

**Windsor Town Council
Council Chambers – Town Hall
August 2, 2010
Approved Minutes**

Regular Council Meeting

Mayor Trinks called the meeting to order at 7:30 p.m.

1. Roll Call – Present: Mayor Trinks, Deputy Mayor Simon, Councilor Eleveld, Councilor Herzfeld, Councilor Jepsen, Councilor Jubrey (arrived at 7:45 p.m.), Councilor Marci, Councilor McKenney, and Councilor McDonald
2. Prayer – Councilor Herzfeld
3. Pledge of Allegiance – Councilor Herzfeld
4. Proclamations/Awards

None

5. Public Communications and Petitions

Mr. Frank Davis, 3 Birchwood Road, discussed two items on the agenda. He is a member of the Wild and Scenic Commission. The purpose is to keep wild and scenic rivers running. They knew the dam would be excluded from the designation. He feels we should accept the request to start below the bridge, giving Windsor over six miles of wild and scenic designation. He is in favor of green energy in the town of Windsor. He also discussed the acquisition of 299 Pigeon Hill Road. He is a member of the land trust and they fully approve this acquisition. They recommend that the Council supports this open space in Windsor.

Mr. Bradshaw Smith, 23 Ludlow Road, discussed the selection of a developer of 55 and 69 Mechanic Street. The packet materials did not include any indication of who will pay for improvements to Mechanic Street and Batchelder Road. The state is going to require improvements but we don't know how much or where. We were burned with ING with the tax break and having to do a lot of road work. He doesn't want to be burned again. The developer pays for the road improvements. If you believe that the commuter rail is coming it only adds more fuel to the fire with more commuter cars there. There will have to be roadwork improvements and the town should not have to pay for them when we are giving the developer a tax break.

6. Report of Appointed Boards and Commissions
 - A. Board of Education

Mr. Chris McAuliffe reported the following to the Council:

- The Long Range Planning Committee has been meeting with preliminary discussions.
- The superintendent's evaluation was completed. The Board voted to extend Dr. Feser's contract for another year. They will be setting goals for the upcoming year shortly.
- The CMT and CAPT scores came out. Details can be found on ctreports.com, the state website. Overall the CMT scores were up, some the same, some down, it was a mixed year. The CAPT scores are up which is encouraging.
- Project Open Doors, to encourage more students to take AP courses, reported that this year twice as many kids scored 3 or better from the previous year. Even with increased participation there was a higher percentage scoring of 3 or better.
- Next year the ethnic group breakdown will look like the population of the high school.

Councilor Herzfeld asked if the committee involved in the elementary schools reconfiguration has met. Mr. McAuliffe said the Elementary Task Force has met and made their recommendations. Another task force will be formed to continue.

Councilor Jepsen congratulated George Grecco, the janitorial staff, the Parks and Recreation staff that helped with the swim meet.

7. Town Manager's Report

Caring Connection Receives Grant

The Caring Connection Adult Day Health Center has received official notification of approval by the North Central Area Agency on Aging, Inc. of an award of \$7,988 to support the Alzheimer's Aide project. This funding will supplement two part-time aides to support Caring Connection clients who suffer from Alzheimer's disease or related dementias.

Decker's Brook Inspection

The town has contracted with Anchor Engineering Services, Inc. to inspect Decker's Brook from Sharshon Park north to Ludlow Road. There will be a 2-3 person team walking the brook to conduct the inspection and survey over a four-week period. The results will identify maintenance and repair work needed to ensure the integrity of Decker's Brook, particularly the culverts and concrete channel. If residents have any questions they can contact the Engineering Office at 860-285-1861. Notices have been sent to the abutters along the brook.

Tree Grant Approved

In a June report to council, you were informed that Public Works was applying for tree replacement matching grant funding as part of the 2010 'America the Beautiful' urban forestry program. The town's grant application in the amount of \$6,300 was recently approved by the State of Connecticut's DEP. The grant will be used by the town to augment our efforts to plant trees around our schools and other facilities.

This funding will allow the town to purchase and install 36 trees and includes plans to involve students from the schools where trees will be planted to “assist,” encouraging them to get involved in “greening” efforts in their community.

As previously reported, the total grant amount requested is \$6,300, with the total cost of the work being \$12,600. The match would be a combination of in-kind town services as well as town funding from the recent capital funds provided by the Town Council.

