

**MINUTES OF WEST HARTFORD TOWN COUNCIL MEETING
MARCH 22, 2011 LEGISLATIVE CHAMBER AGENDA No. 27**

President Scott Slifka called the meeting to order at 10:38 p.m.

President Slifka: Well, it may seem unbelievable but we're only now calling the Council Meeting to order and we'll begin with a Pledge of Allegiance.

ITEM #2: PLEDGE OF ALLEGIANCE

President Slifka: Can we have a roll call please, Ms. Labrot?

ITEM #3: ROLL CALL

Present were Councilors Steven Adler, Tim Brennan, Shari Cantor, Judy Casperson, Leon Davidoff, Burke Doar, Denise Hall, Scott Slifka and Joe Verrengia.

No one was absent.

President Slifka: Well, on that tearful note the...thankfully there's two good...one good thing and one bad thing happening tonight. The one good thing is the saga of the musical chairs of the Council I believe ends tonight if there is a god but the bad thing is in doing that we lose our friend, Joe Verrengia so I would like to entertain a motion to suspend the rules to do two things. We're going to receive several resignations, you'll understand in a moment, and then second to make some appointments.

Vice President Brennan: So moved.

Councilor Cantor: Second.

President Slifka: All those in favor? Those opposed? Motion carries. I'd like to entertain a motion to receive the resignation of Joe Verrengia from the Town Council, of Harry Captain from the Risk Management and Advisory Board and of Kevin Prestage from the Conservation and Environment Commission.

Vice President Brennan: So moved.

Councilor Cantor: Second.

President Slifka: Any discussion? All those in favor? Those opposed? Motion carries. Well, by doing that we've now officially accepted Joe's resignation. I do it with resignation... Well, I accept it... Boy, it is late but... Boy, I hope the papers get that one down. That was brilliant. You writing that down, Amanda? Okay. I don't do it happily but I do do it happily because Joe is going on to great things but Joe has been...other than me I think has been on this body longer than anybody else. He was

appointed originally in July of 2004. He came in at a... It couldn't have been a more difficult time. Perhaps for Mr. Doar and Mr. Captain coming in at this particular time maybe it's been the most odd circumstances we've had but in terms of what was going on, the level of activity and tension and things in the community Joe came in smack in the middle of the Blue Back Square Hearings. He was appointed to sit specifically on that when a member of the Council decided to recuse himself and then later resigned and Joe... I had met Joe a little bit through his campaign for State Rep. I think the year before and learned he was a great guy but then through that hearing he demonstrated exactly the man he was going to be throughout all of his service on the Council. He was somebody who was prepared. He was honest to a fault and was just a good guy that you knew you could work with and that he always...he didn't just do this. He always stated very clearly, you know, what I want to do is what's in the best interest of the town and Joe brought that ethic to everything he ever did on the Council. We've been through a lot together. He's the epitome I think of what this town wants to produce in a guy that...you know, a hometown guy. He grew up in Elmwood. His parents are in the audience. I don't know what he did to you to make you sit through four hours of this this evening and they are lovely people and they don't deserve this but it shows you the quality of people they are that they did sit through all this although Joe was not here for most of his time himself. He was out at a restaurant I think but...but, you know, Joe grew up in Elmwood. He's a son of Elmwood. He still lives in Elmwood and as we've seen through his electoral results but then just anybody you ask in that neighborhood he's beloved in Elmwood, not just in the community as a whole but specifically in Elmwood and on the Council he always did what was best for the town but he did have a special eye on doing what was right for his neighborhood and he came by that very genuinely and it was wonderful to have that on the Council. I'm thrilled he's going on to...you're going on to the State level. You've already started so we've done that work together. I hate losing you. I'm going to miss having you right here on the left and, you know, being able to rely on you all the time. They don't make many like Joe Verrengia – guys that are this honest and sincere and reliable but you're going on to much better things and that's fantastic. I fear that given the hour unfortunately our tributes may be a little shorter than you really deserve but Joe, you couldn't have done a more fantastic job on this Council. You couldn't have made your community more proud and I'm really going to miss you buddy. Thank you. Would anyone else like to chat? Mr. Brennan?

Vice President Brennan: Sure, I will keep it brief but Joe...

President Slifka: You needn't be brief...

Vice President Brennan: Alright, fine. I'll go long. I remember when you first ran for State Rep. and saw... I met you actually through a flier that you put on my doorstep. I then got to serve with you as we were both on the Blue Back Hearings and it's amazing to see, you know, how much you've done both as Minority Leader and then coming onto the Council as a Democrat and then finally you've risen to a higher office and you sought it out and I can do nothing but congratulate you. You're a great friend. As the Mayor said you're honest to a fault. You serve... You're going to serve people very well and

they already know you and I'm proud to call you my representative so thanks a lot Joe. Congratulations.

President Slifka: Mrs. Cantor?

Councilor Cantor: Hi. Oh! *[Laughter]* It's been such an honor to have Joe on my right and on my left and across the aisle too or whatever. You really are special. I knew it the first time I met you. I... I'm going to get choked up. I knew it the first time I met you. You treat everybody you meet with the utmost respect. You listen. You don't judge. You have the ability...unique ability... I hope I can learn from you a little bit and can tap into that over my years...is to diffuse a tense situation. You will listen to sides, every side of a situation and you'll sit back for a minute and you'll kind of recap what everybody's thinking and you're kind of a bottom line guy and you kind of, you get there and you get all the parties there and you work efficiently. You are... But what I respect most is the sense of... You're humble. You are real. You are honest and you really are a true friend and we're really going to miss you on our team. I know you've always been in service to our community and you will continue to be and we're all really, really grateful. I personally am. Thank you.

President Slifka: Thank you. Mrs. Casperson?

Councilor Casperson: Well, as the newest...one of the older newcomers now *[laughter]* I just want to say that it's been an honor and a pleasure to have you as a mentor to work on this Town Council this last year-and-a-half. As Shari stated, you know, just your wisdom and your counsel that we've all sought at various times and the work that I've seen you do and the work that many people don't see – all of the planning and all of the research and all of the forethought that goes into everything before you get to the table and I would just like to say that you are a true representative of the people and you will be, you know, you will serve us well I know on the next level and we're very excited for you but you will be definitely missed. Thank you.

President Slifka: Thank you, Mrs. Casperson. Mr. Davidoff?

