

MINUTES OF THE TOWN COUNCIL MEETING
OF THE TOWN OF SOUTHWINGTON
April 12, 2010

The Town Council of the Town of Southington held a regular meeting on Monday, April 12, 2010. Edward S. Pocock, III, Chairman, called the meeting to order at 7:00 o'clock, p.m.

The following Councilpersons were present, viz:

John N. Barry	Dawn A. Miceli
John C. Dobbins	Stephanie A. Urillo
Albert A. Natelli, Jr.	Peter J. Romano, Jr.
Edward S. Pocock, III	

Ex-officio members present were as follows, viz:

Anthony J. Tranquillo, Director of Public Works/Town Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney
John Weichsel, Town Manager

Absent: Christopher Palmieri, Councilman
Anthony E. D'Angelo, Councilman

A prayer was recited by Councilman Dr. Albert A. Natelli, Jr.

The Pledge of Allegiance was recited by everyone in attendance being led by James Sinclair.

There were approximately 35 other persons in attendance.

EDWARD S. POCOCK, III, Chairman, Presiding:

II. Minutes

Dr. Natelli made a motion to approve the Minutes as presented. Mr. Dobbins seconded. Motion passed unanimously on a voice vote.

III. Councilmanic Communications

Dr. Urillo again reminded the Southington citizens how important it is to fill out the census form and mail them in. It allocates the amount of dollars that we get eventually from the federal government which trickles down to the state and then to the town. It's very important that everybody stand up and be counted.

Dr. Natelli added that if you have not received your census, you should call 866-872-6868.

Mr. Dobbins reminded everyone May 1st is the date for the medication disposal program sponsored by the towns of Southington and Bristol water departments. A flyer is available on the website as to what is acceptable.

Items not accepted will be personal care items, thermometers, empty medication containers and aerosol cans.

We're looking to have another successful program with the towns of Bristol, Wolcott, Burlington and Southington participating this year to protect their water supplies also.

Dr. Natelli sent congratulations to two of our students who won the DECCA Statewide Presidency and the American Legion Oratorical Contest: Emily Sosha and Tim LaChapelle, respectively. My understanding is Tim is at another American Legion sponsored competition. Good luck to him.

Dr. Urillo noted that at the Kay & Joe Calvanesse Charity Gala last Saturday night, John Myers from the YMCA was given a proclamation and today is actually John Myers Day in Southington. (Attachment 1)

Also, our effort with STEPS to have a Town Hall meeting on underage drinking is at the Orchards on Tuesday, April 20th from 7:30 am to 9:00 am. The purpose is to increase community awareness of the underage drinking issue. Identify how underage drinking affects the community and to discuss how we can work together to prevent it. It will provide an opportunity for parents, town officials, youth, law enforcement and the business community to voice their concerns and perhaps work towards some solution.

The Chair thanked Mr. Tranquillo. The light down at the Old Factory Square and Center Street went up. It's fabulous.

The Chair, with unanimous consent, would like to refer over to the Rails to Trails Phase II Committee, to have them look at the original Rails to Trails as to potential improvements. I know they are going to be putting up the traffic bollards on the new one. Some in the old section are not really secure and there are some issues with fencing, et cetera. While we have this committee formed, it may be a good idea to look at the other items and while the contractor is out there, maybe there's something that can be done.

(No objection)

With unanimous consent, the Chair added that to the Charge of the Rails to Trails Phase II Committee.

Mr. Dobbins made a motion to have the report of the Stonegate problems included in the sewer committee report. Ms. Miceli seconded. Motion passed unanimously on a voice vote.

Mr. Barry brought up the Marion Highland Interceptor which we had testimony on by residents very upset about what happened at Panthorn Park. I'm bringing this forward because I don't want the Forestville Fishing Club to be put on the back burner. Because of what happened at Panthorn Park it clearly indicates, I think, why the new

interceptor that's being proposed should in no way impact the Forestville Fishing Club.

Mr. Dobbins advised that is on the Agenda for the Wednesday meeting of the Sewer Committee.

Mr. Barry said that is the reason why the preliminary plans should be totally scrapped to prevent what happened at Panthorn so it doesn't happen at the Forestville Fishing Club. I wanted to put that on the record.

IV. Report of Special Committees

A. Public Works Committee

Mr. Romano reported on two items:

- Continued Update on Bulky Waste. There were some issues a couple of weeks ago with the scanners. There were some problems with the communications and the batteries and uploading the data to the server. That has all been worked out and as of Saturday, they reported to me they were 100 percent working again. They are still tweaking the wireless system but I feel confident that they will be ready for the May 1st start date.

We are up to 1812 permit stickers applied for. I just remind you all that you need your driver's license and car registration when you come in and apply for the sticker.

There is a drop-dead date of May 1st and after that you will not be allowed into the transfer station without a sticker.

- Action Item under Old Business B: Connecticut Local Bridge Program and federal funding for that. At the committee level we discussed the possibility of getting a couple of bridges into that program: the Spring Street Bridge over the Quinnipiac River and the West Center Street Extension Bridge over the Eight Mile River.

We all endorsed this plan at the committee level. The federal funding is 80 percent and the town puts in the other 20 percent. After research, none of these bridges qualify for the program.

I'm looking for a motion to table that and push it back to my committee for further action. In speaking with the State DOT today, if they don't have municipalities applying for this, there still is a possibility we could get back into the program. The bridges are in bad shape and I'm going to go back and review their sufficiency rating and making sure there were no errors. Or see if there is something we can massage to get this thing back on their list. I'd like that opportunity to take a second whack at it.

B. Sewer Committee

Mr. Dobbins reported on the RFP for soil characterization, Phase IV. Gave a history of the contamination found on the denitrification site. GZA provided engineering with an initial proposal to characterize the pcbs in that soil. This is a characterization program and not a remediation program. No action can be taken as far as remediation for this.

The sewer committee reviewed the initial proposal by GZA on March 10th and the total was \$77,000. Mr. Dobbins explained the breakdown.

The committee decided to send the proposal back to GZA, after review, as they felt the professional fees needed be more in line with the industry.

On March 26th, the sewer committee had a special meeting and a motion passed with a reduction in their professional services by approximately 25 percent and reduction of their mark up fees from 15 percent to 10 percent.

It came out of this meeting that our staff should be closely monitoring hours to be sure and that the process is followed. Secondly, the town should look at all professional fees to insure that we are charged appropriately.

This is an action item for later this evening.

Ms. Miceli noted the town has to do a survey on this. Mr. Tranquillo advised the field surveying developing the base map, the topography, was put on us and we've already done that. It saves us money.

Mr. Dobbin noted it was \$77,000 and we're guesstimating that it's down to probably \$72,000 to \$73,000. That's a good amount.

