# MINUTES

## WATERTOWN TOWN COUNCIL
## REGULAR MEETING

### SWIFT MIDDLE SCHOOL
### AUDITORIUM
### TUESDAY, JANUARY 19, 2010, 7:30 P.M.

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| **PRESENT:** | Elaine Adams<br>Richard DiFederico<br>Katherine Duplissie<br>Richard Fusco<br>Linda Masayda<br>Raymond Primini, Chairman<br>Paul Rinaldi<br>Mary Ann Rosa, Vice Chairman<br>Thomas Winn |
| **ABSENT:** | None |
| **OTHERS PRESENT:** | Chuck Frigon, Town Manager<br>Frank Nardelli, Assistant Town Manager/Finance Director |
| **OTHERS ABSENT:** | Audio Technician |

**1. Call Meeting To Order**

Mr. Primini, Chairman, Called the Regular Meeting to Order at 7:30 p.m.

**2. Roll Call**

Ms. LaForme, Board Clerk, executed the Roll Call.

Mr. Primini, Chairman, Recessed the Regular Meeting at 7:31 p.m. (to finish the Special Town Meeting already in progress.)

Mr. Primini, Chairman, Reconvened the Regular Meeting at 9:03 p.m.

**3. Pledge of Allegiance**

Mr. Primini, Chairman, led the Pledge of Allegiance.

## 4. Public Participation

**Richard Wick, 1051 Northfield Road, Watertown, CT 06795**

**Mr. Wick:** The Independent Party is doing (inaudible). I've heard the argument that the Independent Party has a small number of registered voters and that therefore cannot (inaudible) nominations for boards and commissions. To say that the Independent Party has a small number of registered voters is true. It is also irrelevant. The belief that the Independent Party is not eligible to submit nominations for appointments is not true. As a result of the November 3 election, the Independent Party is now recognized by the State of Connecticut Elections Division as having the same ballot status as the two major parties. We've got plenty of votes. The 6 Independent Party candidates received a total of 9,526 votes, less than the 6 Republican candidates to be sure, but 22.5% more than the 6 Democratic candidates. What matters is the number of votes received, not the number of votes registered to the party. As of October 20th last year, 13 days before the election, the number of registered voters in town were: 3,565 Republicans, 3,514 Democrats, and $7,178 neither. The number of voters registered determined to (inaudible) boards and commissions does not need an election. It is a (inaudible) the preference for those who voted for the Independent Party candidates must not be ignored. I delivered this with nominations for the minority positions that need to be filled as of February 1 to the Town Manager last Friday. I hope that these nominations will be taken seriously and that (inaudible) in accordance with the results of the election. Thank you.

**Denis O'Sullivan, 238 North Street, Watertown, CT 06779**

**Mr. O'Sullivan:** I was selected by the Independent Party to act on the submission that we put together to find quality people that were interested in serving our town, your town, my town, our town, Watertown. I'm here to read the nominees that were presented to the Town Manager. I want to put them on record and give to you with the hope that you will follow through and appoint them to their rightful seats.

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|---|---|
| Zoning Board of Appeals | Ray Rondeau<br>Tom Della Camera (Alternate) |
| Economic Development Commission | Pat Sharpe<br>Lauri Dossantos |
| Water and Sewer Authority | Joe Masi<br>Tom Ismail |
| Building Code Board of Appeals | Colin Adams<br>John Mailloux |

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|---|---|
| Conservation Commission | Al Mickel<br>Liz Wasiutynski<br>George Valaitis<br>Mark Werenko (Alternate) |
| Constables | Richard Andrews<br>Gary Lafferty |
| Housing Authority | Bohdan Wasiutynski |
| Park and Recreation Commission | Bob Labbone, Sr.<br>Mike Masayda |
| Planning and Zoning Commission | Greg Chere (Alternate) |
| Public Buildings Committee | Charles Beliveau |
| Torrington Area Health District | Judy Wick |
| Historic District Commission | Karin Rigopulos |
| Scholarship Board of Directors | Nancy Rahuba |

Many of these people have served in various capacities with boards and commissions in the past. We feel that this nominated and approved by the Independent Party that they are very well qualified for these spots and we ask that you appoint them to the boards as I outlined. Thank you.

