

**ENFIELD TOWN COUNCIL
MINUTES OF A REGULAR MEETING
MONDAY, OCTOBER 3, 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, October 3, 2016. The meeting was called to order at 7:00 p.m.

PRAYER – The Prayer was given by Councilor Hall.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.

ROLL-CALL – Present were Councilors Bosco, Cekala, Davis, Deni, Edgar, Hall, Kaupin, Lee, Stokes and Szewczak. Councilor Arnone was absent. Also present were Town Manager, Brian Chodkowski; Town Attorney, Christopher Bromson; Town Clerk, Suzanne Olechnicki; Deputy Director of Public Works, Bill Taylor; Director of Finance, John Wilcox

FIRE EVACUATION ANNOUNCEMENT

Chairman Kaupin made the fire evacuation announcement.

MINUTES OF PRECEDING MEETINGS

MOTION #3844 by Councilor Deni, seconded by Councilor Szewczak to accept the minutes of the September 19, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3844** adopted 8-0-2, with Councilors Bosco and Hall abstaining.

MOTION #3845 by Councilor Edgar, seconded by Councilor Stokes to accept the minutes of the September 19, 2016 Regular Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3845** adopted 8-0-2, with Councilors Bosco and Hall abstaining.

SPECIAL GUESTS

REGISTRAR OF VOTERS

Present for this item was Lewis Fiore, Registrar of Voters, Mark Sheehan, Head Moderator and Thomas Stalgaitis, Deputy Registrar of Voters

Mr. Fiore stated on Tuesday, November 8th there will be a major election across the country and the polling places will remain the same in Enfield. He listed the polling places as follows:

District 1 – The gymnasium of John F. Kennedy Middle School
District 2 – The front of Enfield Street School
District 3 – The gymnasium of Enrico Fermi building
District 4 – Henry Barnard School near the Board of Education offices

Mr. Fiore stated there will be Election Day Registration (EDR), and this is only done in November at Town Hall in the Enfield Room from 6:00 a.m. to 8:00 p.m. EDR is for people who just moved into Enfield or for people who never registered before. He stated such people still have another month to register the normal way, which can be done online or through the traditional registration card.

He stated people have up until October 31st to register using the new State online system, which has been very successful. The online system is shut down a week before the election. He pointed out people can still register up until the night before the election.

Mr. Fiore stated a big turnout of absentee ballots is expected, and the Town Clerk's Office is responsible for disbursing absentee ballots. He noted at this time applications are being taken for absentee ballots, and they will continue taking them right up until a couple days before the election. He stated his belief the actual absentee ballots will start being mailed out on October 7th. He noted the public can watch absentee ballots being counted in the Thompsonville Room of Town Hall.

He stated people don't have to change their party for this election.

Mr. Sheehan stated all their moderators and assistant registrars have been through training, and they have training sessions set up for all poll workers over the next few weeks, and they are prepared for the election no matter how big the turnout.

Mr. Fiore stated in July the State of Connecticut came up with funding to replace their voting system with new equipment for handicapped people.

Councilor Lee questioned what a person needs to bring with them for same day registration.

Mr. Fiore responded they only need to bring a Connecticut Driver's License with an Enfield address. He noted if they do not have a Connecticut Driver's License with an Enfield address, they would need to bring something else to demonstrate that they reside at an Enfield address, i.e., a utility bill, paycheck or a lease agreement.

Councilor Lee questioned whether the polling places have accommodations for people who need to be closer to the door. Mr. Fiore explained where such parking accommodations can be found at each polling place.

Councilor Lee requested the phone number for people requesting absentee ballots and was told that phone number is 860-253-6440.

PUBLIC COMMUNICATIONS & PETITIONS

There were no comments from the public.

COUNCILOR COMMUNICATIONS & PETITIONS

Councilor Stokes stated the recent open house for the Stowe Early Learning Center was wonderful. He noted this is a great environment for early learners.

He thanked the Miller family and Shop Rite who hosted a Bag-A-Thon where Councilors bagged groceries on Tuesday. He noted they then had a pasta dinner on Friday night at Mt. Carmel to raise awareness and money for the Food Shelf and Loaves and Fishes to help those in need. He commended the Miller family and Shop Rite, who are active participants in this community.

Councilor Stokes stated the Moose Lodge had a breakfast to recognize and to honor First Responders. He thanked the Moose Lodge for their service to the community.

Councilor Cekala stated this year's Jack-O-Lantern Festival is scheduled for October 15th from 4:00 p.m. to 8:00 p.m.

Councilor Bosco requested some attention be given to trip hazards or non-navigable areas at the polling area of John F. Kennedy Middle School. He noted if needed, he can provide information regarding these areas.

Councilor Hall requested the Director of the Health Department be invited to the next meeting to provide an update on the State's proposals for the wider regionalization of the health district.

Councilor Davis stated the new T.J. Max store had a grand opening this weekend, and they donated \$5,000 to Loaves & Fishes. She noted it's nice that they are already supporting the community.

Councilor Deni stated Carr Hardware on Enfield Street recently opened and they will have their grand opening on October 15th.

Councilor Lee requested the Town Manager provide some information about the leaf program.

He thanked those who organized the 20th Source to Sea Cleanup. He noted there were many participants. He noted over 19 years, 900 tons of material has been taken from the banks and tributaries of the Connecticut River from Vermont and New Hampshire down to the ocean. He stated Enfield's effort brought in 2.84 tons of material from the river.

Councilor Lee stated there will be an Enfield High School open house for students' parents at which time they can follow the student schedule and meet teachers.