Stonegate Sewer Problems. Mr. Dobbins reported on the heavy rain, over 7", which fell in Southington during the last few days of March. It resulted in a sewer back up for some of the residents of Stonegate Rd. and Salem Way. It did considerable damage to the ecology at the water pollution control plant.

This occurred three years ago on Stonegate Road, unfortunately. I cannot imagine it happening once, let alone twice. For that, I would like to offer an apology from the town and the sewer committee to those that it happened to and we will try to rectify this as best we can.

On April 6th & 7th, A&C Inspection Services cleaned and TVed sewer lines in that area. They found some minor infiltrations on Stonegate located between 280 and 342 for which relining in that area is recommended.

On East Street near 1320 to 1350, there may be some more extensive repairs that are needed.

The result of this TV study and the 2007 study will be posted on line by the engineering department by Wednesday.

ServePro was used to clean and disinfect the homes that were affected.

There are four homes that requested services by ServePro with damages that occurred at only one home. The final cleanup cost was \$16,369.34.

I'd like to explain what infiltration and inflow is and the impact on the sanitary sewers and the impact of improperly installed sump pumps.

Infiltration: is ground water that enters the sanitary sewers through defects in the pipes, i.e.: cracks or breaks and manhole covers.

Inflow: refers to storm water or ground water that enters the sanitary sewers from improperly or illegally connected sump pumps, down spouts and yard drains.

This is known as I & I and it does cause an increase in flow at the water treatment plant which takes away valuable capacity for sewers at our homes and leads to discharges in streets, rivers, streams and basins.

Improperly installed sump pumps refer to sump pumps which add extra volume and water treatment to the line and increases wear and tear on our equipment and decreases the life span of our WPC Plant.

He explained the impact these items have on the sanitary sewers and the impact of illegally connected down spouts.

He detailed items to be looked at by the sewer committee:

- inspections of lines throughout the entire system (may take several years to do)
- manhole cover inspection and replacement in areas that are prone to flooding
- better communication with town residents, especially during high rainfall times, i.e.: town website, emails, phone calls and text messages
- sump pump removal program will develop new ordinance and regulations for this including interior inspections of homes confirming there are no improperly installed sump pumps

- require interior inspections of new homes and those homes undergoing major remodeling projects, as well
- working with local plumbers and residents to be sure they are aware of these regulations
- check with DEP and EPA Clean Water Funds to find if there are funds available to help pay for this program
- institute a policy against non-compliance.

The WPC plant had considerable damage to the ecology of the plant. Bacteria necessary for treatment were largely washed away. As a result there was a bad odor in the area and the WPC workers restored the bugs necessary and it took roughly three days for that to happen.

I acknowledge the hard work of the sewer and the engineering departments on this again and apologize to those affected.

Mr. Tranquillo will put a map up and look at the areas where it was TVed by A & C so everyone here can see what was done.

Mr. Tranquillo explained A & C's line review investigation.

In 2007, we had A & C come in to:

- TV the line
- flush the mains
- cut any roots or debris on the line.

He explained there was a major restriction in the line between White Oak and Stonegate caused by gravel, rocks, sediment and debris. That caused a back up in the line along Stonegate. We took care of that by doing a repair of an infiltration in the location just north of Old State Road.

A & C came in to do another inspection and they TVed the main line going down to Rustic Oak and they found no problem with that. They TVed White Oak, the easement here and going up this leg to Stonegate Road (motioning on the map). Again to look for roots, obstructions, gravel. I'm happy to report there were no serious obstructions in the main at that location.

We did find considerable infiltration and inflow. The pipes in this section were approximately half full even in the middle of the morning, 2:00 am to 3:00 am, when theoretically there should be very little or no flow in the mains.

We did find some infiltration in this part of Stonegate Road (indicating) which is probably practical to go after and remove.

There is some infiltration on East Street in this area (indicating) again which is practical to go after and remove.

Explained a point repair and when it is practical to do so. We go in and reline the pipe with a plastic liner to seal off the water.

The other problem is illegal sump pump connections. After this happened before we canvassed this whole area and out of 107 property owners we only had cooperation of 45 percent. Only 47 property owners allowed us in and the rest would not allow us in.

We are reviewing regulations now and we'll make some recommendations to the committee and the Council on getting a little more emphatic with the illegal connections. That along with some additional minor repair to the system should take care of the problem in my opinion.

Mr. Dobbins indicated that concluded his report.

Mr. Barry spoke of the cost of the 2007 incident to fix the mess created and to do inspection of the lines. What is the major reason why it seems to be only happening here out of this whole town? Mr. Tranquillo said I & I is very difficult to pinpoint.

The Chair said when the sewer committee was formed during the last Council's tenure, the first focus was Stonegate. This situation has to be fixed.

Mr. Tranquillo advised we will use all reasonable efforts to prevent this from happening again. But there are no guarantees in life.

Mr. Barry said this problem at Stonegate has happened twice in three years. Has there been other places that it occurred in 2007 and also this last storm? Mr. Tranquillo said yes. Sewer back ups are not desirable but they are not uncommon.

Mr. Barry said as a member of the Council, I want to know if there's other instances like Stonegate out there. Did I miss the memo? Mr. Tranquillo stated Scenic Drive is a good example. It happened in 2007 and also this time. We're going to be TVing that line to see what's going on there. East Summer Street is a constant problem (4 or 5 times a year).

Mr. Barry noted the need for better communications as the Chairman of the sewer committee wasn't aware of Scenic Drive either.

Attorney Sciota pointed out Scenic Drive was part of the package in 2007. John DeGioia is speaking with him now. Mr. Tranquillo said the resident called in late, just two days ago.

After discussion, Mr. Barry said he was disappointed the same area was impacted twice in three years.

Soil conditions and high water table in this area are also part of the problem.

The Chair said this watershed had been looked at before, however, he wants this problem fixed. It's a priority. If the water table is high and it has to be sleeved because of infiltration with the water rising, whatever needs to be done down there, I want that problem solved to the best of your ability. I want the real answer brought back to me and then we'll talk about the cost.

Mr. Weichsel said he couldn't agree more. Very shortly we'll have a proposal that will move towards a solution to the problem.

In response to a question by Ms. Miceli, there was discussion of the illegal sump pumps and the possible sump pump removal program that perhaps will be instituted.

Mr. Barry reminded residents: It is illegal to have your sump pump connected to the system.

C. Emergency Medical Services (Ambulance) Committee

Dr. Natelli reported this committee chases the ambulances. If it's not there in 7 minutes and 59 second for a Priority I call, which is considered a life threatening call, we want to know why.

Most of our communication is done in executive session as it may involve names and addresses.