**Mark Werenko, Platt Road, Watertown, CT 06795**

**Mr. Werenko:** (Inaudible) all of the people that donate their time, thank you. I (inaudible) spot for a town meeting (inaudible) I was concerned that our meeting here tonight with (inaudible) for some people that came either had children at home or for whatever reasons, you can't control the amount of people who want to speak or have something to say, but should this come up again, make it easier for some people (inaudible). I'm concerned about the amount of time people are allowed to speak. I'd like everybody to think about that the next time so we could make it just what it was, a great town meeting where people got to say what was in their hearts. Thank you.

Mr. Primini, Chairman, Closed Public Participation at 9:10 p.m.

**4. Proclamation – Wear Red Day for Women's/American Heart Association**

## PROCLAMATION

**WHEREAS**, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death;

**WHEREAS**, cardiovascular disease claims the lives of nearly 460,000 American females each year, approximately one death per minute;

**WHEREAS**, each year, 53% of all deaths due to cardiovascular disease and 61% of stroke deaths occur in females;

**WHEREAS**, too many women die each year because they are unaware that heart disease is their No. 1 killer;

**WHEREAS**, in 2010, the direct and indirect cost of cardiovascular disease in the US including stroke, is estimated to be $503.2 billion;

**WHEREAS**, nearly as many women die of heart disease, stroke, and all other cardiovascular diseases that the next five leading causes of death combined, including all cancers;

**WHEREAS**, only 21% of women consider cardiovascular disease their greatest health risk;

**WHEREAS**, February is designated as American Heart Month;

**WHEREAS**, Go Red for Women® is the American Heart Association's national call to increase awareness about heart disease – the leading cause of death for women – and to inspire women to take charge of their heart health;

**WHEREAS**, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red for Women® Heart Checkup, Go Red for Women® Better U and by talking to their healthcare provider;

**WHEREAS**, making the right choices relating to proper nutrition, physical activity, other healthy lifestyle choices are essential to living a heart healthy life;

**WHEREAS, by choosing to Speak Up about heart disease we can save lives using the power of our very own voices.**

**NOW, THEREFORE,** I, Raymond F. Primini, Chairman, Watertown Town Council, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 5, 2010, to be

**"National Wear Red Day"**

in the Town of Watertown and urge all citizens to show their support for women and the fight against heart disease by commemorating this day by the wearing of the color red. By increasing awareness, speaking up about heart disease, and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Watertown, Connecticut this 19th day of January, 2010.

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Raymond F. Primini, Chairman
Watertown Town Council

**6. Minutes**

A. Regular Meeting – January 4, 2010

MOTION: (Ms. Rosa, sec. Mr. Fusco) to Approve the Regular Meeting Minutes dated January 4, 2010 as presented.

Discussion: None

MOTION PASSED UNANIMOUSLY

B. Special Town Meeting – January 4, 2010

MOTION: (Ms. Rosa, sec. Mr. Winn) to Approve the Special Town Meeting Minutes dated January 4, 2010 as presented.

Discussion: None

MOTION PASSED UNANIMOUSLY

**7. Chairman's Report**

**Mr. Primini:** There was a question by Mr. Rinaldi as far as the appointment of the Town Attorney. Does everybody have a copy? I'm going to read it into the record:

"January 4, 2010

Attorney Jessell
Slavin Stauffacher & Scott, LLC
37 Siemon Company Drive
Watertown, CT 06795

Dear Attorney Jessell:

This letter is in response to your request for a legal opinion regarding whether or not the Town Attorney's term of office automatically expires upon the election of a new Town Council and or whether or not the Town Manager is required to provide a list of potential appointees to a new Town Council.

In short, the answer to both questions is no. The Town Charter does not set a specific term of office for the Town Attorney other than to clearly state that such can be terminated upon a vote of five members.

*The term of office of the Town attorney appointed after the 1987 municipal election and/or any town Attorney thereafter appointed may be terminated from time to time by the Council, whenever it determines by a vote of not less than five (5) members that such termination is in the best interests of the Town".*[1]

Under the Retainer Agreement between the Town of Watertown and Slavin, Stauffacher and Scott, LLC, either the Town or the firm may terminate the contract with reasonable notice but it is provided further that *"Unless sooner terminated, the term of this Retainer Agreement shall be until a successor Town Attorney is appointmed."*[2]

Thus neither the Charter nor the existing contract provide for an automatic termination upon the election f a new Town Council.