He stated the Autumn Village Supper, sponsored by the faith community in Thompsonville, is scheduled for Sunday at 3:30. There will be a buffet at St. Patrick's Church, and this event is open to anyone.

Councilor Lee stated he received a call from a resident on Sherman Road in Green Manorville, who has requested the Town look at a storm drain, which is sitting higher than the road and causing a large puddle at the bottom of the resident's driveway.

MOTION #3846 by Councilor Lee, seconded by Councilor Hall to suspend the rules to address under Miscellaneous Items 14 B2, E, F, G, H, I, J, K and L.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3846** adopted 10-0-0.

Chairman Kaupin stated he and Councilor Stokes attended an event put on by the Enfield Adult Day Care Center on September 22nd. He pointed out they are seeing an increase in client participation at the Enfield Adult Day Care Center.

He stated the quarterly informational meeting was held at Nathan Hale recently, and the first half of that meeting involved a Q&A on the energy performance contracting referendum, which is on the ballot in November. He noted they had good questions back and forth, and Honeywell provided good information. He stated this was a well-attended meeting.

Chairman Kaupin stated this Friday the Enfield Food Shelf is hosting an open house and dedication from 5:00 to 8:00 p.m. at 96 Alden Avenue with a special ceremony honoring Charles Miller's support of the fight against hunger. He invited everyone to come and tour the facility and be present for the recognition for Mr. Miller.

He stated last week he attended the Stowe Early Learning Center open house. He noted this was well attended, and this is a great facility. He stated Building & Grounds was recognized for their work at this facility over the last two years.

Chairman Kaupin stated for people wishing to support the Enfield Police Department, there is a new group called, "Friends of the Enfield Police Department", and they are holding a pasta dinner at 5:00 p.m. at Mt. Carmel. He invited people to come out and support this new group.

TOWN MANAGER REPORT & COMMUNICATIONS

Mr. Chodkowski stated the Council has within their packets the Project and Activities Report. He noted also included is information about the leaf collection, which will begin October 31st and run through December 2nd. He stated they're preparing to publicize this next week.

Mr. Chodkowski stated there's an updated schedule for the skatepark project.

Councilor Hall referred to the next skatepark RFP which is going out and stated her understanding DPW had an issue with doing the topographicals and all the environmental things required by the contractor. She questioned what will be done differently.

Mr. Taylor stated the initial work envisioned the design/build approach to the park were the vendor that was selected would design it and build it. He noted traditionally, the Town follows a different process, and that's what they're recommending for the next attempt. He explained they will hire a consultant to design the project and produce plans and specifications. He noted they'd also do all the surveys, geotechnical investigation and design work, and then the Town would take those documents and put them out for a competitive bid through the Enfield Finance Department. He pointed out this would be similar to what the Town does for all its roads projects and other projects.

Councilor Hall questioned if this is something typically done with playscapes. Mr. Taylor stated playscapes are a little different. He explained Mary Keller, the Recreation Supervisor, selects and orders a playscape for a facility. He noted the playscape is delivered to the site or to Building & Grounds, and then Building & Grounds personnel build the playscape. Councilor Hall questioned why the skatepark wasn't done this way at the very beginning. Mr. Taylor responded he's not sure because Public Works only became involved in this sometime in June when he was asked to look at the contract that the selected vendor had proposed. He noted he looked at the contract and made over 20 comments on it. He stated Mary Keller is a Recreation Supervisor and doesn't really have a construction background, but she was charged over a year ago with getting the skatepark built within a very short time. He stated his understanding the design/build approach had been used in many other communities, therefore, Ms. Keller put together an RFP to the best of her ability to get a vendor to do that.

Councilor Hall questioned whether the contractor that the Town already has on the table still has the opportunity to come in on this project, and whether they are the preferred contractor from the group involved in this from the beginning. Mr. Taylor stated his understanding the RFP went out, they were one of the groups that responded, and the selection committee selected this vendor.

Councilor Hall referred to the timeline, and stated she's a little disappointed in the process so far, and she doesn't believe it's Mary Keller's problem because she was tasked with something that really wasn't her expertise, and it should never have been in her "basket". She noted she would like to see this move along a little quicker than the outlined timeline in the memo sent to the Council. She stated her understanding there's someone in-house that's pretty well versed in how to do these. She stated she would like to see this pushed along since it's been on the table for so long, and she would like to get it up and running so children can use it at the beginning of the summer and not the end of the summer.

Chairman Kaupin stated his understanding that it might cost more to speed up the schedule, and Mr. Chodkowski responded that's correct. Chairman Kaupin questioned the delay.

Mr. Taylor stated the schedule that's been put together is actually very tight. He acknowledged they do have a member of the staff that has experience in building these parks, and that person helped put together this schedule, however, he's fully occupied at this time with the roads program.

Chairman Kaupin stated he would like to see what can be done to move up the schedule so that the kids will have this for the summer.

Councilor Lee stated there will be a paper shredding day at DPW on October 15th and an October 22nd event, which is the annual household hazardous waste day. He questioned if these events are for residents only, and Mr. Taylor responded yes. Councilor Lee questioned if a listing will be going out as to what's acceptable material, and Mr. Taylor noted that can be found online.

Councilor Deni stated Mt. Carmel is allowing touch football to use their fields again. He noted there are no seating accommodations. He requested the Town provide something for either sideline. Mr. Chodkowski noted that can be discussed at the staff meeting tomorrow.

TOWN ATTORNEY REPORT & COMMUNICATIONS

Attorney Bromson stated his office spoke to the court today on the CREC mediation for tomorrow, however, it's not certain it's going to go forward because the judge was not in today, and they will not know until the morning. He advised Ms. Mullen to check with his office in the morning so they will know if it's going to be continued and until when.

