

**ENFIELD TOWN COUNCIL
MINUTES OF A PUBLIC HEARING
MONDAY, MARCH 21, 2016**

A Public Hearing was called to order by Chairman Kaupin in the Council Chambers of the Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut on Monday, March 21, 2016 at 6:53 p.m.

ROLL-CALL – Present were Councilmen Arnone, Bosco, Cekala, Deni, Edgar, Hall, Kaupin, Lee, Sarno, Stokes and Szewczak. Also present were Acting Town Manager, Lee Erdmann; Town Clerk, Suzanne Olechnicki; Town Attorney, Christopher Bromson

Chairman Kaupin read the notice of Public Hearing, which was published in the Hartford Courant on Friday, March 11, 2016 as follows:

**TOWN OF ENFIELD
LEGAL NOTICE - PUBLIC HEARING
MONDAY, MARCH 21, 2016**

“The Enfield Town Council will hold a Public Hearing in the Enfield Town Hall Council Chambers, 820 Enfield Street, Enfield, Connecticut on Monday, March 21, 2016 at 6:45 p.m. to allow interested citizens an opportunity to express their opinions regarding the proposed amendment to the name of the Cultural Arts Commission to the Enfield Culture and Arts Commission.

Chairman Kaupin announced the ground rules for the Public Hearing.

As no one wished to speak, Chairman Kaupin closed the Public Hearing at 6:55 p.m.

**ENFIELD TOWN COUNCIL
MINUTES OF A PUBLIC HEARING
MONDAY, MARCH 21, 2016**

A Public Hearing was called to order by Chairman Kaupin in the Council Chambers of the Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut on Monday, March 21, 2016 at 6:56 p.m.

ROLL-CALL – Present were Councilmen Arnone, Bosco, Cekala, Deni, Edgar, Hall, Kaupin, Lee, Sarno, Stokes and Szewczak. Also present were Acting Town Manager, Lee Erdmann; Town Clerk, Suzanne Olechnicki; Town Attorney, Christopher Bromson; Chief of Police, Carl Sferrazza

Chairman Kaupin read the notice of Public Hearing, which was published in the Hartford Courant on Friday, March 11, 2016 as follows:

**TOWN OF ENFIELD
LEGAL NOTICE - PUBLIC HEARING
MONDAY, MARCH 21, 2016**

“The Enfield Town Council will hold a Public Hearing in the Enfield Town Hall Council Chambers, 820 Enfield Street, Enfield, Connecticut on Monday, March 21, 2016 at 6:50 p.m. to allow interested citizens an opportunity to express their opinions regarding the proposed amendment to Chapter 34, Article II, Alarm Systems, Section 34 through 36, Administration and Enforcement.

Chairman Kaupin announced the ground rules for the Public Hearing.

As no one wished to speak, Chairman Kaupin closed the Public Hearing at 6:58 p.m.

**ENFIELD TOWN COUNCIL
MINUTES OF A REGULAR MEETING
MONDAY, MARCH 21, 2016**

The Regular Meeting of the Enfield Town Council was called to order by Chairman Kaupin in the Council Chambers of the Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut on Monday, March 21, 2016. The meeting was called to order at 7:05 p.m.

PRAYER – The Prayer was given by Councilor Sarno.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.

ROLL-CALL – Present were Councilors Arnone, Bosco, Cekala, Deni, Edgar, Hall, Kaupin, Lee, Sarno, Stokes and Szewczak. Also present were Acting Town Manager, Lee Erdmann; Town Attorney, Christopher Bromson; Director of Social Services, Pam Brown; Director of Public Works, Jonathan Bilmes; Deputy Director of Public Works, Billy Taylor; Acting Assistant Town Manager - Development Services, Peter Bryanton; Director of Human Resources, Steven Bielenda, Recreation Supervisor, Mary Keller; Chief of Police, Carl Sferrazza; Director of Youth Services, Jean Haughey; Chief Technology Officer, Paul Russell; Acting Director of Finance, John Wilcox; Director of EMS, Gary Wiemokly; Director of Libraries, Jason Neely; Executive Director of Child Development, Karen Edelson; Family Resource Center Coordinator, Amy Morales; Town Clerk, Suzanne Olechnicki

FIRE EVACUATION ANNOUNCEMENT

Chairman Kaupin made the fire evacuation announcement.

MINUTES OF PRECEDING MEETINGS

MOTION #3548 by Councilor Lee, seconded by Councilor Stokes to accept the minutes of the March 7, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3548** adopted 11-0-0.

MOTION #3549 by Councilor Deni, seconded by Councilor Edgar to accept the minutes of the March 7, 2016 Regular Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3549** adopted 10-0-1, with Councilor Lee abstaining.

SPECIAL GUESTS

There were no special guests this evening.

PUBLIC COMMUNICATIONS & PETITIONS

Gina Sullivan, 11 Spier Avenue

Requested the Town Council consider declining the conditional offer the Board of Education made to the Town Council regarding the Fermi building. She explained why she feels this is the best option at this time. She noted the Town spent many years planning the high school consolidation and provided the public with consistent information as the process progressed. She stated she has not seen the same amount of time spent by the Board of Education in determining the best use of Fermi, and they had three years to do so. She noted Chairman Kaupin mentioned at the last Town Council meeting that offers had been made to the Board of Education to assist them in reaching a decision regarding Fermi, and the Board did not take advantage of this offer by the Town Council. She feels the current Board of Education made a decision in haste.

Ms. Sullivan questioned whether the Town would consider giving Fermi back to the Board of Education if it's determined that making updates to JFK will cost approximately the same as the projected cost to upgrade Fermi. She questioned the thoughts of each Councilor regarding turning Fermi into a Community Center. She noted if a Community Center is no longer an option at this time or in the near future, would it be best to remove this item off the agenda so there's no more confusion on the issue. She feels the mention of a Community Center at this point in time muddies the waters.

She stated the public can only go by the information the Town provides. She noted at times the public feels they're left in the dark. She stated people are still trying to recover from last week's Board of Education meeting when nothing the public said seemed to matter, and the lack of information that the Board of Education provided to the public on this issue was an embarrassment.

Maureen Mullen, 1625 King Street

Remembered Stanley Dynia who recently passed away. She noted he was a very special man who promoted Enfield and his Polish heritage.

Ms. Mullen then read a letter concerning CREC and the berm near her home. (Copy of letter appended to these minutes).

Wendy Osada, 8 Windmill Road

Requested the Council either not proceed or reject the decision of the Board of Education to turn the Fermi building over to the Town. She noted there has been data provided that clearly reflects it will be more expensive to perform minimum required maintenance and ADA work on the Fermi building rather than JFK. She stated no data has been provided that reflects what the requirements are and the cost to meet the current future needs of a middle school at either building.

