

MINUTES

WATERTOWN TOWN COUNCIL REGULAR MEETING

WATERTOWN HIGH SCHOOL
TECHNOLOGY CENTER
MONDAY, JUNE 1, 2009, 7:30 P.M.

PRESENT: Elaine Adams, Chairman
Gary Bernier
Mr. Demirs
Richard DiFederico
Carl Mancini
Raymond Primini, Vice Chairman
Paul Rinaldi
Thomas Winn

ABSENT: Richard Fusco

OTHERS PRESENT: Chuck Frigon, Town Manager
Paul Jessell, Town Attorney (arrived at 8:05 p.m.)
Joseph McGrail, Chairman, Economic Development Commission
Frank Nardelli, Assistant Town Manager/Finance Director
Joseph Seacrist, Economic Development Coordinator
Audio Technician

OTHERS ABSENT: None

1. Call Meeting To Order

Ms. Adams, Chairman, Called the Regular Meeting to Order at 7:30 p.m.

2. Roll Call

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

3. Pledge of Allegiance

Ms. Adams, Chairman, led the Pledge of Allegiance.

4. Public Participation

Tony DelGobbo, 1034 Guernseytown Road, Watertown, CT 06795

Mr. DelGobbo: I'm here due to the Guernseytown Road reconstruction project. I guess a number of ideas were discussed the last time I was here and I was wondering if the Council has worked on it or made any decisions concerning this?

Ms. Adams: No.

Mr. DelGobbo: A number of things, ideas were talked about to even the distribution of the incursion on each side of the road, and that is not what's happening right now. What's happening now according to the plans, the curb is actually moving away from the properties across the street from me towards me. At the base of my driveway, for instance, the curb is moving away from the property across the street by 2 feet and coming over towards my property by 7. That is not an equal distribution of the incursion due to the widening of the road. I also discussed with Council, and my driveway is considered a non-conforming structure which means it doesn't meet the code, both in overall pitch and pitch from the center line of the road. This project is going to be reconstructing (inaudible) a whole new driveway on my property which is also non-conforming. It's going to be greater the pitch than recommended, it will be over 15% and it's going to be greater than 5% (inaudible) from the center line of the road which is required by on the regulations of the Town. When you're dealing with a non-conforming structure, you are obligated or required to either improve it or correct it. In this case neither is happening. They may want you to believe that since I do have one area of the driveway, about 25 to 30 feet from the road, where it does exceed 15%, they are going to say well we're going give you about 15% so that's considered the improvement. That's not the case. From my driveway the way it's pitched now, and I (inaudible) measurement, the driveway doesn't approach 15% until I'm about 60 feet from my doors, which is about 30 feet from the driveway, so from that point to my house its less than 15% and in fact at 70 feet from the road, or 20 feet from my doors, it's only 7.5% pitch, it's pretty gentle up there, that's now going to over 15% up there. That's where the problem is, that's where the hazard is, up there, at that distance from the road, so I'll be sliding up there and pick up speed, I'll either end up in the road, across the road, and there is going to be a problem. Somebody may get hurt, there may be an accident and (inaudible) to do is come to some sort of consensus as to what's going to happen here. Do I have to live with this? If I do live with this the liability is going to be on the Town. If someone gets hurt it's your structure, on my property, against my will. I'm not signing any papers, however if the road is equally distributed on both sides, even if you go to 30 feet, and you only come over 2.5 feet, that's manageable. Yes, it will increase the pitch of my driveway somewhat, but I can handle it, it's manageable, but you have to evenly distribute the incursion on both sides of the road (inaudible).

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You also have a curve in the road, a flat curve so you're going to be sliding on the road and sliding on the lawns. I mentioned that last time. The road right now is essentially straight, from the (inaudible) down from the south all the way to the intersection of Skilton and Hollow Road, it's essentially straight. You can go there and it's straight ahead, there's a very subtle bend to the left, nothing much. Now it's going to be a pronounced curve from my house and the neighbor to the north. This is pretty much it. I'm really asking the Council to look into this, come to a decision and let me know.

I also have not received the 3,500 car measurement data. I'm a scientist and when I see data that doesn't look right I investigate it. As I mentioned before, 3,500 cars is an awful lot of cars and as I mentioned before, that's almost 3 cars a minute, every minute of the day, for 24 hours. That's what you would need to get 3,500 cars through any stretch of street. That doesn't sound right and I have not received the report so I would have to see the report, when it was made, whether it was a sampling for a couple of hours (inaudible), that's during the busiest push of the day, that's not very accurate, or where was it taken? Was it taken down by Taft School, by the sports complex, where there's a lot of traffic going back and forth between the Country Club and Route 6? Or was it taken from the upper region where you're working right now, this is where I live? I simply don't see that volume of traffic. Short of putting a camera and a timeline report that's the only way I can measure it and I can't do that (inaudible).

Well that's pretty much it and that's why I'm questioning the Town Council and want them to make a decision, what are they going to do? Are they going to help me or not? Are they willing to accept the responsibility of any liability due to the structure of not? Because there is a safer way of doing it and the Public Works Department is completely not considering it. They went through the motions, but they're not considering it. They have their own agenda, they want it the way it is. I don't know whether it's an ego thing, I can't tell, but there's no technical reason why they can't do the right thing and that's all I'm asking you to do. Do the right thing and keep it safe. That's it and thank you for listening to me.