REPORT OF SPECIAL COMMITTEES OF THE COUNCIL

Present was Christopher Rutledge, 7 Victory Street and Vice Chairman of the JFK Pre-Referendum Committee. Mr. Rutledge gave an update regarding the JFK Pre-Referendum Committee. He noted on October 6th at 6:00 p.m. there will be a committee meeting when they will be listening to presentations from architectural firms. He stated the committee chairman resigned recently, and they look forward to seating another member.

Councilor Edgar stated one bid was around \$58,000 and the other was \$28,000. He noted normally they take the low bid, and he doesn't understand why both firms are being interviewed. Mr. Rutledge responded the Committee is hoping to have a better understanding what each firm is offering and why there's the price discrepancy.

Chairman Kaupin stated he is one of the liaisons, and it's his understanding the members of the committee did not feel comfortable that the two proposals were presenting apples to apples. He noted originally the committee was going to go with the low bid, but they then started questioning whether it's actually comprehensive, and is it going to get them to the finished final product that is needed. He stated his belief they're doing their due diligence.

Councilor Szewczak stated she sent out an initial “look/see” at some of the changes to the Policies and Procedures. She noted she did receive back some comments, and she worked them in. She stated she does have another document that she’d like to bring before the Council, but she’d really like some input back because she feels it’s time to move forward on policy and procedure changes that are required. Chairman Kaupin indicated this can be included on the next agenda.

OLD BUSINESS

APPOINTMENTS

All appointments remained tabled.

MOTION #3847 by Councilor Edgar, seconded by Councilor Szewczak to remove Item F. from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3847** adopted 10-0-0.

MOTION #3848 by Councilor Stokes, seconded by Councilor Deni to remove Item F. from the agenda because this business has been completed.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3848** adopted 10-0-0.

All other Old Business items remained on the table.

NEW BUSINESS

RESOLUTION #3849 by Councilor Edgar, seconded by Councilor Stokes.

RESOLVED, that the Enfield Town Council does hereby approve the proposed settlement in the case entitled Marilyn Tyler v. Town of Enfield, Docket Number HHD-CV-09-5032569-S, as set forth in the attached Stipulated Judgment.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3849** adopted 10-0-0.

ITEMS FOR DISCUSSION

All items have been moved to Miscellaneous.

MISCELLANEOUS

NOMINATION #3850 by Councilor Edgar, seconded by Councilor Davis to appoint Vincent Weseliza to the JFK Middle School Pre-Referendum Committee for an indefinite term.

MOTION #3851 by Councilor Lee, seconded by Councilor Stokes to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3851** adopted 10-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Vincent Weseliza appointed to the JFK Middle School Pre-Referendum Committee by a 10-0-0 vote.

Chairman Kaupin requested someone get in touch with Mr. Weseliza so that he is placed on the email string and is able to receive documents.

RESOLUTION #3852 by Councilor Stokes, seconded by Councilor Edgar.

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

TO: Unallocated Charges		FROM: Police Services	
Transfer Out		Overtime	
10800092-593014	\$45,225.00	10200500-514000	\$45,225.00
TO: DUI Enforce. Program		FROM: DUI Enforcement Program	
Overtime	\$169,809.82	DUI Enforcement	\$135,675.00
25006049-514000		25040000-460490	
Medicare	\$ 2,462.24	General Fund Transfer In	
25006049-522100		25040000-480001	\$45,225.00
Workers' Comp	\$ 8,184.83		
25006049-526000			
Unemployment	\$ 407.54		
25006049-525000			

CERTIFICATION: I hereby certify that the above-stated funds are available as of September 20, 2016.

/s/ John Wilcox, Director of Finance

Councilor Edgar stated 75% of that will come back in state grants. Chairman Kaupin stated the General Fund transfer in of \$45,225.00 is the Town's match for the grant.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3852** adopted 10-0-0.

RESOLUTION #3853 by Councilor Szewczak, seconded by Councilor Stokes.

RESOLVED, that in accordance with Chapter VI, Section 8(f) of the Town Charter, the following transfer referred to as Attachment A, is hereby made.

CERTIFICATION: I hereby certify that the funds stated in Attachment A are available as of September 28, 2016.

Mr. Wilcox stated this is the typical year-end transfer. He noted this year they typically did not budget for non-union salary increases, staff departures, etc. He stated some of the biggest items include changes due to staff departures with at least eight long-tenured employees departing, and they had significant sick and vacation time payouts. He noted most of those payouts were covered within the fund budgets. He stated one additional transfer had to be made, which was to the Dog Fund.

Councilor Lee referred to Health Insurance transfers and stated his impression they take funds out of the insurance fund. Mr. Wilcox explained the combination of what the Town pays plus what is withheld from the employees is paid into the internal service fund, and it comes out of there to pay claims.

Councilor Lee questioned if the end of the year has money left over in a line item that is insurance related, does that impact the health of the insurance fund, or does that just mean it wasn't spent in this department. Mr. Wilcox responded that just means it was not spent in that department.

Chairman Kaupin questioned where is the fund balance today now that the books have been reconciled. Mr. Wilcox stated he completed the expenditure side, but still has to finish the revenue side, therefore, he's not in a position to answer that question right now. He noted he should have an answer by the next Council meeting.

Councilor Lee questioned if the Council can be told how over-funded this line item was for last year. Mr. Wilcox stated the insurance fund and the expense budget are similar, but they don't necessarily go hand-in-hand. Councilor Hall stated more information will be available after the next insurance committee meeting.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3853** adopted 10-0-0.