Councilor Davidoff: Thank you, Mr. Mayor. Joe and I have a lot of parallels in politics *[laughter]* and let me just explain some of them. In '98 I ran for State Rep. in the 18th and his brother-in-law and sister held a fundraiser at their house on Foxcroft and the results were the same as Joe's first run for State Rep. I lost. And we were members of the Republican Party. We both served on the Blue Back Hearings and I remember Joe always asking good questions and I remember, you know, we were Republicans then and we were Republicans in favor of Blue Back and Joe along with Barbara Carpenter and myself were very staunch supporters of Blue Back and despite those in our party who didn't really want that to go forward we did what we thought was in the best interest of the town and I witnessed your service here at the Council the same and I served as the Minority Leader and you served as the Minority Leader and we both left that party for almost the same reasons but we did so because we wanted to serve the town that we love and to do what's right and in the best interest of the Town of West Hartford and not for

self-serving interests and self-serving reasons and a motivating fact, and I said this often, is that the most important people live within the four walls of your home and in your case that's so true as well with you parents living in Elmwood and having that strong neighborhood connection. Your neighbors are your family as well and my dad delivered mail in Elmwood for 35 years so I get that sense of the working class neighborhood in Elmwood and I can appreciate the people that live on Davenport, Wolcott and Elmfield and understand what it means to be "the son of Elmwood" and then when we were here and I was sitting there as a Republican and you were a Democrat it didn't matter because when we made a decision based on something we based it on common sense and reasonableness and what was right and I can honestly say that in the three years that I have sat on the Council with you, Joe, we've disagreed. There was... I remember one night where you thought I was all wet and you came up with something that was much better and at the end of the night I said yeah, Joe was right and I'm glad he stuck to his guns and told me yeah, we already have that. We don't really need to impose that type of condition and that's something I can appreciate and I can take away from but it's a man of integrity, a man of honesty, a man who wants to do good for his community, put service above self that's so significant and I was very excited and thrilled to hear that you won your election, a special election in such a short period of time, because I felt that it's something that you've wanted to do, always wanted to do and I think that you'll do very well – that you've got the skill set to do that. You've demonstrated here as basically the learning grounds to do it and I think that the people of Connecticut are going to be very well-served by your presence in the State Legislature because you've always wanted to make certain that West Hartford gets its fair share and I'm certain we've got that strong voice there now and I'm going to miss you sitting here at the Council table but I know that a phone call away we can count on you to bring back the things that are so important to the town and I just wish you good health and the best at everything that life has to offer. Thank you.

President Slifka: Thank you, Mr. Davidoff. Mrs. Hall or Mr. Adler? Want to flip a coin?

Councilor Hall: Thank you. And thank you very much, Joe, for all of your service to the town. I think, you know, it is one of the things that I think is so wonderful about the town is how many of us here are saying we grew up here and we wanted to do something like this to not only remain in the community but help our community and certainly with both your work life and your volunteer life you have exemplified that. I've only been on the Council this past year. I knew your sister back in high school and junior high and, you know, we haven't sat on the same committee so there hasn't been really the same opportunity to work as closely with you as I have with some of the other members of the Council but every time we have worked together it's truly in a bipartisan way and in a way that always keeps the town first and certainly your service on the MDC should also be noted because that is one of those areas that it's easy for people to not understand how important that is that we maintain an eye on what's going on there and you have represented the town ably in that regard as well so I want to thank you for that and I too am really looking forward to knowing that there will be somebody at the state that I can

call when we need to express our opinions and our hopes for the future there so thank you.

President Slifka: Thank you, Mrs. Hall. Mr. Adler?

Councilor Adler: Through you, Mr. Mayor, to I guess Representative Verrengia. I had the pleasure of being on your committee on Community Planning and I enjoyed and looked forward to your leadership on that committee. You and I had worked together I guess over the last almost three years going through budgets and different projects and things like that and I think, you know, if you take the party issues out of it and all the political stuff out of it, I mean you're generally a nice guy. *[Laughter]* I mean you're... Surprisingly, you know? *[Laughter]* So I'm not going to respond but you're really a genuinely decent, very nice guy and you're dedicated to public service and, you know, I always would remember, you know, before, you know, a week before the Community Planning meetings you'd say well what do you want to cover? You know? What do you want to see on the Agenda? What are some of the things you want to get, you know, complete? So we had an interesting time and I do appreciate working with you so good luck to you and we certainly think you'll help us, you know, bring some money back to the town from the state so thanks.

President Slifka: Mr. Adler. Mr. Doar?

Councilor Doar: Thank you, Mr. Mayor. Mr. Verrengia, I come from a family of public service and I want to thank you for your public service. You have a lot of titles. You're a Councilor, and officer and now a State Representative so congratulations and certainly no party has a monopoly on service, on public service and so you're a tribute to the community.

President Slifka: Thank you, Mr. Doar. And Joe, before we let you talk we have to make the usual presentation to you - the Council pension, the retirement gift of the chair. The plaque is not on here yet but it is going to say that Joe Verrengia served on the Town Council from July 6, 2004 to March 22, 2011. Congratulations.

Councilor Verrengia: Thank you very much.

President Slifka: Would you like to say a few words?

Councilor Verrengia: Yeah. The hour is late and I'm going to keep it really short because in many ways I really...although I may be moving on to the State Capitol I'll certainly continue to work with members of this body in a different fashion so we'll still have those contacts so although I'm leaving the Council in many ways I don't feel like I'm leaving the relationships that we've established. It's truly been a pleasure working with all of you. Each and every one of you bring a special skill set to the Council, a skill set that this community should be very proud of. I think in many ways on both side of the aisle we truly do compliment each other and one of the gifts that we bring collectively to this town is the gift of public service, of volunteering our time and seeing that our

decisions...the decisions that are made are in the best interest of this community. In my experience in working with this group and other groups in the past I think we've been pretty successful and I think we make very good public policy. I think we're fortunate enough to have an administration that's probably the best in the state in my biased opinion. We have a great Town Manager in Mr. Van Winkle. I've had the privilege of working with previous great Town Managers and it's really my experience in learning about public policy and public budgeting that's going to help me at the next step at the Capitol so I look forward to bringing what I've learned here at the Council level, what I've learned through the administration and my colleagues and bringing that to the State Capitol so for that I'll always be appreciative. As far as looking back, again the hour's late so I don't want to get too far into it but one thing that I'm very proud of and not too many of us can say this, for those who were involved in the Blue Back Hearings or in the final decision of the Blue Back that's probably one of my proudest moments as I look back in this community and in many ways my fingerprint is on that project and I'm very proud to say that, not only for myself but I think Blue Back transformed this community and will do so for generations to come. We really made a difference in not only our lives, what Blue Back has brought to us, but our children's lives and their children's lives as well. It's really a destination spot, a place that many people want to come and live and that's very special and I'll always have that special spot in my heart. Again, the hour is late but there are two unsung heroes in this room and if it wasn't for them I wouldn't be here and I just want to acknowledge my parents, Joe and Mary Ellen. *[Clapping]* You know, for those of you who've never run for elected office it sometimes can be very difficult. My foray into politics initially wasn't successful. I lost two elections at the State Rep. level the first time I ran and I lost at the Town Council and what I remember about losing was election night and I'll never forget it, especially the first one. When you look out at your parents and you're giving a speech that, you know, basically you lost and I'll never forget the look in their face and it made me sad, not that they were disappointed in their son but that I wasn't successful and when I won my first election and particularly when I won this last one on election night to stand up and to stand there as a winner and to see the expression on my parents' faces... It's priceless to see that smile and I'm glad that I was able to share this moment winning the State Representative election with both my parents present and for that I'll always be grateful for it. And for the residents of the community, if it wasn't for them obviously and their support I wouldn't be here and I'm humbled, I'm grateful and I'm excited to continue to serve the residents of this community at the State Capitol and for that again I'll always be grateful and it's a great feeling to win an election because it's not about you. It's about the people who supported you and to know that so many people in this community continue to support me, it's just a feeling beyond belief and again I'll always be grateful. So again I thank everyone and look forward to continue to work with you. Thanks. *[Clapping.]*

President Slifka: Okay. And as we say goodbye to one we say hello to another. We'd like to welcome up Harry Captain who... Well, there's still time to back out, Harry. But he was here for four hours sitting at this table already tonight but if Harry could come up and join us... Please sit right down.