Ms. Adams: For those of you who don't know, Dom Calabrese is the Probate Judge for Watertown, Woodbury and Bethlehem and he's here to give an update on the recent legislation regarding consolidation of districts.

Dom Calabrese, Probate Judge

Mr. Calabrese: Thank you for this opportunity to address the Town Council and the members of our government here. Last week the Senate passed a Bill that the Governor is likely to sign and that Bill is going to put into motion the process for consolidating the probate courts in the State of Connecticut. There are 117 probate courts in the State of Connecticut and the Bill, as it is written, will put into motion a process that will end in 50 probate courts instead of 117. As Ms. Adams just mentioned, our probate court that serves Watertown, Oakville, Woodbury, and Bethlehem is located in Woodbury. We are the second largest probate court in Litchfield County in terms of population served and in terms of our workload, however it is not big enough, given the criteria in the Senate House Bill, that will allow the court as it exists to stay as it is.

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What it means is we are going to have to take another court or two into our court or we'll become part of another court. The way the process will work is over the next 3 to 4 weeks the probate judges are going to be given the opportunity to put together a consolidated probate districting plan throughout the State of Connecticut that meets the criteria of the Bill. The Bill says that the probate districts have to serve a population of at least 40,000 and have to have a weighted workload which is a measure of the court volume of at least 3,000. Our court serves just over 35,000 people. I've been in conversations with other area judges in the surrounding towns, Thomaston, Washington, Southbury and it's my hope we will be able to retain our court as it is in Woodbury. If we can't retain it there, it's likely that it would have to be located perhaps in Southbury, but my number one focus at this point is to keep the court where it is, certainly given the facilities we have in Woodbury, we can serve a population up to 50,000.

It's impossible for me to say at this point what the outcome is going to be because there are so many courts involved and there's a bit of a domino effect with what one court does will certainly have an affect on the other area courts so what I anticipate will happen is probably in about 3 to 4 weeks I will at least know what the outcome of the probate assembly, that's the probate judges meeting, is in terms of consolidating the courts and what impact it will have on our court located in Woodbury. From there it goes to a redistricting commission, that will consist of a number of people who are appointed by the Governor and by various people in the House and Senate as well as a probate judge, most likely the president of the probate assembly, and they will look at the redistricting plan. My impression is that the Plan that the judges put together will fit the criteria in the Bill, then the Commission will just simply approve it and then send it to the Governor for her signature, once it's passed in the Legislature Special session scheduled for October. If the probate judges are not successful in putting together a consolidation plan that meets the criteria of the Bill, then it will be the redistricting commission that will be responsible for redistricting the probate courts as they exist today, to fit the criteria that the bill outlines.

The reason why this has come to pass after probably over a decade of discussion in the State of Connecticut is that the probate system in Connecticut is a self sustaining system. The State of Connecticut does not provide the probate court system with any money. All of the expenses of the system, including the salary and benefits, are generated from user fees. However that is soon to be no longer the case and the probate system is going to require money from the General Fund of the State of Connecticut. There are 2 main reasons why that's coming to pass.

1. Indigency fees have increased dramatically. There were about \$2,100,000 in 2002 and they are heading very close to \$5,000,000 in 2009. Indigency fees are simply the fees the probate system has to expend for the representation of parties before the court who have the constitutional right to legal representation but cannot afford legal representation.

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2. Another element contributing to the budget shortfall is the benefits, the retirement benefits and health benefits for active employees. Again the probate system in Connecticut is the only department of State government where the pension and benefits of the retirees are paid out of the system itself and not out of the General Fund. That has contributed as well to what will be a deficit.
3. Back in 1990 the State of Connecticut took \$5,000,000 out of the probate fund and put it to the General Fund; back in 2002 they took \$15,000,000 out of the probate fund and put it into the State of Connecticut General Fund, so all of these items together have contributed to what is going to be a fiscal train wreck unless something is done, and part of what is being done is the consolidation in an attempt to save some money, but the State is still going to have to put some money into the system for the next 2 years.

So that's the background, I know probate is a bit of an arcane area that most folks don't know a whole lot about and I don't want to take up a lot of your time here today, I can go on and on about this certainly, but I did want to give the Council an update on what's going on, certainly I'd be more than happy to take any questions. You can also call the court in Woodbury, I'm there most days if you wanted to have a one on one discussion with me, but I imagine that by the end of this month, the 25th of June is when our last meeting is scheduled for the probate judges so I will have an idea of whether the probate judges' consolidation plan will fit the criteria that will be handed to us from the Governor, and if it is I think we'll have a very good idea of what's going to happen to the court in Woodbury. I've spoke with Paul Hinkley and Jeff Hamel, the First Selectmen respectively for Woodbury and Bethlehem and I'm reaching out to the Town of Washington this week to try and get their court to come into ours cause that will be extremely important for us to enable our court to stand on its own. I appreciate the opportunity to address you tonight.

Ms. Adams: So potentially, Dom, we could end up somewhere totally different if things are not resolved in a month?