RESOLUTION #3854 by Councilor Hall, seconded by Councilor Szewczak.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Enfield hereby ratifies and accepts the Labor Agreement between the Town's Board of Education and the Enfield Teachers' Association for the period from July 1, 2017 to June 30, 2020.

Councilor Stokes commended the Teachers' Association and Board of Education for working together, and he believes this has been a good show of cooperation, and it's a fair package for the Teachers and Board.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3854** adopted 10-0-0.

RESOLUTION #3855 by Councilor Szewczak, seconded by Councilor Deni.

WHEREAS, the Town of Enfield acquired 13 properties from the 2016 Tax Sale; and

WHEREAS, those 13 property addresses were referred to the Development Services Subcommittee to be claimed by the Town of Enfield; and

WHEREAS, of those 13 property addresses, upon vote, the following nine parcels, identified as follows, would be acquired:

Woodward Avenue, parcel ID #020700010035
Parsons Road, parcel ID #031600010135
Enfield Street, parcel ID# 000700020285
John Street, parcel ID# 020400010060
Weymouth Road, parcel ID# 002900010150
Mountain View Avenue, parcel ID #020600020040
King Court, parcel ID #032200010076
King Court, parcel ID #032200020073
Taylor Road, parcel ID #002700010065; and

WHEREAS, pursuant to the requirements of Connecticut General Statute §8-24, acceptance of real property must be referred to the Enfield Planning and Zoning Commission for a report; and

NOW, THEREFORE, BE IT RESOLVED, that the Enfield Town Council does hereby refer the proposed acceptance of the afore-mentioned nine parcels to the Planning and Zoning Commission for a report in conformance with the requirements of Connecticut General Statute §8-24

AMENDMENT #1 by Councilor Lee, seconded by Councilor Hall to strike the Weymouth Road parcel and add the following:

King Court, parcel ID #032200010125

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **AMENDMENT #1** adopted 10-0-0.

Councilor Edgar stated on a committee level the ones that were approved were approved by the Conservation Commission. He noted the three on Kings Court were not approved by the Conservation Commission, and for that reason, he will vote “no”.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3855** adopted as amended by a 9-1-0 vote, with Councilor Edgar voting against the resolution.

RESOLUTION #3856 by Councilor Lee, seconded by Councilor Szewczak.

WHEREAS, the Crescent Lake Tax District is the owner of real property on Crescent Beach Drive; and

WHEREAS, the Town of Enfield has made certain improvements upon said property in the interest of the public health, safety and well-being; and

WHEREAS, the Town of Enfield seeks to acquire a permanent access and maintenance easement for such improvements upon said property; and

WHEREAS, the Crescent Lake Tax District seeks compensation in exchange for providing the requested easement.

NOW, THEREFORE, BE IT RESOLVED THAT, the Enfield Town Council hereby agrees to compensate the Crescent Lake Tax District in the amount of \$4,229.25 in exchange for the granting the request permanent access and maintenance easement.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, said compensation shall be provided immediately following the execution of permanent access and maintenance easement.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3856** adopted 6-4-0, with Councilor Cekala, Davis, Deni and Edgar voting against the resolution.

RESOLUTION #3857 by Councilor Hall, seconded by Councilor Szewczak.

WHEREAS, the Town Council recognizes that crumbling foundations caused by defective concrete are a serious issue facing our region and may impact property owners in our community; and

WHEREAS, the Town Council recognizes the enormous hardship and financial burden that the discovery and remedy of a defective foundation may have upon our residents; and

WHEREAS, the Town Council wishes to amend Section 14-32 Fee Schedule to include an exemption for local building permit fees pursuant to PA 16-45 related to the repair or replacement of a defective foundation; and

WHEREAS, the Town Council wishes to seek input on a proposed amendment to Section 14-32 Fee Schedule, appended hereto as “Attachment A”;

NOW, THEREFORE, BE IT RESOLVED, the Enfield Town Council will hold a Public Hearing in the Enfield Town Hall Council Chambers, 820 Enfield Street, Enfield, Connecticut on Monday, October 17, 2016 at 6:45 p.m. to allow residents an opportunity to express their opinions regarding the proposed revisions to Enfield Town Code, Chapter 14, Article II, Section 14-32 Fee Schedule, appended hereto as “Attachment A.”

Councilor Lee stated there are some properties they’re aware of and potentially more properties that may have the conditions they’ve been hearing about over the last couple years regarding concrete foundations that have chemical issues, and they’re beginning to break down. He noted as of October 1st, the Public Act that the State of Connecticut adopted last spring sets forward a means for a property owner to have such a condition validated and seek some protections from the municipality. He stated it was felt that Enfield would be wise to establish relief from the building permit process for a property owner who has to go through a very arduous and expensive process to remediate this condition in their foundation.

Chairman Kaupin stated if someone needs a total foundation replacement, the quotes are coming in around \$250,000. He noted the small amount of building fee money that the Town can actually waive through the public act is a financial gesture recognizing such a condition was totally out of a property owner’s control, and the Town is not going to take advantage financially of that situation that wasn’t caused by the property owner.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3857** adopted 10-0-0.

RESOLUTION #3858 by Councilor Lee, seconded by Councilor Stokes.

BE IT RESOLVED, that the Enfield Town Council hereby provides its consent to the Town’s insurer, CIRMA, to settle the matter of Avalos v. Enfield, et al., No. 3:15cv00902 (VAB), pursuant to the discussion with the Town’s legal counsel in executive session on October 3, 2016.

Councilor Edgar stated he understands the settlement, but it’s not transparent because it’s not making known the amount, therefore, he will vote no.