Ms. Osada suggested before spending such a large amount of taxpayer money on either building, the Town should hire an architect to interview administration and staff to determine what the requirements are, i.e., how many classrooms and of what size are

required to meet curriculum needs; how large does the cafeteria have to be to feed the student population within an acceptable number of lunch waves; what are the design requirements to meet the team model favored by the current administration and faculty; what percentage of the building or classrooms must have natural light. She stated once these requirements are defined, the architect and a construction manager can provide a side-by-side comparison of costs and time lines for both buildings. She pointed out there has been no valid explanation provided that backs up why a building with almost 50,000 more square feet was rejected by the Board of Education as the appropriate facility to house the middle school. She noted renovation is less expensive than new construction, and renovating a building while it's occupied takes longer and is more expensive than an unoccupied building such as Fermi.

Ms. Osada stated there's an extremely motivated and vocal group of residents in town that are prepared to aggressively fight the current decision. She asked the Council to please state what they're basing their decision on if they're planning to vote in favor of immediately establishing a JFK pre-referendum committee.

Steve Cogtella, 2 South River Street

Requested the Council table any voting on the ECDC issue until the police investigation has been completed.

Mr. Cogtella referred to a comment made to the press after the last Council meeting of March 7th and this had to do with a Councilor defining what constitutes a conflict of interest. He noted it was stated that "one needs to benefit as an individual in order for a conflict of interest to exist." He stated his belief this is a common misconception because conflict of interest appears in an infinite variety of situations. He referred to the Enfield Code of Ethics and stated regarding public officials, situations that may impair an individual's impartiality because of personal interest; when public officials render service for private interest when such service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties. He continued quoting the Enfield Code of Ethics – public policy requires that public officials refrain from placing themselves in a position where personal interest may conflict with public duty. A personal interest can take the form of favoritism toward one party or hostility toward the opposing party. It is a personal bias or prejudice which imperils the open mindedness and sense of fairness which a public official in our state is required to possess. Decisions of public officials should be overturned if they have not been reached fairly and with proper motives. Public office is a trust conferred by public authority for a public purpose. The status of public officials forbids placing themselves in a position where public interest conflicts with public duty. The law does not require proof that the interested public official actually acted wrongfully.

He quoted an appellate court judge in Connecticut as follows: "The evil lies not in the wrongful act of the public official, but rather in the creation of a situation tending to weaken public confidence and undermine the sense of security of individual rights, which

citizens must feel assured will always exist. The test is not whether the personal interest does conflict, but whether it reasonably might conflict.”

Mr. Cogtella stated this is an interesting statement because the latest version of the Enfield Code of Ethics, Section 2-122 has very similar wording. He stated he also obtained a legal opinion from Attorney Mark Branse regarding Councilor Arnone and his role with ECDC. He noted he emailed that opinion to the Town Council.

The opinion by Attorney Branse is appended to these minutes.

Lucien LeFevre, 54 Kimberly Drive

Stated work is starting on Neelans Road and he raised the idea of replacing the Orangeburg pipe while the road is open so they don't have to cut open a brand new road. He noted there are about 20 houses that have the old Orangeburg pipe. He stated his understanding it would cost \$3,000 to \$4,000 per house to run new pipe. He estimated the cost to be about \$20,000 rather than ruining a brand new road within a short time. He pointed out the pipe had to be replaced on Sam Street within a month after the new road had been installed. He pointed out the resulting patch is not compatible with the quality of the original road and the curbing is disastrous compared to the original curbing. He questioned whether someone will look into this.

Jennifer Briot, 19 Laurel Park

Spoke regarding the Fermi High School building. She noted performing due diligence contributes significantly to informed decision making, and she feels the Board of Education has not performed it's due diligence regarding the decision to turn Fermi over to the Town with conditions. She explained the conditions stated the athletic fields at JFK must be remediated as soon as possible; the Town Council and Board of Education through the Superintendent of Schools addresses the portable classroom issues at JFK; the Town Council and the Board of Education through the Superintendent reserve educational spaces at the Fermi building for the long-term strategic plan for the educational needs of the district.

Ms. Briot stated just the fact that they need to reserve education space at Fermi indicates the schools Enfield has remaining after elementary and high school consolidations are not enough. She noted they'll continue using athletic fields and will presumably bus students at an additional expense to and from Enfield High and Fermi.

She stated another use identified by Dr. Schumann for continued educational space at Fermi is for Buzz Robotics. She noted they are calling portable classrooms an issue, perhaps even undesirable, but when they begin talking about adding onto JFK, the Board somehow neglects to admit they already have a larger school that was just turned over to the Town.

Ms. Briot stated if everyone involved in this decision performed due diligence, the study would have been done. She feels it's unscrupulous when money is offered for a study during closed door leadership meetings and offers that weren't present to the entire Board

of Education or made public until the eleventh hour. She feels it is not just to defer maintenance on schools and town buildings so a zero increase can be maintained for a few years, and then the taxpayers are asked to pay for these mistakes through referendums. She feels it's unconscionable for elected officials using children to get what they want. She implored the Town Council to reject this matter and its conditions and return it to the Board of Education with the money for a study.

Kelly Hemmler, 10 Hartford Avenue

Stated her belief it makes more sense to sell the Fermi property or use it for the Town because they already have a middle school. She feels it doesn't make sense to spend money to retrofit a high school into a middle school.

Elizabeth Davis, 201 North Maple Street

Stated her belief this is a flashback to the armed guards. She noted people want their voices heard, and they want a study done. She stated people's voices are not being heard. She suggested starting a committee for a long-term vision for the town and a long-term plan for the Board of Education side.

Ms. Davis stated the Town Council was elected to be the people's voice, but more and more people have to be vocal because they aren't being represented by the Council.

She concluded stating 638 signatures is a substantial response to reverse this decision. She urged the Council to do what's right, do a study and represent the residents of Enfield.

Mary Ann Turner, 7 Meadow Road

Stated studies were done on JFK and the Fermi property, especially when they had to decide which school would be the new high school. She feels people's voices are heard, but it may be they're not getting the answers they want. She personally feels Fermi should just be sold. She noted there is a company interested in building assisted living. She noted she probably agrees the Town should make changes at JFK because that school has already been accredited and staff likes the school just the way it is, except with some upgrades. She supports the idea of putting energy into making JFK the star that Enfield High School will be in a few more months.

Robert Tkacz, Frew Terrace

Stated he served on the Board of Education and two audit committees that analyzed school spending, and quite a bit of money was saved. He recommended selling Fermi. He stated that school was used for 45 years, and it needs \$29 million dollars of rehab. He noted JFK needs \$7.5 million dollars, and this is according to the July facilities study that was done by a professional. He noted Enfield has the habit of wanting to hold onto everything. As examples he cited, High Street, Higgins and Brainard buildings. He pointed out Fermi is located in an industrial area, and this is an ideal location for industry to create jobs, and big companies have classrooms or training rooms that can train young people of Enfield to be employed by industry.