Mr. Calabrese: It's possible. I can't say that it's likely, but it's possible. I've had extensive discussions with the probate administrator, Judge Canera, and the idea of the Woodbury and Southbury courts joining together has been one that he has discussed with me. Again, it's not by any means inevitable. There is almost an infinite number of possible consolidation scenarios that can happen at this point and it's really impossible for me to say beyond what I've just told you where we can go. My focus is to keep the court in Woodbury because I think if we have to move from Woodbury, in my mind at this point in time, it's only going to move the court further away from those of us who live in Watertown and Oakville, I think Woodbury is the closest we're going to be able to get at this point. And Southbury is really the only other facility that can contain such a huge court. If we did merge with Southbury we'll be a huge court to serve over 60,000 people, very big.

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Ms. Adams: I think one of the concerns was when Carey Gaghan was leaving office was to consolidate it, but make it still geographically feasible where nobody really had a hardship trying to get to the court or use the court. I think he kind of saw the handwriting on the wall and I remember (inaudible) with Bethlehem and Woodbury and Watertown consolidating and hoping that that would be enough, but apparently it's not now.

Mr. Calabrese: It's not enough but I can tell you this, it certainly puts us in a far better position than if that consolidation had never taken place. If we had a Watertown/Oakville court and Woodbury/Bethlehem court, we would not be in the position of being the second largest court in Litchfield County and I've made an argument to the probate administrator that what makes the most sense for Litchfield County, cause Litchfield County has one of the lowest population densities in the State of Connecticut, it's the third lowest of all the counties, is let's spread the courts out, let's have a court in Torrington, let's have a court in New Milford and let's have a court in Woodbury, instead of having Litchfield and Torrington right next door to each other, which really doesn't make a whole lot of sense to me. So I'm doing whatever I can certainly to keep the court in Woodbury. I think we have a very good chance of doing that but I can't say with any degree of certainty that that is going to be the outcome.

Mr. Primini: Is the County going to have anything to do with it? I'm thinking Southbury is New Haven County.

Mr. Calabrese: No, it's not. County is not, they can cross county lines, they can have a court that has towns from two or three different counties.

Mr. Primini: You are going to try, you mentioned about the redistricting committee, are you going to try to keep something (inaudible) or something like that?

Mr. Calabrese: That was the Governor's proposal, but there were two problems with that proposal. One problem was as you probably know 7 districts cut certain manipulates in half, for example Waterbury, as I understand it, we're talking Judge Brunnock has two senatorial districts and that would create a problem administratively for the courts and it would create an even bigger problem for those of us who use the court. Which court do you go to if your town is served by two probate courts, and that was one of the problems with the Governor's proposal. The other problem was it would create very, very large probate courts. My personal feeling and professional impression is the larger these courts get, the further away from the user they become. One of the hallmarks of our probate system is their informal nature. Now this is how I look. I don't wear a robe when I appear in court. I just sit at a conference table, I'm not sitting up high on a bench, we're close to the community and we're hoping to retain that local flavor and also retain the ability for a lot of folks who appear before us to do so on their own without having to hire an attorney. When things start to get big or complicated like in Superior Court for example, where you have much more complex rules of civil procedure, in that case it's almost necessary to be represented by counsel and counsel is expensive, as you know better than anybody.

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Mr. Primini: Now you're saying currently you're self funded but now it's going to go in the General Fund. Does that mean you're going to be charging the same people to go into the General Fund?

Mr. Calabrese: That's a good question and there has been a Bill that has been passed, I'm not sure if the Governor has signed it, that will increase the probate fees as a partial way of dealing with the budget shortfall. The Bill is extensive and at this point I don't want to go into all of it cause I think it would take up too much of your time, but in terms of the funding, what is in the Bill is that the General Fund of the State of Connecticut will pay for the retiree benefits, and it will pay for any indigency fees that go beyond the capacity of the probate system to pay for it. For example under the current Bill the probate system financially will still be an independent system, it will not be funded by the State of Connecticut, but if it has to be funded, if the indigency fess get so high that they cause the system to run into a deficit, then the State's General Fund will then kick in and pay for those fees.

Mr. Primini: Well obviously some towns are going to get hit more with indigency fees than other towns. I mean (inaudible).

Mr. Calabrese: Yea, that's another excellent question. Towns don't pay anything for their probate courts and very, very minimal expenses. Our entire municipal budget in the Woodbury probate court, covering the 3 municipalities, 15,000 a year and those are divided up among the 3 towns by proportionate grand list. So the Town beyond that still will not be paying for anything extra. They will not be paying for salaries, they won't be paying for benefits, there will still be user fees, but what's going to happen now is the user fees that come into each probate court, come into the probate court and the probate court uses that money to pay for its expenses. For example, employee benefits and salaries and then our probate court, at the end of the year we usually have about \$100,000 left over, that goes up to the probate fund, the probate administration and that's used to fund the courts that run deficits. Generally the courts that run deficits are all different sizes, but the biggest deficit generators are the urban courts. For example Bridgeport, New Haven, and Hartford each generate about a \$100,000 deficit per year, and that's due to the type of cases that those courts see. They see a lot of cases involving parental rights, involving children, and those cases generate minimal, if any fees, so that also contributes to the deficit that the probate system has realized.

Mr. Primini: You don't envision any additional fees coning back to the Town?