ITEM #13: APPOINTMENTS: APPOINTED HARRY CAPTAIN TO THE TOWN COUNCIL FOR A TERM ENDING NOVEMBER 22, 2011. APPOINTED DARLENE A. SUSCO AND KEVIN R. PRESTAGE ALTERNATES TO THE TOWN PLAN AND ZONING COMMISSION FOR A TERM ENDING DECEMBER 31, 2016.

**TOWN COUNCIL STANDING COMMITTEES ASSIGNMENTS:
EDUCATION LIAISON COMMITTEE – ASSIGNED BURKE DOAR TO REPLACE DENISE HALL; HUMAN SERVICES COMMITTEE – ASSIGNED HARRY CAPTAIN AND BURKE DOAR TO REPLACE STEVEN ADLER; AND COMMUNITY PLANNING AND PHYSICAL SERVICES COMMITTEE – ASSIGNED SHARI CANTOR TO BE CHAIR, HARRY CAPTAIN, AND BURKE DOAR TO REPLACE STEVEN ADLER.**

President Slifka: I would like to entertain a motion to appoint Harry Captain to the Town Council

Vice President Brennan: So moved.

Councilor Cantor: Second.

President Slifka: All those in favor? Those opposed? Motion carries. Now your wife and daughter were here earlier. *[Laughter]* I think this is the first time we've ever sworn anybody in at this hour and it's just by virtue of when you have to do this on the Agenda so we apologize to Heather. I think Katie was happy to go home but obviously everybody will... Most of this community knows Harry. He served on the Board for eight years so he's no stranger to most of us and to those in the community. As I said when I was asked about this it's a thrill to have you here because of the experience you brought from the Board and, you know, we're voting on a budget in a month and you're bringing eight years of budget experience here, two in Enfield and a lifetime of financial expertise to this as well as being a great friend so we're thrilled to have you. We have a few more appointments. I'd like to entertain a motion to appoint Darlene Susco and Kevin Prestage as alternates to the Town Plan and Zoning Commission for a term ending December 31, 2016.

Vice President Brennan: So moved.

Councilor Cantor: Second.

President Slifka: All those in favor? Those opposed? Motion carries. And last but not least the final moving of all the chairs from Mr. Doar and Mr. Captain arriving I would like to make the following appointments relative to the Town Council Standing Committees: The Education Liaison Committee – assign Mr. Doar to replace Mrs. Hall, on the Human Services Committee assign Mr. Doar to replace Mr. Adler and also add Mr. Captain to that committee, to the Community Planning and Physical Services Committee assign Mr. Doar to replace Mr. Adler, to name Mrs. Cantor the Chair of that

committee and name Mr. Captain a member. Those are done. Wow! Finally through all that stuff. That's it. And now we move back to #4, Mr. Brennan. Oh, I'm sorry. No, we're not quite done. We have to take about a one minute recess to allow Mr. Captain to be sworn in and then we can go about our business so we'll just take a quick break. Okay. And we're back. I think it's #4, Mr. Brennan.

ITEM #4: APPROVAL OF MINUTES: TOWN COUNCIL 03-08-11.

RECEIVED

Vice President Brennan: I move that we approve Town Council minutes of March 8, 2011.

Councilor Cantor: Second.

President Slifka: A motion has been made and seconded. All those in favor? Those opposed? Motion carries. Oh, Mr. Captain abstained. We're up to the Public Forum.

ITEM #5: PUBLIC FORUM

President Slifka: Okay. No one signed up. You know, we did it at the beginning. Yeah. Okay, moving to #6, Report from the Town Manager, Mr. Van Winkle.

Ms. DiNapoli: Excuse me.

President Slifka: Oh, I'm sorry, Ms. DiNapoli. It's very late. Please come up.

Ms. DiNapoli: Linda DiNapoli, 214 Mohegan Drive. I'm here to address #8, Unfinished Business, which was the...

President Slifka: Well that... You had to... We can't accept testimony on that now, Mrs. DiNapoli.

Ms. DiNapoli: Okay. Well that's fine. I understand. Freedom of speech seems to have gone by the wayside.

President Slifka: Well, we spent four hours...

Ms. DiNapoli: Okay, #10.

President Slifka: ...at the Public Hearing on it earlier so...

Ms. DiNapoli: My questions were not answered and I'd like to go on record for that. Thank you very much. Number 10.

President Slifka: For the record you did not sign up to speak and we didn't...we were not asked for you to speak so we would have been happy to address them.

Ms. DiNapoli: Mr. Van Winkle, regarding Norwood Road I'd like to know if all of those residents were advised by you by certified letter or other means relative to the acceptance of payment in lieu of completion of payment and did the Town of West Hartford complete the pavement on Norwood Road and how much money are we talking about? Hello?

President Slifka: This is the Public Forum. This is not a give and take Q & A. Thank you.

Ms. DiNapoli: Well I'm asking him questions about that item.

President Slifka: He's not obligated to answer right now so we can...

Ms. DiNapoli: Ladies and gentleman of the Town of West Hartford, your Town Council at work once again.

President Slifka: Okay. Number 6. Mr. Van Winkle, back to your report, sir.

ITEM #6: REPORTS OF TOWN MANAGER

Mr. Van Winkle: I know the hour is late.

President Slifka: We've move on the Agenda, Mr. Milne and you're speaking later on today.

Mr. Milne: (inaudible)

President Slifka: Mr. Van Winkle, please go ahead.

Mr. Van Winkle: Yes, I'd just note that it's been a difficult winter, a lot of snow, maybe a storm tomorrow. In the spring snow is called the poor man's fertilizer. It comes quickly and it goes away quickly. We shoveled a lot of roofs this winter. I'm pleased to say that we were able to make a claim against our insurance for preservation of assets so the cost that we expended, about \$150,000 cleaning a million+ square feet of roofs around the town is eligible for reimbursement from our insurance company and that's because we brought a structural engineer to the site. He looked at the building, determined that it did need to get cleaned and then we were covered under that. We also have expended about 114 percent of our snow budget at this point in time but I'm very pleased to say that FEMA has approved our application and we have applied to FEMA as they declared an emergency from that very large snowstorm and our claim there is hopefully about \$214,000 to offset those costs so our snow budget given that should be under budget and in good shape. Outside of that that's all really I will do tonight but thank you.

President Slifka: Thank you. Are there questions for Mr. Van Winkle? No? Okay. Number 7, Mr. Brennan.

ITEM #7: CONSIDERATION OF CONSENT CALENDAR: ITEMS 9, 10 AND 15-21 TO RECEIVE

Vice President Brennan: I move that we place Items 9, 10, and 15-21 on Consent Calendar.

Councilor Cantor: Second.

President Slifka: A motion has been made and seconded. All those in favor? Those opposed? Motion carries. Number 8, Mr. Brennan.