Mr. Tkacz stated his belief the Town can't afford to do over Fermi. He noted the studies have been done, and the Board of Education did their due diligence, and they had an expert there in the person of Timothy Neville who was at JFK for 20 years and he understands middle schools.

He stated the Town can't afford to spend money on a building that's not needed. He pointed out the school system has about 700 to 800 empty seats at the elementary schools.

Chris Rutledge, 7 Victory Street

Stated the Board of Education debated the Fermi issue at length and found a transfer with conditions to be the best choice. He urged the Council to consider what might happen if they reject the proposal. He noted if another study is done and it shows they should go with JFK for a middle school, he does not believe that will change the minds of people who signed the petition because of what he has heard on social media. He noted the Council can't make everyone happy and some people will feel their voices have fallen on deaf ears, but the Council should make their decision and move on.

Eileen MacDonald, 8 Spring Street

Stated a couple people commented about youth speaking at meetings. She noted her granddaughter is eleven years old, and she is the future and she has a voice.

Ms. MacDonald questioned where are the results of the studies that were done. She noted she would like to see the studies, and she wants to see a long-term plan.

Robert Tkacz, Frew Terrace

Stated the Board of Education used two studies – a facilities study that was generated in June and that study provided all the numbers of all the Town buildings and schools. He noted the second study was delivered to the Board of Education in December, and that was the enrollment study. He stated previous to that, an enrollment study was done in 2008, which was pre-recession, and it showed a severe decline in enrollment. He noted when the high school consolidation study was done in 2012, it showed even a larger decline in enrollment. He pointed out the latest study shows a continued decline in enrollment out to 2025. He stated the first step was to consolidate the high schools, the second step is to determine what to do with Fermi, and the third step is to rehab JFK. He believes that by 2020, the Town will have a good idea what to do with the elementary schools.

Gina Sullivan, 11 Spier Avenue

Stated the Town Council was presented the Board of Education budget a couple weeks ago, and in that budget Dr. Schumann indicated the enrollment is in fact going up. She questioned whether the enrollment is declining or going up.

COUNCILOR COMMUNICATIONS & PETITIONS

Councilor Bosco stated nine years ago, the Town took over school buildings because they were in disrepair and needed maintenance. He noted when the Town gives the school system money, the school system can spend the money on what they want and not necessarily maintenance.

He stated the Town did studies and put out three referendums. He noted two referendums had to do with energy performance, but they failed. He noted another referendum was to repair the buildings, and that failed as well.

He noted he hears the threats about defeating the next referendum. He stated people have to realize the buildings have to be fixed. He noted the Town can spend \$600,000 per year per project without a referendum. He stated at that rate, it will take 15 to 30 years to fix the buildings if they don't pass a referendum. He stated the Town has 10 schools, and it will amount to a two mill increase very year just to fix the schools. He pointed out there's the opportunity for a grant which will fix boilers, heating and air conditioning, windows, roofs and other things that need to be done to the schools. He pointed out Eversource was willing to provide \$6 million dollars toward the upgrade of buildings to save on energy, but that opportunity was lost, however, possibly the Town can get that back. He stated if the next referendum fails out of spite just because of Fermi, the Town has no choice other than to fix the schools and it will come directly out of residents' tax pocket. He noted whatever is spent on energy improvements will be realized in savings, therefore, it will cost taxpayers zero additional dollars out of pocket.

Councilor Bosco stated he understands people want to save Fermi, but it should be remembered they can only "kick the can down the road for so long", and in the end repairs will have to be made. He feels using Fermi as hostage for an energy performance referendum to fix the buildings is definitely irresponsible.

He stated he doesn't mind which building is the middle school, but he doesn't support a Community Center.

He noted if it costs \$6 million dollar to upgrade JFK, and it costs \$35 million dollars to upgrade Fermi, he favors selling Fermi because the taxpayers can afford only so much.

Councilor Bosco questioned the cost to replace the Orangeburg piping.

Councilor Edgar referred to Ms. Mullen's comments and stated in the original meeting with CREC, Dr. Douglas stated he would remove that berm. He noted it later became known that Dr. Douglas exceeded his authority. He stated the Army Corps of Engineers never said that berm should be there.

Councilor Stokes stated he won't give an opinion concerning the Fermi issue because there's a lot of research he wants to do.

Councilor Stokes stated the Fourth of July Town Celebration Committee is in its fundraising season, and they had a wonderful dinner dance with many people in attendance. He noted this is how they're able to generate some funds early so they can put deposits on bands and provide world-class entertainment. He noted this Thursday, at the 99 Restaurant, there will be a fundraiser from 5:00 to 10:00 p.m.

Councilor Szewczak stated he was on the Board of Education when they made the decision to select Enfield High School as the one high school. She noted a lot of their decisions come from the studies that they see and for the real life experiences that they have. She noted she's a 15-year volunteer in the schools, worked five years in the schools, and has been in every single building. She stated according to the studies, Fermi is not the design of the school that she wants to move forward with. She stated she does not believe children should be in an environment where there's not a lot of natural light. She feels the choice of Enfield High School meant that Fermi would no longer move forward as a school. She concluded stating that voting down the performance contract was really not in the best interest of Enfield.

Councilor Cekala requested a status report on the streetlight at Enfield Street School. She went on to note Saturday is the third annual free Easter Egg Hunt on the Town Green, and it runs from 10:00 to 1:00 p.m.

Councilor Cekala stated her belief the referendums should be two separate issues. She doesn't believe either JFK or Fermi is ideal right now, and she believes both buildings need a lot of work. She would like to see bottom line numbers on both schools.

Councilor Lee stated several Councilors were part of the pre-referendum, high school consolidation committee. He noted that was a diligent exercise for over a year. He stated educators were asked their views on the high schools and the middle school. He noted they had hard and fast opinions about what they felt Fermi would offer, and it did not meet the standards that they had set up over a couple decades of offering junior high and middle school at JFK. He stated that consolidation committee was thorough, and they're staying the course.

MOTION #3550 by Councilor Lee, seconded by Councilor Stokes to suspend the rules to add Item k. under Items for Discussion.

Chairman Kaupin explained the April 4th meeting is being cancelled because the Council will be interviewing for a new Town Manager, and the Acting Town Manager will be out of town that day.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3550** adopted 11-0-0.

MOTION #3551 by Councilor Lee, seconded by Councilor Hall to suspend the rules to move to Miscellaneous Items 14 A1-A10, E, F, G, H and K.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3551** adopted 11-0-0.

Councilor Lee requested a written update on the streetlight program.

Councilor Deni questioned if the durapatcher machine is working because he had a couple requests about some streets that needed some patch work, especially on Winding Lane. He noted he has not had a response.