A contract is being worked on that will be presented to the Council for approval to extend the contract with AMR for two years.

The fire department is acting as a back up or a third responder if for some reason or other an ambulance cannot get there. Two ambulances are available around the clock. There is a third ambulance available between 12:00 noon and 8:00 pm.

VI. Town Manager's Report

A. Downtown Sweeping

Mr. Weichsel turned it over to Tony Tranquillo. Mr. Tranquillo advised we have discussed this with the highway and park department. We will provide approximately one week cleaning period and every week a cleaning and a sweeping. The park department will do the sidewalks and the highway department will pick up the trash in the streets. It would generally be on Monday but it may be on Tuesday or Wednesday depending on work flow, the availability of manpower and possible equipment and what's going on in the highway department.

Mr. Romano stated he would like to continue to discuss this further at the committee level. My concern is to be sure we do this with our own staff and we don't subcontract this out. And, I really believe there should be a shared responsibility with the establishments downtown. There's really no reason why they can't, if they know what day we're going to be sweeping, show some responsibility for the stuff that's on the sidewalk in their area and get it out to the road.

Mr. Barry said the issue is vehicles. When do you want to do it? Mr. Tranquillo explained they want to do it early in the morning before the vehicles downtown arrive.

Mr. Barry suggested maybe the workers could come in early one day and be let out early so their work day would start slightly earlier than normal. I think the union would be flexible. We don't want overtime issues and things like that.

Mr. Romano agreed stating he wanted it brought back to his committee level so that we can really be assured that we are scrutinizing how this is done and make sure it's done in the most efficient manner possible with full cooperation.

Mr. Barry said he would like to know if the administration asks the union workers to start one day at 6:00 am, if they create a problem, I think this Council should be informed they are unwilling to start a workday once in a while at 6:00 am. We are not asking them to work more than their regularly scheduled hours. We're just asking them to start earlier one day. If I find out as a member of this Council that the union is unwilling to start early -- I would be surprised if our workers would object to that.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

The Chair asked Mr. Weichsel to talk about the freezer situation. Mr. Weichsel said due to cooperation by a variety of people, it has been worked out that the building that Community Services is in will be the main area and the former garage area will be divided between two entities, Community Services and Registrars of Voters. And, as a result of that, Community Services can accept a gift of freezers, which will enable them for the first time to give out meat. The freezers can be stored in Janet's area. All is well that ends well.

VI. Town Attorney's Report

A. Final Report of the Charter Revision Commission (Attach. 2)

Attorney Sciota reported the Charter Revision Commission met on April 7th and they had a copy of your Minutes as well as a summary of

the points brought up by the Council per its draft report. They did meet and voted on the final report which you have in front of you.

Per state statutes you have 15 days to act on the report. Unfortunately, that means only this regular meeting between the time they voted. Outside of a special meeting action, we have to take action tonight.

You need separate votes for each section that they proposed to change.

B. Adult Oriented Business Ordinance

Attorney Sciota advised this is a new item being worked on by a subcommittee of the Planning & Zoning Commission. This ordinance is being proposed to you tonight. We're asking you to look at it. Plus, over the next month, peruse the document I put in front of you in the binder. Part of the ordinance requires by case law as well as statute that the commission votes on this - in this case the Council --- would need to make themselves aware of the documents that are the reason for the ordinance. (Attachment available in the Town Clerk's Office for viewing)

I'd like to ask the Chair of the subcommittee of the PZC handling this matter, Steve Kalkowski, with your permission Mr. Chairman, to say a few words. The regulations are being proposed by the PZC which mirror these. They work together.

Steve Kalkowski, 27 Brightwood Lane, Southington, gave a report. Our current regulations and ordinance are outdated and lack the necessary details which constitute an adult oriented business for the year 2010. Our subcommittee researched AOB regulations looking for the best practices across Connecticut. We took the best of those regulations and adopted those into our new proposed regulations which will be presented at a PZC public hearing on May 4, 2010.

We're confident the new regulations will provide the necessary protection for our citizens and will not deny any person's right to freedom of speech.

Together with the proposed regulations, you are being asked to review and approve an enhanced Ordinance regarding Adult Oriented Businesses which brings our Town Ordinance current to year 2010 standards. This updated Ordinance is complimentary to the new zoning regulations proposed and introduces a new annual licensing process along with many other new controls and processes.

I'm asking you to please approve this new Ordinance once our new zoning regulations have been approved.

The Chair indicated it would be scheduled for a public hearing by the Council at the second meeting in May.

C. Tax Abatement

Attorney Sciota said this was discussed in executive session. A request for tax abatement under our commercial benefits plan and this is for 132 Town Line Road, Cardinal Real Estate.

The Chair said there would be a brief personnel discussion after executive session.

Mr. Romano made a motion for a personnel discussion. Dr. Natelli seconded. Motion passed unanimously on a voice vote.

The Chair announced the next Town Council meeting will be held at DePaolo Middle School with a public hearing for the budget.

VII. Public Communications

Arthur Cyr, 103 Berlin Avenue. He stated the sweepers had been around the Town Green but they had not done Apple Ally. We need better coordination on keeping Apple Ally nice.

Regarding Charter Revision I attended the last meeting of that commission. I would hope before you take a vote on the final report, I would hope you would hear from our Ass't Town Attorney, who is in the audience tonight. He seemed to have a better understanding of what some of the amendments were. I felt some of you didn't understand what the Charter Revision Commission was trying to do.

Since you are our last and best hope for the citizens when there is a budget discrepancy. Also, I hope you don't cut Dial A Ride from the Calendar House budget.

Lisa Henson, Salem Way. With the videotaping on Stonegate, does that include coming down Salem Way? I happen to be the only house in that neighborhood that was hit.

Mr. Tranquillo stated Salem Way is a spur line and will be controlled by what is going on on Stonegate.

She asked about the pumping station that used to be in the area and did the removal of that have any bearing on this problem.

Mr. Tranquillo said a pumping station would not affect this problem. Actually, it would worsen it. Gravity solution is better than a pump station.

The recommendation of \$100 for people to pay is just not going to be heavy enough. If you are seriously going to look at that for people who fail to let you in to inspect, you need to hit them in their pocket much harder.

Thank you.

Tony Casale, 360 Stonegate Road. Thank you for all the work you've done already. In the conversation back and forth, you've answered a lot of the questions that we had.

Mr. Casale thanked the staff for coming out with an immediate response and it was appreciated.

I'd like to know when you'll have a plan in place that we can know about. What the timeframe is to solve the problem so we know what we need to do in the meantime.

How much water runs through the sewer plant on an average day? Mr. DeGioia responded: 4.5 million gallons.