With respect to the second issue of whether the Town Manager is required to provide a list of the potential appointees to a new Town Counsel, the Town Charter provides that:

*The Town Manager shall, within fifteen (15) days of the creation of a vacancy in the office of the Town Attorney, submit in writing to the Council, the names, qualifications, and proposed fee schedules or retainers of not less than three (3) nor more than five (5) attorneys or firms whom he recommends, as able to fulfill the duties of Town aTtorney.*[3]

The obligation to submit the names only arises when there is a vacancy in the office. It is not triggered automatically by the election of a new Town Council. Thus nothing automatically happens unless five members of the Town Council wish to terminate the contract and appoint a new Town Attorney. My research also indicates that this is consistent with what had been done in the past when the same political party retained control of the Town Council.

If you have any further questions or wish to discuss this further, please don't hesitate to contact me.

Very truly yours,

Joseph B. Summa

1 – Code of Ordinances, Town of Watertown, Connecticut Subpart A Charter CHAPTER IV. APPOINTIVE OFFICERS Sec. 401. Town Attorney.
2 – December 26, 2007 Retainer Agreement between the Town of Watertown and Slavin, Stauffacher and Scott LLC.
3 – Code of Ordinances, Town of Watertown, Connecticut subpart A Charter CHAPTER IV. APPOINTIVE OFFICERSD Sec. 401. Town Attorney."

**Mr. Primini:** I further researched this and I went through the Town Meeting Minutes and the last time this was done was in 2003. At that time (inaudible) list of Town Council members at that time that were on here, so (inaudible) Elaine Adams, Lee Archer, Karl Fisher, Raymond Hebert Jr., Robert Kane, Raymond Primini, Paul Rinaldi, Paul Valente and Richard Wick. The only change between this Town Council and the previous one was Karl Fisher who replaced Jean King, so this was done before, 2003 was the last time that I know it was done, I don't know if it was every done before, but if anybody needs a copy of that letter the Town Manager will be more than happy to give you a copy.

As far as the submission to boards and commissions, I'm going to have the Town Manager contact the Town Attorney for a legal interpretation on the minority representation. We do want to work with everybody, we volunteer and I want to get a legal opinion on this (inaudible) I think this could be resolved and (inaudible). This town never had this issue before, 3 parties, and I'd like to get this resolved as soon as possible so that we can all work together on this Town Council for the (inaudible) for the Town.

**Mr. Rinaldi:** I was on the Council for the past 2003, the issue was never discussed publicly (inaudible). I did speak to Chairman Kane at the time, we did not agree on the issue (inaudible). Just for the record there were a few other issues that were discussed between me and Chairman Kane (inaudible) but it's not only the public record. That doesn't mean I just want to go back to the opinion, I still think we should have voted for the Town Attorney. I think we need 5 votes (inaudible) still would have come out with the same name, but I think it would have been more proper. (Inaudible.) I'm still going to maintain that (inaudible). When Attorney Summa was contacted, was he notified that we didn't vote on this?

**Mr. Primini:** That's what (inaudible).

**Mr. Rinaldi:** (Inaudible) didn't vote? Okay, that's it.

**Mr. Primini:** I just want to make that clear, this is not the first time, nothing was done to bypass any process.

**Mr. Rinaldi:** I just said I disagreed with it the first time.

**Mr. Primini:** It's on record. Does anybody else have a comment? Maybe nothing was done on the (inaudible) like this but it has been done and I don't know if any other, I researched back to 2003, the meeting minutes are (inaudible). Maybe that's something we can refer to future Town Councils.

**Ms. Adams:** Did we vote to terminate Franklin's contract? Franklin was the town attorney before Paul came in in 2003. According to, (inaudible) vote attorney. (Inaudible) it's not so much voting on the town attorney, but like Paul said it's bothering people.

**Mr. Primini:** It was done in 2003.

**Mr. Frigon:** If you're looking to me for an answer, I'll have Paul respond, this is his opinion. I can read his opinion and interpret my way as well and I'm not sure I understood the question either. I did not hear the question.

**Ms. Adams:** The question was (inaudible) town attorney, did we vote to terminate Franklin?

**Mr. Rinaldi:** No, that's never been done.

**Ms. Adams:** I don't remember doing that. (Inaudible) go back and (inaudible).

**Mr. Primini:** Look at the minutes of . . . .2003 year? Yea. (inaudible) I checked the agendas too and I checked all around, there was never anything mentioned about the attorney on the agenda. I went on the computer and researched back then the meeting minutes (inaudible).

**Ms. Adams:** It says in the last paragraph, the obligation to submit the names only arises when there is a vacancy in the office. It is not triggered automatically by the election of a new Town Council, thus nothing automatically happens unless five members of the Town Council wish to terminate the contract and appoint a new town attorney. I can remember voting to terminate (inaudible) I don't know.

