereafter. Are we going to join in with the CRRA or the new trash authority set up by CRCOG or haul it ourselves to another disposal area/facility near or far. If so, where is the transfer station the Council has directed the Manager to permit? As the Council is probably aware by now, contrary to the apparent opinion of the Town Manager, permits cannot be procured by mail order, or from Home Depot, but rather take time by application to the state. Even if such is never constructed, the mere fact that one is authorized could very well be a very significant bargaining chip, the ace up our sleeve if you will, with respect to any negotiations with either of the aforementioned trash authorities. These are all policy questions which the Council needs to start formulating now – not five (5) minutes before the dump closes, a la Peter P. Souza and Emily C. Moon."

12. F. Approve settlement for Inland Southeast Windsor vs. Town of Windsor case

Moved by Councilor Jepsen, seconded by Councilor Eleveld, to accept the proposed adjusted valuation of property in the Inland Southeast Windsor vs. Town of Windsor case and authorize the settlement as discussed in Executive Session.

Motion Passed 8-0-0 (Councilor Marci absent)

12. G. Approve settlement for Town of Windsor vs. American Contractors Indemnity case

Moved by Councilor Jepsen, seconded by Councilor Eleveld, to accept and authorize the settlement of the Town of Windsor vs. American Contractors Indemnity case in the amount of \$8,000 as discussed in Executive Session.

Motion Passed 8-0-0 (Councilor Marci absent)

17. Adjournment

Moved by Councilor McDonald, seconded by Councilor Eleveld, to adjourn the meeting at 9:48 p.m.

Motion Passed 8-0-0 (Councilor Marci absent)

Respectfully submitted,

Kristin Countryman
Clerk of the Windsor Town Council

16. EXECUTIVE SESSION

Present: Mayor Trinks, Deputy Mayor Simon, Councilor Herzfeld, Councilor Jepsen, Councilor Jubrey, Councilor McDonald, Councilor McKenney

Staff: Town Manager Peter Souza, Assistant Town Manager Emily Moon, Town Attorney Vincent Oswecki

1. CALL TO ORDER

The meeting was called to order at 8:53 p.m.

2. Executive Session

Moved by Councilor Jepsen, seconded by Councilor Eleveld, to enter into Executive Session at 8:53 p.m. for the purpose of discussing strategy and negotiations with respect to pending claims and litigation (Town of Windsor vs. American Contractors Indemnity Co. & Inland Southeast Windsor vs. Town of Windsor).

Motion passed 8-0-0 (Councilor Marci absent)

Councilor Eleveld entered the session at 8:56 p.m.

Town Assessor Steve Kosofsky entered the room at 9:00 p.m. and left at 9:05 p.m.

Town Engineer Tom Lenehan entered the room at 9:00 p.m.

Moved by Councilor Jepsen, seconded by Councilor Eleveld, to exit Executive Session at 9:47 p.m.

Motion Passed 8-0-0 (Councilor Marci absent)

Moved by Councilor Jepsen, seconded by Councilor Eleveld to exit Executive Session and return to the Regular Meeting at 9:47 p.m.

Motion Passed 8-0-0 (Councilor Marci absent)

Respectfully submitted,

Emily Moon
Recording Secretary

AN ORDINANCE APPROPRIATING \$470,000 FOR COSTS IN CONNECTION WITH IMPROVEMENTS TO DAY HILL ROAD FROM THE VICINITY OF ITS INTERSECTION WITH GREAT POND ROAD TO APPROXIMATELY 2,200 FEET WEST OF THAT INTERSECTION, AND RELATED AMENITIES AND IMPROVEMENTS; AND AUTHORIZING THE ISSUE OF \$470,000 BONDS AND NOTES TO FINANCE THE APPROPRIATION

BE IT HEREBY ORDAINED,

Section 1. That the Town of Windsor appropriate FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$470,000) for costs, or the Town's share thereof, in connection with improvements to Day Hill Road from the vicinity of its intersection with Great Pond Road to approximately 2,200 feet west of that intersection. It is contemplated that the project will include pavement rehabilitation, curbing replacement and installation, sidewalk, ramp and detectable warning strip installation, storm drainage repairs and catch basin top replacements, street light replacement, median and disturbed area restoration, acquisition of land or easements as necessary or desirable, and other related amenities and improvements. The appropriation may be spent for design, construction and installation costs, equipment, materials, land or easement acquisition (in an amount not to exceed \$10,000), engineering, inspection and consultant fees, administrative costs, printing, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project. The Town Engineer is authorized to determine the scope and particulars of the project and may reduce or modify the project scope, and the entire appropriation may be expended on the project as so reduced or modified.

Section 2. That the Town issue bonds or notes in an amount not to exceed FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$470,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed FOUR HUNDRED SEVENTY THOUSAND DOLLARS (\$470,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be general obligations of the Town and shall be secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a of the General Statutes if the notes do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Manager and either the Treasurer or the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The Director of Finance shall keep a record of the bonds and notes. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and either the Treasurer or the Director of Finance are authorized to determine the amounts, dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer

agent and paying agent for the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and either the Treasurer or the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and either the Treasurer or the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or note to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Council, the Town Manager, the Treasurer, the Director of Finance, the Town Engineer and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

APPROVED AS TO FORM:

Bond Counsel

ATTEST:

Town Clerk

Distributed to Town Council 6/7/10

Public Hearing Advertised 6/11/10

Public Hearing

6/21/10

Adopted

Advertised

Effective Date

CHAPTER 14
Article XII

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE XII, WINDSOR
REDEVELOPMENT AGENCY**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF WINDSOR:

Chapter 14, Article XII, of the *Windsor Code* is amended to read as follows:

Section 1. Amendments.

Section 14-134 Membership is amended as follows:

The Agency shall consist of five (5) members and two alternates, all of whom shall be electors and residents of the town appointed by the Town Manager with the approval of the Town Council.

Section 14-135 Term of Office is amended to read as follows:

All members and alternates shall serve for a five (5) year term or until their successor is appointed and qualified. Any vacancy shall be filled for the unexpired term in the same manner as set forth in Section 14-134.

Section 3. Ratification. All other sections of the Ordinance not amended are hereby ratified to remain in effect unchanged.

Section 4. Savings Clause. The enactment of this Ordinance shall not operate as an abatement of any action or proceeding previously taken, now pending, or taken prior to the effective date of this Ordinance. All said actions and proceedings are hereby ratified to be continued.

Section 5. Severability. All provisions of the *Town Code* in conflict herewith are hereby repealed and that if for any reason, any word, clause, paragraph, or section of this Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of the Ordinance shall continue in effect. Any provision herein which is in conflict with the *Connecticut General Statutes* is hereby repealed, it being understood that said statutes shall take precedence over this Ordinance.

APPROVED AS TO FORM:

Town Attorney

ATTEST:

Town Clerk

Distributed to Town Council	_____ 5/17/10
Public Hearing Advertised	_____ 5/21/10
Public Hearing	_____ 6/7/10
Adopted	_____ 6/7/10
Advertised	_____ 6/21/10
Effective Date	_____ 7/1/10