



**TOWN COUNCIL
WATERTOWN, CONNECTICUT
MONDAY, NOVEMBER 1, 2010
REGULAR MEETING - 7:30 P.M.**

**WATERTOWN HIGH SCHOOL
LECTURE ROOM
324 FRENCH STREET
WATERTOWN, CT 06795
MINUTES**

PRESENT: Elaine Adams
Richard DiFederico
Katherine Duplissie
Richard Fusco
Linda Masayda
Raymond Primini, Chairman
Paul Rinaldi
Mary Ann Rosa, Vice Chairman

ABSENT: Thomas Winn

OTHERS PRESENT: Chuck Frigon, Town Manager
Frank Nardelli, Assistant Town Manager/Finance Director

1. Call Meeting to Order

Mr. Primini, Chairman called the meeting to order at 7:30 p.m.

2. Roll Call

Ms. King, Secretary executed the roll call.

3. Pledge of Allegiance

4. Public Participation

Nick Perugini – 903 Buckingham, Watertown

One of the things that I would like to talk about is the lawsuit, Hardrock Development of which I am a partner was filed two years ago with Planning & Zoning. There was an issue about the 24 foot driveway that they wanted 30 feet. We tried so hard to compromise, Planning & Zoning did not really want to hear it. The lawsuit is over and I am sure some of you read in the paper that the judge was on Hardrock's side. It cost us \$90,000 for the right of way in the beginning when we bought the property originally. Our development was for 15 buildings and at the time of the lawsuit we had two signed contracts for a 10,000 square foot building and with three other new tenants who wanted to buy the site. We cut the trees and we had the road staked out and waiting for a decision from P & Z to approve this. It was a last minute thing we were going for a minor change with the driveway. I had my engineer and my lawyer at the site that night and I was told by the Chairman if I spoke any further I would be under contempt and thrown out of the room, at that point I stopped. Again we tried the next day and a week after to compromise and they did not want to hear it. The judge ruled on our side and we are happy in a way and also sad, we lost the tenants and did not do the project, we sold the property about a month ago. It was very sad for us but also for the town. I think the town would have benefited at least \$150,000 a year on property taxes and \$50,000 on equipment taxes with \$200,000 a year it would have been definitely good for the town. Compromise is the way to go sometimes and we were not able to do it. They were really stubborn with the 30 feet driveway and it is done and over.

The other issue a lawsuit I filed about 6 months ago was Dr. McHugh's Office across the street, he wanted to do doctor's offices, which I do not have a problem with at all. I met with his partner Mr. Gianeto four or five times and he kept on saying that he wants to put doctors offices there. I liked the idea and said all you have to do is file an application and I will be there to support you on this, it is a good for the town. Unfortunately sometimes it is necessary to file these suits if there is a little bit of compromise on both sides. Being stubborn and vindictive is not a good thing,. I lived in town for many years I am going to keep on living in town, if there is something to help the town I will always try to do that. Dr. McHugh, I still think it could be resolved and there is no need to go on. The cost is tremendous; my lawyer is \$400.00 an hour we spent around \$58,000, it is ridiculous, why spend all this money and I feel that compromises are the way to develop. I did many developments in town and paid taxes on these buildings. I do not want the Commission to think I go out and sue somebody because they do not like this and they do not like that. There are definitely issues and serious issues that I would like to talk about and would be more than happy to meet with anybody to solve this and perhaps stop these lawsuits and stop the spending on my behave or the town costing so much.

Judy Wick – Northfield Road, Watertown

I think Mr. Perugini said pretty much what needed to be said on this issue. I would like to remind people here, there was a point in the past when a previous lawsuit was counted as a win that Planning & Zoning had. In actual fact the previous lawsuits were not decided on the issues, this is the first instance where the courts have decided a case on the issues. If you all read the memorandum of decision basically the judge admonished P & Z for disregarding expert testimony and that is why this case was decided in favor of Hardrock. I do know that Mr. Perugini has said they tried to compromise and they tried to reach an agreement and P& Z would have not of it and I think that is unfortunate because people like Nick and Mark they get to pay twice paying their Attorneys and paying their taxes, there has got to be a better way.

5. Minutes

a. Regular Meeting – October 18, 2010

a. (Richard Fusco sec. Katherine Duplissie) I move to accept the minutes of the Regular Meeting –October 18, 2010 as written.

Discussion: None

MOTION PASSED UNANIMOUSLY

6. Chairman's Report - none

a. Correspondence

7. Town Manager's Report

Heikamp – Moving forward with Davis Street Culvert – depending on weather culvert should be done by the end of this month.

French Street – was delayed and in the process of being done.