Goslee Pool Emergency Call

I would like to publicly acknowledge the brave efforts of Windsor Lifeguard Victor Harris and his fellow Goslee Pool lifeguards who performed a successful “save” at Goslee Pool on July 21st. On that day, Mr. Harris noticed a young boy was underwater who was no longer making swimming movements. He quickly began the emergency response sequence as other lifeguards assisted by clearing the pool. They removed the 6-year old boy from the pool, called dispatch, controlled the crowd on the pool deck and performed rescue breathing. During rescue breathing, the boy started to breathe on his own but was still unresponsive. Windsor Police and Windsor Volunteer Ambulance were on the scene quickly and took over care.

I am happy to report that after spending a night in the hospital for observation, the young boy has fully recovered. I would like to also like to thank the Police Department staff and the ambulance volunteers who responded and, most importantly, all of the Goslee Pool lifeguards that were on duty that day: Alyssa Famiano, Shedrick Johnson-Jones, Jacqueline Martino, Victor Harris and Alexander Caliendo. They did a terrific job under pressure.

New employee at Windsor Public Library

I am pleased to announce that we have hired Ms. Deborah Roe as the new Head of Children’s Services. Deb comes to Windsor after six years as Children’s Librarian at the East Hartford Public Library and five years as an elementary school teacher. She holds a Master’s Degree in Library Sciences from Southern CT State University, a Master’s Degree from Central CT State University and Antioch New England Graduate School and a Bachelor’s Degree from Bates College. Deb replaces Barbara Tolve-Silver, who will retire on August 3rd after 23 years of service with the town.

Redevelopment of ABB’s Day Hill Road Campus

As you know, ABB continues to work on the comprehensive environmental remediation of their 600 acre parcel. All buildings, except for the laboratory/testing building, are now vacated. Alstom has moved to 200 Great Pond Road as well as to 175 Addison Road. ABB has moved their offices and robotics division to 5 Waterside Crossing. Demolition of the existing office buildings on the campus will begin in a month or so. The company has partnered with Winstanley Enterprises on the redevelopment of the campus. A multi-disciplinary planning team has been assembled by ABB and Winstanley Enterprises. Over the next few months they will be working on developing a long-range master plan for mixed-use redevelopment. It is expected that the master plan will be aligned with alterations to the Day Hill Chapter of our Plan of Conservation and Development made a few years ago by the Town Planning and Zoning Commission.

This planning and redevelopment effort is an exciting prospect and represents the potential for continued investment in the community over the next 15+ years.

8. Communication from Council Members

Councilor Eleveld – agreed with Councilor Herzfeld for registered voters to vote in the primary.

Councilor McKenney – None

Councilor McDonald – wished a happy birthday to his grandmother-in-law.

Councilor Marci – None

Councilor Jubrey – None

Councilor Herzfeld – stated that in eight days there will be a primary in the state and he urged registered voters to participate in the primary.

Councilor Jepsen – None

Deputy Mayor Simon – None

Mayor Trinks – None

9. Reports of Standing Committees

Finance – None

Special Projects – None

Town Improvements – None

Health and Safety – None

10. Ordinances

None

11. Unfinished Business

A. Consider endorsement of Wild and Scenic River Designation for the lower Farmington River

Resolved by Deputy Mayor Simon, seconded by Councilor Jepsen, that the Town Council endorse the Farmington River Wild & Scenic River designation as presented by

the study committee, which excludes the Rainbow Reservoir, from the western end of the impoundment area to 0.485 miles below the tailrace of the Rainbow Dam.

Town Manager Souza said that because the green technology is not in place at the power company, they are recommending endorsing the project as presented.

Ms. Joyce Kennedy Raymes, Coordinator, gave a brief overview of the endorsement. The committee did vote to set the boundary ½ mile above the Route 187 bridge in East Granby and Bloomfield and 500 feet below the tailrace of the dam to leave ample room if a permit would be required in the future. If Stanley Black and Decker doesn't agree with the boundary, they can still go forward to Congress and offer alternatives. It's preferable to determine it at the local level so it doesn't have to be determined at the congressional level.

Mr. Kurt Link, representative from Stanley Black and Decker, addressed the Council. He explained that they are mostly satisfied with the boundaries now being set. They are concerned about the area below the bridge that they own. If it is designated, they will not be able to develop that area and create a hydro pond. They have been a good steward of the river for several decades and hope to continue doing so.

Deputy Mayor Simon said that we will be the last town to sign on. Stanley Works is the only vote in dissent. What is the point of the Council ratifying this or not if they can still go to Congress? He is thinking that the process should end with some sort of resolution.