How much ran through with the last rainstorm? Mr. DeGioia responded: We had to hold it back at 13 million.

Mr. Casale stated that he felt that citizens feel that because of Stonegates problems, the sewer rates went up. But this water is coming in from all over town. The water is the problem and not Stonegate Road.

The Chair said the sewer committee Minutes when this is talked about is sent to all people who are effected down at Stonegate Road via mail so they know what's going on.

Mr. Weichsel reiterated: We can assure you, you are not responsible for the rate increase.

John Stonkus, 330 Stonegate Road. I was affected, one of the heaviest affected this time. I wasn't home. My son was taking a shower and the dishwasher was on. Because I had a check valve, everything came back up. There was apparently 4' of water in the manhole right outside in the street. Water also came in through a sewer clean out valve.

He spoke of breaks in the pipe that A&C saw. Those five houses in that 330 feet, I think Tony believes there are illegal sump pump hookups - from my house to Cambridge. That's a lot of inflow.

I'd like to see some action taken on having the pipe sleeved or relaid because I was seriously affected this time. I've got like a total of \$16,000 worth of damage.

ServePro was authorized to remove all this stuff from my house and I'd like to know who is going to pay to put it back? The Town Attorney asked him to call the office tomorrow and we'll go over the procedure.

Martin Senich, 352 Stonegate Road. Most of my questions have been answered.

The house numbers mentioned were 280 to 342 Stonegate Road. We're not included with that and I want to make sure that's said and done.

Who is going to notify us?

What do we do next?

The whole town has people illegally tied in with sump pumps. Why just us? That's my concern.

Mr. Tranquillo said the sump pump program will not just be Stonegate Road. It'll be a townwide program. We may concentrate initially on that section.

Notification will be by the sewer committee or myself.

The Chair suggested the WPC folks come up with some type of suggestions to the folks that live down there in the meantime. Give you some sort of packet to let you know what you can do if it's going to rain.

All nine of the people on the Council want the problem fixed, not just a few, pointed out the Chair.

Claudia McKeon, 312 Stonegate. Voiced her frustration at being here again, three years later.

The area of infiltration on East Street, does that line go into the line on Stonegate? Mr. Tranquillo said it does. We'll be attacking that in the next few weeks.

Communication is key. Explained who knew about it and who didn't in the neighborhood. We need to be warned before the fixes are put in place.

Please fix this! Our street has a bad rap in Town.

I appreciate your quickness and consistent communication with us.

Tony Casale: Since this happened 3 years ago, the sewer department comes out regularly during rainstorms which is great, but it's like they're expecting this. If we thought the problem was solved, every time we have heavy rains on our street, they're popping manhole covers. There is an underlying problem that somebody knows about.

Thank you.

Mark Cronin, 342 Stonegate. I couldn't agree more with everything that's been said already. I appreciate the communication tonight.

Misery Brook runs through the back of our houses. Does anybody happen to know if that is part of the problem? Mr. Tranquillo said the high groundwater in the area is a problem which is contributed to by Misery Brook. It contributes but is not the cause.

I had never heard the figure of the number of folks who refused to let you enter their homes. That made me angry. Are that many people hiding something? It's just wrong.

Victoria Triano, 33 Belleview Avenue. I had a couple of things to address to the Council.

First, Councilwoman Urillo talked about the town meeting with STEPs. All of you received an invitation. If there are members of the public who wish to go, space is very limited, but if you would like to go, call: Kelly Berkmoes at Youth Services in town to check on availability.

I, too, was concerned that second bus funding for Calendar House. But I'm very confident that the Council understands the implication of all of that.

I was wondering if we had the percentage of compliance with the ambulance service. Dr. Natelli advised we expect a compliance of 90 percent or better and we average somewhere between 90 and 92, 93 percent on a monthly basis.

Ms. Triano thanked Mr. Weichsel and Mr. Sciota for their work in getting that freezer in. It will impact the needy in town so dramatically. We thank all efforts by the staff and Council.

Thank you.

Joe Landrie, 41 Preli Court. Member of the Charter Revision Commission. I am speaking as a member of the Charter Revision Commission and not on behalf of the Commission.

As to Article 401, when we presented it to you, it was completely misunderstood. I also want to point out that the gender issue has been resolved.

He spoke about limiting the tenure to two years. This proposal says a maximum of 5 years, at your option. It could be six months if you want it to be. We fought long and hard to get to the time span in there. Anything in this proposal can be circumvented by the appropriate contract language.

An advanced degree is preferred --- you wanted a Master's.

The main thing is in hiring a Town Manager, the Council may waive any and all of the aforementioned qualifications by affirmative vote of not less than $\frac{3}{4}$ or 7 of the Council members. It cannot exceed five years.

On the issue about the Manager's reviews in public. The word used was a summary, the same thing that the BOE uses.

We've taken into consideration your concerns and I hope that you pass this. I think it is very important that the next Town Manager serves under a contract.

As this would affect Mr. Weichsel, I strongly recommend you advise him to recuse himself for any discussion on this article. I don't want to hear his inputs about serving without a contract for 43 years or any such thing.

Thank you for your time.

VIII. Old Business

A. Action on Final Report of the Charter Revision Commission

We'll take these one by one and vote. The intent is to put this on the November ballot.

Section 723. Mr. Barry made a motion to approve. Mr. Dobbins seconded. Motion passed 7 to 0 on a roll call vote.

Section 725. Dr. Natelli made a motion to approve. Mr. Romano seconded. Motion passed 7 to 0 on a roll call vote.

Section 728. Mr. Barry made a motion to approve. Dr. Natelli seconded. Motion passed 5 to 2 on a roll call vote with Mr. Dobbins and Dr. Urillo opposed. After Clarification, Dr. Urillo and Mr. Dobbins modified their vote to a yes. Motion passed 7 to 0 on a roll call vote.

Section 729. Mr. Dobbins made a motion to deny. Dr. Urillo seconded.

Mr. Barry noted they made substantial changes that allow us to still consider the amendment issue. I was very concerned that did not allow any opportunity for amendments at the meeting. After considerable discussion with the Chair of the Commission, I think this allowed the Council the ability to raise amendments and have further discussion. The Chair of this Commission indicated he thought it was a better process. It would eliminate the issues of surprises, but with an emergency issue, we have the ability to raise an amendment.

Motion passes 5 to 2 with Mr. Barry and Ms. Miceli opposed. Section 729 is denied.

Section 401. The Town Attorney and the Town Manager recused themselves for this discussion.

Assistant Town Attorney Lou Martocchio sat in.

Mr. Barry made a motion to approve Section 401. Ms. Miceli seconded. Motion fails 2 to 5 with Mr. Dobbins, Dr. Natelli, Mr. Romano, Dr. Urillo and Chairman Pocock opposed.

