

**ENFIELD TOWN COUNCIL  
MINUTES OF A PUBLIC HEARING  
MONDAY, OCTOBER 17, 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, October 17, 2016 at 7:00 p.m.

**ROLL-CALL** – Present were Councilmen Arnone, Cekala, Davis, Deni, Edgar, Kaupin, Lee and Szewczak. Councilors Bosco, Hall and Stokes were absent. Also present were Town Manager, Bryan Chodkowski; Town Clerk, Suzanne Olechnicki and Town Attorney, Christopher Bromson

Chairman Kaupin read the notice of Public Hearing, which was published in the Hartford Courant on Friday, October 7, 2016 as follows:

**TOWN OF ENFIELD  
LEGAL NOTICE - PUBLIC HEARING  
MONDAY, OCTOBER 17, 2016**

“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 interested citizens an opportunity to express their opinions regarding the proposed **THE ENFIELD TOWN CODE, CHAPTER 14, BUILDING AND BUILDING REGULATIONS, ARTICLE II, BUILDING CODE, SECTION 14-132 FEE SCHEDULE**. Copies of the proposed amendment is on file in the office of the Town Clerk, 820 Enfield Street, Enfield, CT

Chairman Kaupin announced the ground rules for the Public Hearing.

Mr. Chodkowski explained the issue of the crumbling foundations was one that the Town Council requested staff look into and address through this modification to the code. He noted the premise was that while there might not be much that the Town might be able to do for those effected by this problem, there was something they could do. He stated they put together a modification to the code, which effectively allows the building official to review and evaluate the total amount of improvements that would be associated with this type of repair or reconstruction and to effectively waive those fees for individuals who are impacted by this particular problem.

Chairman Kaupin then invited comments from the public.

As there were no comments from the public, Chairman Kaupin closed the Public Hearing at 7:04 p.m.

**ENFIELD TOWN COUNCIL  
MINUTES OF A REGULAR MEETING  
MONDAY, OCTOBER 17, 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 17, 2016. The meeting was called to order at 7:05 p.m.

**PRAYER** – The Prayer was given by Councilor Lee.

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was recited.

**ROLL-CALL** – Present were Councilors Arnone, Cekala, Davis, Deni, Edgar, Kaupin, Lee, and Szewczak. Councilors Bosco, Hall and Stokes were absent. Also present were Town Manager, Brian Chodkowski; Town Attorney, Christopher Bromson; Town Clerk, Suzanne Olechnicki; Director of Community Development, Peter Bryanton; Recreation Supervisor, Mary Keller; Director of Social Services, Dawn Homer-Bouthiette; Assistant Town Engineer, John Cabibbo

**FIRE EVACUATION ANNOUNCEMENT**

Chairman Kaupin made the fire evacuation announcement.

**MINUTES OF PRECEDING MEETINGS**

**MOTION #3865** by Councilor Cekala, seconded by Councilor Deni to accept the minutes of the October 3, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3865** adopted 7-0-1, with Councilor Arnone abstaining.

**MOTION #3866** by Councilor Deni, seconded by Councilor Cekala to accept the minutes of the October 3, 2016 Regular Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3866** adopted 7-0-1, with Councilor Arnone abstaining.

**MOTION #3867** by Councilor Arnone, seconded by Councilor Deni to accept the minutes of the October 4, 2016 Special Meeting.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3867** adopted 8-0-0.

## **SPECIAL GUESTS**

### **Enfield Culture and Arts Commission**

Theresa Jedynak, Diane Carlone and Yvonne Wallenberg were recognized for their years of service on the Enfield Culture and Arts Commission.

### **Enfield Plays On**

Ashley Levesque and Karen Edelson, members of the KITE collaborative and the Enfield Plays On Committee were present for this item.

Ms. Levesque stated KITE is dedicated to the work of play and has launched the Enfield Plays On campaign. She explained with this campaign they want to share with parents, caregivers and the general public the importance of play for children's cognitive, physical, social and emotional growth and they want to support parents in incorporating play as part of their child's daily life and routine.

She stated KITE is offering the opportunity to apply for a \$200 play grant, and this is going to go out to businesses, organizations or any other group who needs support to hold a large play event. She noted there will be traditional and non-traditional play areas.

Ms. Levesque stated they are before the Council asking for support. She noted they would like to begin working on an application through an organization called KaBOOM and they would like Enfield to become a Playful City USA. She explained Playful City USA is a national recognition program that honors cities and towns across the country for taking bold steps that makes it easy for all kids to get the balance and active play they need to thrive. She noted these communities are recognized for their efforts to create more playable, family-friendly cities. She stated if Enfield is able to become a Playful City, they will be given two Playful City USA highway road signs, and will have the opportunity to apply for additional grants to continue this work. She noted part of the application requires them to show that they have the full support of town leaders. She explained this includes, but is not limited to collaboration, letters of support and even some short video appearances. She stated they are here to ask the Council to join and support them.

Councilor Szewczak stated her understanding they've already had a collaboration with Collins Creamery, and Ms. Levesque noted they have set up a play area at Collins Creamery, which includes a bucket full of toys for children to play with, and this includes hoola hoops, jump ropes, board games and other fun items.

Councilor Arnone voiced his full support of this effort. He noted Enfield is constantly trying to improve playgrounds.

Councilor Deni voiced his support of this effort.

There was a consensus to allow them to move forward.

### **PUBLIC COMMUNICATIONS & PETITIONS**

There were no comments from the public.

### **COUNCILOR COMMUNICATIONS & PETITIONS**

Councilor Szewczak reminded the public that gray barrels can be used for yard waste with a special tag that can be procured from Public Works.

Councilor Deni reminded the public that the Town will not be picking up leaf bags until October 31<sup>st</sup>.