**Mr. Primini:** I never seen anything (inaudible). You'll check on that?

**Mr. Frigon:** Yes, I'll look it.

A. Correspondence

Mr. Primini, Chairman, reported the following resignations:

1. Letter of Resignation from Marcy Kane, Ph.D as a Watertown Representative to the Torrington Area Health District Board of Directors, dated January 6, 2010.

2. Letter of Resignation from David Dalton, as a Member of the Board of Tax Assessment Appeals, dated January 8, 2010.

3. Letter of Resignation from Joann Murray, from the Watertown Commission on Aging, dated January 6, 2010.

## 8. Subcommittee Reports

A. Public Works Subcommittee

**Mr. Winn:** We talked about the snow removal budget. So far this year we've had 17.75 inches of snow. We've had a budget of $188,000 of overtime was (inaudible). Sand and salt was $175,000, we've used $75,000 worth, we have $100,000 left. We're in pretty good shape for this year. Other than that, the Town Manager (inaudible).

B. Finance Subcommittee

**Mr. Fusco:** We had a very good first meeting and we are going to meet on February 9th at 7:00 p.m. at the Watertown (inaudible) we have our meeting, we'll have another meeting to address the communication problem and possibly the health insurance or our self insured problem. This is going to be a big one so you'll be getting a notice in the mail when we decide exactly who is coming to it so we'll have our agenda set up.

## 9. Town Manager's Report

**Mr. Frigon:**
Massachusetts Senator Race
Coakley has conceded to Brown in the Massachusetts Senate Race.

Landfill
I want to report on the present and future status of our landfill and it's permanent status. As you may or may not know, the landfill has been operating for some number of years under an interim status, licensed by the Connecticut State Department of Environmental Protection and the Federal Environmental Protection Agency. That interim status was put into place a number of years ago and it was there for a reason. The objective of that status was to identify potentially hazardous areas in the then closed landfill and it provided protection to the potentially hazardous areas while ensuring against any harmful exposures and it also monitored all of the groundwater. We have been in that interim status for a number of years now and both the Connecticut Department of Environmental Protection and the Federal Environmental Protection Agency are now moving us, or transitioning us from our present status into a stewardship status. What this is intended to do is, at the end of the day or at the end of the decade, in 2020, we have to have our landfill permanently closed. The stewardship application and process will move us towards that direction. The good news here is our Town Councils over the years and certainly our staff have made some great recommendations where we, as a Town, have invested very wisely in regard to our landfill. We are well along that road to closure. We have identified as mandated in our permit all of those potential areas, we have capped those areas, and we continue on a quarterly basis to monitor not only those areas but the entire landfill area. What the stewardship status will do is it will now bring us to the next and final phase and that is to explore any other hazards other than those hazards that might present some human exposure.

Again we've been working toward that for a number of years right now so while you will hear I'm certain from other communities in the State who are in a similar situation as the Town of Watertown we are far ahead of where they might be. So we're not going to contest, not that it might (inaudible) but we're not going to contest but will be working with the State of Connecticut and the Federal Environmental Protection Agency in #1 filing our stewardship application, and that will happen within the next 3 to 4 weeks. The application itself, the State, in recognition of the economic difficulties placed on the municipalities, has waived any permit fees for this particular application. From the application we move into the actual stewardship program and planning and for that the Town will be required, well not required but will have an L.E.P., a Licensed Environmental professional assist us with the planning and the reporting over the next decade. Chairman Primini you may recall, maybe two years ago there was an R.F.P. that the Town published to select an L.E.P. to help us in the interim status and during the stewardship status. The State began, in recognition of the difficulties we're having is looking at some mitigation if you will of some of our testing that we perform right now. Because Watertown's testing has come back quarterly and has not produced any alarming results they're looking at possibly relaxing some of those reporting standards and allow us to use some of the money that we might normally spend on reporting and use that towards an L.E.P. Again we don't have a lot of research to do, we shouldn't have a lot of digging to do, I'm certain they're going to have a surprise or two, but we're well along, so the State of Connecticut and the Federal Environmental Protection Agency are working very closely with us. We are mandated to be at the meetings. We have one again next week and they will be ongoing to help us through the process. We're taking it seriously. Again we're very fortunate to be where we are and we don't anticipate, at least at this point in time, that we should experience many surprises before the final closure which will be in the year 2020, so we are moving into that phase.

