

AUGUST 22, 2005 SPECIAL MEETING

The Wethersfield Town Council held a special meeting on August 22, 2005 at 6:00 p.m. in the Community Meeting Room of the Wethersfield Police Station, 250 Silas Deane Highway.

Present: Councilors Czernicki, Forrest (6:10), Hemmann, Montinieri, Deputy Mayor Karangekis and Chairperson Morin.

Absent: Councilors Adil, Cascio, and Fortunato.

Also present: Bonnie Therrien, Town Manager, and Dolores G. Sassano, Town Clerk.

All stood for the pledge of allegiance to the flag which was led by Councilor Montinieri.

Chairperson Morin stated the purpose of the meeting was to hold a public hearing on three resolutions and one ordinance introduced at the August 15, 2005 regular meeting of the Wethersfield Town Council.

PUBLIC COMMENTS

HEARING

RESOLUTION FOR AGREEMENT WITH CENTRAL CONNECTICUT STATE UNIVERSITY

Barbara Ruhe, 79 Main Street, asked for more detailed information on the agreement as she is a member of the Youth Advisory Board and has not heard anything about it.

Robert Young, 20 Coppermill Road, also asked for further information on the agreement.

Chairperson Morin stated that the Town Manager will explain each resolution during the Council Action portion of the meeting.

Rocco Orsini, 95 Broad Street, asked if there is a cost for the study and stated that he supports the review of any process.

RESOLUTION CONCERNING AN AGREEMENT WITH THE STATE OF CONNECTICUT FOR GRISWOLD ROAD

No comments.

RESOLUTION AUTHORIZING APPLICATION FOR PRESERVE AMERICA COMMUNITY DESIGNATION

Leigh Standish, 278 Hartford Avenue, asked if there are any strings attached or encumbrances on the Town.

Robert Young, 20 Coppermill Road, asked for clarification of the resolution insofar as the Town's use of historic assets for economic development and community revitalization. He questioned if it meant the Town would be seeking funds to rehabilitate designated sites. Mr. Young stated that government does not make money; it takes money from citizens and funds grants which cost the taxpayers.

ORDINANCE ENACTING CHAPTER 12, PART I, OF THE WETHERSFIELD CODE OF ORDINANCES

Ed Kardas, 850 Cloverdale Circle, stated that the city of New London is a good example of how some Town governments have attempted to garner taxes. He said that the Moeller Home was taken by the Town of Wethersfield using eminent domain at a price significantly less than the market value of the property. Mr. Kardas reviewed the

statistics of land use in Wethersfield and said that the Wethersfield Town Charter of 1954 was deemed by the electors of the State of Connecticut to continue forever to be the body politic incorporation of the Town. He said that the Charter allows that Wethersfield be vested with possessions and enjoy all land tenements, property, and rights, and such powers unless prohibited to Towns by the constitution of the General Statutes of the State of Connecticut. Mr. Kardas said that Wethersfield occupies more land than most Towns in the State and the only entry in the Town Charter authorizing the Town to take private property, deals with taxation. Mr. Kardas said that it is time to enact a tiered tax system to cover the amount of service needed by individual residents.

Ballou Tooker, 65 Harmund Place, said that people are not receiving fair market value on their properties and this should not be allowed.

Robert Young, 20 Coppermill Road, said that last June the U.S. Supreme Court made a decision that went against the Constitution, and the citizens need to bring the Constitution back to where it belongs. With regard to the situation in New London, Mr. Young said that it is sad that the government can get money from the citizens of Connecticut and attack other citizens by taking their property at undervalued amounts. Mr. Young said that the proposed ordinance protects Wethersfield citizens from such treatment and he said that he hopes the Council will stand up and protect the citizens.

Barbara Ruhe, 79 Main Street, thanked the Councilors who brought this ordinance forward. Ms. Ruhe said that the issue is not just about property values or economic development; it is about home which is where the heart is. She said that it is hard to put a value on the piece of land we call home and what has happened in New London is outrageous. She said that the Council needs to step forward for the voters of Wethersfield.

Leigh Standish, 278 Hartford Avenue, read portions of the 4th and 5th amendments to the U.S. Constitution which deal with the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and that private property shall not be taken for public use without just compensation. He said that these are important words and he asked the Council to give serious consideration to enacting protection for Wethersfield residents. Mr. Standish read an event that occurred in Wethersfield in 1765 regarding liberty and property rights. He said that eminent domain should only be exercised as the exceptional need rather than the convenient option. Mr. Standish asked the Council to act to protect property owners in Wethersfield by passing this ordinance.