Dr. Natelli made a motion to deny. Mr. Dobbins seconded.

Mr. Barry noted this deals with the issue of a contract. Mr. Barry felt it should be a requirement that a future Town Manager serve under a contract. I am concerned that by denying this whole section, it would give the present structure that's in place now which allowed a Town Manager to service in excess of 40 years without a contract, I think this is probably one of the major issues of the Commission that was important that they got in the Charter that the Council would have to have a contract with the Town Manager. By denying this, it keeps the process the same as we are presently under.

Mr. Romano said he agreed but the problem is the five years. My issue is that a Council could make a decision that's going to effect the next Council whose hands will be tied. If we went to two years, we would be in favor of it.

Mr. Barry noted that a Council could say the contract would be two years. In the language that's before us, it doesn't require that it be five years.

The Chair pointed out if previous Councils had problems with the Town Manager, they could have done it at the drop of a hat. This process now doesn't do that. This went back to the Commission and none of it changed, or very little.

Extensive discussion back and forth about a contract and not having a contract.

Dr. Natelli pointed out the hand has been tipped to the length of the contract negotiation. And, as it is right now, you can apply a contract at anytime to a Town Manager.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

More discussion followed regarding the pros/cons of a contract for the Town Manager

Motion to deny passes 5 to 2 with Ms. Miceli and Mr. Barry opposed.

Section 402. Dr. Natelli made a motion to approve. Mr. Romano seconded. Motion passed 7 to 0 on a roll call vote.

Attorney Martocchio left the bench and Mr. Sciota and Mr. Weichsel resumed their seat at the bench.

Section 746. Ms. Miceli made a motion to approve. Mr. Barry seconded the motion to approve.

The Chair said he was still in disagreement with the 7 members. They didn't want to change it to 6, so I will not be voting in favor of this motion even though I do agree with the concept. I think it's outside of Robert's Rules and has been for a while and I just think it's ludicrous.

Mr. Barry asked for a historical perspective on the 7 for this particular section. Attorney Sciota stated it was a concern of many members of the Charter Revision Commission that we have very important referendums that take place during possible winter seasons when we don't have a full voting population here in Southington, or an off election referendum. The very important ones would fall in that category.

In response to the question of what if we are purchasing land, we have an emergency, whatever. I suggested at that time we could have a trigger standpoint. After discussions between 6 and 7, and it was decided on 7.

Motion fails 2 to 5 with Mr. Dobbins, Dr. Natelli, Mr. Romano, Dr. Urillo and Chairman Pocock opposed.

Dr. Natelli made a motion to deny which was seconded by Mr. Romano. Motion passed 5 to 2 with Ms. Miceli and Mr. Barry opposed.

Section 1107. Clarification of this section is that you step down from the bench and you do not vote. If you have Uncle Joe living in your house and he owns Tilcon and you have a vote in front of you for a Tilcon contract, you are required under this section to step down and not vote.

Ms. Miceli made a motion to approve which was seconded by Dr. Natelli. Motion passed 7 to 0 on a roll call vote.

Section 210. Mr. Dobbins made a motion to approve. Dr. Natelli seconded. Motion passed 7 to 0 on a roll call vote.

Section 208. Mr. Dobbins made a motion to approve. Dr. Urillo seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Barry thanked the members of the Charter Commission. He explained the unique process that established this Commission. It was truly a grass roots effort. A large movement by many people that wanted to have a greater say in how their government operates.

No one in this town should complain that they didn't have an opportunity to discuss how our town works. Every meeting of the Commission had public input and discussion on a wide variety of topics.

I thank the Commission members, the members that worked hard to get the signatures necessary to allow this Commission to come about.

I'm disappointed on a lot of the end results on the issues. But its how democracy works. They should be proud of their work, the time and effort they put in. This really was an opportunity for people never involved to be involved. We had a lot of new people that wanted to get involved and I thank them. And, I want to thank the people that have been around a long time that stood up and wanted to be part of the process. You need a variety on a commission. Sometimes you win and sometimes you don't.

Overall, it was good work that everyone should be proud of and I thank all those served.

B. Scheduling of Public hearing on Adult Oriented Business Ordinance

Mr. Dobbins made a motion to have the public hearing on May 24th, 2010 at 7:00 pm. Ms. Miceli seconded. Motion passed unanimously on a voice vote.

C. Tax Abatement - 132 Town Line Road

Dr. Natelli made a motion to accept the proposed tax abatement schedule for Cardinal Real Estate, LLC at 132 Town Line Road. Ms. Miceli seconded. Motion passed 6 to 0 to 1 abstention by Mr. Romano.

D. Application for Grants for Spring Street over Quinnipiac River & West Center Street Extension Bridges

Mr. Dobbins made a motion to refer Item D back to the Public Works Committee. Dr. Natelli seconded. Motion passed unanimously on a voice vote.

E. Rescue a Buck

Dr. Urillo gave her history with Rescue a Buck. I thought it was SPAM. I think anybody who makes a suggestion for the town should include their name, address and phone number if they want to be

contacted. It provides us with accountability. It is a person's civic responsibility to identify themselves. I think this Rescue a Buck should also have that as part of its purpose.

The Chair said he felt that fraud, waste and abuse can get reported in something like this. I want to keep looking at this and I don't want this thing to disappear. I just want some accountability with it. I would like to see more contact information.

Ms. Miceli said she did not want to discourage the public from contacting us and we can very easily hit our delete button if need be. I'd like us to remember that through the course of history a lot of national and global issues have come forward as a result of people who literally could not give their name for one reason or another.

Mr. Weichsel strongly supported Dr. Urillo's point. People sending in anonymous stuff, the material is mostly worthless. You ought to put your name and contact information down and we'll contact you about your suggestion.

Mr. Barry was strongly opposed to the Town Manager's comments. I think Mrs. Miceli brings up a good point. If you don't like what they say, you totally disagree, just ignore it. Delete it.

There is no harm in the present structure. I'd like it if people would put their names, but there could be circumstances preventing that.

Mr. Romano said he was grappling with this whole issue. I find it disappointing in today's age that you can have 9 Council people up here plus a town staff and somebody who sends an email doesn't feel comfortable with one of those people that they can confide in. If anybody has an issue and they come to me, I will assure you that it will stay between you and I if you tell me that's the way you want it to be.

There was discussion on the ideas that came through the program that were of value. Also, discussion on the pros and cons of requiring the signing of a name and how much time the staff spends on the Rescue a Buck suggestions.

Dr. Urillo made a motion that the Rescue a Buck program be adjusted to include the sender's name, address and contact telephone number. Mr. Dobbins seconded.