**10. New Business**

A. Consider Appointments to Boards and Commissions

**Ms. Rosa:** Clarification on an appointment made to the Police Commission. I incorrectly indicated that Mr. James Blas was taking the place of Mark Tedesco, that's not (Tape #1, Side A ended – may have missed some) let the record show what positions . . . .

**Ms. LaForme:** Maryann, I'm sorry, I didn't hear you, I was changing the tape. Who did he replace?

**Ms. Rosa:** Mr. Blais will replace the position formerly held on Judy Pilicy who's term ended (inaudible) and I indicated it was Mr. Tedesco and that was wrong.

B. Consider an Appropriation from the General Fund in the amount of $2,945.57 for a Tax Refund to PM Engineered Solutions F/K/A Alves Precision Engineering due to a Special Act of the State Legislature

MOTION: (Ms. Rosa, sec. Mr. Fusco) I move to appropriate $2,945.57 from the General Fund for a tax refund to PM Engineered Solutions, formerly known as Alves Precision Engineering due to a Special Act of the State Legislature.

Discussion: None

MOTION PASSED UNANIMOUSLY

C. Consider Setting a Special Town Meeting Date, Time, and Place to Consider an Appropriation from the General Fund in the amount of $108,319.66 for a Tax Refund to DriveSol due to a Special Act of the State legislature for a Tax Exemption

MOTION: (Ms. Rosa, sec. Mr. Fusco) I move to set a Special Town Meeting to be held on February 1, 2010, at 7:15 p.m. in the Watertown High School Lecture Room, to consider an appropriation from the General Fund in the amount of $108,319.66 for a Tax Refund to DriveSol due to a special act of the State Legislature for a tax exemption.

Discussion: None

MOTION PASSED UNANIMOUSLY

D. Consider a Resolution Authorizing a Bid Waiver for the Purchase of #2 Fuel Oil as well as Diesel and Unleaded Fuel in accordance with the recommendation of the Fuel Oil Consortium for a Contract award through August 31, 2011

RESOLUTION

WHEREAS, fuel oil and gasoline furnished to the Town of Watertown is annually cooperatively bid through a fuel consortium of Towns and Boards of Education coordinated through the Region 15 Pomperaug Regional School District, and

WHEREAS, fuel oil and gasoline yearly purchases exceed $4,000.

WHEREAS, the Town Council authorization is required for any purchase exceeding $4,000 that has not been independently bid by the Town's Purchasing Agent.

NOW THEREFORE BE IT RESOLVED, the Purchasing Agent of the Town of Watertown, in cooperation with the Cooperative Fuel Oil Consortium is hereby authorized to enter into an agreement for the purchase of #2 fuel oil and motor fuels in accordance with the recommendation of the Fuel Oil Consortium at the time of the contract award through August 31, 2011.

Dated at Watertown, Connecticut this 19th day of January, 2010.

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Raymond Primini, Chairman
Watertown Town Council

MOTION: (Ms. Rosa, sec. Mr. Fusco) I move to approve the resolution authorizing a bid waiver for the purchase of #2 fuel oil as well as diesel and unleaded fuel in accordance with the recommendation of the Fuel Oil Consortium for a contract award through August 31, 2011.

Discussion: **Mr. Primini:** (Inaudible.)

**Mr. Frigon:** The Town of Watertown has a number of years ago formed a consortium with many other boards of education, as a matter of fact right now there are 44 member boards of education, 24 towns, and 3 non profits that annually purchase #2 fuel oil, unleaded fuel, and diesel fuel to get as a group, we go out this early, our contract expires on August 31st of each year, however we go out this early so we can provide to then towns and boards of educations a fixed number that they can then include in their next year's budgets.

MOTION PASSED UNANIMOUSLY

E. Consider a Resolution Authorizing the Acceptance of Wolf Hill Road into the Watertown Roadway System

RESOLUTION

WHEREAS, the Watertown Planning and Zoning Commission voted to recommend to the Town Council the acceptance of the following street into the Town of Watertown's road system as described:

Wolf Hill Road – from its intersection with Woodbury Road (Route 6), a distance of approximately 334 feet (0.063 miles) being a 50 foot right of way as shown on a subdivision map entitled: "B.C.D. Subdivision, Woodbury Road, Subdivision Plan, Dean Cafora, James Belta & Carl DeCarli, 2625 Park Avenue, Unit 2A, Bridgeport, CT 06604, dated 11/18/87, Scale 1" = 40', Sheet 1 of 10", prepared by Henry W. Hart, P.E., RLS and on file in the Watertown Town Clerk's Office as Map #2460, then continuing an additional 2,690 feet (0.509 miles) to a temporary cul-de-sac, being a 50 foot right of way as shown on subdivision maps entitled "Wolf Hill Subdivision" prepared by Roy V. Cheney LLS and on file in the Watertown Town Clerk's Office as Map #3285 and Map #3287 for a total length of approximately 3,024 feet (0.573 miles).