Sunnyside Ave – ahead of schedule, state bidding this month, construction anticipated for the spring.

Christmas Lights - Good Ole Boys has agreed to install Christmas lights on both the Watertown & Oakville Green with no charge to the town.

Water & Sewer Rates – were adopted in October and will take effect January 1, 2011.

Ms. Masayda: can we as Council with respect to P & Z temper things now that we have communications going.

Mr. Primini: P & Z is an entity of its own, but that is something that might be studied during the Charter Revision.

Ms. Masayda: we have no real control once everyone is appointed on P & Z.

Mr. Primini: not that I know of.

Mr. Adams: I am hearing more and more lawsuits against the P & Z Commission and it

disturbs me on many levels. I hear tonight \$200,000 in lost tax revenue not to mention business development, there are a lot of concerns here. I hear that six or seven lawsuits against the P & Z Commission, we are losing all these tax dollars. Potentially if we keep losing these lawsuits are we in any trouble with our insurance company, if you can check that out.

Mr. Frigon: I will check on that.

Mr. Rinaldi: what is the condition of the general fund?

Mr. Nardelli: the auditors have been in the last couple of weeks, so they are still completing the audit. The fund balance was approximately 5.4 million and I am hoping it stays right around there but again as we speak the auditors are still working on final year end numbers. I should have those in another month or so, once they complete the audit.

Mr. Rinaldi: a safe number is usually 3%, of all the taxes collected.

Mr. Nardelli: we have a fund balance policy where it is suppose to be between 7 and 12%, we are somewhere around 8%.

8. Subcommittee Reports

a. Business Development Subcommittee

Duplissie – attended Economic Development Meeting on October 21st, Dr. McHugh & Mr. Gianeto would like come to Town Council to discuss their proposal.

Mr. Rinaldi: why would the council get involved?

Ms. Duplissie: he asked the Economic Development and asked me if I would ask.

b. Town Hall Subcommittee

Fusco – keys turned over to the town.

Frigon - in process of turning over accounts.

Town Hall Roof – researching techniques that will pinpoint where the leaks are.

Hemingway – looking at moving offices efficiently & expediently if it is the desire of the town.

Ms. Masayda: when we took the school over from the Board of Ed did we also get the funds for the heating that they would have budgeted.

Mr. Frigon: no

Mr. Rinaldi: where is the money coming from?

Mr. Frigon: right now the exterior tank has some fuel in it; it is my intention for as long

as we can to run the building on the oil that is already in the ground, keeping the building at a minimal temperature. Hopefully what is in the ground now will see us through to where we need to get to make a decision as to where we are going.

Mr. Rinaldi: if you move into Heminway Park can we just say that Heminway Park is now our Town Hall or is there process we have to go through.

Mr. Frigon: I do not believe there is any formal process, other than the Town Council saying this is our Town Hall, right now I refer them as municipal offices.

Ms. Duplissie did they not say at that meeting that even though we could use Critical Intervention and use the rubber roofing, it would still take six months to a year for the building to dry out and we would still have a mold problem there.

Mr. Frigon: yes and no, the mold problem that we experienced is not one that is coming from the roof rafters, that mold problem for the record has been remediated. That is not to say that we cannot get it again if we do not contain the water that comes through that roof. The issue that they were more addressing was in the submission that I made to the historic district for a replacement roof. That would have required stripping the shingles and possibly a large part of wood that was wet to allow it to dry out naturally rather than just replacing it. We may find once it is dried out the extent of what we have to actually replace is less than what we would replace if we just went up there and put up a roof immediately.

- c. **Shared Services Subcommittee**
Duplissie – Meeting on October 25th with Town Council and Board of Ed discussions on sharing accounting system. A memo is being sent to Department Heads and Principals asking for their suggestions.
- d. **Ordinance Subcommittee**
DiFederico – received information from state regarding Blight Ordinance and waiting for information from Mr. Jessell, will set a meeting after.
- e. **Crestbrook Park Subcommittee**
DiFederico – meeting next Tuesday at 7:00 at Town Annex.

9. New Business

a. Consider appointments to boards and commissions.

1. Greater Waterbury Transit District

(Katherine Duplissie sec. Mary Ann Rosa) I move to appoint Lisa Carew, Director of Recreation as the Town's representative on the Greater Waterbury Transit District Board for a term to expire October 2014.

Discussion: none

MOTION PASSED UNANIMOUSLY

b. Consider referring the conversion of Heminway Park School to the Planning and Zoning for Connecticut General Statutes 8-24 review.

(Katherine Duplissie sec. Mary Ann Rosa) I move to refer the conversion of Heminway Park School to the Planning and Zoning for Connecticut General Statutes 824 review.