With Mr. D'Angelo and Mr. Palmieri absent this evening, Mr. Barry made a motion to table. Ms. Miceli seconded. Motion to table fails 2 to 5 with Mr. Dobbins, Dr. Natelli, Mr. Romano, Dr. Urillo and Chairman Pocock voting against it.

Mr. Romano pointed out that Dr. Urillo is asking for name, address and phone number. Can we leave it that they just have to have their email address? Some email addresses are somewhat cryptic. Can I ask that?

Dr. Natelli felt that was a reasonable amendment to the whole thing. I'd like to propose that amendment.

The Chair said if we're going to add that we need to confirm with the person with the email address that they're actually a real email address.

The motion on the floor currently is name, address, email and phone number. Motion fails 4 to 3 with Ms. Miceli, Mr. Romano, Mr. Barry opposed and 5 votes are necessary.

IX. New Business

A. RFP for soil characterization, Phase IV at Sewer Treatment Plant

Mr. Dobbins made a motion to approve the RFP for soil characterization, Phase IV, at the sewer treatment plant as presented. Mr. Romano seconded. Motion passed 7 to 0 on a roll call vote.

B. Report on Stonegate Road problems

Addressed earlier in the Agenda.

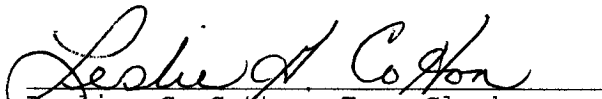
C. Tax Refunds (Attachment 3)

Ms. Miceli made a motion to accept the tax refunds as stated in our package. Dr. Natelli seconded. Motion passed unanimously on a voice vote.

Dr. Natelli made a motion and Ms. Miceli seconded a motion to go into executive session regarding personnel matter including the Council, the Manager and the Town Attorney.

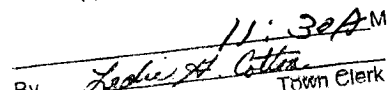
(Whereupon, the meeting was adjourned to executive session at 9:12 o'clock, p.m.)

ATTEST:


Leslie G. Cotton, Town Clerk

RECEIVED & FILED
TOWN OF SOUTHTON

APR 19 2010

By  11:30 AM
Town Clerk

EXECUTIVE SESSION

The Southington Town Council entered executive session immediately following the Town Council meeting with the following in attendance in order to personnel.

The following Councilpersons were present, viz:

John N. Barry	Dawn A. Miceli
John C. Dobbins	Stephanie A. Urillo
Albert A. Natelli, Jr.	Peter J. Romano, Jr.
Edward S. Pocock, III	

Ex-officio members present were as follows:

John Weichsel, Town Manager
Mark J. Sciota, Deputy Town Manager/Town Attorney

No motions were made or votes taken during executive session.

Mr. Romano made a motion to adjourn from executive session. Mr. Dobbins seconded. Motion passed unanimously.

(Executive session was adjourned at 9:30 o'clock, p.m.)

REGULAR SESSION

Mr. Dobbins made a motion to adjourn the Town Council meeting which was seconded by Mr. Barry. Motion passed unanimously.

(Meeting was adjourned at 9:31 o'clock, p.m.)

Mark J. Sciota
Acting Secretary

Town of Southington



Town Council

Edward S. Pocock, III, Chairman
John C. Dobbins, Vice Chairman
John N. Barry
Anthony E. D'Angelo
Dawn A. Miceli
Albert A. Natelli, Jr.
Christopher J. Palmieri
Peter J. Romano, Jr.
Stephanie A. Urillo

Town Manager

JOHN WEICHSEL
(860) 276-6200
FAX (860) 628-4727

TOWN COUNCIL OFFICIAL PROCLAMATION

Whereas The Calvanese Foundation was established in 1996 in memory of Joe and Kay Calvanese; and this is the twelfth gala; the Honorary Chairperson of the Gala has always been someone who embodied the traits of the late Kay and Joe Calvanese, someone who considers giving back to our community to be of great importance; and whereas The Calvanese Foundation is proud to have John Myers serving as its Honorary Chairperson for the Gala this year.

Whereas John Myers grew up in Pennsylvania, attended Central Connecticut State University and graduated with a degree in education. He moved to Southington where he resides with his wife of 24 years, Moira, and his two awesome children, of whom he is very proud, Jack, 13 and Catherine, 11. John has held the position of Program/Outdoor Center Director with the Southington YMCA from 1987 until 1998 when he was appointed Executive Director.

Whereas in the spirit of the award, John Myers has served the Southington community as a member of a multitude of boards and committees in many capacities, some of which include: the Juvenile Review Board, Southington Renaissance Committee, St. Paul's Housing Board and the Parking Authority, Chamber of Commerce, Public Library Strategic Planning Committee, Southington CARES, and original and current member of S.T.E.P.S.


Whereas John Myers involvement in the YMCA Organization includes but is not limited to the following: Faculty trainer and consultant for YMCA of the USA in the area of family programming and Y Indian Guides, Yankee Cluster Family coordinator, The East Field Family coordinator, cofounder of Camp Yankee, and a member of AYP, the Association of YMCA Professionals for the past 29 years. He was also a mentor/coach in the Executive Director Institute, conference chair for Cites Group Conference for two years and is currently treasurer of CT Alliance of YMCAs. John has received many YMCA and local community awards, including the Harold Keltner Award, APD Chapter 3 Rookie of the Year, APD Northeast Region Program Director's Award, AYP Chapter 3 Leadership Award, DAR Community Award, Gail DePaolo Community Service Award, and the YMCA Camp Sloper Hall of Fame Award.

Whereas John Myers is a dedicated volunteer to many community organizations, and has quietly spearheaded many initiatives that have changed the Southington Community in a very positive way. And finally, whereas John Myers completed an astounding 55 marathons, is a UCONN men and women's basketball fan, a devoted Yankees fan (Sorry Red Sox Fans) and a real Phillie-phantic at heart.

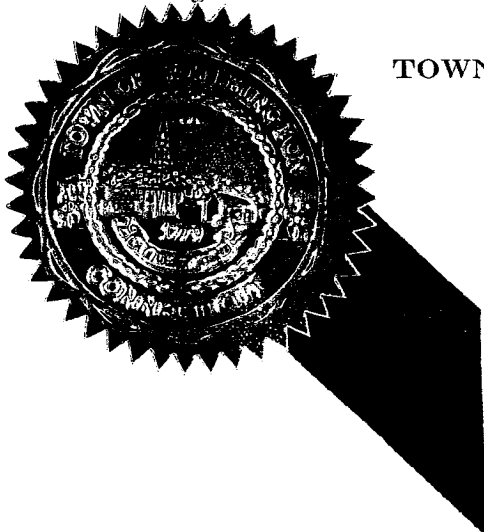
Now, therefore, I, Edward S. Pocock III, Chairman of the Southington Town Council, along with Dr. Albert Natelli, Councilman, on behalf of the entire Southington Town Council, hereby declare **April 12, 2010 as John Myers Day** in the Town of Southington.