Councilor Davis agreed with Councilor Edgar. She stated her belief not disclosing the amount wasn’t part of the lawsuit agreement.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3852** adopted 6-4-0, with Councilors Davis, Deni, Edgar and Kaupin voting against the resolution.

RESOLUTION #3859 by Councilor Lee, seconded by Councilor Szewczak.

BE IT RESOLVED, that the Enfield Town Council hereby provides its consent to the Town’s insurer, CIRMA, to settle the matter of Ronnie Salas and Frank Salas v. Enfield, et al., No. 3:14cv01883 (WWE), pursuant to the discussion with the Town’s legal counsel in executive session on October 3, 2016.

Attorney Bromson explained they have an insurance policy with CIRMA which states they will provide us with the defense and also with an attorney to defend these matters that's separate and apart from the Town. He noted when they make a recommendation and a determination that a case should be settled, it is within their prerogative under the contract of insurance with the carrier if the Council were not to follow their advice and the matter were to go to trial, the Town then would lose the insurance coverage beyond the amount of the settlement and be on the hook to pay whatever the amount is up to which could be millions of dollars and also they would stop paying for the attorney at that time.

Councilor Lee questioned if the Town Attorney can provide some light on the transparency issue. Attorney Bromson stated he can provide his own general concept of this, but he would be more comfortable if the attorney for the insurance carrier would give his opinion. He went on to state his understanding is that these matters were tried in settlement mediations at the court, and these were agreements made with the input of a federal magistrate and between the parties, and it's more common practice in the federal courts to enter into these confidentiality agreements, and it was recommended this be done. He stated it's incumbent on the Council to follow the attorney's advice because he's the attorney in this matter.

Councilor Lee stated his understanding the exposure of the municipality in accepting these recommendations of the insurance carrier is just to the limit of their deductible. Attorney Bromson responded that's correct and added the Town has a deductible in all liability cases, including police matters, and they pay up to that deductible, and the carrier then pays attorneys' fees and cost of settlement beyond that, unless they recommend settlement and the Town doesn't follow their advice at which time the Town becomes responsible for anything thereafter.

Councilor Lee questioned whether at some point in the future the factual nature of the cases become more public, and Attorney Bromson stated he does not believe so and noted the settlement is confidential under federal rules.

Councilor Cekala stated she appreciates the explanation for people and the understanding the Council might not like it, but it makes the most economical sense.

Councilor Edgar stated he understands everything Attorney Bromson is saying, but in Executive Session he told the insurance attorney that he was going to vote against this because of transparency.

Councilor Davis agreed with Councilor Edgar. She stated her belief not disclosing the amount wasn't part of the lawsuit agreement. Attorney Bromson stated perhaps it wasn't discussed as fully this time, but it is his understanding it was a specific condition of this settlement.

Chairman Kaupin stated his vote of "no" is not a transparency issue, but rather he does not want this resolution to pass overwhelmingly. He stated he knows what has to be done, but he believes everyone understands this legal process does not serve the Town of Enfield or the Police Department well. He noted there's a lot of information that the Town can't share with

the public, therefore, it raises a lot of questions. He stated he does not like this whole process, and his vote is more of a protest vote.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3859** adopted 6-4-0 with Councilors Davis, Deni, Edgar and Kaupin voting against the resolution.

PUBLIC COMMUNICATIONS

There were no comments from the public.

COUNCILOR COMMUNICATIONS

Councilor Bosco requested the men's room ceiling in Town Hall be repaired.

Councilor Lee stated on October 19th from 6:00 to 8:00 p.m. in the Council Chambers of Town Hall there will be a transit oriented development workshop sponsored by the Connecticut Department of Transportation. He noted they're working on fulfilling the action plan along the corridor, and Enfield has been very actively working on its own, which has been in part funded by DOT.

Councilor Lee stated Boy Scout Troop #819 is sponsoring an event at Red Robin on Wednesday night from 5:00 to 9:00 p.m. He noted a good portion of the bill will go toward funding the scout troop.

ADJOURNMENT

MOTION #3860 by Councilor Hall, seconded by Councilor Deni to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3860** adopted 10-0-0, and the meeting stood adjourned at 8:39 p.m.

Respectfully submitted,

Suzanne F. Olechnicki
Town Clerk
Clerk of the Council

Jeannette Lamontagne
Secretary to the Council

DOCKET NO. HDD CV-09-5032569-S : SUPERIOR COURT
MARILYN TYLER : J. D. OF HARTFORD
V. : AT HARTFORD
TOWN OF ENFIELD : OCTOBER ___, 2016

STIPULATED JUDGMENT

The Court, having canvassed the parties and having satisfied itself that the parties are in agreement that judgment should enter in accordance with their stipulation, enters judgment in the above-captioned matter as follows:

1. The Plaintiff Marilyn Tyler ("Mrs. Tyler" or "Plaintiff") is the current owner of the real property consisting of approximately 17 acres located at Post Office Road and Oliver Road in Enfield, Connecticut. Mrs. Tyler acquired the property by conservator's deed from the Estate of John Mokrycki dated November 22, 2005, and recorded at Volume 2490, Page 682 of the Enfield Land Records.
2. The Town of Enfield ("Town" or "Defendant") is a municipal corporation organized under the laws of the State of Connecticut.
3. By Amended Complaint dated August 1, 2011, the Plaintiff brought the above-captioned matter in six counts against the Defendant. Common to all of the counts is the allegation that without the Plaintiff's consent or permission the Defendant caused water from properties upland to the Plaintiff's property to drain onto the Plaintiff's property, and that a permanent pond and stream were created on the property, resulting in damage to the property.
4. The Defendant has denied the material allegations of the Plaintiff's Complaint.