Chairman Kaupin stated the Town needs members for different commissions, particularly the Ethics Commission. He noted if anyone is interested, they can go onto the Town's website and apply.

Chairman Kaupin stated the Annual Scantic Spring Splash is this Saturday with registration at 9:00 a.m. at the Powder Mill Barn.

He stated the Women's Club of Enfield is holding their arts festival April 1st and 2nd at Enfield High School.

Chairman Kaupin thanked Pam Brown, Director of Social Services for her service to the Town of Enfield. He noted it has been a pleasure to work with her. He congratulated her on her long-awaited retirement.

He stated his impression that the decision to close Fermi was made and sold to the voters when the decision was made that Enfield High School would be Enfield's one high school. He noted it was very clear a lot of the information at that time was that they were closing a school, but in the end the Board did not finalize that decision. He stated the Board of Education made a decision with a vote of 6 to 3, in a bi-partisan way. He noted the Council is being asked not to honor that decision.

Chairman Kaupin stated one of the reasons the community center has remained on the agenda is because he believes Enfield needs a community center and a new library. He noted it also reminds him about how long they've been waiting for a decision to happen, and that item was tabled January 5, 2009.

He noted governance meetings are not secret meetings.

Chairman Kaupin stated it's now the Council's responsibility to form a committee, come up with costs and potentially vote to have a referendum so the voters can decide.

He noted the Council struggled for four years about how they can pay for the upgrades. He stated Enfield has been known as a pay-as-you-go community. He noted the same people who complained about the condition of the schools also complained about the mill rate. He pointed out it costs money to upgrade these facilities. He noted they made a strategic decision, and they stopped any upgrades. He explained they wanted to move from the pay-as-you-go method. He stated if a roof replacement costs \$2 million dollars,

it would take four years to complete that roof at \$600,000 per year, and the taxpayers would have paid that cost each year. He noted with the escalating costs of building upgrades and maintenance, it doesn't make sense to be a pay-as-you-go community any longer. He stated the referendum and bonding is the way to go because they get the work done now at the most cost effective rates, and they then pay back over a series of years. He pointed out this is what worked with roads and new construction.

Chairman Kaupin stated the Town does have a plan for its buildings, and it took a couple years to pull it together. He noted that was presented in November, but it was not passed. He stated there is a comprehensive plan for each school and municipal building. He stated that report has been available for two years. He noted the energy performance contracting is just an added layer to address energy systems within all buildings, and that's paid for through the energy savings. He acknowledged a good job was not done in explaining the referendum, but they will try again.

Responding to Ms. Sullivan's question, "what if the cost of JFK is too high", Chairman Kaupin stated in the end the Council will make a decision as to whether a referendum goes to the voters.

Chairman Kaupin stated his belief a referendum wouldn't be required to turn Fermi into a community center. He noted a referendum might be necessary if they wanted to alter the main academic building and turn it into a library. He stated the Fermi building could accommodate space for PTO's, Buzz Robotics, Adult Education, the Transitional Learning Center and Asnuntuck classes. He noted these would be educational uses.

He stated he asked the Town Attorney for a review of the resolution that the Board passed.

TOWN MANAGER REPORT & COMMUNICATIONS

Mr. Erdmann stated the Council has copies of four maps, which were requested by the Public Works Subcommittee, and they relate to the Roads 2015 Program. He noted the information provided includes arterial streets, local streets, capital improvement and special operations projects and the crack seal program for 2016.

He stated Councilor Cekala requested some organizational charts related to Development Services, and those will be available at the first budget workshop on Thursday.

Mr. Erdmann introduced Jason Neely, the new Director of Libraries, and stated Mr. Neely started work on February 1, 2016.

Mr. Neely stated he had an opportunity to meet a number of Councilors at the last Quarterly Information Meeting, and he hopes over the next few months he'll be able to interact with Councilors some more. He invited Councilors to visit him at the library anytime.

He gave a brief background of his experience. He noted he came from the Russell Library in Middletown, and before that he was at the Blackstone Library in Branford, CT. He stated before Branford, CT, he worked at a library in Jacksonville, Florida.

Pam Brown and Jean Haughey were present to provide a social work update.

Ms. Brown stated they call the program “Strong Families, Vibrant Communities”. She noted they hired four social workers and a parent educator, and they came on board in late October, early November. She stated she’s happy to report that in those four months they’ve already seen 201 families or individuals. She noted the problems that people come in with are of utmost urgency, i.e., abuse and neglect, emergency housing, evictions and foreclosures, job loss, and people new to the community. She noted there are people who don’t know where to get resources.

Ms. Haughey spoke about how her department integrates, coordinates, consolidates, supports, assesses and monitors youth who are at risk. She noted it’s their job to keep them healthy, to keep them supported and to keep the services intact so that they can graduate from high school and hopefully keep them out of the juvenile justice system. She noted up to date, they’ve had 16 youth who have been referred by the high school. She believes this has to do with their efforts regarding suicide prevention and mental health awareness. She stated last year they had 60 kids who went to juvenile court, and this year they’re down to eleven. She noted last year they had 154 DCF substantiations, and their largest substantiations were physical neglect, emotional neglect and educational neglect.

Councilor Deni thanked Pam Brown for doing a great job.

Councilor Hall stated she had a meeting with the probate judge, and he told her most of his work is family related. She questioned whether Social Services ever reached out to the Probate Office. Ms. Haughey stated she only worked with the juvenile court, and she’d be happy to work with the Probate Judge.

Councilor Arnone stated Ms. Brown will be missed. He expressed his appreciation for her work.

Councilor Bosco thanked Ms. Brown for all her service to the town.

Councilor Hall expressed her appreciation for all the hard work and great job done by Ms Brown.

Ms. Brown stated her belief Enfield is truly a community that really cares. She stated it has been an honor to serve everyone.

Mr. Erdmann referred to the 2015-2017 goals for the Enfield Town Council. He noted the Council has within their packets those goals, which are a result of the two goal setting

sessions held earlier this year. He requested the Council consider those goals and adopt those goals by a consensus.

It was the consensus of the Council to accept these goals. Chairman Kaupin stated those goals will be published.

FY 2016-17 BUDGET PRESENTATION

Mr. Erdmann presented the 2016-17 budget. He noted the mill rate increase proposed is less than half of what was proposed at the beginning of the budget process. He noted this is a balanced budget, and it's balanced between revenues and expenditures, the Town and Board of Education and the operating and capital budget. He stated it's a conservative budget on the revenue side, and it's a forward looking budget because it includes a three-year financial forecast. He added his belief it's a realistic budget on the expenditure side, and it includes realistic projections of overtime expenditures.