Mr. Calabrese: Well it's not supposed to work that way but here's what I will say about the plan that's set up right now. When this proposal, which has become a Bill which is now for the Governor's signature was put together, they did not consider implementation costs and there are at least a couple of studies that I'm aware of, one that goes back to 1990 that suggested taking the system as it exists in 1990, there's 132 courts, or a little bit more than we have now, pretty close to it, and moving it down to 50 courts, which is what we're looking at, with an implementation cost of \$50,000,000.

Ms. Adams: (Inaudible) 1990.

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Mr. Calabrese: Right, 1990 dollars, exactly. That was not taken into consideration when all of this was put together. There are a lot of different political interests that play here and that was not taken into consideration. Again, in terms of our community, in terms of our court, I think we can easily serve a population of 50,000 out of our existing facility. Where the expenses might come into play, is if new facilities have to be built, but supposedly there is a provision for some additional funding from the State if new facilities have to be built. I couldn't tell you if new facilities will have to be built in other parts of the State. For example I know in the eastern part of the State there are a lot of very small towns and a lot of very small probate courts, so will there be existing adequate facilities to house a court of the magnitude that this reform package is going to require. I don't know, but I feel for our area those facilities are currently available and there will not need to be any additional building in bricks and mortar expenses that the town will have to undertake. Now there's no additional funding expenses built into the Bill as it stands either in terms of how the courts are going to be funded. The structure is going to stay the same, of course when money comes from the general fund that's money from all of us and you will see some of that where you haven't seen any of it before. There was never money coming from the general fund except in the last 2 or 3 years for the regional children's courts where I think \$1,400,000 was appropriated out of the general fund to run the regional children's courts but aside from that, in the 300 plus year history of the probate system, the State of Connecticut has never had to step in and fund it, and the local municipality, aside from providing the office space and utilities, didn't have to spend any more.

Mr. Primini: If you took in (inaudible) for this particular area?

Mr. Calabrese: Yes.

Ms. Adams: (Inaudible) Southbury.

Mr. Calabrese: Southbury is a fairly good sized court, although it doesn't serve nearly the population we do, but they have a very large workload because they have the largest retirement community in the State of Connecticut in Heritage Village and they also have the State Institution for adults with mental retardation, Southbury Training School, and guardianships for adults with mental retardation is one of the matters that probate courts handle.

Ms. Adams: Does anyone else have any more questions for Dom?

Mr. Calabrese: Okay, thank you, I'll be sure to come back when I hear more, I'll be sure to come back and let you know more. Thank you.

Al Mickel, 95 Woodvine Street, Watertown, CT 06795

Mr. Mickel: At the last meeting I asked for the cost of the ordinance that we're going to talk about next week. Is that . . . ?

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Mr. Frigon: I'm sorry, Mr. Mickel, I was intending on having that for the next meeting, I didn't know you wanted it for this meeting. I did not research it for this meeting.

Mr. Mickel: Could you send me an email when you get it?

Mr. Frigon: I can do that, yes.

Mr. Mancini: I wanted to go back to Mr. DelGobbo. Guernseytown Road still bothers me, and Mr. DelGobbo said tonight that the numbers aren't the same on both sides of the street. I remember going back to the May 18th meeting, talking with Chuck, and I asked him if there was anything we could do. Chuck said "I too asked that question (inaudible). Why can't we keep it there?". The engineer came back with cuts and fills and they tried to minimize the impact and if you were to keep the center line where it is and continue the 30 feet it would then increase the impact to the neighbors to the west of Guernseytown Road and that's what they were trying to equalize, the impact on both sides of the road. Then I said you're saying doing it that way, doing it the way they did equalizes the impact on both sides, and Chuck said they are saying the cuts and fills are pretty much equalized on both sides, but it seems like Mr. DelGobbo is saying that's not true. I mean have we looked into this? I know it's late in time here but did we look into it and is it equalized? If we're saying all the engineers are saying it's equalized, and it's not equalized, is it fair to Mr. DelGobbo to do this? (Inaudible). I'm asking, is the Town Council going just sit on it and not do anything about it, or are we going to actually talk about it? That's one. So if anybody wants to answer it, fine, and if you don't want to answer it, that's okay too. I have something else to talk about.

Ms. Adams: I believe there was a meeting with the State after that meeting.

Mr. Frigon: Yes, there was.

Ms. Adams: And that it was equalized?

Mr. Frigon: Yea, it's equalized, not necessarily in feet as I understand it, but it's equalized in cuts and fills and cubic yards of material and impact in many other ways than just surface feet. That's as I understood it.

Mr. Mancini: Well that meeting was held after the last meeting? Is that the meeting Tom attended with you? That was before that meeting then.

Ms. Adams: Before the 18th.

Mr. Mancini: I know we talked about this on the 18th.

Ms. Adams: I'm sorry, you're right (inaudible).

Mr. Mancini: But I just, cuts and fills equal, I don't understand it. He's saying that difference in feet, and a couple of feet (inaudible) angle of his driveway, can't something be done, that's all I'm going to say on that one.

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Ms. Adams: You have something else?