5. The parties commenced trial before this Court in May, 2015, and the trial remains pending at the time of the entry of judgment. The parties wish to resolve their differences in accordance with this stipulated judgment.

6. Accordingly, judgment shall enter and is entered in favor of the Plaintiff and against the Defendant on Count Two of the Amended Complaint, sounding in nuisance. In connection with all other counts the Plaintiff shall withdraw those counts, without costs or fees to any party.

7. The Defendant shall purchase Lots 1, 2, and 7 of the Plaintiff's property, known as the Sunny Brook Farms Subdivision ("the Subdivision") as shown on the maps filed August 17, 2006, and recorded at Volume 259, Pages 5201 and 5202 of the Enfield Land Records for the amount of \$270,000, and as is more particularly described in Schedule A attached to this Judgment, and which is incorporated in and made a part of the Judgment. The purchase of Lots 1, 2 and 7 is subject to the terms and provisions of Conn. Gen. Stat. §8-24, and as such shall be referred to the Enfield Planning and Zoning Commission in conformance therewith. In the event that this purchase is approved per the terms and provisions of Conn. Gen. Stat. §8-24, the Plaintiff shall convey to the Defendant the property by warranty deed upon receipt of the purchase price. This purchase shall take place within thirty (30) days of such final approval by the Town Council as required by Conn. Gen. Stat. §8-24. If the purchase price is not paid within the thirty-day period then interest shall begin to run at the post-judgment rate set forth in Conn. Gen. Stat. Section 37-3a.

8. The Defendant acknowledges and agrees that the Plaintiff has paid to the Town the sum of \$99,165.18, representing the real estate and fire district taxes paid by

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the Plaintiff owing on the property since 2006 and through June 30, 2016. The Town shall issue to the Plaintiff a credit for real estate taxes in the amount of \$99,165.18. This credit shall run with the land and/or shall be assignable by the Plaintiff; the plaintiff will specify to whom the credit will be applied and/or which properties will receive the credit. The Town shall release and forgive the Plaintiff from the payment of any real estate taxes due July 1, 2016, which covers the period of July 1, 2016 through December 31, 2016.

9. The Defendant shall pay to the Plaintiff as damages the sum of \$100,000 within thirty (30) days of the entry of judgment. If payment is not paid within the thirty-day period then interest shall begin to run at the post-judgment rate set forth in Conn. Gen. Stat. Section 37-3a.

10. The Town shall pay to the Plaintiff on or before June 30, 2017, the sum of \$25,000, plus \$427.59 representing overpayment of the fire district taxes plus interest at the rate of three percent (3%) per annum running from the date of the entry of judgment.

11. The Town shall pay to the Plaintiff on or before June 30, 2018 the sum of \$25,000, plus \$427.59 representing overpayment of the fire district taxes plus interest at the rate of three percent (3%) per annum running from the date of the entry of judgment.

12. The Town shall pay to the Plaintiff on or before June 30, 2019, the sum of \$25,000, plus \$427.59 representing overpayment of the fire district taxes plus interest at the rate of three percent (3%) per annum running from the date of the entry of judgment.

13. With respect to Lots 3, 4, 5, and 6 of the Subdivision, the Town will forgive and abate any real estate taxes that otherwise might be due and owing through June 30, 2019.

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14. It is adjudged and decreed that the Lots 3, 4, 5, and 6 within the Subdivision shall be, and each hereby is, an approved Subdivision lot within the meaning of the Enfield Ordinances and the Connecticut General Statutes, and that the Plaintiff shall not need any further approvals to market, sell, and or build any of said lots within the Subdivision. It is understood and agreed that applications for building permits and certificates of occupancy must satisfy local and/or state requirements.

15. It is further adjudged and decreed that the Plaintiff, or any buyer or subsequent owner of the Subdivision or Lots 3, 4, 5, and 6 within the subdivision, shall not be required by the Town of Enfield to utilize city sewers or public water in connection with any of the lots, but rather may install septic systems and wells, subject to Health Department Approval. Should the Plaintiff or any subsequent owner determine that wells are not to be utilized, the Plaintiff, and/or any subsequent owner, shall not be required to pay any fees to the Town of Enfield for hooking up to the water systems. Should the Plaintiff or any subsequent owner determine that septic systems are not to be utilized, the Plaintiff, and/or any subsequent owner, shall pay the Town of Enfield the following fees for hooking up to the sewer systems - Lot 3: \$1,181.25; Lot 4: \$1,181.25; Lot 5: \$1,181.25; and Lot 6: \$2,130.50. The aforementioned fees shall automatically expire twenty-four (24) months from the date of the entry of judgment, at which time the fees for hooking up to the sewer system shall revert to those in effect at the time the plaintiff and/or any subsequent owner elects to hook up to the sewer system.

16. It is further adjudged and decreed that the Town of Enfield shall not enforce any requirement that the Plaintiff shall be required to pay to the Town a fee in

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lieu of open space as more fully described as Condition #4 as shown on the Conditions of Approval of PH #2565 with respect to the first sale of any of the seven lots of the Subdivision.

17. The Town shall permit surface water runoff from Lots 3, 4, 5, and 6 of the Subdivision to continue to drain onto the land being acquired by the Town, namely Lots 1, 2, and 7, and shall not prevent the drainage of water from Lots 3, 4, 5, and 6 once built for single family residential use. The parties acknowledge that the Town intends to market Lots 2 and 7 for sale as single family homes and that neither party, nor their successors and assigns, will interfere with the other party's efforts to market and sell any of Lots 2, 3, 4, 5, 6, or 7. With respect to Lots 2, 3, 4, 5, 6, and 7 surface water runoff shall be permitted in accordance with the approved Subdivision on file.