He stated he's recommending a 6.8% increase for the Town Budget, which is almost \$4 million dollars and a 4% increase for the Board of Education Budget for a combined total of \$6.6 million dollars, which is 5.3%. He noted he did talk to Dr. Schumann today, and he's elated at what's being recommended. He stated he's recommending this increase for the Board because he feels it is needed and it's affordable within the mill rate he's recommending. He noted it particularly supports the school district's Goal #1, which is to provide opportunities for success of all students and further enhance the learning environment of the Enfield Public Schools. He stated the school district has made progress over the past several years, and this increase would help them continue to make progress.

Mr. Erdmann referred to a pie chart of the budget showing the breakdown of the Town budget by function (including the Board of Education budget). He noted the Board of Education makes up 52% of the budget; Public Works and Public Safety combined make up 24% of the budget.

He stated the Board of Education's direct appropriation is \$68,519,000 (a 4% increase). He referred to the Town's expense, and although it's a 6.8% increase can be broken further down between expenses that the Town incurs to support the Board of Education, i.e., custodial services, etc., and there's an 18% increase for those expenses. He noted debt service is going up 23.5% and a 5.2% increase in contribution to the CIP fund.

He then reviewed the Town budget by function. He pointed out General Government is going up 1.1%; Public Safety is going down a percent; there's a 15% increase in Development Services; 13% increase in transfers to other funds; 23% increase for debt service; retirement and other costs has an increase of 14%.

Mr. Erdman then reviewed a pie chart which showed the Town budget by function. He noted Public Safety and Public Works combined represent 50% of the Town budget.

He reviewed a chart showing the Town budget by major category. He noted salaries and wages on the Town side are up by .62%; Police and Town pension are going up; health and medical expenses are going up 15%, and they've built in a 22% increase, however, that's been abated somewhat because some employees have chosen less expensive plans, and they're proposing to reduce the size of the Town workforce. He noted there's a large increase in debt services as well.

He reviewed the major cost drivers in the Town budget. He noted the following five factors explain more than 100% of the increase in the Town budget:

- Debt Service – up \$1.3 million dollars, which is 33% of the Town increase
- Transfer to other funds – up \$1.1 million dollars, which is 28%
- Health & Medical expenses – up \$739,000, which is 18%
- Pension increases 14%
- Overtime expenses up \$308,000, which is 7%

He noted they are budgeting overtime at realistic levels according to what they've been expending in the past several years. He noted they are not proposing to under budget overtime expenses.

Mr. Erdmann reviewed a chart showing the change in full time equivalents. He noted they've essentially taken 11 positions on the Town side out of this budget. He listed them as follows: one in General Government; seven in Public Safety; one in Public Works; one in Social Services and one in Information Technology. He noted during budget workshops it will be indicated why it's believed the workforce can be reduced by these 11 positions. He noted this is about 2.5 of the Town workforce.

He stated there are some small improvements built into the Town budget. He noted in the Town Clerk's office they're proposing to upgrade the land records system and update the map index at a cost of \$9,000; increase firearms qualification, the use of the Blue Line Trailer and active shooter training at a cost of \$12,000; they're proposing the shared use between the Public Works Department and the Water Pollution Control Authority of a part-time environmental health and safety manager for \$45,000 and shared costs between the Town and employees for the cost of prescription safety glasses for \$15,000; they're proposing a shared part-time social worker at the Adult Day Center and Senior Center for \$36,000; a contract for the Senior Center Café Manager; and Information Technology with \$401,000 cost being shifted from the Board of Education to the Town as recommended by the ITPC and the Joint Committee; the introduction of a Technology Capital Improvement Program for \$231,000.

Mr. Erdmann then reviewed the revenue side of the budget as follows:

- Property Taxes increasing 6.3% which represents 69.6% of the revenues
- Intergovernmental revenues are 26.9% (the major increase is a municipal revenue sharing grant for a piece of the sales tax that the state has proposed and that amounts to \$1.3 million dollars)

- Other revenue are up 5.2%
- Use of the Fund Balance is down 28%

Mr. Erdmann then reviewed the mill rate comparison. He noted they're recommending a dual mill rate because of state requirements where they have to have a cap of 32 mills on the motor vehicle tax rate, including the mill rates provided by the fire districts. He noted they're recommending that the motor vehicle mill rate be dropped from 29.89 to 28.8, and that's a one mill decrease or a 3.65% decrease. He stated they're recommending that the mill rate for real and business personal property be increased by 1.99 mills, or a 6.7% increase. He stated .11 of that mill is to absorb the reduction in the mill rate for motor vehicles.

He stated they calculated the impact of this proposed mill rate on the average single family property owner. He noted the average single family home in Enfield has an assessed value of \$129,000, or a market value of \$184,000. He stated the current year taxes would be \$3,800, and the proposed taxes would be \$4,100, and this would be an increase of \$257.00 (6.7%). The average assessed value of a motor vehicle in the current fiscal year is \$7,800, and that will drop to \$7,400 next year, therefore, the taxes drop from \$234.00 to just under \$215.00, which is a \$19 decrease (8%).

Mr. Erdmann stated the average impact of the mill rate increase is a blended increase of \$237 (5.8%); \$19.82 per month; \$4.95 per week and .65 per day. He stated his belief this is an affordable proposal.

He then presented an historical mill rate chart, which showed a steady increase in the mill rate in the early 2000's with a flat mill rate between 2008 and 2012 and a steady increase in recent years.

Mr. Erdmann reviewed other major funds as follows:

- Emergency Management Services (EMS) up 3.1%
- Water Pollution Control (WPC) down 3%
- Social Services up .50%
- Information Technology down 9.7%
- Recreation up .03%

He then reviewed General Fund contributions to other funds as follows:

- EMS - a decrease of 13.94%
- Social Services – an increase of 10%
- Information Technology – an increase of 33%
- Recreation – an increase of 403% (because in the current year's budget there was \$320,000 of recreation fund balance put into the budget, and they don't have that to put in the budget next year, therefore, there's a large increase)
- Capital Fund – a 5% increase

Mr. Erdmann reviewed the Capital Improvement Program, which totals \$3.6 million dollars with the largest piece being the Vehicle Replacement Plan that was put in place in the current fiscal year, and it's recommended continuing that going forward. He noted other than \$500,000 for the road program, the other items are relatively minor dollars.

He reviewed the Water Pollution Control Authority - \$5.2 million dollars with \$4.3 million for Operational and \$893,000 for Capital.