Mr. Mancini: Yea, the costs, as far as insurance costs, I have a couple of requests, if I can be treated the same as Mr. Mickel, give me an email or whatever, cost of attorney fees for the case against on the 3 complaints against Mr. Minnich, I'd like to know not only the cost of Mr. Minnich's attorneys, but the costs to the Town also, and then there's another case I believe that's being brought against the Planning and Zoning, I believe it's Mr. Wick, so I can find out the cost.

Ms. Adams: Mr. Wick?

Mr. Mancini: If I can have that cost also.

Mr. Frigon: That's with Jessell (inaudible).

Mr. Mancini: You have those answers?

Mr. Nardelli: I think in the handout for the Special Town Meeting, the breakdown, do you have that in front of you? See where it says P & Z and Town Council, that's the Town's attorney and P & Z's attorney. And then the FOI portion is right above it.

Mr. Mancini: Okay, thank you. And then there's another one, I believe there's a case against the Planning and Zoning by Mr. Wick. I'd like to know what that's costing us.

Ms. Adams: I don't remember Mr. Wick filing a lawsuit.

Mr. Mancini: I think there is an appeal.

Ms. Adams, Chairman, closed Public Participation at 8:02 p.m.

(Tape #1, Side A ended – may have missed some.)

5. Minutes

A. Regular Meeting – May 18, 2009

MOTION: (Mr. Winn, sec. Mr. Primini) to Approve the Regular Meeting Minutes dated May 18, 2009 as presented.

Discussion: None

MOTION PASSED UNANIMOUSLY

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B. Special Meeting – May 19, 2009

MOTION: (Mr. Winn, sec. Mr. Primini) to Approve the Special Meeting Minutes dated May 19, 2009 as presented.

Discussion: None

MOTION PASSED UNANIMOUSLY

6. Chairman's Report

A. Correspondence

None

Ms. Adams: In the packet is everything has been signed and delivered regarding the boundary line revision with the City of Waterbury and the Town of Watertown so I guess it's the first time in 300 years that we've moved a border, but it's all passed in both the House and the Senate and has been signed by the Mayor of Waterbury and Chuck Frigon.

7. Subcommittee Reports

A. Public Buildings Subcommittee – David Demirs

Mr. Demirs: At the High School as you all can see when you came in here tonight the football field is all torn up and they're putting in the turf, that's on-going. You can see the driveway has been reconstructed, it's not permanently done yet, it's just a skim coat. At Judson it's still on-going. We are watching very close there to see the percentage of that job that's done so hopefully they'll be done by August 14th. Polk School – the bids for Polk Elementary School construction project closed on Wednesday May 20, 2009. The Public Buildings Committee has reviewed the 4 lowest bidder's qualifications and determined that Montagno Construction is the lowest qualifies bidder. His bid is currently under review by the Finance Director to determine the company's financial status. Frank, has that been completed?

Mr. Nardelli: Yes, I spoke with Bob Porter this afternoon.

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Mr. Demirs: And the draft construction contract is currently under review at the Town Attorney's office. Kaestle Boos & Associates, the architects on the project, have conducted reference checks on Montagno, as did all the Public Buildings Committee members. We all made phone calls and checked on this guy's background and he does very well for himself and he does a nice job, so we're proud to know that we're going to hire someone, hopefully hire someone who is responsible and who can get the job done within a year or so. All of that information was positive. The Public Buildings Committee will conduct additional reference checks on the company, just a few more phone calls we'd like to make, and the Buildings Committee anticipates voting to award the contract to Montagno pending completion of all these reviews within the next 2 weeks.

Ms. Adams: Dave, at the last meeting you were kind of a little hesitant when we talked about Judson School being done on the 14th. At your next meeting was to talk to the architect and the builder to find out where we are.

Mr. Demirs: We are watching that very closely.

Ms. Adams: I know.

Mr. Demirs. We are very concerned about that. We know we have nowhere to go with that and that job has to be done. If it does go over that, they said, they talked about September 30th, but I can't confirm that, but that would be just for portions of the school that aren't going to be essentially needed at the time, but we're hoping it will be open. We are very concerned with that, we are doing all we can to get that moving forward. We're all hoping that that works out nice for us. If not, we'll deal with it when it comes our way.

B. Ordinance Subcommittee – Richard DiFederico

Mr. DiFederico: I emailed Chuck, Chuck sent me these copies for the town ordinances for the blight ordinance from Waterbury and two other places and we'll email Bob Kane, we have to figure out what the State is going to do, but Monday I want to have a meeting at 7:00 at the Town Hall Annex with Chuck there too, and also on the agenda that night I've been researching this blight and this goose and this dog stuff and the dog ordinance and the geese ordinance and I will bring that also that night cause those are pretty easy and so we can review that. So please review these packets that I gave you so we can sit down and really discuss this that night.

8. Town Manager's Report

Mr. Frigon:

Buckingham Street Water Tank

The water tank is totally encased now in scaffolding. We contracted both water tanks, one on Straits Turnpike and one on Buckingham Street for \$1,400,000. Both were to be rehabbed, both interior and exterior. Straits Turnpike is complete and work is to begin on the Buckingham Street tower in the next few days. It was supposed to start today but it did not. The schedule is expected to bring them to completion on that tank by the end of the Summer or Labor Day Weekend, the scaffolding should be down and that should be complete.