NOW THEREFORE BE IT RESOLVED, that the Watertown Town Council accepts the recommendation of the Planning and Zoning Commission that the above described street be incorporated into the Town of Watertown road system.

Dated at Watertown, Connecticut this 19th day of January, 2010.

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Raymond Primini, Chairman
Watertown Town Council

MOTION: (Ms. Duplissie, sec. Mr. Fusco) I move to approve the resolution authorizing accepting Wolf Hill Road into the Watertown roadway system.

Discussion: None

MOTION PASSED UNANIMOUSLY

F. Consider an Appropriation in the amount of $11,875 from the General Fund for a Refund of Inspection Fees for the Wolf Hill Subdivision as approved by the Public Works Director. Funds have been deposited into the General Fund.

MOTION: (Ms. Duplissie, sec. Mr. Fusco) I move to approve an appropriation in the amount of $11,875 from the General Fund for a refund of inspection fees for the Wolf Hill Subdivision as approved by the Public Works Director. Funds have been deposited into the General Fund.

Discussion: None

MOTION PASSED UNANIMOUSLY

G. Consider a Resolution Authorizing the Town Manager to enter into and amend contractual instruments in the name and on behalf of the Town of Watertown with the State of Connecticut for the application under the Office of Policy and Management Municipal Energy Efficiency and Conservation Block Grant

RESOLUTION

RESOLVED, that the Town Manager, Charles Frigon, is empowered to enter into and amend contractual instruments in the name and on behalf of the Town of Watertown with the State of Connecticut for the application under the Office of Policy and Management Municipal Energy Efficiency and Conservation Block Grant. Such grant is the State of Connecticut's allocation of funds under the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant.

Dated at Watertown, Connecticut this 19th day of January, 2010.

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Raymond Primini, Chairman
Watertown Town Council

MOTION: (Ms. Duplissie, sec. Mr. DiFederico) I move to approve the resolution authorizing the Town Manager to enter into and amend contractual instruments in the name and on behalf of the Town of Watertown with the State of Connecticut for the application under the Office of Policy and Management Municipal Energy Efficiency and Conservation Block Grant.

Discussion: **Mr. Fusco:** Can we get a little highlight on this one?

**Mr. Frigon:** The federal government has provided to all the municipalities an opportunity to receive an energy block grant through the A.R.R.A., American Investment Funds for energy improvements. As you may recall, I'm not sure if it was this Town Council or the previous, we approved some $2,000 or thereabouts to hire a consultant to help us with this application. The application was submitted, it was accepted, however it was submitted with a letter from the Town Clerk's Office authorizing myself to sign for it. It was sent back asking for a full resolution of the Town Council authorizing me to sign for it. It was also asked that we separate the application into 2 segments. Our initial application for the $1,000 was to provide an audit and the implementation of whatever the results of the audit were and (inaudible) one project to separate it into two projects, although they are both allowable projects, it was just a (inaudible) of the application. That is the reason why we have this in front of us this evening.

**Mr. Fusco:** Can I ask what the projects were?

**Mr. Frigon:** We don't know, the audit will produce the projects. The Towns through the A.R.R.A. funding, pretty much guarantees that as long as we submit the application and as long as we have a qualified project or we are going to investigate a qualified project then we will receive the money. As part of the actual project description we have to provide to the federal government exactly what the energy savings are going to be and we don't have any means of calculating exactly what a window replacement for instance is going to give us so that's what the audit will do for us.