He stated the budget book does contain some additional information as follows:

1. Strategic and operating measure for each division
2. Capital improvement plan – upgraded to include project description and the operating budget impact as well as the status of all the previously approved capital projects
3. Full-time equivalent positions – funded positions listed by FTE
4. Department request column – reflects amount the department asked for
5. Actual Expenditures – FY2014 & FY2015
6. 3-Year financial forecast – Proposed FY2017, Projected FY2018 & FY2019

Mr. Erdmann reviewed outstanding issues:

- Is the State Legislature going to sustain the Governor's recommended budget in state aide, including the revenue sharing grant. That figure could change, and the Legislature is hopefully going to adopt the budget by the end of the session on May 4th
- The health insurance increase of 22% is built into the budget based on actual expenditures through January, 2016. They may be able to recommend a change in that increase once they have February and March credible claims information, which should be available in Mid-May
- Examining the feasibility of going back to a fully insured program
- The 32 mill rate cap for motor vehicles – a decrease is being recommended, and it's being requested the Council confirm this as quickly as possible so guidance can be provided for the five fire districts
- There were well-publicized problems with motor vehicle grand list information provided to all the towns and cities by the State Department of Motor Vehicles, and it's hoped to have corrected data by the end of May. It's not expected there will be a major impact on the grand list.
- Regarding the operating surplus, staff is monitoring current year revenues and expenditures closely, and they will report their best estimate of revenues above the adopted level and expenditures below the adopted level during the budget deliberations

As concerns longer-range issues, Mr. Erdmann stated the financial forecast indicates the need to increase the mill rate each year, and it will be impacted by the growth in the expenditures, the growth in the grand list, the amount of state aid and the Council's determination on the use of the unassigned fund balance.

Other longer-range issues follow:

- Road improvements – Funding of roads after Roads 2015 is completed-what happens after that
- Town and School building rehabilitation – costs associated with JFK upgrade; Fermi conversion to a community center, or selling of that building
- Other school and Town building rehabilitation needs
- School Traffic Studies – there are five studies underway for JFK, Enfield Street School, Hazardville Memorial School, Nathan Hale School and Prudence Crandall School. A report is due by late April or early May
- The Clean Energy Committee and Public Works Subcommittee are examining the Energy Performance Contracting issue and there should be a recommendation for the Council's consideration by June
- They will need to do a bond, a note or a combination of a bond/note sale this August, and the combination thereof will impact the increase in debt service in coming years.

Mr. Erdmann then reviewed the budget time line. He noted three dates for the public to note are April 13th when there will be a Community Conversation at Henry Barnard at 7:00 p.m.; April 27th a Public Hearing at JFK Middle School at 7:00 p.m.

He stated the Council will need to adopt a budget no later than May 17th.

He concluded by presenting a three-year financial forecast chart, which does project the need for a continuing increase in the mill rate, which is based upon a set of assumptions that are identified. He noted the chart contains a calculation that indicates the Fiscal Year 2019 budget will increase by 3% over the Fiscal Year 2018 budget. He stated another state mandate is that cities and towns keep their budget expenditure increased from Fiscal Year 2018 to FY 2019 to no more than 2.5 % and every year thereafter with certain exceptions.

TOWN ATTORNEY REPORT & COMMUNICATIONS

Attorney Bromson referred to Ms. Mullen's comments and noted the mediation date will be April 25th, and that has been communicated to everyone involved. He noted it is his intent to enforce the original plans, which would be to remove the berm, and he believes that is the goal. He noted it is not Attorney Elsdén position that there was any requirement by the Army Corps of Engineers to build the berm. He stated that's contrary to their position, and it's contrary to the legal brief that Attorney Elsdén prepared and filed with the court, which states that although CREC has alluded to that and made that claim in various forums, there has never been any proof or documentation thereof. He stated no one in his office believes that the Army Corps of Engineers or any other regulatory authority in Connecticut required that berm to be built as it is today.

REPORT OF SPECIAL COMMITTEES OF THE COUNCIL

Enfield High School Renovation Building Committee

Councilor Szewczak stated the gymnasium will be ready after April vacation.

Councilor Szewczak stated Clean Energy started working with Mark Gahr, and they found a place to invest their monies from Green Bank, and there will be a solar light at Stowe, solar crosswalks at JFK and a green spot at the new consolidated Enfield High School with solar benches with charging stations. She noted this money is to be used to have projects that educate people on solar and other ways to be more energy efficient.

Councilor Hall stated tomorrow afternoon there will be a meeting between herself, Dr. Schumann, Christopher Drezek, a Board of Education member, and insurance consultant to further discuss insurance issues.

OLD BUSINESS

APPOINTMENTS (TOWN COUNCIL)

MOTION #3552 by Councilor Edgar, seconded by Councilor Cekala to remove Item #18 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3552** adopted 11-0-0.

NOMINATION #3553 by Councilor Edgar to appoint Virginia Higley (D) to the Zoning Board of Appeals as an Alternate member for a term which expires 12/31/2017.

MOTION #3554 by Councilor Hall, seconded by Councilor Cekala to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3554** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Virginia Higley appointed to the Zoning Board of Appeals by an 8-3-0 vote, with Councilors Kaupin, Lee and Stokes voting against.

All other appointments remained tabled.

Items C, D, E, F, G and H remained tabled.

MOTION #3555 by Councilor Sarno, seconded by Councilor Lee to remove Item I. from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3555** adopted 11-0-0.

MOTION #3556 by Councilor Hall, seconded by Councilor Stokes to remove this item from the agenda.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3556** adopted 11-0-0.

NEW BUSINESS

NOMINATION #3557 by Councilor Arnone to appoint Shannon Esslinger to the Cultural Arts Commission for a term which expires 5/31/2017.

MOTION #3558 by Councilor Hall, seconded by Councilor Deni to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3558** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Shannon Esslinger appointed to the Cultural Arts Commission by an 11-0-0 vote.

NOMINATION #3559 by Councilor Lee to appoint Marguerite French (D) to the Cultural Arts Commission for a term which expires 5/31/2017.

MOTION #3560 by Councilor Cekala, seconded by Councilor Lee to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3560** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Marguerite French appointed to the Cultural Arts Commission by an 11-0-0 vote.

NOMINATION #3561 by Councilor Szewczak to reappoint Melissa Everett (D) to the Clean Energy Committee for a term which expires 3/17/2020.

MOTION #3561 by Councilor Hall, seconded by Councilor Szewczak to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3561** adopted 11-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Melissa Everett reappointed to the Clean Energy Committee by an 11-0-0 vote.

MOTION #3563 by Councilor Stokes, seconded by Councilor Szewczak to remove Item E. from the agenda.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3563** adopted 11-0-0.

MOTION #3564 by Councilor Deni, seconded by Councilor Arnone to remove Item F. from the agenda.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3564** adopted 11-0-0.

ITEMS FOR DISCUSSION

Items I. and J. will appear on the next regular meeting agenda.

All other items were moved to Miscellaneous.

MISCELLANEOUS

MOTION #3565 by Councilor Stokes, seconded by Councilor Arnone to approve the Consent Agenda.

Councilor Cekala stated she had requested a breakdown regarding outside attorney fees. She noted after reviewing that breakdown, she will not be voting in favor of the Consent Agenda because she does not believe that the Town should have spent \$6,000 for outside legal opinions.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3565** adopted 7-4-0, with Councilors Cekala, Deni, Edgar and Sarno voting against.