Ms. Raymes said they are hoping that Stanley Black and Decker will come around with their vote and either way they still need Windsor's vote. It doesn't necessarily derail the designation and process, but the process is open enough that all partners should have a say and be able to make public comment.

Ms. Sally Reiger, Study Committee Chair, added that they need Windsor's endorsement. If the town endorses it, they can be included in the wild and scenic designation. If the town doesn't want it, the designation will not happen in that town. They still need Windsor to endorse the idea that they want a wild and scenic designation. She believes that they will end up with a congressional endorsement.

Councilor Herzfeld asked if Simsbury endorsed the designation. He also asked if Stanley Black and Decker will reach a point in time where they say this hydro power won't work at this location, it's not feasible. Ms. Reiger replied that Simsbury did endorse it and Avon didn't initially endorse it, but they invited the committee back and endorsed it. Mr. Link added that there is technology coming soon to harness the power of the river in this location however they don't know if it will be five or ten years down the road. The justification is not there now, but it will be in the future.

Councilor Jepsen asked who owns the river. Ms. Raymes said the river is a bundle of rights, in a way. There are rights associated with it but also common good rights. Mr. Link said that they own the land. Ms. Fielding, Executive Director, Farmington River Association, has been told by the CT DEP that there can be ownership of riverbanks

and rivershed, but they cannot own the river flowing through the property. The irreversibility of Wild and Scenic Designation is not completely out of the question if a very low impact hydro project came along.

Councilor Eleveld is concerned about the section around Route 75 and understands Stanley Black and Decker's position. He asked why we can't just leave that area out. The other concern he has is that the government will tell Windsor that they will have to pay for whatever happens to this river, creating an unfunded mandate. Ms. Fielding stated that the designation doesn't carry any unfunded mandates and she thinks it is unlikely that they would change that.

Mayor Trinks said that pieces can be excluded in the designation, so what is the problem if we exclude this section of it. He asked what the downside of extending that exemption is. It bothers him that we legislate what people do with their property. Ms. Fielding said that the Wild and Scenic designation allows for supporting hydro energy on existing dams in the east. It is contradictory to allow new hydro energy dams. Ms. Reiger added that the study committee struggled with this as well. The DEP wants to allow more fish passage in the river. Any time you put in a dam, you disturb fish passage. The DEP will tell you that there is exceptionally good fish diversity in that area but a dam will affect that. They understood that Stanley Black and Decker's hydro project would power a small amount of homes, which seems small to affect that much of the river.

Deputy Mayor Simon added that there certainly is a clash of interests here. It is a single property owner and everyone's interests in the river. He had asked why should an individual property owner have the power to stymie what all of these municipalities are in favor of. There are property rights to address, but this process seems to do so. Ms. Reiger added that you can endorse the Wild and Scenic designation and Stanley Black and Decker's opposition can be addressed at another level.

Councilor Jubrey asked what the town loses by not giving Stanley Black and Decker the extended boundary. He has a problem of cutting off future generations of using land or water to provide clean energy. Ms. Reiger said that we can't decide the boundary right here. If it's excluded, there is potential for dam development, but it is unlikely at this current time.

Councilor Herzfeld said that a dam would change the complexion of the river above and below the dam. That is why he would be inclined to vote for the greater good of the entire river. Perhaps there are better places and better river flows which are cost effective. There is not a huge amount of river flow on that river anyways after the spring. He would hate to see it lessened.

Councilor McDonald asked who would make the decision on the boundaries. Ms. Reiger said Congress would make the decision and it would go out to public comment and then a final decision would be made.

Motion Passed 5-4-0 (Mayor Trinks and Councilors Eleveld, Jubrey, and McDonald opposed)

12. New Business

- A. Approve an appropriation from the Open Space Fund in the amount of \$375,000 for the acquisition of 299 Pigeon Hill Road

Moved by Councilor Jepsen, seconded by Deputy Mayor Simon, to approve the appropriation of \$375,000 from the Open Space Fund for the acquisition of 299 Pigeon Hill Road, contingent upon the parcel's acquisition being approved by a Special Town Meeting and to set a Special Town Meeting on September 7, 2010 at 7:00 p.m. to consider approving the acquisition of 299 Pigeon Hill Road.

Mr. Eric Barz, Town Planner, provided an overview of the appropriation. 299 Pigeon Hill Road possesses numerous desirable open space attributes. Its acquisition would protect community character (scenic road frontage), potentially preserve farmland (possible farmland or pasture lease opportunities), provide access to a future trail corridor (trailhead, parking), provide passive recreation opportunities (seasonal trails, bird watching, etc.) and provides a critical link in a significant wildlife corridor that would otherwise be lost to development.