UNFINISHED BUSINESS:

ITEM #8: APPLICATION ON BEHALF OF BISHOPS ALBANY (E&A) LLC AND E&A NORTHEAST LIMITED PARTNERSHIP (TOGETHER “EDENS & AVANT”) TO CHANGE THE ZONING DISTRICT DESIGNATION FOR PROPERTIES AT 333 NORTH MAIN STREET AND 2523 ALBANY AVENUE (“PREMISES”) FROM BS TO BG AND THEN TO ESTABLISH A SPECIAL DEVELOPMENT DISTRICT (“SDD”) ON THE PREMISES TO FACILITATE RENOVATION OF THE EXISTING BISHOP’S CORNER MIXED USE DEVELOPMENT LOCATED THERE. RENOVATIONS PROPOSED BY THE SDD PLAN WILL INCLUDE CONSTRUCTION OF A NEW 2,848 SQUARE FOOT BANK BUILDING ALONG NORTH MAIN STREET, DEMOLITION OF THE EXISTING PARKING GARAGE, AND SIGNIFICANT ELEVATION, PARKING, TRAFFIC FLOW, LANDSCAPING, LIGHTING, SIGNAGE, SITE AND PEDESTRIAN ACCESS IMPROVEMENTS THROUGHOUT THE SITE, ALL AS SET FORTH IN THE PLANS FILED WITH THIS APPLICATION.

APPROVED WITH CONDITIONS VOTE 9-0

CONDITIONS OF APPROVAL
333 NORTH MAIN STREET/2523 ALBANY AVENUE
SDD 127
Adopted: March 22, 2011

The Town Council hereby finds that the proposed plan, as approved, will be:

- (a) In harmony with the overall objective of the Comprehensive Plan, as defined in Article I of this chapter. In support of this finding, it is noted that the proposed redevelopment of this site is entirely consistent with existing development on the site and on other commercial sites at Bishop’s Corner. Furthermore, for decades the Town’s Plan of Development has designated the Bishop’s Corner area for precisely the type of redevelopment which is proposed here.

- (b) Superior to a plan possible under the regular standards of the Town's zoning ordinances. In support of this finding, it is noted that the existing use of the site does not conform to current zoning ordinances but has, for many years, been a well-functioning and valuable commercial presence at Bishop's Corner. The modifications proposed by the applicant will only serve to enhance the operation of the site further.
- (c) In harmony with the actual or permitted development of adjacent properties. In support of this finding it is noted that the area surrounding the property which is the subject of this application is predominantly zoned and used for commercial uses which are entirely consistent with the existing and proposed use of this site. The proposed modifications to the existing use of this site will complement those uses well.

1. APPROVAL OF PLANS

- a. The application to establish SDD #127 is hereby approved. Pursuant to West Hartford Code of Ordinances §177-44A the Town Council hereby grants each of the waivers requested by the applicant, as necessary to permit construction of the proposed buildings and improvements as shown on the official plans.
- b. Implicit in these SDD approvals is the condition that the property shall be used only in accordance with the official plans and associated exhibits related to the SDD application dated January 31, 2011 as that application has been supplemented by the Applicant's testimony given at the public hearings, by the Applicant's responses to staff comments and DRAC comments and by any amended plans submitted either during the public hearing process or as required to comply with the conditions of this approval. Any deviation from those plans may require the express approval of the Town Council in accordance with the zoning ordinances of the Town of West Hartford.
- c. The landscaping plans shall be amended to reflect an increase in the height of the proposed evergreen trees to a height of 7' -8' with spacing appropriate to that increased height.

2. CONTACT WITH NEIGHBORHOODS AND OTHER GROUPS - MEETINGS AND TELEPHONE NUMBERS

- a. The Applicant shall maintain a telephone number and an e-mail address which shall be distributed to any neighborhood organizations so that direct complaints may be registered. A project representative shall be designated who also takes steps to maintain a regular contact with neighborhood representatives.

- b. The Applicant's management team shall assume the responsibility for conducting regular meetings with the neighborhood during construction and shall make a good faith effort to address reasonable neighborhood concerns. The Town Manager will attempt to mediate any disputes.

3. SOLID WASTE - OPERATIONAL CONDITION

- a. Solid waste collection within the SDD shall be the responsibility of the property owner(s).
- b. On-site solid waste containers including recyclable containers shall be maintained and operated in a neat and orderly manner. No outside storage of waste materials, cardboard, wood pallets, etc., shall be permitted except in designated collection/storage areas.
- c. On-site trash compactors shall be operated in a neat and orderly manner. Compactors must be installed to provide maximum noise abatement. Due to the unusual location for the proposed refuse containers within the upper level parking lot, solid waste collection for those containers shall be scheduled between 7:00 a.m. and 10:00 a.m. on week days and between 8:00 a.m. and 10:00 a.m. on Saturdays. A door shall be installed on the west side of the enclosure housing the refuse containers within the upper level parking lot to provide access to the containers during business hours. In no event shall any solid waste collection take place on site before 7:00 a.m. or after 9:00 p.m. Solid waste collection shall not be scheduled on a regular basis on Sundays but shall be permitted between 8:00 a.m. and 5:00 p.m. on Sundays during holiday periods or in unusual circumstances.

4. SPECIAL SITE USE OR OPERATIONAL REQUIREMENTS

a. Snow

The maintenance plan referred to in condition #5 hereof shall contain provisions dealing with snow removal. Specifically, the snow removal plan shall call for the removal of snow deposits greater than four (4) inches in depth from all off-street parking areas, access driveways and fire lanes. Snow shall be stored only in designated areas. Under no circumstances shall snow be stored in designated parking spaces.

b. Property Maintenance - Equipment Use

No motorized sweeping equipment may be used by the Applicant or its contractors before 7:00 a.m. weekdays and before 8:00 a.m. on Saturdays. Use of such equipment shall not be scheduled on a regular basis on Sundays but shall be permitted between 8:00 a.m. and 5:00 p.m. during holiday periods or in unusual circumstances.

c. Pick-Ups/Deliveries and Construction Traffic

- (1) Pick-ups and deliveries must be made between 7:00 a.m. and 9:00 p.m., excluding Sundays.
- (2) The parking of tractor trailers is restricted to the designated loading areas as indicated on the site plan.
- (3) No idling of trucks shall be permitted in excess of 5 minutes except for refrigerated trucks where necessary to preserve refrigeration.

d. Outdoor Displays of Merchandise

No outdoor display of merchandise shall be permitted which interferes unreasonably with pedestrian passage through any public sidewalk.

e. Site Lighting

Illuminated signage shall be lit internally or backlit to avoid having the source of illumination shine directly onto abutting properties and shall be turned off no later than one hour after the business(es) identified thereupon have closed. All outdoor site lighting shall be down-shielded so as to prevent glare onto adjoining properties. Site lighting should be turned off no later than one hour after the last business on the site closes each evening except for security lighting as identified on the final lighting plan.

f. Plaza Operations

Use of the central plaza (a/k/a community plaza) shall be limited as follows:

- (1) There shall be no planned activity, no sound amplification and/or no loitering on the plaza after 8:00 pm.
- (2) The sound barrier wall proposed by the applicant which separates the proposed outdoor dining area from the plaza shall be increased to 8' in height along its western face.
- (3) The plaza seating shall not be moved from the location shown on Sheet LS-102 of the approved plans.
- (4) One year following commencement of operation of the plaza, the applicant shall provide the Town Council with a report detailing use of the plaza and any operational concerns raised by the neighborhood. A hearing shall be held to address whether any additional operational conditions need be imposed.

(5) The plaza shall be designated as a smoke-free zone.