Given the 10th day of April, 2010

TOWN OF SOUTHINGTON, STATE OF CONNECTICUT


Edward S. Pocock III, Chairman
Southington Town Council

Albert A. Natelli, Jr.
Councilman



"City of Progress"

**FINAL REPORT
CHARTER REVISION COMMISSION OF 2008**

Bold: New language
Underline: Language to be deleted

The Charter Revision Commission for the Town of Southington respectfully submits the following as its recommendations for changes in the Town Charter to Town Clerk Leslie Cotton and the Town Council for the Town of Southington.

Section 723 Annual Town Budget

It shall be the duty of the manager to present to the board of finance not later than the **eighteenth** ~~twenty-fifth~~ day of February in each year the budget for the ensuing fiscal year. The budget shall contain:

- (a) An estimate of the probable cash deficit or unencumbered cash surplus, as the case may be, at the end of the current fiscal year;
- (b) Estimates of the revenue cash receipts of the ensuing year other than from property taxes;
- (c) Estimates of the expenditures for the ensuing fiscal year; and
- (d) An estimate of the sum necessary to be raised by taxation to balance the budget, taking into consideration the cash surplus or cash deficit for the current fiscal year as provided in (a) above.

The estimates of receipts shall be detailed by sources and the estimates of expenditures by departments and the principal subdivisions thereof, offices, boards, commissions and agencies of the town, and shall show for each such unit the estimated expenditures, broken down by personal service, contractual service, materials and supplies, fixed charges, and capital outlays. The budget shall also contain in parallel columns the receipts and expenditures for each item for the last complete fiscal year, the receipts and expenditures for the first six (6) months of the current fiscal year, the estimated receipts and expenditures for the ensuing fiscal year as presented to the manager in respect of the several departments, offices, boards, commissions and agencies and the recommendations of the manager, together with such other data as the board of finance may prescribe. The budget shall be printed or otherwise reproduced in a sufficient number of copies to furnish one to each citizen who shall request the same and shall be available for such distribution not later than the last Monday in March. A condensed annual town budget shall also be published in two (2) newspapers having major circulation in the town no later than the last Monday in March.

Section 725. Budget hearing

There shall be a public hearing at eight o'clock pm **no later than the third Monday in March** on the first Monday in April at a place to be determined by the board of finance at least seven days' notice of which shall be given by publication in two (2) newspapers having major circulation in the town and by posting on the town bulletin board. At such hearing any citizen or property owner who desires it shall be entitled to be heard by the board of finance on the town and school budget and the hearing shall be

continued from day to day until all such persons have been heard. Budget summary: At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and by departments and kinds of expenditures in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.

Section 728. Vote required for budget adoption by board of finance

The budget shall be recommended by the favorable vote of at least four (4) members of the board of finance. Not later than the **first third** Monday in April the board of finance shall transmit to the town council its budget recommendations for the next fiscal year.

Section 729. Action by the town council on budgets

The town council shall have a public hearing on the proposed board of finance budget and prior to any amendments being proposed to the board of finance budget. At the council's second meeting in April, the council members shall raise any and all amendments they wish to be debated at the Council's first meeting in May. Failure to raise any amendments at the second meeting in April to be debated at the first meeting in May shall bar any amendments to be raised at the Council's budget vote unless the amendment is approved by an affirmative vote of at least seven (7) members of the Council. The budget shall be approved by the Council no later than the 4th Tuesday in May.

Upon receipt of the budget recommended by the board of finance, the town council shall proceed to consider further the budget, and may act on the budget recommended by the board of finance as follows:

- (1) Adopt the budget as recommended by the board of finance;
- (2) Reduce any item in the budget by a majority vote of the total membership of the town council;
- (3) Restore any item originally requested by the manager or the board of education in the budget by a vote of at least two-thirds of the total membership of the council. After completing such action the town council shall adopt the budget by resolution not later than the second Monday in May and so notify the board of finance, the board of education and the manager.

Section 401. Appointment qualifications and tenure

The town manager hereinafter referred to as the manager shall be appointed by the council. The manager shall be chosen on the basis of his/**her** professional experience and training and his/**her** executive and administrative qualifications with special reference to his/**her** actual experience in or knowledge of accepted practice in respect of the duties of his/**her** office. The town manager shall have **at a minimum** (1) a graduate of an accredited college or university, bachelor's degree from an accredited college or university in an appropriate field of study, (2) **although preferred but not required, an advanced degree in an appropriate field of study,** which shall be accounting, engineering or one (1) of the social sciences such as government sociology

or history with special training in municipal administration or (2) he shall have (had) and **(3) have at least five (5) years experience in a responsible administrative position.**

In hiring the town manager the council may waive any or all of the aforementioned qualifications by affirmative vote of not less than three fourths seven of the Council membership. **Such waiver shall be based upon a contractual agreement to fulfill the requirements by a time negotiated between the town manager and the town council.**

He/**she** shall serve for an indefinite term of the pleasure of the council under **contract for a period not to exceed five (5) years. He/she shall receive an annual review by the town council prior to any extension of the contract period. The town council, in open session, shall give a summary of his/her annual review and a summary of his/her review prior to voting on any extension of the contract.**

At the time of his appointment he/**she** need not be a resident of the Town of Southington or State of Connecticut, but during his tenure of office within **twelve (12) months of his/her employment** he/**she** shall reside within the Town of Southington. **The council may grant an extension up to twelve (12) months if it feels it is in the best interest of the town.** He/**she** shall devote full time to the duties of the office.

Section 402. Powers and duties.

The manager shall be the chief executive of the town and shall have the powers and duties conferred upon the chief executive officers of towns by the General Statutes, and which are not otherwise expressly provided for in this charter. He shall be directly responsible to the council for the supervision and administration of all commissions, boards, departments, offices and agencies of the town except those elected by the people, appointed by the council, or appointed by a regional, state or federal authority. He shall be responsible for the faithful execution of all laws and ordinances governing the town; **he shall promulgate written policies and procedures for his enumerated duties including but not limited to personnel and shall periodically, not less than once a year, present these procedures for review and input from the town council,** shall make periodic reports to the council and shall attend its meetings with full right of participation in its discussion but without the right to vote; shall prepare and cause to be printed, as soon as possible after the close of the fiscal year, an annual town report; shall recommend to the council such measures as he may deem necessary or expedient; shall keep the council fully advised as to the financial condition of the town; shall prepare and submit to the board of finance and the council an annual budget and shall exercise such other powers and perform such other duties as may be required of him by ordinance, resolution or vote of the council, not inconsistent with this charter. The town manager shall be director of civil defense, and shall be empowered to appoint deputy directors of civil defense.