Rocco Orsini, 95 Broad Street, stated that he has read that the Supreme Court will not revisit the eminent domain case. He said that Justice O'Connor has been quoted as saying that "because of this ruling, the specter of condemnation hangs over all property" and that Justice Stevens said "the ruling is legally correct because the high court must always allow local policy makers wide latitude in determining how best to achieve legitimate public goals". Mr. Orsini said that the proposed ordinance is very specific to private residential property owners and he considers the eminent domain debate a work in progress. He said that people should not be forced to give up their homes if they choose not to and that the proposed ordinance is a step in the right direction.

Jim Clynych, 907 Ridge Road, stated that he is opposed to the proposed ordinance. He cited a situation on the Berlin Turnpike where the property should be acquired by the Town by means of eminent domain. Mr. Clynych read statements made by Senator Frist regarding the reasons why Towns need eminent domain and that it is fair and necessary, especially for older Towns. Senator Fitch stated that the Bill of Rights protects against excessive government, but that the definition of 'public use' has changed since the Bill of Rights was adopted.

No one else wished to speak and the Chairperson declared the Hearings segment closed.

COUNCIL ACTION

Councilor Montinieri moved "**TO APPROVE THE RESOLUTION CONCERNING AN AGREEMENT WITH THE STATE OF CONNECTICUT FOR GRISWOLD ROAD**", seconded by Councilor Forrest.

Town Manager Bonnie Therrien explained that Federal funds will be used for this project and public hearings have already been held with the residents. She said that it is hoped that the project will begin in September.

Councilor Montinieri asked the Town Manager to bring any pertinent points in the document to the attention of the Council.

Councilor Forrest asked if an end date has been provided and the Town Manager said that she can try to obtain this information.

All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

Councilor Forrest moved "**TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A CONTRACT AGREEMENT WITH CENTRAL CONNECTICUT STATE UNIVERSITY**", seconded by Deputy Mayor Karangekis.

Town Manager Bonnie Therrien explained that \$4,400 has been set aside in the budget for a review of the Social Services Department. She said that the study will look at what services are offered by the Town compared with other non-profit organizations and neighboring Towns. The Town Manager said that she expects to have the results of the survey by the end of the calendar year.

Councilor Czernicki said that she remembers discussing the possibility of duplicated services during the budget process and Councilor Fortunato has brought this forward for the last couple of years. Councilor Czernicki asked where it states in item I that CCSU will conduct a study with other non-profit organizations and neighboring Towns. Town Manager Bonnie Therrien said that this was reiterated to them as being very key to the study. Councilor Czernicki said that she is uncomfortable with the language of the contract as presented without this in it, since it's a main point to be explored. Town Manager Bonnie Therrien said that this wording could be added to the contract by the Council. Councilor Czernicki asked if the informants cited in Section I.c could be randomly chosen so as to be unbiased. Town Manager Bonnie Therrien said that she can make sure it is done in this manner.

Councilor Forrest said that Councilor Czernicki brings up a good point and he would like to see the language added by way of a formal amendment.

Town Manager Bonnie Therrien said that the proposed resolution was provided word for word by the State, and she recommends a new resolution rather than an amendment.

Councilor Forrest said that he was referring, in his comments, to the agreement with CCSU, and he asked if this is different from the resolution. Town Manager Bonnie Therrien said that the Council has a copy of the agreement, and that there is also a State contract. She said that the resolution allows her to sign the contract and amending the resolution to add something not related to the contract will be bounced back by the Attorney General's office; therefore the best procedure will be to propose a new resolution with what is wanted in the agreement, vote on that, and then vote on the signing of the contract agreement.

Councilor Forrest moved "**TO WITHDRAW HIS MOTION**", seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

Councilor Czernicki moved "**TO HAVE CCSU, AS THEY PERFORM THEIR TASKS RELATIVE TO THE SOCIAL AND YOUTH SERVICES DEPARTMENT, INCLUDE A COMPREHENSIVE STUDY EVALUATING THE DELIVERY OF SERVICES RELATIVE TO DUPLICATION, AND THAT THE FOUR KEY INFORMANTS FROM THE COMMUNITY NOT BE CHOSEN BY THE DEPARTMENT OF SOCIAL AND YOUTH SERVICES** ", seconded by Councilor Forrest.