5. MAINTENANCE PLAN AND AGREEMENT

a. Landscape Maintenance

Applicant or its successor will maintain all landscaped areas including mowing, weeding, brush removal and be responsible for replacement of plantings where necessary.

b. Stormwater Maintenance

The stormwater maintenance plan submitted by the applicant is hereby incorporated as a condition of approval.

c. Maintenance Plan

The Applicant shall, prior to the filing on the land records of the various SDD plans, submit for review and approval by the Town Manager or his designee, a yearly maintenance plan for the SDD incorporating the landscaping and stormwater maintenance addressed in the preceding paragraphs. Said maintenance plan shall designate the individuals responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all required installation and maintenance activities with respect to plantings, landscaping and screening; access driveways, parking area; curbing, sidewalks and berms; lighting; signage, storage, refuse and litter control; building exteriors and other site amenities proposed in the plans. The consolidated management of all on-site maintenance is encouraged. An annual report shall be provided to the Town Planner confirming compliance with all elements of the Maintenance Plan.

6. BONDS AND PERFORMANCE GUARANTEES

a. If more than one owner has the legal right to use any areas of common space and facilities, natural and improved open areas, access roadways, parking, landscaped area and/or related infrastructure shown on the record exhibits and which are to be owned by the Applicant (excluding areas to be maintained by the Town), such areas shall be committed to common use and maintenance by and among all owners with the legal right to use them. Legal instruments which assure the Town of this requirement shall be submitted to the Town Planner and Corporation Counsel for determination of their legal sufficiency and consistency with the approved plans prior to the issuance of a Certificate of Occupancy for any building associated therewith.

- b. Any documents related to such site maintenance and related legal instruments shall be reviewed and approved by Corporation Counsel as to their legal sufficiency to:
 - (1) Establish clear responsibility for the maintenance of all such areas of common space and facilities, natural and improved open areas, access roadways, parking, landscaped area and/or related infrastructure contained in the SDD exhibits.
 - (2) Ensure continued operation of the private drainage facilities and structures, in order to guarantee the systems' drainage design integrity. Such legal instruments shall include, but not be limited to, a provision that the Town will have the right, but not the obligation, to repair or maintain the private drainage facilities should the Applicant, the owner or the center management fail to do so upon written notice.
 - (3) Ensure that adequate owner assessment methods are in place to guarantee property maintenance for all jointly-owned areas and facilities.
- c. Plans of record are incorporated by reference in this SDD approval as fully set forth herein. Such plans shall serve as a guide in the evaluation of final design and development plans and to bonding decisions.
- d. The Applicant shall file a performance bond or other acceptable surety in an amount equal to 100% of the estimated cost of the project infrastructure improvements, private drainage facilities, environmental control and other site improvements contained in the SDD plans to ensure completion of the project as proposed to the Town in the official SDD record documents, drawings and exhibits. No building permit shall be issued until this bond is provided. The bond shall also guarantee corrections of any adverse effects. This performance bond shall remain in force and effect until all required improvements are completed and installed. Said bond shall be delivered to the Town of West Hartford prior to the commencement of any site work.
- e. The Town Planner in consultation with the Town Engineer may approve a reasonable number of partial bond releases as portions of the project are completed. Decisions related to such releases shall be based on standard planning and engineering policies and practices in relation to such releases in similar large-scale projects.
- f. Before filing a bond with the Town as provided above, the Applicant shall submit to the Town Engineer for his approval a cost estimate for all required site improvements to be covered by said bond, prepared by a

professional civil engineer. The cost estimate shall be based on unit costs established by the Town Engineer. Together with the filing of said bond with the agency, the Applicant shall submit two (2) copies of the approved estimate as approved by the Town Engineer.

- g. Irrevocable letters of credit or other binding forms of commitment, as approved by the Corporation Counsel, may be submitted for performance bonds required pursuant to this condition.

7. UTILITIES

- a. Electrical, telephone and cable television lines within the area of the SDD shall be placed underground. The Applicant will assure uninterrupted use of utilities by surrounding property owners during construction.

8. OTHER AGENCY APPROVALS

The Town shall receive written acknowledgment of Applicant's confirmation of any required approvals from the State Department of Environmental Protection and Department of Transportation and State Traffic Commission.

9. CONSTRUCTION PHASING

- a. The Applicant shall submit to the Town Engineer and Town Planner a detailed construction sequence schedule, including time periods, for review and approval and shall work with Town staff to minimize disruption from construction activities to the greatest extent possible. As part of that schedule, the Applicant shall provide for the maintenance and protection of traffic plans during all construction activities. The Applicant shall also study the temporary traffic detours necessary during construction and make all necessary traffic modifications to provide safe and efficient pedestrian and vehicle movements during construction.
- b. Detailed construction plans for off-site improvements, including maintenance and protection of traffic and pedestrians, shall be submitted to the Town Engineer and Town Planner prior to the issuance of building permits.
- c. Monthly inspection/progress reports by a qualified professional shall be provided to the Town Engineer for his review. A monthly job meeting shall be held with the Town Engineer, the Project Inspector and his construction personnel. The purpose of these meetings will be to problem-solve and review needed corrective measures as construction progresses. The Applicant shall provide a construction update to the Town Council on

a regular basis to be determined by the Town Council and in a manner to be determined by the Town Council.

- d. The Applicant shall submit to the Town Planner for review and approval by the Town Engineer construction plans certifying that all on- or off-site work has been completed according to said plans. Such certification shall be made by a registered professional engineer.

10. FINAL PLAN REVIEW

- a. Implicit in this SDD approval is the requirement that the record plans and exhibits establish the minimum standard of design and improvement for this project. As specific drawings for the project are prepared, refined and detailed, the filed SDD plans and exhibits shall serve to identify the major standards for the quality of design and improvements. It is expected that detailed site grading and development plans, architectural plans, landscape plans, erosion and sedimentation control plans and other project development details and plans shall be prepared and approved as necessary and/or required under applicable Town ordinances and standards.
- b. The Town Planner in cooperation with Town staff, including but not limited to, the Fire Department and the Community Services Department, shall coordinate the final review and approval of the project design to insure compatibility and consistency with the SDD Plans approved by the Town Council. No building permit shall be issued and construction shall not begin until all appropriate Town departments have reviewed and approved the plans as submitted to the Town.
- c. The Applicant shall retain a professional engineer to prepare an as-built plan confirming the construction of all on-site and/or public improvements, including off-site traffic signals for filing with state and local agencies. The Applicant's professional engineer shall further certify that said improvements have been completed to the Town of West Hartford's specifications and/or State of Connecticut Department of Transportation specifications as appropriate.

11. COMPUTER MEDIA INFORMATION

The Applicant shall submit to the Town Engineer, within 90 days of certificate of occupancy, a copy of the "as built" plans on computer media including all on-site and off-site improvements. This requirement may be met in stages as portions of the project are completed

12. SEVERABILITY

If any condition of approval set forth above shall be declared invalid or unconstitutional by the valid judgment or decree of any court, such invalidity or unconstitutionality shall not affect the approval of this application or the remaining conditions set forth herein, however the Applicant shall be required to return to this Town Council for consideration of valid and/or constitutional alternatives to the condition in question consistent with any such judgment or decree.

Vice President Brennan: I move that we approve.

Councilor Cantor: Second.