RESOLUTION #3566 by Councilor Hall, seconded by Councilor Arnone.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer is hereby made:

TO:	Capital & Nonrecurring		
	Emulsion Tank	31008169-543100	\$40,000
FROM:	Capital & Nonrecurring		
	Thompsonville Village Center Painting	31008864-543100	\$40,000

CERTIFICATION: I hereby certify that the above-stated funds are available as of March 11, 2016.

/s/ John Wilcox, Director of Finance

Councilor Bosco stated he will be supporting this. He stated last year the town had a big pothole problem, and the Town purchased a durapatcher. He noted the benefit of this machine is that they can patch the road in freezing weather. He stated his understanding patch jobs held up very well. He noted the only problem is that the tank can only hold so much emulsion, therefore, it's been necessary to drive to Farmington every time they use up all the emulsion.

Councilor Lee voiced his support of this resolution.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3566** adopted 11-0-0.

RESOLUTION #3567 by Councilor Cekala, seconded by Councilor Arnone.

RESOLVED, that the Acting Town Manager, Lee C. Erdmann and Director of Social Services, Dawn Homer-Bouthiette are authorized to enter into and amend contractual instruments, subject to review and approval by the Town Attorney, in the name and on behalf of the Town of Enfield with the Connecticut Office of Early Education and to affix the Corporate Seal.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3567** adopted 11-0-0.

RESOLUTION #3568 by Councilor Stokes, seconded by Councilor Hall.

RESOLVED, that the Chief of Police, Carl Sferrazza, is authorized to enter into and amend contractual instruments in the name and on behalf of the Town of Enfield with the Enfield Public Schools for the placement of Town police officers within the education environment and to affix the Corporate Seal.

Attorney Bromson stated this comes about because the State Legislature passed a law that became effective last summer requiring towns and boards of education to have a written memo of understanding if they were to have School Resource Officers (SRO) in the schools.

Chief Sferrazza stated state law requires a memorandum of understanding between the Town and Board of Education for the purpose of SRO's in the schools. He noted the initial proposal that came forward was what was being done anyways. He stated the officers enforce criminal law, but they don't enforce discipline in the schools. He noted there was a provision in the initial proposal that would restrict officers from making an arrest unless they've exhausted all administrative options within the school. He stated his belief that did not make any sense at all. He noted if officers are authorized to make lawful arrests, they're authorized to make a lawful arrest wherever they are. He stated they use a lot of discretion in the schools. He noted if it's a minor issue, the Principal can deal with it, but if a student is assaulted or there are narcotics in that school, arrests will be made. He stated the memorandum of understanding was re-worded to say they'll do

their best to try and resolve the issue, but in the end the criminal laws that need to be enforced will be enforced, whether they be in the school or not. He stated his belief this is a good proposal.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3568** adopted 11-0-0.

RESOLUTION #3569 by Councilor Arnone, seconded by Councilor Stokes.

RESOLVED, that pursuant to Chapter IV, Section I of the Town Charter, the Enfield Town Council does hereby appoint Lee C. Erdmann as Town Manager. His term shall become effective March 21, 2016 and end when a new, permanent, full-time appointed Town Manager commences employment with the Town, whereupon Lee C. Erdmann will immediately resign as Town Manager; and

BE IT FURTHER RESOLVED, that the Enfield Town Council does hereby authorize Mayor Scott Kaupin to sign the employment agreement with Lee C. Erdmann as Town Manager for the Town of Enfield.

Councilor Arnone expressed his appreciation for Mr. Erdmann staying on.

Councilor Bosco stated Mr. Erdmann is doing a good job.

Councilor Lee stated his understanding this is historically the same set of agreements executed the last time the Town was searching for a Town Manager, and Chairman Kaupin responded that's correct.

Chairman Kaupin thanked Mr. Erdmann for his work and his help seeking a full-time Town Manager.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3569** adopted 11-0-0.

Mr. Erdmann thanked the Council for their continuing confidence. He stated he will continue to do his best to serve Enfield until a new Town Manager comes on board.

Chairman Kaupin stated Mr. Erdmann is well-respected around the State.

RESOLUTION #3570 by Councilor Stokes, seconded by Councilor Arnone.

BE IT RESOLVED, that the Enfield Town Council does hereby cancel the Regular Meeting scheduled for April 4, 2016.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3570** adopted 11-0-0.

PUBLIC COMMUNICATIONS

Gina Sullivan, 11 Spier Avenue

Stated her belief speaking about issues on social media gets attention, and that's not necessarily a bad thing. She went on to state Fermi was chosen as the school to be closed as a high school because it was land-locked and couldn't be expanded on that existing site. She stated she would not want Fermi to stay as it is for the middle school students. She noted Silver Petrucelli could have done a study of Fermi to determine what it could look like renovated, including ADA compliance issues.

Ms. Sullivan stated she did make a comment on social media about the Town Council and Board of Education not working together. She noted she does talk to Council and Board members, and there is tension. She stated perhaps there's some fence-mending to be done because both groups get pitted against each other, and it leaves residents confused.

Mary Ann Turner, 7 Meadow Road

Stated Republicans were at the recent Home Show, and they had a great time and raised \$100 for the Police Explorers.

Wendy Osada, 8 Windmill Road

Agreed with Councilor Bosco regarding the cost information that's available right now to do basic maintenance and fix ADA issues at Fermi. She noted JFK is the right style of building, but it's not big enough, and Fermi is big enough, but not the right style of building. She stated new construction is more expensive, and doing work while a building is occupied takes longer and becomes more expensive. She noted she's not aware of a report that contains all this information as far as taking into consideration the size of the building, square footage and what would be needed to make each building an appropriate middle school building. She stated she would like that information if it's available. She noted people don't feel the Town did its due diligence to get to this point.

Steve Cogtella, 2 South River Street

Stated his understanding the ECDC issue is off the table completely. Chairman Kaupin responded not completely, it was removed from the agenda at the request of the ECDC Board of Directors. Mr. Cogtella stated this raises some questions in his mind because the bills are still there, and he does not believe any bank will consider providing a loan. He cautioned the Council to beware of any offers made that they can't refuse because a favor will be asked in return.

COUNCILOR COMMUNICATIONS

Councilor Lee referred to Ms. Osada's comments and requested it be understood where the school building grant program is for the foreseeable future. He noted if they're looking at a far lower reimbursement rate, that will have a big impact.

Councilor Bosco questioned if it's possible to take whatever studies are available and put them on a separate page on the Town's website so that everyone can look at all the information.

Chairman Kaupin stated years ago when there was a decision to close Fermi, he was told information was relayed to the state that the school system was going to cease using that building as a school, therefore, all the enforcement actions taken against Fermi were taken off the table.