Discussion: Mr. Frigon: this is the first step in the process of converting the school into town offices and to refer it to Planning & Zoning for appropriateness with our Plan of Development.

Ms. Adams: I know in the past we have sent things over to them and sometimes it is not a problem, other times the Council has come back and has overridden their failure to give the 24 approvals, we do have the power with 2/3 override.

MOTION PASSED UNANIMOUSLY

c. Consider a resolution authorizing the acceptance of Cobb Street (Cobb/Slade Subdivision) and Windy Ridge Lane (Windy Ridge Estates) into the Watertown road system.

(Katherine Duplissie sec. Mary Ann Rosa) I move to approve the resolution authorizing the acceptance of Cobb Street and Windy Ridge Lane into the Watertown road system.

Discussion: none

MOTION PASSED UNANIMOUSLY

d. Consider an appropriation of \$7,800 from the Water Operations Fund. Funds to be transferred to the Water Capital Fund and appropriated to line item 018-50529-077-2457 for the Watertown Fire District/Watertown Sewer Authority emergency connect project police services.

(Katherine Duplissie sec. Mary Ann Rosa) I move to approve an appropriation of \$7,800 from the Water Operations Fund. Funds to be transferred to the Water Capital Fund and appropriated to line item 018-50529-077-2457 for the Watertown Fire District/Watertown Sewer Authority emergency connect project police services.

Discussion: none

MOTION PASSED UNANIMOUSLY

- e. **Consider an appropriation of \$2,639 from the Water Operations Fund Balance to line item 017-50310-075-0463 – Water and Sewer Rate Study and \$2,640 from the Sewer Operations Fund Balance to line item 015-50310-074-0463 Water Rate Study. Appropriations are to cover the cost of additional work provided by MFSG (Municipal & Financial Services Group) regarding the rate study.**

(Katherine Duplissie sec. Mary Ann Rosa) I move to approve an appropriation of \$2,639 from the Water Operations Fund Balance to line item 017-50310-075-0463 – Water & Sewer Rate Study and \$2,640 from the Sewer Operations Fund Balance to line item 015-50310-074-0463 Water Rate Study.

Discussion: none

MOTION PASSED UNANIMOUSLY

- f. **Consider a resolution authorizing the Town Manager to execute on behalf of the Town a Personal Services Agreement with the Connecticut Department of Environmental Protection in connection with the Heminway Pond Dam project.**

(Katherine Duplissie sec. Elaine Adams) I move to approve the resolution authorizing the Town Manager to execute on behalf of the Town a Personal Services Agreement with the Connecticut Department of Environmental Protection in connection with the Heminway Pond Dam project.

Discussion: Mr. Frigon: this is a project that has come before many Town Councils it has been going on for some years now. What this phase of the project does, it allows the town to hire an engineering firm to help in the design of removal of that dam. This is a 40% match by the Town, 40% of the funds required by the town is both in cash and in kind services. The cash which is a \$35,000 contribution has been authorized and encumbered I believe last fiscal year. The in kind services are the services the Town Engineering Department would provide during this phase of the project.

MOTION PASSED UNANIMOUSLY

- g. Consider a resolution authorizing the transfer of funds between line items.**
(Katherine Duplissie sec. Mary Ann Rosa) I move to approve the resolution authorizing the transfer of funds between line items.

Discussion: none

MOTION PASSED UNANIMOUSLY

10. Public participation - none

11. Executive Session – 8:20

- a. Property Acquisition – Strategy for the purchase of property along the proposed Greenway.**

MOTION: (Katherine Duplissie sec. Richard DiFederico) I move to enter Executive Session for the purpose of strategizing the purchase of property along the proposed Greenway. In attendance will be Town Council Members present along with Chuck Frigon and Frank Nardelli.

Discussion: none

MOTION PASSED UNANIMOUSLY

Out of executive session at 8:34

12. New Business Continued.

- a. Consider authorizing the Town Manager to negotiate a real estate contract for the purchase of real property along the proposed Greenway.**

(Katherine Duplissie sec. Mary Ann Rosa) I move to authorize the Town Manager to negotiate a land purchase acquisition price for the Ru-Jack Development Property located parallel to Route 73 in Oakville, subject to final approval of the Town Council.

Discussion: none

MOTION PASSED UNANIMOUSLY

13. Adjournment.

Motion: (Richard Fusco sec. Katherine Duplissie) to Adjourn the Regular Meeting at 8:35P.M.

Discussion: none

MOTION PASSED UNANIMOUSLY

Respectfully submitted,

Raymond F. Primini, Chairman
Watertown Town Council

Approved: _____
Susan King, Clerk