Fern Hill Generator

The Town partnered with the Water and Sewer Department to replace a generator over on Fern Hill for the sewage pumping station and that generator is in, it has been installed, it has not been tested yet. We're expecting that to happen again some time this week.

DiNunzio Road Water Pipe

That extension is in and complete and accepted, it's all been tested and accepted. That goes just beyond the Fusco junkyard driveway, just a few feet beyond that.

Veteran's Memorial Park Added Acreage

On the Planning and Zoning Agenda there is an item to consider the property merger of .68 acres with Veteran's Memorial Park. That is a result of a couple of things. One is many citizens have been here asking that we look at design alternatives for the indoor recreational facility. In looking at those facilities and researching them, we found that Parkview Estates back in 2006 had deeded to the Town of Watertown .68 acres as open space and that is contiguous to Veteran's Memorial Park. They are incorporating that property into the Veteran's Memorial Property and that will allow us a different boundary line or setback to look at the possibility of placing the metal facility over on Park Road as an alternative to off of Nova Scotia. We are looking at that seriously. That will be on Planning and Zoning's agenda for this Wednesday. We'll let you know how that goes.

Polk School

The bids did come in with all of the alternatives at \$7,243,704. The authorization was \$12,517,000. The construction estimates were about \$8,000,000 to \$8,500,000. So we are at \$7,200,000 and we were expecting \$8,500,000 so there are some substantial savings there. I do not know what the soft costs are yet. I'll report them to you when they are reported to me from the Board of Education.

Revolution 3 Triathlon

This triathlon will be coming through on Sunday, up Route 6 to North Street, heading north on North Street, and then again north on 63. There is about 700 racers in that triathlon so it's expected to be a pretty big affair. You'll see an awful lot of Police activity and volunteer activity with this race off to the sides of the roads. The sponsors for that race are paying for whatever costs the Town incurs.

9. New Business

A. Consider Appointments to Boards and Commissions

1. Consider the nomination of Keith Franson, 364 Williamson Circle, Oakville, as a member of the Water and Sewer Authority to fill the expired term of Nicholas Biello, for a Term to Expire January 31, 2012.

MOTION: (Mr. Winn, sec. Mr. Primini) I move to nominate Keith Franson, 364 Williamson Circle, Oakville, as a member of the Water and Sewer Authority to fill the expired term of Nicholas Biello, for a Term to Expire January 31, 2012.

Discussion: None

MOTION PASSED UNANIMOUSLY

B. Consider Authorizing the Town Manager to enter into an agreement with CGI Communications, Inc. for a Community Video Showcase Program

Mr. Seacrist: You will see in the packet, CGI Communications has made an arrangement with the U.S. Conference of Mayors and they are offering a program that a lot of cities are using, including Waterbury, and I'll give you an example of that. This is a series of 6 videos, 6 separate subjects about Watertown. They will come into town, shoot the videos, whatever we ask them to, we get permission, we get the right to review all the content to make sure it's accurate and appropriate, and there is no charge to the Town for this. They will put it, as you can see from this handout, this is a screen shot of the Town of Waterbury, main menu, and you'll see on the very corner, this little thing that says Waterbury Videos. If you click on that, it will bring you up to the next screen, a series of 6 videos. And you can see the subjects listed: Welcome, Quality of Life, Education, Vibrant Neighborhoods, Business and Economic Development, Safety and Wellness, Chamber of Commerce. Those are the 6 subjects that Waterbury chose to do this. The way CGI makes any money on this deal is if you can see where this (inaudible) on any video when it runs, surrounding it our logos of people who have bought advertising. So then if someone wants to click on any one of those logos, it will take them to that advertiser's website or video or whatever they have. That's how CGI makes their money. They have told us they will do this whether they sell any advertising or not. Even if they don't sell any, they will do this for a 3 year contract for us. It's a nice opportunity to showcase the Town. You'll notice in this other handout, when you send this link to anybody, suppose somebody calls me and says I'd like to know a little about Watertown, I can direct them to this link or send this link to them, and when it shows up on their computer it will run automatically, it doesn't show up as a file attachment, it will run the video for them.

Mr. McGrail: One of the first questions we asked - was there any costs to the Town and the answer was no. I believe it's for a 3 year period and we can decide to continue the relationship, we can kill the relationship, but at no time during this whole process does it cost the Town any money. They tend to draw from the area, so for instance on this Waterbury site it has Holy Cross High School, but (inaudible) decide to join, you may get Westover School, you may get some of the private schools, local businesses, but again it seems to be very clean. There's no hard sell on this. We can do it, we don't have to do it. But we were pretty impressed and we had the young lady on a video conference and she went through the whole process with us. It's very beneficial to the Town. It gives us a very professional look, not that our web site is bad, but this is really what (inaudible) to do a shoot of the video. We can tell them what we want to shoot. We can (inaudible) also, so for instance the reason we're trying to get this done now is Fall is probably the best time to shoot around here, and so if we have ideas where we want to take these shots from, for instance I was thinking Blazes Farm up Winnemaug Road down onto Lake Winnemaug.

Ms. Adams: Center of Town where the gazebo is, up to the churches, Oakville Green.

Mr. McGrail: So you send this to people and it gives a very polished look to the Town.