Councilor Czernicki said that she would prefer that the CCSU folks choose the four key informants from the community.

Councilor Hemmann said that this provides for a more objective study.

Chairperson Morin said that he feels Councilor Fortunato would be supportive of this.

All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

Councilor Forrest moved **"TO AUTHORIZE THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH CCSU"**, seconded by Deputy Mayor Karangekis. All Councilors present, including the Chairperson, voted AYE.

Councilor Czernicki verified that unless the new resolution is added, the Town Manager will not sign and was told that this is correct.

The motion passed 6-0-0.

Deputy Mayor Karangekis moved **"TO AUTHORIZE THE TOWN MANAGER TO APPLY FOR THE DESIGNATION OF WETHERSFIELD AS A PRESERVE AMERICA COMMUNITY"**, seconded by Councilor Forrest.

Town Manager Bonnie Therrien said that this is not to receive any funding, but for the Town to receive federal designation and be eligible for grants for which it is currently ineligible. She said that not a lot of these designations are given out.

All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

Councilor Czernicki moved **"TO APPROVE THE ORDINANCE ENACTING CHAPTER 12, PART I, OF THE WETHERSFIELD CODE OF ORDINANCES"**, seconded by Councilor Hemmann.

Councilor Hemmann said that many eloquent speakers have presented themselves and shown support for this ordinance during the public hearing segment of the meeting. She said that, as a community, this ordinance should be supported to protect its citizens.

Councilor Forrest said that he likes the way the ordinance is written. He said that the ordinance is fairly narrow and protects the Wethersfield people and property which should be given the highest protection. He said that the ordinance limits the protection to owner-occupied residential property and does not appear to tie the hands of the government, unless it is appropriate to enforce limitations.

Councilor Czernicki said that the Council heard from many residents during the proposed blasting at Nott Street as to how dear their homes are to them. She said that the scope of the ordinance is very narrow and states that it 'shall not conflict with any subsequently enacted State law on this subject matter'. She said that it is hoped that, in the next few weeks, the State will take the actions it should take to protect home ownership in the State. She said that it is good to take this step to show that a commitment is being made at the local level. She encouraged all Councilors present to support the ordinance.

Councilor Montinieri asked if the ordinance was drafted by the Town Attorney and was told by the Town Manager that he did not draft it. Councilor Montinieri asked if the Town Attorney has reviewed the ordinance and was told by the Town Clerk that he has reviewed and signed off on the ordinance. Councilor Montinieri said that she doesn't see any eminent domain issue on the horizon for Wethersfield and asked whether a blight circumstance will be looked at when considering eminent domain. Councilor Czernicki said that since the Town has a blight ordinance in place, there are guidelines to follow with respect to a blighted property. She said that it is the Town's responsibility to provide in every circumstance that home ownership continues on a case-by-case basis. Councilor Montinieri said that she appreciates the circumstances of homeownership and she cannot envision a scenario where the Town would want to take a home. She said that circumstances arise however; and she has some reluctance with tying the hands of the Town with the proposed ordinance.

Chairperson Morin said that he agrees with the spirit and intent of the ordinance as written. He said this came upon the Council pretty quickly and there doesn't seem to have been much time allowed for the public to prepare for the hearing. Chairperson Morin said that he is disappointed that this ordinance is being dealt with at a special meeting. He said that he received an e-mail stating that it seems that the Council is going to act on this in the dark of the night with no one

hearing about it. Chairperson Morin replied to the e-mail stating that he does not agree with the statement and that the ordinance has been presented openly and reasonably. Chairperson Morin stated that he is disappointed that the person sending the e-mail is a candidate for the upcoming Council election and former Town Attorney, because he does not want to see this become a political issue. Chairperson Morin said that he supports the ordinance in the spirit in which Councilor Cascio, Councilor Czernicki, and Councilor Hemmann brought it forward.

Councilor Czernicki stated that she, Councilor Cascio, and Councilor Hemmann felt that it was important to move forward with this and there was never any intent on their part to make this a political issue. Chairperson Morin said that he understands this.

All Councilors present, including the Chairperson, voted AYE. The motion passed 6-0-0.

ADJOURNMENT

At 7:15 p.m., Councilor Forrest moved "**TO ADJOURN THE MEETING**" seconded by Councilor Czernicki. All Councilors present, including the Chairperson voted AYE. The motion passed 6-0-0.

Dolores G. Sassano
Town Clerk