President Slifka: A motion has been made and seconded and I believe we're receiving... Mr. Alair, you're at the podium. We're receiving the conditions of approval that you had referenced in the Public Hearing portion and note... I'm sorry, Mr. Patrisi has replaced Mrs. Casperson.

Mr. Alair: Yes, Mr. Mayor, that is correct. You should be getting yet another draft set. This one says Draft #3 at the top of it so when you go home tonight and you're putting away your papers that's how you'll identify the last greatest set. It incorporates all of the changes which I discussed earlier during the Public Hearing and to the extent that you may wish to add or subtract from these obviously you are free to do so but the conditions that we talked about earlier are here.

President Slifka: Just a procedural question. We've move the application as presented. Do we... Just remind me. Do we move a...set this as the conditions as an amendment to that separately?

Mr. Alair: You could move... Yeah.

Mr. O'Brien: Yeah. That... You can just move it as an amendment right now so you attach these conditions to the application and then discuss the application itself.

President Slifka: Okay. I am going to entertain a motion to adopt the amendment contained in Draft #3, Conditions of Approval, as referenced by Mr. Alair.

Vice President Brennan: So moved.

Councilor Cantor: Second.

President Slifka: All those in favor? Those opposed? Motion carries. Okay. So now we return to discussion of the application as a whole with the conditions as added to it. Okay. Well I'll go first if no one is jumping up. First I want to credit the applicant with

what I think was the best presentation that we've ever seen here and that is not just what we saw this evening but to the work that went into the preparation and the community outreach in particular. It appears to have been very proactive. I think it's highly unusual that we ever have most of the issues brought by neighbors addressed by the time we're voting on it. I mean quite often these are...we're presented with things as you are at the 11th hour and it ends up becoming a very difficult process to actually have the hearing and to deliberate it and try to do it in a timely fashion but it appears that you were able through Mr. Coursey's efforts to get out front of a lot of that and also through the work that you did, Mr. Hague, way in advance of submitting anything in understanding what the community would want so I really do commend you for that. In terms to your company as a whole we are thrilled with the investment. We appreciate the injection of confidence, especially at a time like this where the economy is still struggling. It, you know, it sounds cliché but it is a shot in the arm to say that, you know, the momentum's going to keep going here in West Hartford and in particular for Bishop's Corner it feels like this could be the first step in the next evolution for Bishop's Corner. We saw those photos earlier this evening of the, you know, the first incarnation with the windmill and Mr. Patrisi provided us with some real detailed information about even the plantings at Lord & Taylor and that was a new era for Bishop's Corner and as everybody knew it had gotten a little aged and it was a creature of the era of the automobile and that's what's not in vogue. It hasn't been in vogue in West Hartford for awhile but it is a very tough ship to turn around and you're starting to do that today and I was thinking of a couple people. Unfortunately they all have left this evening given the hour but sitting in the audience were Siggy Rogowski and Jack Bass and Mr...and I don't think they were here but Mr. and Mrs. Lieberman I know had met with you at some point from the Bishop's Corner Neighborhood Association and that is a group that, you know, has struggled to keep its activity up and keep membership up because the area, although it's beloved by many, didn't have a central attracting feature perhaps except for the Senior Center that we have and they talked about, you know, how can we bring some life in this? How can we bring...particularly Siggy. How can we bring more arts and activity into the evenings and of course make it more pedestrian-friendly and I have to think that they are very pleased with what they're seeing today because you listened to them and created an area that has exactly that. I think it's very exciting and one small thing that really didn't get mentioned much by us I think during the extensive questioning was that what I love is that you're hooked to the other properties. The next step for Bishop's Corner is how do we bring this feel to the other three corners and that's a really tough nut to crack, as you testified. You have the DOT issues going across Albany Avenue and just the traffic flow and multiple owners of properties and everything else. It's a great challenge but you've started the groundwork with that with improving the crosswalks and your own ownership of another adjoining property and I think that... I really look forward to that day but this is a great start and I think, you know, maybe it won't be... I don't know if anything will be as celebrated given all the attention it got as Blue Back but this may be every bit just as important for another part of our town and that we'll look back at this having been a real time when Bishop's Corner turned the page to a new and bright future and I thank you for all of your work and for an excellent application and one that you acknowledged was excellent but not perfect and you worked with all of us to try to address some of those small things that may not be big in the eyes of the developer or the community as a

whole but for those neighbors on Blue Ridge and Pioneer and others it's huge to them. That's in their yard everyday and you were very sensitive to that and we appreciate it. Mr. Brennan?

Vice President Brennan: Well it's great to be back in business and to have this Zoning Committee or this commission, I should say, hearing a great application. It's been a long time and it's just terrific I think that you're making this investment in an area that really requires it although I don't think you're required to do it so we're really pleased to see that. I was very pleased to see how thorough as usual your application was. It was very thoughtful. As we talked about the community outreach was terrific and I also really appreciate how on the spot you were very flexible with hearing and entertaining the comments both of the residents but also of the Council as a body itself. I know it was a long process but I think it was a very good process and for that I think we have as a result a much better application, a much better outcome both for your business but also for the community and certainly from the Town Council's standpoint. I was particularly excited as I think a bonus how you were tuned into the energy efficiency of the new structures – the potential new EV charging station, so on and so forth. I think that's very forward thinking and I want to again say that the questions that I had around that had nothing to do in any negative way about what you're doing. I was just trying to understand the process because again this is new for us or new again since the last application, which has been a long time ago so congratulations and I'm proud to support it.

President Slifka: Mrs. Hall?

Councilor Hall: Thank you. As I said before this is really my first time that I'd been through such as big presentation on... It was very thorough and I think maybe one of the things that the people in the audience may not realize is the voluminous amount of paper that we've received on this project and most importantly the thing that struck me was the pages of how you contacted all of the neighbors and I think it brings up a very important aspect of what we're doing here that since there hasn't been a lot of development in awhile maybe people forget but it's so important that when people see that this property is the subject of a zoning it means there's something going on there and this Public Hearing tonight was the result of all of your outreach to those people and their knowing that they had an avenue to come and voice those concerns so I do want to thank you for taking all of those concerns to heart and I would also like to thank our town staff because I have heard on numerous occasions what a great job they do to make sure that when you do come before us we've really tried to vet every last thing so good job. Thank you.

President Slifka: Thank you, Mrs. Hall. Mrs. Cantor?

Councilor Cantor: Thank you. I think we were so hungry for this. *[Laughter]* I know personally I am because I've lived in that area for a long time. You did reach out to my own neighborhood. I'm part of the Westwood... And I got Steve back after that meeting on how informative that meeting was. I went to the Bishop's Corner Association as I mentioned before and the excitement that people walked away with... We have a neighbor who invested in Abbydabby, you know, in the ice cream and there's a real...as

the Mayor said there's been a missing link in that neighborhood to bring people together and I think that's a real...this is going to be the anchor and I want to thank you. You could have, again, let this project linger longer and you didn't and you're stepping forward and moving ahead and every... I think Mr. Amenta said, I think said no stone was left unturned and that was clear throughout the process – that you did all of the work ahead of time. You listened. You worked really hard with town staff. You reached out to not just the immediate neighbors but the surrounding invested community and it really showed and thank you for all of your hard work. Again, thanks to our town staff, we're going to repeat ourselves, for a very professional job. This really was an example of exactly the way we want these types of applications to go and congratulations and from my perspective and what I'm hearing I think it's going to be a go and I'm really looking forward to being a consumer.