Mr. DiFederico: Are there going to be like, when people search, in other words like when I search Watertown, I get Watertown, New York, so if you search schools in your area, do you know what I'm talking about? How does that work?

Mr. McGrail: Well this will be on our web page, this will be part of watertownct.org, so this will be merged with our existing web site.

Mr. DiFederico: So if somebody types in Watertown, CT?

Mr. McGrail: Watertown, Watertown, Connecticut, it will pull this web site and this will blend into our web site also, it will be an extension of our website.

Mr. DiFederico: If I typed in Watertown right now, you will get . . . it gives you the fast searches.

Mr. McGrail: Sort of a pecking order, I think you have to pay for that if you want to move yourself up in the search engines. That's a good question, we can always ask them if there is any way to move our Watertown up.

Mr. Winn: Did they provide us with any kind of number, percentage of hits that people go on? Did Waterbury have a (inaudible)? Also the people that are going to advertise, is that affordable for the Town businesses, do you have any numbers on that, or is it going to be impossible for them to buy advertising? Is it reasonable?

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Mr. McGrail: We actually try to stay out of that a little bit because again, that's a (inaudible) situation between the (inaudible) and the individual business, so we didn't want to get too involved with that, but she did say it's very competitive to what the normal web site is.

Mr. Seacrist: They can (inaudible) or a visual (inaudible).

Mr. Rinaldi: Who goes out and gets the ads?

Mr. McGrail: They will build the web site first, up and running, and then they sell it, and then when people see it, they may want to hook onto it.

Mr. Seacrist: In your packet is also a sample letter that they ask us to sign, with Chuck's or Joe's signature that they can present to a business owner and say if you sign up for this it will be going on the Watertown web site.

Mr. Rinaldi: I like this, it's a good idea, it's almost a no brainer. So there must be at least one downside, otherwise why are we voting?

Mr. McGrail: We thought the same thing and we asked as many questions as we could, and we asked the obvious ones, the cost to the town, any commitment in any way, shape, or form.

Mr. Rinaldi: You couldn't stump them.

Mr. McGrail: We couldn't stump them.

Mr. Seacrist: They have a national contract with the Conference of Mayors nationally so they are getting some income from that as well as the advertising.

Ms. Adams: Do you have any control over the advertising? The thing that pops to mind is that sign in Oakville, near the Shell station.

Mr. McGrail: Bail bonds?

Ms. Adams: That's the one. Yes.

Mr. Seacrist: They will run it past us if we wished to make sure it was appropriate.

MOTION: (Mr. Winn, sec. Mr. Primini) I move to authorize the Town Manager to enter into an agreement with CGI Communications, Inc. for a community video showcase program.

Discussion: None

MOTION PASSED UNANIMOUSLY

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- C. Consider a Second Amendment to the Resolution setting the 2009 Town Council Meetings, Dates, Places, and Times by Changing the Location of the June 15, 2009 Town Council Meeting to John Trumbull Primary School Library due to construction activities at Watertown High School

MOTION: (Mr. Winn, sec. Mr. Primini) I move to approve a Second Amendment to the Resolution setting the 2009 Town Council Meetings, Dates, Places, and Times by Changing the Location of the June 15, 2009 Town Council Meeting to John Trumbull Primary School Library due to construction activities at Watertown High School.

Discussion: None

MOTION PASSED UNANIMOUSLY

- D. Consider an Appropriation in the amount of \$1,200 from the General Fund to the Police Overtime Account for Reimbursement from the State for staff assigned to the Statewide Narcotics Task Force. Funds have been deposited into the General Fund

MOTION: (Mr. Winn, sec. Mr. Primini) I move to approve an appropriation in the amount of \$1,200.00 from the General Fund to the Police overtime account for reimbursement from the State for staff assigned to the Statewide Narcotics Task Force. Funds have been deposited into the General Fund.

Discussion: None

MOTION PASSED UNANIMOUSLY

- E. Consider a Resolution authorizing an Appropriation from the General Fund in the amount of \$1,798.73 for Tax Refunds

RESOLUTION

WHEREAS, Taxpayers have applied for Tax Refunds pursuant to Section 12-129, Refund of Excess Payment; and

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

WHEREAS, in order to refund taxpayers who have been approved for their refunds, monies must be appropriated into the budget line item to expend the funds.

NOW THEREFORE BE IT RESOLVED, that the Town Council appropriates \$1,798.73 to line item 010-50341-043-0102 from the General Fund.

Dated at Watertown, Connecticut this 1st day of June, 2009.

Elaine Adams, Chairman
Watertown Town Council

MOTION: (Mr. Winn, sec. Mr. Primini) I move to approve the resolution authorizing an appropriation from the General Fund in the amount of \$1,798.73 for Tax Refunds.