Chairman Kaupin referred to comments by Mr. Cogtella and explained the Council was approached by representatives of the ECDC Board of Directors, who had conversations with the IRS, and ECDC requested the item be removed from the agenda as they attempt to work things out on their own.

Councilor Stokes stated he was the Chairman of the Board of Education when the decision was made to go with one high school, and every year the Board would get a non-compliance letter. He noted when the decision was made, there was a letter requesting no penalties because it was just decided to go with one high school, which means Fermi will no longer be used as a school. He stated they can get that letter to clarify this.

Councilor Szewczak stated that letter went out again once the referendum passed, and that was signed by Dr. Schumann and Chairman Tim Neville.

ADJOURNMENT

MOTION #3571 by Councilor Cekala, seconded by Councilor Stokes to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3571** adopted 11-0-0, and the meeting stood adjourned at 9:55 p.m.

1625 King Street
Enfield, Conn. 06082
March 21, 2016

To: The Town of Enfield, Conn.
Atty. Christopher Bronson
Mayor Scott Koupin
Town Council Members



I wish to thank you all for providing the opportunity to share my thoughts and questions. Last week I saw on the ct.jud.gov. website under court document # HHDCV 14-6050339 CREC v TOWN OF ENFIELD that the court had approved a request by the parties involved to postpone the mediation and pretrial date until April 25, at 2pm in New Britain.

Many thoughts and questions have come into my mind about the development of the CREC Public Safety Academy since the surveyors first arrived in March 2011. I recall calling Dr. Bruce Douglas, CREC CEO, that summer to welcome the school to our neighborhood. He said they had not received approval. I told him I had prayed for 29 years for a good use for our former farm and could not think of a better use than a school to educate young people to serve in public safety careers and I looked forward to assisting at the school.

On January 15, 2016, the town manager, his assistant, the Town Attorneys and planner came to my home to see the CREC berm/mound from my property. My brother led the group up the rather steep slope to the top of the mound/berm which all could see looked even larger from the top than from the street or my yard. Many of the group commented regarding the perspective
(cont.)

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from the top upon seeing the map showing the location of the contaminated soil but not indicating the depth of the cap.
Atty. Bromson indicated he would seek removal of the entire berm/mound.
Atty. Elsdon commented that Army Corp Engineers required the location of the mound/berm as it is located. I replied I had not seen this information.

Early on Saturday morning, March 19, I awoke with the thought that I had not seen in any of the materials I reviewed in the Planning and Zoning Dept. nor had I heard during any conversations with town staff nor state DEEP staff that ACE required the mound/berm to be built so close to my home and property. The USDA Soil Conservation Service district conservationist, Vivian Felten, who observed the site, my pictures, and reports from the town and COREC offered her opinion in mid summer, 2015, that the mound/berm was not appropriate. She is available for comments. Windsor office USDA-SGS.

My mind reasoned that if ACE had very specific requirements about the conservation area east of the now elevated track area including ongoing monitoring of the area to protect the plant and animal habitat would the ACE require also monitoring and protection of the area adjacent on the lower area ie my property next to the berm/mound where plants, animals and people reside. You may already have answers to my concerns.

If the ACE required the mound/berm as it is, where is the monitoring plan? If not, how can the town remedy my concerns with the ACE. If ACE did not require the current placement, who did and how will it be removed?

I appreciate your ongoing concern and attention to this situation to protect all in the area now and in the future. If any new commission or council members need further history information contact me through your champion, mayor or directly.

Sincerely,
Maureen A. E. Muller

Copies to
Planning and Zoning Com.
Select Wetlands Com.

Conservation Com.
Zoning Board
Zoning of Appeals

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OF COUNSEL:
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By first-class mail, postage prepaid

March 2, 2016

Stephen Cogtella
2 S. River Street
Enfield, CT 06082

Dear Mr. Cogtella,

You have asked for our opinion on whether a conflict of interest exists when an Enfield Town Councilman would vote on a loan to be given by the Town of Enfield to a nonprofit organization for which that Councilman is a member of the Board of Directors. It is our opinion that such a conflict of interest does exist, and that absent special circumstances or some other important fact not known to us, such a Councilman should recuse themselves from participating in the vote or discussing the matter with his fellow Councilors.

The Connecticut Supreme Court has long recognized the importance of ensuring that public officials are not burdened by conflicts of interest that would hamper their duties. In the case of *Low v. Madison PZC*, 135 Conn. 1 (1948), the Court required recusal of public officials even if there was the appearance of a conflict of interest, noting that such a rule “serves the salutary purposes of promoting public confidence in the fairness of the decision-making process and preventing the public official from placing himself in a position where [they] might be tempted to breach the public trust bestowed upon [them].” While the Court agreed in *Latorre v. City of Hartford*, 167 Conn. 1 (1970) that such a strict standard was not appropriate in municipal legislative decisions enacted “within the limits of the formal powers conferred upon them and in due form of law,” it recognized that judicial intervention was still necessary “where fraud, corruption, improper motives or influences, plain disregard of duty, gross abuse of power, or violation of law enter into or characterize the action.” In the situation at hand, where a councilman would vote to give a loan to an organization over which that councilman exercises control as a member of the Board of Directors, it is highly likely that a reviewing court would find evidence of impropriety. However, without a more comprehensive review, it is impossible for us to say whether that evidence does in fact exist, and if case law were the only controlling factor here, it is possible that it would be entirely proper for a councilman to participate in the vote.

Mr. Stephen Cogtella
March 2, 2016
Page 2

That is not the case here. The Town of Enfield, like many other municipalities, has enacted a code of ethics that raises the standard to which it holds public officials. As an elected town officer, a councilman is a public official pursuant to Section 2-121 of the Enfield Code of Ethics ("Code"). That same section of the Code defines a personal interest as "an interest in either the subject matter or a relationship with the parties involved in a matter before the commission, board of *[sic]* department which may impair the impartiality expected of any such employee or official" (emphasis added). That same section of the Code also states that a conflict of interest exists if a public official has a personal interest in any matter under consideration before them. Finally, Section 2-129(e) of the Code prohibits public officials from rendering service when that service is incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment when performing their duties.

In this case, the Enfield Code of Ethics prohibits a councilman that also serves on the Board of Directors of a potential loan grantee from participating in the decision-making process for that loan. Directors of an organization owe a fiduciary duty to the organization. A councilman who is also such a director may suffer impaired impartiality because of that obligation when deciding whether to grant a loan to the organization, resulting in a conflict of interest. While this conflict of interest could be remedied by disclosure under Section 2-129(j), in this case the fiduciary duty also renders service as a director incompatible with the discharge of their duties as a councilman under Section 2-129(e). Recusal of the councilman is the only remedy under that section.

Please let me know if you have any questions or concerns.

Very truly yours,



Mark K. Branse, Esq.