18. The benefits, burdens and encumbrances set forth in this judgment shall run with the land and is personal to Marilyn Tyler.

19. Judgment shall enter without costs or fees to any party.

BY THE COURT

(Aurigemma, J.)

SCHEDULE "A"

Three (3) certain pieces or parcels of land, together with all improvements thereon and appurtenances thereto, two (2) of which are situated on the southerly side of Post Office Road in the Town of Enfield, County of Hartford and State of Connecticut, being known and designated as Lots No. 1 and 2, and one (1) of which is situated on the northerly side of Oliver Road in the Town of Enfield, County of Hartford and State of Connecticut, being known and designated as Lot No. 7, according to and as shown on two certain maps or plans, the first map or plan entitled "**Sunny Brook Farms SITE & LOCATION PLAN** Drawn By: DF Drawing 1 of 2 **John Mokrycki, Jr. Marilyn Tyler, Conservatrix Post Office Road & Oliver Road Enfield, Connecticut L.P. CONSULTANTS 262 Hazard Ave. Enfield, CT. 06082 Scale: Noted Date: 5-31-06**" which map or plan is on file in the Enfield Town Clerk's Office in **Book of Public Maps, Volume 259 at Page 5201**, together with the second map or plan entitled "**Sunny Brook Farms SITE PLAN** Drawn By: DF Drawing 2 of 2 **John Mokrycki, Jr. Marilyn Tyler, Conservatrix Post Office Road & Oliver Road Enfield, Connecticut L.P. CONSULTANTS 262 Hazard Ave. Enfield, CT. 06082 Scale: Noted Date: 5-31-06**" which map or plan is on file in the Enfield Town Clerk's Office in **Book of Public Maps, Volume 259 at Page 5202**, to which reference is hereby made.

Appended to minutes
of 10/03/2016 Regular
Town Council Meeting
See Page 9

Town of Enfield
Year End Council Transfer
FY 2016

Attachment A

Department	Account	Description	From Amount	To Amount	Description	Account	Department
General Fund							
Registrar of Voters	10150000	533900 Other Professional Services	906	323 Social Security 583 Medicare	10150000 522000.00 10150000 522100.00		Registrar of Voters
Town Clerk	10160100	521000 Health/Medical Insurance	1,200	1,200 Salaries	10160100 511000.00		Town Clerk
Human Resources	10170000	521000 Health/Medical Insurance	5,639	5,639 Salaries	10170000 511000.00		Human Resources
Treasury	10181000	511000 Salaries	17,912	17,912 Salaries	10181000 511000.00		Finance Administration
General Services	10184000	521000 Health/Medical Insurance	310	424 Salaries	10184000 511000.00		General Services
	10184000	522000 Social Security	137	3,027 Salaries - Part Time	10184000 512000.00		
	10184000	543200 Equipment Repairs	306				
	10184000	553100 Telephone	905				
	10184000	553500 Postage	230				
	10184000	554000 Advertising	200				
	10184000	555000 Printing & Reproduction	64				
	10184000	561200 Office Supplies	1,281				
Boards and Commissions							Boards and Commissions
Board of Assessment	10190905	589000 Miscellaneous	457	370 Social Security 87 Medicare	10190905 522000.00 10190905 522100.00		Board of Assessment
Enfield Revitalization	10190922	589000 Miscellaneous	8	6 Social Security 2 Medicare	10190922 521000.00 10190922 522100.00		Enfield Revitalization
Beautification Committee	10190955	589000 Miscellaneous	29	23 Social Security 6 Medicare	10190955 522000.00 10190955 522100.00		Beautification Committee
Historic District Commission	10190960	589000 Miscellaneous	45	36 Social Security 9 Medicare	10190960 522000.00 10190960 522100.00		Historic District Commission
Police Services	10200500	521000 Health/Medical Insurance	128,159				Police Services
	10200500	521200 Heart & Hypertension	125,487				
Public Works Administration	10300100	521000 Health/Medical Insurance	6,718	6,553 Salaries 165 Stipend	10300100 511000.00 10300100 516000.00		Public Works Administration
Building & Grounds	10300340	543100 Building Maint/Repairs	17,000				Building & Grounds
	10300340	561400 Maint/Building Supplies	28,000				
Highway Maintenance	10300370	514000 Overtime	13,221	13,221 Health/Medical	10300370 521000.00		Highway Maintenance
T'ville Revitalization	10606155	514000 Overtime	3,415	4,415 Health Insurance	10606155 521000.00		T'ville Revitalization
	10606155	516000 Stipend	1,000	60 Life Insurance	10606155 521500.00		
	10606155	533900 Other Professional Services	751	33 Social Security 658 Medicare	10606155 522000.00 10606155 522100.00		
Economic and Community Development	10506600	511000 Salaries	5,209				
Building Inspection	10606800	511000 Salaries	3,540	3,540 Miscellaneous Expenditures	10700780 589000.00		Celebration and Special Events
Liability Insurance	10800090	530000 Purchased Prof Technical	11,668				Liability Insurance

Department	Account	Description	From Amount	To Amount	Description	Account	Department
Employee Benefits				174,833	Employee Separation Pay	10800091	Employee Benefits
				66,000	Health/Medical Insurance	10800091	Employee Benefits
				357,813	Workers Compensation	10800091	Employee Benefits
Unallocated Charges	10800092	593070 Transfers to Collective Barg	300,000	5,209	Transfer to Dog Fund	10800092	Unallocated Charges
Debt Service	10800096	533100 Finance/Audit	49,633	176,301	Interest	10800096	Debt Service
	10800096	591000 Redemption of Principal	115,000				
Total General Fund			838,448	838,448			