President Slifka: Mr. Davidoff?

Councilor Davidoff: Thank you, Mr. Mayor. I think Attorney Pearson presented before myself as either a Zoning Member or a Councilmember on many, many applications and I want to commend her because like always I think her presentation this evening was one of the best and when people ask me who do I personally think does a really good job on zoning matters Attorney Pearson is definitely a top-notch zoning attorney in Hartford County. Never leaves a stone unturned. Doesn't walk away from a difficult question and is familiar that sometimes I'll just ask a question to get it on the record and applicants are sometimes confused as to whether or not is he going to vote for it or vote against it and the way I look at it is I believe that the applicant has to earn my approval to get my vote and this evening you did. I'd also like to personally commend Mr. Coursey. I read every one of the opinions that were documented by the neighbors that you talked to and the repeated calls that you made to them and the follow-up and the information to make certain that it was accurate and I think that's important. People elect us to the Town Council to basically serve the best interests of the community but the only way to do that is if we have the information for what people want. We're just one vote out of many in our community and we try to do what's in the best interest of our community and I think by voting in favor of it this evening we will. I'd also like to thank those at Edens & Avant for standing up for what they believe is a good project and their willingness this evening as was demonstrated with the trash dispenser to make a change on the fly for practical reasons and I think that is something. A lot of people ask me well what's really happening up in that corner and I said somebody's making a...at the time I thought it was between a 10 and 15 million dollar investment and now I learn this evening it could be a 17 million dollar investment and they said well Leon, that's a no-brainer. You should just vote yes because who in today's economy is putting their funds in this economy towards redevelopment of a plaza? And I said well it's just not that easy. You have to meet certain criteria to get there but I also as a small businessperson understand that 17 million dollars is a lot of money, especially in this economy, and one needs to make the investment to make more money so I get it and as somebody who's been coming to Bishop's Corner for 47 years, my grandmother lived here and she used to say it used to be lit up like Broadway, okay? That was her expression and I would always agree. That was always...24/7, no matter what time you came over it always seemed like it was

daylight here and I was glad to see that there's been a change in philosophy that we can tone down the lights at night and still make the architecture look pleasing to the eye. But I think Attorney Franklin touched on something that's very important in today's society and that was Edens & Avant's commitment to our community prior to this development and they didn't do it because they would win zoning approval here this evening. They did it offering the space to the grounds because they thought that was the right thing to do for our community. They had the space and they wanted to be an active community participant and I applaud you for that and we as a Council will now have to find an other location and maybe you can help us convince future landlords that it's really not a problem and you can sort of be our testimony to help secure that. A few of my colleagues have said that town staff has done their due diligence and I checked with a few members of the town staff when I read every page, every word of this documentation, went through every page and asked my questions prior to this evening and you get truthful answers. You get answers that you may not want to hear but they're truthful answers and I asked a lot as to what the presentation this evening would be. I also asked what were the issues that were brought before the Town Planning and Zoning Commission as to what they were concentrating on, what their feelings were. I was unable to attend their meeting but got that sense so for all those reasons this is a good project and this evening we are taking a step forward that we haven't taken since Blue Back, okay, of a reinvestment in our community. We're a town that has no more land to develop. Our only opportunities going forward are to redevelop parcels and when business partners understand that the best way to make their investment stronger is to reinvest in a strong community they win, we win, so for that reason I'm going to very proudly vote in favor of your proposal this evening.

President Slifka: Thank you, Mr. Davidoff. Mr. Adler?

Councilor Adler: Through you, Mr. Mayor. I too will be supporting this application. I just want to thank Attorney Pearson and your team for an exceptional job. I certainly think that the balance between the residents and the business, understanding the residential concerns, being proactive, outreach and really taking a since view as to what their concerns are was quite apparent tonight, particularly resolving a lot of these issues so, you know, we had concern around the trash but, you know, I was talking with Councilman Davidoff in the back and I said you know, 99.9 percent of this whole plan is beautiful. I mean Connecticut... You know, 168 towns are looking at us tonight saying how come people aren't knocking on our door? You know? How come people aren't investing in our properties? How come they're not, you know, looking at potential economic growth? So it's very exciting and I think this is a wonderful partnership. I think, you know, everything... the attributes of the property around walkability, around potential future retailers and in all the amenities I think will be very exciting so I kind of look at our partnership as a long-term partnership and I agree with the Mayor. Knowing that you certainly have other assets in town, you know, we certainly would love to partner with you in the future and I think you displayed a great example of taking something that worked well in the 50s and 60s and then just reinventing it to something much more beautiful so I want to thank you and thank you for making West Hartford what it is today. Appreciate it.

President Slifka: Thank you, Mr. Adler. Mr. Patrissi?

Mr. Patrissi: Thank you, Mr. Mayor. I'm not used to speaking to people at 11:25. *[Laughter]* But I'll make it brief. My take on this scenario was the sincerity of the applicants. Every one of them that got up to speak looked you right in the eye, gave you an honest, direct answer and then, after questions... Now mind you I sit on several boards and I'm involved in different associations and I'm always asking people to do something for me in some way or another as politely as I can and, you know, they're going to get back to me. I've never had anybody get back to me in 20 minutes, you know, with those answers and I just want to compliment you on that part of the presentation. It showed me what you were all about and how I should support you and I will support you.

President Slifka: Thank you, Mr. Patrissi. Mr. Captain?

Councilor Captain: Thank you, Mr. Mayor. I'll keep it short. This is my first hearing, my first night on the Council. It was an incredible presentation. As someone who negotiates contracts for a living and contracts through lawyers I was utterly amazed at the way that you could answer a question and quickly come to a resolution and the way you were amenable to the neighbors and to this Council was fantastic and also it shows me you folks really want to do this so, you know, I wish you a lot of luck. I wish you to get great tenants and to plagiarize a former President, "Edens & Avant, tear down that garage!"

President Slifka: Alright. Well with that... Okay. Now you feel compelled...

Councilor Doar: Well I just had to point out for the record that was a Republican President. *[Laughter]*

President Slifka: Right. Could we have a roll call, please, Ms. Labrot?

Councilors Adler, Brennan, Cantor, Captain, Davidoff, Doar, Hall, and Slifka, and Mr. Patrissi voted YES.

Ms. Labrot: It's approved unanimously.

President Slifka: Thank you. Congratulations. Okay, we're up to #11, Announcements. There are going to be no Announcements this evening. Thank you, Mr. Patrissi. We'll welcome back Mrs. Casperson. Mr. O'Brien, Report from the Corporation Counsel?

ITEM #12: REPORTS OF CORPORATION COUNSEL:

Mr. O'Brien: Given the lateness of the hour I'm very happy to report we don't need Executive Session and I'll answer any questions.

President Slifka: Thank you. Questions? No? Okay. We did Appointments. No Executive Session. We are up to Consent Calendar, Mr. Brennan.

ITEM #21: CONSENT CALENDAR:

ITEM #9: RESOLUTION (VAN WINKLE) APPROPRIATING \$10,350 FROM THE FEDERAL DRUG ASSET FORFEITURE FUND FOR REPLACING FINGERPRINT MACHINE WITHIN THE RECORDS DIVISION.