Section 746.

(b) Any bond ordinance or resolution making a special appropriation in excess of one million dollars (\$1,000,000.00) shall not become effective until the same shall have been approved by a majority of those qualified to vote, voting thereon at a referendum called by the council for that purpose. **A referendum shall take place at the November general election, but can take place on a selected date other than the November general election with an affirmative vote of seven (7) members of the council.**

This section shall not apply to a bond ordinance or resolution that is mandated or ordered by a court or an administrative agency of either the federal or state government.

And, this section shall not apply to any bond ordinance or any resolution that will be funded by a grant, either in whole or in part, if the amount not funded by the grant is less than one million dollars (\$1,000,000.00). The grant must be confirmed in writing.

Section 1107 Conflicts of Interest (Replaces current 1107)

(a) **Private business or professional enterprise.** A conflict of interest exists if the officer, official, employee, member of any town agency or member of his or her household, including a domestic partner, spouse or minor dependent has a private, financial or personal interest in the outcome or is the owner, shareholder, member, partner, officer, employee or other participant of, or in, a private business or professional enterprise that will be affected by the outcome of any matter under consideration before him/her.

(b) **Speculative or investment activities.** A conflict of interest exists if the officer, official or employee, or any member of any town agency has such interest in any matter as it relates to investment activities that shall benefit from use of confidential information gained from such officer, official or employee, or member of any town agency.

(c) **Town employees (full time, part time).** All full-time employees of the town shall devote all their time and effort in the fulfillment of their assigned duties during those hours when it is customary for the town to conduct business, such hours to include meetings held outside customary business hours where the employee's presence is necessary to facilitate town business and is job-related. All part-time employees of the town shall be available to fulfill their duties to facilitate town business during hours in which town business is customarily conducted. No full-time employee shall engage in any activities other than town business during hours in which the town customarily conducts its business, unless such activity conforms with established town policies set by any board, commission or agency, the deputy town manager, or the town manager. The town planner, assistant town planner, town engineer or assistant town engineer, building inspector or zoning enforcement officer are specifically prohibited from engaging in any activity (in which they have a personal interest or private financial interest as herein defined) relating to the purchase and sale, or development of land or buildings (other than their personal residences).

(d) **Duty to disclose and abstain.** Any town official, member of a board, commission or agency or employee who has a personal financial or private interest in any action, legislative or otherwise, by any town agency and who is a member of, participates in discussion with, or gives an official opinion to such town agency, shall disclose on the written records of such agency the true nature and extent of such interest and refrain from any comment or vote on the matter and remove himself/herself from the panel until the matter has been dispensed. The failure of any officer, official, or employee or member of any appointed or elected board or town agency to disqualify himself or herself from action if any situation where a conflict of interest exists shall constitute a violation of this article. This section shall not apply to:

- (1) Contracts awarded to the lowest bidder after public advertisement;
- (2) Unpaid appointed officials during a declared state of emergency;

(3) **Matters requiring disclosure to, or approval by, a court;**

(e) **Litigation.** No town official, member of a board, commission or agency or employee of the town shall appear on behalf of a private interest before any agency of the town nor shall he/she represent private interests in any action or proceeding against the town in any litigation when such appearance or representation would be in conflict with or would tend to impair his/her independence of judgment and action in the performance of his/her official duties as such town official, member of a board, commission or agency, or employee. An elected town official shall not appear before a town agency (except on behalf of constituents in the course of performing his/her duties as a representative of the electorate) when such appearance or representation would be in conflict with or would tend to impair his/her independence of judgment and action in the performance of his/her official duties as such town official. Any town official, member of a board, commission or agency or employee may appear before a town agency in the performance of official, public or civic obligations.

(f) **The provisions of this section may be supplemented or enlarged by the town council by means of an ordinance.**

Section 210: Eligibility.

No person shall be eligible for election to any town office who is not at time of election a qualified voter of the town.

No person serving on an elected board shall serve on any other board, elected or appointed, unless it is a sub committee of the board they serve on or a sub committee of the town council, where the members of another board's presence is required by the town council on that sub committee. This section shall not apply to persons serving on a building committee, charter revision commission or where membership is required by the Connecticut General Statutes.

Section 208. Vacancies in elective offices

Vacancies in elective offices, except on the town council, board of education, the planning and zoning commission, the board of finance and the library water board, from whatever cause arising, shall be filled by the **council board or commission with such vacancy** for a period until the next town election. Vacancies in the board of education shall be filled by the board of education for a period until the next town election. Vacancies in the planning and zoning commission shall be filled by the planning and zoning commission for the period until the next town election. Vacancies in the library board and the board of finance shall be filled by the council for the unexpired portion of the term. In filling any vacancy, the council, board of education or the planning and zoning commission **the board or commission** shall select a person of the same political party as that of the former incumbent, unless said incumbent was not an enrolled member of a political party, in which case his successor shall not be an enrolled member of a political party. A member elected at a town election to fill a vacancy shall serve for the remaining unexpired portion of the term of the former incumbent.

List of Requests for Abatement or Refunds of Taxes - Town Council Meeting of April 12, 2010

<u>Taxpayer's Name</u>	<u>Reason for Refund</u>	<u>Amount of Refund</u>
BAC Tax Services Corp	Duplicate Payment List #16503 R 2008	\$2,669.77 *
Chase Home Finance	Duplicate Payment List #4890 R 2008	\$3,552.63 *
Collins, James P & Carol G	Duplicate Payment List #11091 R 2008	\$1,524.65 *
Emmons, Ronald A	Duplicate Payment List #12843 R 2008	\$2,166.44 *
Financial Ser Veh Trust	Assessor C/C List #60633, 60586 & 60582 M 2008	\$898.43
First American	Overpayment List #15191 R 2008	\$645.74
First American Real Estate	Duplicate Payment List #8925 R 2008 (Green)	\$2,602.98 *
Gravel, Kevin F & Kelly A	Duplicate Payment List #3773 R 2008	\$2,734.92 *
Miron, Jesse & Annie	Duplicate Payment List #17730 X 2008	\$366.60
Swidorski, Jacob J & Sara L	Overpayment List #9969 R 2008	\$328.40
Taylor, Robert H	Assessor C/C List #200234 M 2008	\$136.90
Toyota Motor Credit Corp	Assessor C/C List #201275 M 2008	\$467.51
Toyota Motor Credit Corp	Assessor C/C List #201273 M 2008	\$560.34

*** explanation attached**