Councilor Eleveld asked how many acres we were talking about. Mr. Barz replied about eight acres, for approximately \$50,000 per acre.

Motion Passed 9-0-0

- B. Set a Special Town Meeting for September 7, 2010 at 7:00 p.m. to act on the proposed acquisition of 299 Pigeon Hill Road

Motion Passed 9-0-0 (combined with previous item -- see above)

- C. Receive recommendation from Redevelopment Agency regarding developer selection for redevelopment of 55 and 69 Mechanic Street and authorize staff to commence negotiation of development agreement

Moved by Councilor Jepsen, seconded by Councilor McDonald, to authorize the Town Manager and staff to negotiate with Upton+Partners, LLC and Two Rivers Junction, LLC for the redevelopment of 55 and 69 Mechanic Street and further, if either Upton+Partners, LLC or Two Rivers Junction, LLC does not wish to engage in such negotiations, then the Town Manager and staff shall be authorized to negotiate with Lexington Partners, LLC for the redevelopment of 55 and 69 Mechanic Street.

Mr. James Burke, Economic Development Director, provided an overview of the recommendation made by the Redevelopment Agency. He summarized the proposals from the three developers. After review of the proposals and developers' responses to its concerns, the agency determined that the best way to proceed would be to begin

negotiations with Two Rivers Junction, LLC and Upton+Partners, LLC. Town Manager Souza added that there would be further action needed by the Redevelopment Agency, the Council and various land use boards.

Councilor McDonald has received emails regarding the relocation or displacement of the horseshoe club. Mr. Burke responded that it has not been discussed with the developers. In two of the plans, they remain where they are and in the third plan the pits are relocated. That will be part of the discussion with the developers.

Deputy Mayor Simon has absolutely no interest in tax abatement to develop this property, particularly in addition for monies for environmental work.

Councilor Herzfeld sees these units for young families and thinks a sounder mix for less transient occupants is 2 bedroom units. The investments are varied. Is the build quality more attractive/better quality with more of an investment? He is concerned about the height and what it will look like from the downtown area, even though it slopes down.

Town Manager Souza responded that the unit mix is a little different between both of them, but it is the developer's perspective on what the rental market will be in the next 2-3 years so the project can be stabilized and finished. We do want to attract the younger set and agree that both of these proposals would do that. In terms of level of investment, Two Rivers has three buildings with under-building parking arrangements versus two buildings built on a slab. The agency felt the interior finishes are comparable and the exterior finishes are different (which are masonry and a combination of different materials) but would still meet town zoning regulations.

Mr. Burke added that we have not completed an elevation test yet, but it will be part of the Town Planning & Zoning procedures. The height is necessary to accommodate a density of units on the site without intruding on the areas surrounding it. The first floor will not be very visible. You will see three stories and it will require the developer to utilize good materials and aspects of architecture that break up that view. Each of the developers have some elements that try to address that. When there are more one-bedrooms, there are more costs per square foot because there are more bathrooms and kitchens.

Councilor Eleveld noticed the Upton proposal has a conveyance fee coming back to us. Are the developers looking for some of it coming back to them? He also asked about a land lease. He also noted that the Lexington proposal was off the table. Mr. Burke said that the conveyance fee would be when the units were converted to condos and as the units were sold, 1% of the sales price would be returned to the community. The concept is that the town is a partner in this and would participate in the long-term benefit that the developer would get. The Redevelopment Agency has discussed the potential of a land lease and the developers said it creates a wrinkle with their financing, but it could be worked out if their bank would agree. These are all good projects. These two are being recommended, but Lexington is not off the plate.

Councilor Jubrey is in agreement with no tax abatement and he would like the horseshoe courts to remain, since they were purchased with private dollars and the town doesn't pay to maintain the courts.

Councilor Jepsen thanked the members of the Redevelopment Agency for doing a great job. He asked if the parking requirements of the coming commuter rail will impact this project. Town Manager Souza said the agency has taken that into consideration. The plans for the commuter rail have changed a bit in the last four or five months but the plan the DEP has worked on outlines that the parking would be on the west side of Mechanic Street in the commuter parking lot, expanding it further to the south and possibly accommodating parking with a two-story parking structure. We don't anticipate needing parking on this site. All of their work is envisioned on the west side of Mechanic Street.