Discussion: None

MOTION PASSED UNANIMOUSLY

F. 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:

2780	Popular Leasing USA – Tax Dept. 15933 Clayton Road – Suite 200 Ballwin, MO 63011-2172	Amount of Refund: \$626.08 Type P
	Reason for Refund: Per Assessor, Assessed Value Decreased	

2830	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: \$7.15 Type M
	Reason for Refund: Per Assessor, Account Deleted	

2831	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: \$189.30 Type M
	Reason for Refund: Per Assessor, Account Deleted	

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2832	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type M	\$9.08
	Reason for Refund: Per Assessor, Account Deleted		
2833	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type M	\$201.02
	Reason for Refund: Per Assessor, Account Deleted		
2834	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type M	\$404.70
	Reason for Refund: Per Assessor, Account Deleted		
2835	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type S	\$8.75
	Reason for Refund: Per Assessor, Account Deleted		
2837	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type M	\$13.82
	Reason for Refund: Per Assessor, Account Deleted		
2838	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type S	\$332.01
	Reason for Refund: Per Assessor, Account Deleted		
2839	Traver, Scott R. 120 Main Street Watertown, CT 06795-2223	Amount of Refund: Type S	\$6.82
	Reason for Refund: Per Assessor, Account Deleted		
	Total for All Refunds		\$1,798.73

Dated at Watertown, CT this 1st day of June, 2009.

Elaine H. Adams, Chairman
Watertown Town Council

MOTION: (Mr. Winn, sec. Mr. Primini) I move to approve the resolution authorizing tax refunds.

Discussion: None

MOTION PASSED UNANIMOUSLY

G. Consider a Resolution Authorizing the Transfer of Funds between Line Items

RESOLUTION

WHEREAS, expenses in the 2008-2009 fiscal year require the transfer of funds.

NOW THEREFORE, BE IT RESOLVED, by vote of the Watertown Town Council, that the following actions are taken relative to the transfer of funds:

GENERAL FUND – ENGINEERING DEPARTMENT

AMOUNT: \$1,328 NO: 1
FROM: \$ 789 010-50320-030-0000 – Communications Equip. Maint.
\$ 539 010-50310-030-0470 – Consultant Town Engineer
TO: 010-50321-030-0000 – Other Equipment Maintenance
REASON: Repair HP Design Jet 500 42 inch printer

GENERAL FUND – PUBLIC WORKS, STREET LIGHTING

AMOUNT: \$6,900 NO: 2
FROM: 010-50323-034-2393 – Street Lighting
TO: 010-50534-034-0000 – Street Lights
REASON: New street lights needed

Dated at Watertown, Connecticut this 1st day of June, 2009.

Elaine H. Adams, Chairman
Watertown Town Council

MOTION: (Mr. Winn, sec. Mr. Primini) I move to approve a resolution authorizing the transfer of funds between line items.

Discussion: None

MOTION PASSED UNANIMOUSLY

10. Public Participation

Ms. Adams, Chairman, Closed Public Participation at 8:28 p.m.

11. Executive Session

Pending Litigation:

- A. David LeBlanc versus Town of Watertown, re: FOI Docket No. 2008-038.
- B. Hard Rock Development, LLC versus Planning and Zoning Commission of the Town of Watertown Planning and Zoning (Watertown Business Center).
- C. Sebastian Douglas et al versus Watertown Planning and Zoning Commission (Route 262 Amendment).
- D. Concerned Citizens for the Preservation of Watertown, Inc., versus Watertown Planning and Zoning Commission (Hearing on Petition to Amend Regulations).
- E. Joseph D. Masi and Margaret Raymond versus Watertown Planning and Zoning Commission (French Hill Estates Subdivision Denial).
- F. Palumbo versus Planning and Zoning Commission (Davidson Subdivision approval).
- G. James P. Risz and Joseph Taddia versus Watertown Planning and Zoning Commission (affordable housing approval).
- H. Gary Swingle versus Watertown Zoning Board of Appeals (residential driveway for commercial use).
- I. Robert Santamaria appeal of a Cease and Desist Order for activities at 676 Northfield Road.
- J. Grubaugh, Maria versus APPKJP, LLC and Town of Watertown, Tree 938 Main Street.

Personnel Matter:

- K. Discussion of Town Manager Evaluation

MOTION: (Mr. Winn, sec. Mr. Primini) I move to enter into executive session at 8:29 p.m. along with the members present, Frank Nardelli, Paul Jessell, and Chuck Frigon to discuss pending litigation for items A-J as listed on the Town Council Agenda, noting that Item 11H correct item should be identified as Conron versus Gary Swingle and the Town of Watertown.

I move to enter into executive session with the Town Council members present and Chuck Frigon for the purposes of a personnel matter for the discussion of the Town Manager evaluation Item 11K.

Discussions: None

MOTION PASSED UNANIMOUSLY

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Present During Executive Session:

Elaine Adams
Gary Bernier
David Demirs
Richard DiFederico
Carl Mancini
Raymond Primini
Paul Rinaldi
Thomas Winn

Charles Frigon
Paul Jessell (left at 9:15 p.m.)
Frank Nardelli (left at 9:15 p.m.)

Ms. Adams, Chairman, reconvened the Regular Meeting at 9:00 p.m.

No Motions Were Made; No Votes Were Taken.

12. Adjournment

MOTION: (Mr. Winn, sec. Mr. Primini) to Adjourn the Regular Meeting at 9:48 p.m.

Discussion: None

MOTION PASSED UNANIMOUSLY

Regular Meeting Adjourned at 9:48 p.m.

Respectfully submitted,

Elaine H. Adams, Chairman
Watertown Town Council

Approved: _____
Lynn M. LaForme, Clerk