Social Services Fund							
Social Services Administration							Social Services Administration
	22040001	553100 Telephone	1,600	85,889	Salaries	22040001	Social Services Administration
	22040001	573500 Furniture and Fixtures	2,384	2,384	Social Security	22040001	Social Services Administration
Social Services Liability Insurance							Social Services Liability Insurance
	22040090	552200 Property Insurance	5,478				
	22040090	552300 Fleet/Vehicle Insurance	1,785				
Social Services Dial-A-Ride							Social Services Dial-A-Ride
	22040412	521000 Health/Medical Insurance	33,857				
	22040412	562600 Gasoline	34,484				
Congregate Living							Congregate Living
	22040413	563000 Food/Food Related	10,649				
Adult Day Care							Adult Day Care
	22040431	521000 Health/Medical Insurance	2,305	2,305	Salaries	22040431	Adult Day Care
	22040431	563000 Food/Food Related	10,356				
Enfield Child Development							Enfield Child Development
	22040432	521000 Health/Medical	39,542	58,269	Salaries	22040432	Enfield Child Development
	22040432	553100 Telephone	2,502	10,788	Salaries - Part Time	22040432	Enfield Child Development
				720	Salaries - Temp/Seasonal	22040432	Enfield Child Development
				9,817	Overtime	22040432	Enfield Child Development
Senior Center							Senior Center
	22040440	521000 Health/Medical Insurance	1,224	1,224	Salaries	22040440	Senior Center
	22040440	533900 Other Professional Services	3,823				
	22040440	563000 Food/Food Related	4,107				
Total Social Services Fund			148,096	148,096			

Records Preservation Fund							
Records Preservation	23006064	589000 Miscellaneous Expenditures	7,066	7,066	Technological Services	23006064	Records Preservation
Total Records Preservation			7,066	7,066			

Finance Fund							
Emergency Medical Services	23500022	552800 Deductibles/Small Claims	12,050				Emergency Medical Services
Water Pollution Control	23500350	522800 Deductibles/Small Claims	13,442				Water Pollution Control
Social Services	23500400	522800 Deductibles/Small Claims	7,008				Social Services

Department	Account	Description	From Amount	To Amount	Description	Account	Department
Board of Education				47,686	Deductibles/Small Claims	23501000 522800.00	Board of Education
General Government	23501001	533900 Other Professional Services	15,186				General Government
Total Insurance Fund			47,686	47,686			Total Insurance Fund

Information Technology Fund							
	24012100	521000 Health/Medical Insurance	5,988	5,778	Salaries	24012100 511000.00	
				210	Stipend	24012100 516000.00	
Total Information Technology Fund			5,988	5,988			

Animal Control							
	25104000	480001 General Fund Transfers In	5,209	11,518	Salaries - Part Time	25120075 511000.00	
	25120075	553100 Telephone	200	722	Social Security	25120075 522000.00	
	25120075	553500 Postage	752	169	Medicare	25120075 522100.00	
	25120075	554000 Advertising	710				
	25120075	561500 Other Supplies/Materials	2,254				
	25120075	589000 Miscellaneous Expenditures	3,284				
Total Animal Control			12,409	12,409			Total Animal Control

EMS							
	25222000	521000 Health Insurance	59,070	13,174	Salaries - Part Time	25222000 512000.00	
	25222000	562600 Gasoline	24,983	77,310	OverTime	25222000 514000.00	
	25222000	565000 Uniforms	855				
	25222000	573500 Other Equipment	5,566				
Total EMS Fund			90,484	90,484			Total EMS Fund

Recreation - Swimming							
Recreation - Swimming	26136300	513000 Salaries - Temp/Seasonal	185	150	Social Security	26136300 522000.00	Recreation - Swimming
				36	Medicare	26136300 522100.00	
			185	185			

I hereby certify that the amounts are available for transfer per the guidelines established by the Town Council.

Finance Director

[Signature]

Town Manager

[Signature] 9/30/16

ATTACHMENT A

ARTICLE II. - BUILDING CODE

Section 14-32 Fee schedule.

Fees for permits issued by the division of building inspection shall be:

FEE SCHEDULE		
(a)	New construction and alterations per \$1,000.00 or fraction thereof	\$16.50
(b)	Demolition per \$1,000.00 or fraction thereof	16.50
(c)	Moving a building per \$1,000.00 or fraction thereof	16.50
(d)	Mechanical permits per \$1,000.00 or fraction thereof	16.50
(e)	Minimum fee for any permit	30.00
(f)	Residential sewer construction	50.00
(g)	Commercial sewer construction	200.00
(h)	Removing a stop work order	100.00
(i)	Except for emergencies, fees shall be doubled for work started before permit issuance.	
(j)	When a permit is issued, any fees paid are non-refundable	
(k)	Permits for work on a structure owned by the Town of Enfield or any fire district incorporated within the Town of Enfield are exempt from the fees in this schedule.	
(l)	The value of the work being done includes labor and materials at fair market rates. The value of new construction shall be determined by using approved, established construction costing data such as the International Code Council Building Valuation Data or the Marshall & Swift Residential Cost Handbook.	
(m)	During the time that a residential building owner is receiving a tax reassessment in accordance with PA-16-45 where the foundation of such residential building was made with defective concrete, said owner may provide a copy of such reassessment to the building official and be exempt from the fees in this schedule for the defective foundation repairs or replacement.	