MOTION PASSED UNANIMOUSLY

H. Consider a Resolution Authorizing Tax Refunds

RESOLUTION

WHEREAS, Taxpayers have made application for the property tax refunds in accordance with Section 12-129 Refund of Excess Payment; and

WHEREAS, the Tax Collector recommends that the refunds be made in accordance with the provisions of Section 12-129;

NOW THEREFORE BE IT RESOLVED, that the Town Council approves the following tax refunds:

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| 2980 | Japage Partnership<br>P.O. Box 711<br>Dallas, TX 752221-4294<br>**Reason for Refund:** Mill Rate Decreased | Amount of Refund:<br>Type R | $59.71 |
| 2993 | First American Tax Service<br>Refund Dept.<br>P.O. Box 961250<br>Fort Worth, TX 76161-0250<br>**Reason for Refund:** Account Paid in Error | Amount of Refund:<br>Type R | $2,173.16 |
| 3054 | Wells Fargo Home Mortgage<br>Refund Dept.<br>1 Home Campus MACX2302-04D<br>Des Moines, IA 50328-0000<br>**Reason for Refund:** Duplicate Payment | Amount of Refund:<br>Type R | $1,378.60 |

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| 3055 | Porter, Diane L & James H<br>421 Main Street.<br>Watertown, CT 06795-5223<br>**Reason for Refund:** Mill Rate Decreased | Amount of Refund:<br>Type R | $10.32 |
| 3057 | Promar Associates, LLC<br>1500 Echo Lake Road.<br>Watertown, CT 06795-5163<br>**Reason for Refund:** Mill Rate Decreased | Amount of Refund:<br>Type R | $56.85 |
| 3078 | Ronak A. General Partnership<br>1428 Buckingham Street.<br>Watertown, CT 06795-7500<br>**Reason for Refund:** Mill Rate Decreased | Amount of Refund:<br>Type R | $32.16 |
| 3144 | Daveluy, Michele A or Richard D<br>77 Straits Turnpike.<br>Watertown, CT 06795-3118<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type R | $43.28 |
| 3148 | First STS Inc.<br>82 Knight Street.<br>Watertown, CT 06795-5312<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type R | $26.46 |
| 3151 | ARI Fleet LT<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $179.33 |
| 3152 | ARI Fleet LT 1<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $194.46 |
| 3153 | Automotive Rentals, Inc.<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $51.63 |
| 3154 | Automotive Rentals, Inc. 1<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $82.60 |

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| 3155 | Automotive Rentals, Inc. 2<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $6.98 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3156 | Automotive Rentals, Inc. 3<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $58.68 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3157 | Automotive Rentals, Inc. 4<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $61.93 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3158 | Automotive Rentals, Inc. 5<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $51.63 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3164 | Federal Express Corporation<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $30.12 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3165 | Federal Express Corporation 1<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $67.88 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3166 | Federal Express Corporation 2<br>9000 Midlantic Drive<br>Mount Laurel, NJ 08054-1539 | Amount of Refund:<br>Type M | $49.37 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |
| 3172 | Hyundai Lease Titling TR<br>Box 208089<br>Fountain Valley, CA 92728-0000 | Amount of Refund:<br>Type M | $17.72 |
| | **Reason for Refund:** Duplicate Payment | | |
| 3176 | Toyota Motor Credit Corporation<br>260 Interstate N C 12F<br>Atlanta, GA 30339-0000-1539 | Amount of Refund:<br>Type M | $100.31 |
| | **Reason for Refund:** Per Assessor, Account Prorated | | |

3180 Wilson, Earl V & Fannie M — Amount of Refund: $272.70
45 Chimney Road — Type R
Watertown, CT 06795-5162
**Reason for Refund:** Duplicate Payment

3182 Lawn Guys, Inc. — Amount of Refund: $484.56
d/b/a Aarons Enviro-Clean — Type P
575 Northfield Road
Watertown, CT 06795-1502
**Reason for Refund:** Per Assessor, Assessed Value Decreased

3183 Andersondelfay, Kathle or — Amount of Refund: $20.21
Delfay, Robert T — Type M
320 Willow Lake Court
Aiken, SC 29803-2667
**Reason for Refund:** Per Assessor, Account Prorated

3184 Baker, Diane or Brian J — Amount of Refund: $29.91
102 Quanopaug Trail — Type M
Woodbury, CT 06798-2124
**Reason for Refund:** Per Assessor, Account Deleted

3185 Baumbach, Mary M — Amount of Refund: $65.45
9 Malvern Hill Road — Type M
Watertown, CT 06795-1749
**Reason for Refund:** Per Assessor, Account Deleted

3186 Borys, Denise A or Michael S — Amount of Refund: $45.33
82 Carter Street — Type M
Oakville, CT 06779-1242
**Reason for Refund:** Per Assessor, Account Prorated

3187 DCFS Trust Refund Department — Amount of Refund: $462.24
Box 685 — Type M
Roanoke, TX 76262-0000
**Reason for Refund:** Per Assessor, Account Prorated