WHEREAS, the Police Records Division offers the service of fingerprinting citizens as required for their personal and work purposes;

WHEREAS, the fee charged is \$5.00 per card and the approximate annual revenue has been \$10,000;

WHEREAS, the current fingerprint machine has broken and cannot be repaired due to its age and unavailability of parts;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the Fiscal Year 2010-2011 Drug Enforcement Fund budget is hereby amended as follows:

ESTIMATE REVENUES:

20-220305-20406-9399	Fund Balance	\$10,350
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APPROPRIATIONS:

20-220305-20406-2103	Minor Equipment	\$10,350
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ITEM #10: RESOLUTION (VAN WINKLE) AUTHORIZING THE ACCEPTANCE OF PAYMENT FROM THE METROPOLITAN DISTRICT COMMISSION IN LIEU OF COMPLETION OF PAVEMENT RESTORATION ON NORWOOD ROAD.

WHEREAS, the Metropolitan District Commission (“MDC”) has installed a new water main on Norwood Road, and

WHEREAS, said projects required the excavation of portions of the road which now require pavement restoration, and

WHEREAS, the Town has planned road improvements to this street and the most efficient and beneficial approach to the completion of this repair work is for the entirety of the work to be performed by the same contractor at one time, and

WHEREAS, the Town and the MDC are in agreement that the value of the work which the MDC is obliged to perform is \$132,267,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT the Town Manager is hereby authorized to accept the sum of \$132,267 from the MDC in lieu of requiring the MDC to perform pavement restoration on Norwood Road and that the fiscal year 2011-2012 Capital Projects Fund Budget is hereby amended as follows:

Increase Estimated Revenue

41-871230-80003-9075	Miscellaneous Reimbursements	\$132,267
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Increase Appropriations

41-871230-80003-3067	Street Construction	\$132,267
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ITEM #15: FROM TOWN PLAN AND ZONING COMMISSION RE: 333 NORTH MAIN STREET AND 2523 ALBANY AVENUE – RECOMMENDING APPROVAL.

ITEM #16: FROM DESIGN REVIEW ADVISORY COMMITTEE RE: 333 NORTH MAIN STREET AND 2523 ALBANY AVENUE – RECOMMENDING APPROVAL.

ITEM #17: FROM TOWN PLAN AND ZONING COMMISSION RECENT PLANNING ACTION: 34 HIGHLAND STREET – BRISTOW MIDDLE SCHOOL.

ITEM #18: FROM INLAND WETLAND AND WATERCOURSES AGENCY RECENT PLANNING ACTION: MOZART STREET – RIGHT OF WAY, 81 MOZART STREET AND 83 WESTPHAL STREET; AND WATERSIDE LANE – RIGHT OF WAY (SOUTHERLY END) – METROPOLITAN DISTRICT PUMP STATION.

ITEM #19: MINUTES FROM FINANCE AND BUDGET COMMITTEE 03-07-11.

ITEM #20: MINUTES FROM PUBLIC SAFETY COMMITTEE 03-03-11.

ITEM #21: MINUTES FROM WEST HARTFORD CENTER SPECIAL SERVICES DISTRICT 03-08-11.

Vice President Brennan: I move that we adopt.

Councilor Cantor: Second.

President Slifka: All those in favor? Those opposed? Motion carries. Number 23, Mr. Brennan.

COMMUNICATIONS:

ITEM #23: FROM ROBERT J. MILNE REQUESTING PERMISSION TO ADDRESS THE TOWN COUNCIL REGARDING ITEM 327 (02-14-11) CARRIED OVER FROM THE 03/08/11 AGENDA.

RECEIVED

Vice President Brennan: I move that we receive.

Councilor Cantor: Second.

President Slifka: A motion has been made and seconded. All those in favor? Those opposed? Motion carries. Mr. Milne, you have five minutes.

Mr. Milne: I believe I have eight.

President Slifka: No, it's five.

Mr. Milne: It's eight. The three minutes for the Public Hearing.

President Slifka: That does not count.

Mr. Milne: You're breaking the rules so...

President Slifka: No, I'm not breaking the rules. You have five minutes, Mr. Milne.

Mr. Milne: Yes, you are breaking the rules so please stop discriminating, stop trampling all over my rights. In consistency with that I want to point out the Hartford Courant again mentioned that you were sued. I've been before this Council twice reminding you of that and you claim that you haven't been so let's make sure we understand that. I also want to say for the record that with regard to this project at Bishop's Corner there was no response and no answer to my question and again, going on with Item 325 as you know it was clear that we were talking about a situation where I gave an example of a property of 2.4 million dollars being assessed at \$620,000. I also, with regard to Mr. Verrengia's area, which by the way he's been an employee serving on the Council with a conflict of interests and has been voting on his own budget...

President Slifka: Mr. Milne, that is not in Item 327.

Mr. Milne: That's pretty unethical so...

President Slifka: That is not in Item 327 which is what you agreed to address.

Mr. Milne: ...again, again Mr... Stop trampling on my rights. Please don't interrupt me. Again, as we're looking at it in his area I gave you examples and showed you

specific examples of properties that were assessed at a multiple of the list price, upwards...in excess of 200 percent and that seems to be acceptable. That seems to be okay. We have properties assessed as a ratio of 25 percent on high value properties and then a lot of properties in Mr. Verrengia's neck of the woods... You guys paying attention? No? Mr. Van Winkle for the record is shaking his head no and being disrespectful at this point in time so let's make sure we understand.

President Slifka: I disagree for the record.

Mr. Milne: No, we have a witness here and it's on camera, okay? So keep trampling on my rights, okay, and you know what the consequences are going to be. Again I also made sure we want you to understand that as you shut the mic off if Mr. Van Winkle does not correct the misstatement that he has made with regard to the ongoing recurring representation that the phase-in was 20 percent I believe this matter turns criminal. Again I remind you I have spoken to OPM and I have gotten a referral to the State's Attorney's Office, okay? You people have nowhere to go with this. You can't repeatedly keep telling people it's 20 percent with the phase-in and it wasn't. I did meet with Mr. Dakers again in review of that situation. I met with Mr. Dakers and on no point...I had a witness, Ms. DiNapoli. There was no time that he disagreed with anything that I had said. It was understood that the phase-in wasn't 20 percent per year and it was understood that the phase-in shifted the values from high value, traditionally low-assessed properties to properties of less value and tax shifting has been going on for years. It's illegal. There's nothing about anything you did with regard to the outcome of that process that was legal. You can't just pick a statute, cherry-pick it and apply it and then get an outward result. It was discrimination. Why should people in this community be paying a disproportionate amount of tax? Why should we be shifting, doing this reverse Robin Hood, shifting the tax burden from the wealthy to the poor?

President Slifka: Mr. Milne, your time is up. Thank you.

Mr. Milne: It doesn't make any sense. I got three minutes...more minutes. Yes I do.

President Slifka: We... No, the five is up.

Mr. Milne: Yes I do! Stop...

President Slifka: I'd like to entertain a motion to adjourn.

ITEM #25: ADJOURNMENT: 11:32 P.M.

Vice President Brennan: So moved.

Councilor Cantor: Second.

President Slifka: All those in favor? Those opposed? Motion carries.



Essie S. Labrot
Town Clerk/Council Clerk

/sab

APPROVED AT APRIL 11, 2011 TOWN COUNCIL MEETING