Mayor Trinks asked what the next steps would be. Town Manager Souza responded that staff will prepare a Memorandum of Understanding to have the Council provide guidance to the staff and ultimately the approval of a full development agreement. Depending on the conveyance of the land structured, we will work on establishing a date for a town meeting. Also, Council will consider any financial incentives, if there are any.

Motion Passed 9-0-0

D. Approve priority redevelopment property list

Moved by Councilor Jepsen, seconded by Councilor McDonald, that the revised Priority Redevelopment Properties list attached as 'Exhibit A' be approved.

Mr. James Burke, Economic Development Director, reported that the Economic Development Commission did not provide its annual report last December due to problems with meeting quorums. With the recent appointment of new members, the Commission has met and has completed its review of the Priority Redevelopment Properties List. They added three properties that include 125, 144 and 147 Poquonock Avenue.

Councilor Jepsen asked if the motion could be revised as Exhibit A did not list the properties that are being added. Town Manager Souza replied that yes it could be revised.

Councilor Jepsen withdrew the prior motion.

Moved by Councilor Jepsen, seconded by Councilor McDonald, that the Priority Redevelopment Properties List be revised by adding properties at 125 Poquonock Avenue, 144 Poquonock Avenue and 147 Poquonock Avenue.

Motion Passed 8-0-0 (Mayor Trinks out of Chambers)

- E. Accept an easement from Combustion Engineering to allow the construction and maintenance of stormwater drainage facilities

Moved by Councilor Jepsen, seconded by Councilor McDonald, to accept an easement as shown on the plan "OFF SITE DRAINAGE IMPROVEMENTS EASEMENT PLAN STORMWATER DETENTION BASIN & OUTLET WINDSOR BLOOMFIELD LANDFILL SCALE 1"=150' CS-102 July 2, 2010, FUSS & O'NEILL 146 HARTFORD RD MANCHESTER CT 06040 860-646-2469."

Mr. Brian Funk, Public Works Director, reported that this authorization is for the town to accept an easement on Combustion Engineering's property for the purposes of constructing and maintaining a detention basin and drainage swale. All construction and long-term maintenance costs will be taken from the Landfill Enterprise Fund. At their meeting on July 13, 2010, the Town Planning and Zoning Commission recommended approval for the town to accept the drainage easement.

Councilor Jepsen asked if the federal government has to approve this. Town Manager Souza said that ABB will work to meet all requirements that they have.

Motion Passed 8-0-0 (Mayor Trinks out of Chambers)

- F. Approve closeout of Telephone Replacement project and transfer of funds to the Information Technology Infrastructure Replacement Project

Moved by Councilor Herzfeld, seconded by Councilor Marci, that project #9331, Telephone System Replacement, be closed and the balance in the account be transferred to project #9330, IT Infrastructure Replacement Program.

Assistant Town Manager, Emily Moon, reported that the Telephone and Network System Replacement capital project, which was approved and funded as part of the FY 2009 budget, has been completed.

In lieu of the project's unexpended funds being returned to the Capital Projects Fund undesignated balance, staff would like to transfer the balance into the Information Technology Replacement Program in order to accomplish more of that program's goals. Staff would like to fund camera replacements in the Council Chambers along with additional server virtualization software and hardware. Both projects were discussed with the Special Projects Committee and Town Council as part of the Technology Replacement Plan's development in 2008, but currently exist on the plan as unfunded. \$87,630 remains in the Telephone and Network System Replacement Project fund. The IT Infrastructure Replacement Program, prior to this requested transfer, has a balance of \$75,778. This project balance would total \$163,408 after the transfer.

Councilor Eleveld asked if the cameras would be replaced with high-definition cameras. Assistant Town Manager Moon said the cameras will dramatically improve the picture quality and allow us to do web streaming.

Motion Passed 9-0-0

13. Resignations and Appointments

None

14. Minutes of Preceding Meetings

A. Minutes of the July 6, 2010 Special Town Council Meeting

No action taken

B. Minutes of the July 6, 2010 Regular Town Council Meeting

Moved by Councilor Jepsen, seconded by Councilor Eleveld, to approve the minutes of the July 6, 2010 Regular Town Council Meeting. Corrections: None.

Motion Passed 9-0-0

15. Public Communications and Petitions

None

16. Executive Session

None

17. Adjournment

Moved by Councilor Jubrey, seconded by Councilor Eleveld, to adjourn the meeting at 9:53 p.m.

Motion Passed 9-0-0

Respectfully submitted,

Kristin Countryman
Clerk of the Windsor Town Council

cc: Town Clerk, Main Library, Wilson Branch