3188 GMAC Refund Department — Amount of Refund: $238.12
500 Enterprise Drive — Type M
Rocky Hill, CT 06067-3913
**Reason for Refund:** Per Assessor, Account Prorated

3189 GMAC 1 Refund Department — Amount of Refund: $102.52
500 Enterprise Drive — Type M
Rocky Hill, CT 06067-3913
**Reason for Refund:** Per Assessor, Account Prorated

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|---|---|---|---|
| 3190 | GMAC 2 Refund Department<br>500 Enterprise Drive<br>Rocky Hill, CT 06067-3913<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $177.07 |
| 3191 | Gurung, Kum B<br>126 Porter Street<br>Watertown, CT 06795-2239<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $43.28 |
| 3192 | Hyundai Lease Titling Trust<br>P.O. Box 105299<br>Atlanta, GA 30348-5299<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $35.65 |
| 3195 | Ursini, Wladimar<br>131 Evelyn Street<br>Oakville, CT 06779-2243<br>**Reason for Refund:** Duplicate Payment | Amount of Refund:<br>Type M | $127.54 |
| 3196 | VW Credit Leasing Ltd.<br>1401 Franklin Boulevard<br>Libertyville, IL 60048-4460<br>**Reason for Refund:** Per Assessor, Account Prorated | Amount of Refund:<br>Type M | $185.46 |
| | **Total for All Refunds** | | **$7,023.22** |

Dated at Watertown, CT this 19th day of January, 2010.

_____
Raymond Primini, Chairman
Watertown Town Council

MOTION: (Ms. Duplissie, sec. Mr. Fusco) I move to approve the resolution authorizing tax refunds.

Discussion: None

MOTION PASSED UNANIMOUSLY

## 11. Public Participation

**Richard Wick, 1051 Northfield Road, Watertown, CT 06795**

**Mr. Wick:** I'm speaking for the members of the Independent Party and supporters of that party (inaudible voters (inaudible) that we appreciate the comments the Chairman made regarding looking into the legal position with respect to how the (inaudible) are appointed. Having said that I think you should know that we have already (inaudible) the legal position (inaudible). The Charter says that we follow the State Statute so and so and (inaudible) so far lead me to roll our eyes and tentatively conclude that it's murky at best. I thought it was appropriate to suggest that we don't waste any money on a legal opinion, because the legal opinion might change (inaudible) decision you've already made. We recognize that that is a possibility and it's really not a legal issue. In my opinion it's a common sense issue. What the voters have said has been demonstrated every time at a meeting where the candidates that were on the Independent ticket (inaudible) suggest that we don't waste any money on a legal opinion is because what we will probably find out is that (inaudible) minority representation will leave you with the conclusion that it's best to be sure but it's probably not illegal, it's probably not illegal. The society we live in doesn't govern every action by whether it's legal or not, the society we live in has a lot of gray areas where common sense and judgment need to prevail. I would ask you to (inaudible) wasting money on lawyers and work with (inaudible)and just use common sense and reflect on the voters as (inaudible) 3 candidates of the Independent Party and take the position accordingly.

**Mark Worenko, Platt Road, Watertown, CT 06795**

**Mr. Worenko:** I heard what you say earlier, Ray, and I think that's a nice thing. I'm still a little new at understanding all of this and I've been new at it for 2 or 3 years and still don't get a full picture at how the Town runs, but I'm wondering, I believe we're talking about the (inaudible) for these boards and commissions that Mr. Wick has submitted and what's the harm of having some other people in there? They're nice people just like you, nice people. I hope that you would think that way. (Inaudible) town nice people. You're all part of the (inaudible) of our town, (inaudible) which is something you said and I appreciate that and I think you're sincere. Thank you.

Mr. Primini, Chairman, Closed Public Participation at 9:45 p.m.

## 12. Executive Session

MOTION: (Ms. Rosa, sec. Mr. Winn) to Postpone the Executive Session.

Discussion: None

MOTION PASSED UNANIMOUSLY

A. Bibbiana Testa versus Town of Watertown
B. Discuss the Acquisition of Property along the Steele Brook greenway

**13. Adjournment**

MOTION: (Mr. Winn, sec. Ms. Duplissie) to Adjourn the Regular Meeting at 9:46 p.m.

Discussion: None

MOTION PASSED UNANIMOUSLY

Regular Meeting Adjourned at 9:46 p.m.

Respectfully submitted,

Raymond F. Primini, Chairman
Watertown Town Council

Approved: _____
Lynn M. LaForme, Clerk