Councilor Davis commended all the volunteers that helped make the recent Jack-O-Lantern event a great success.

Councilor Davis stated there was a great grand opening for the new True Value store.

Councilor Lee thanked Public Works for responding to inquiries on Spruceland Road.

**MOTION #3868** by Councilor Lee, seconded by Councilor Davis to suspend the rules to address Items 14 A1, E, F, G, H, I, J, K, L, M, N, O, P.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3868** adopted 8-0-0.

Chairman Kaupin stated there will be a transit-oriented development workshop on Wednesday, October 19<sup>th</sup> at 6:00 p.m. in the Council Chambers.

Chairman Kaupin stated there will be no Town Council meeting the first Monday of November because Election Day is the next day. He noted the Council will then meet November 14<sup>th</sup> and November 21<sup>st</sup>.

### **TOWN MANAGER REPORT & COMMUNICATIONS**

Mr. Chodkowski stated his Project and Activities Report is in the Council's packet. He invited any questions or concerns the Council may have on this report or any other matter.

### **TOWN ATTORNEY REPORT & COMMUNICATIONS**

Attorney Bromson stated he had no formal report this evening.

## **REPORT OF SPECIAL COMMITTEES OF THE COUNCIL**

### **Enfield High School Renovation Building Committee**

There was no report this evening.

### **JFK Pre-Referendum Committee**

Present for this item was Christopher Rutledge, Chairman of the Committee.

Mr. Rutledge stated last Wednesday the Committee met and discussed the presentations from BL Companies and Silver Petrucelli & Associates. He noted after the presentations, the Committee did a pro-con comparison as well as a high level cost benefit analysis, and at the end of the meeting a vote was taken, and the Committee voted in favor of Silver Petrucelli & Associates. He stated a handout has been passed around to provide a high level summary as to why they made this decision.

Mr. Rutledge stated Silver Petrucelli made a superior presentation, and they had a more solid relationship with the Town, which they felt they could leverage since they're more familiar with some of Enfield's grounds and buildings. He added Silver Petrucelli has a 100% referendum success rate.

He stated the last time he came before the Council, one of the major concerns was the difference in costs. He noted at the time, Silver Petrucelli gave a price of \$59,100 and BL Companies gave a price of \$28,400. He stated they were able to get Silver Petrucelli to break out the cost of Phase I (the first three months) when they would basically be doing the feasibility evaluation, looking at the requirements and trying to put a design and cost to those. He noted Silver Petrucelli put a cost of Phase I at \$29,500. He stated the analogy used during the meeting was not apples to apples, but the same type of apples, and that's what they were looking for. He noted when that item is considered, they're only looking at a delta of about \$1,100. He stated considering what Silver Petrucelli was offering over and above what BL Companies was offering, the Committee felt the cost difference was negligible in terms of the value.

Mr. Rutledge stated other items that they were very impressed about from Silver Petrucelli was the team composition, especially the fact that they keep building code and fire inspectors on staff, and they like the fact that they're corporate focused, and 80% of what they do is K-12. He noted Silver Petrucelli showed a great deal more flexibility in terms of how many times they'd be willing to go back and change the product as long as it is still within scope. He stated they indicated they'd go back and do a dozen extra renderings if need be if it was still in scope on the same building in order to put forth the best referendum.

As concerns the project duration, Silver Petrucelli quoted through the referendum, and BL Companies was only for the first three months, and they wouldn't know what the

second bid process is going to be like. He noted given everything Silver Petrucelli was offering, they again felt they were a better choice.

Mr. Rutledge stated Silver Petrucelli had a much better understanding of the State reimbursement policies and had a sounder strategy in regards to that.

He stated BL Companies and Silver Petrucelli passed around a copy of a study they did for a school, and the members of the Committee had an opportunity to do a cursory overview of that, and it could be seen that Silver Petrucelli's study had a lot more depth, renderings and information. He noted when looking at the value versus cost comparison, they leaned heavily toward Silver Petrucelli.

Mr. Rutledge stated in the end the Committee voted to recommend Silver Petrucelli & Associates.

Councilor Arnone stated he's very happy to see this phase broken out because it has been a difficult decision because people don't realize how much more information that Silver Petrucelli had in the original bid compared to BL Companies. He stated this helps him with his decision, and he wanted this to be as transparent as possible to the public.

Mr. Rutledge thanked the Committee for all their hard work.

Councilor Deni questioned whether BL Companies will be able to bid on the second phase because they didn't have an opportunity to do that to begin with. He stated he has a feeling that Silver Petrucelli had an upbeat because they worked with the Town before, they're here, they knew what the Town was looking for and BL Companies did not. He stated BL Companies came out with \$28,000. He stated Enfield has a lot of lawsuits, and he doesn't want this company coming back saying Enfield worked with Silver Petrucelli before, they did a nice job in Enfield, and this was a fixed deal, and the Town didn't give them an opportunity to bid on what Silver Petrucelli already knew that they were going to go through the whole process with the Town all the way to November to referendum.

Mr. Rutledge stated to some extent that was talked about at least in terms of why Silver Petrucelli & Associates offered the Town so much more. He noted a lot of people on the Committee felt that they anticipated the Town's needs a little better than BL Companies. As to whether or not there would be any legalities, he'd defer to other offices.

Councilor Deni questioned whether BL Companies came in cold and only thinking they were going to do a Phase I and not bring the Town to referendum.

Mr. Rutledge stated the second phase would take it from study to referendum. Councilor Deni responded that's not what was in the original proposal that went out to both of these companies. Mr. Rutledge stated he would have to defer on the legalities of that.

Chairman Kaupin stated the bid that was put out was specific to what people are referring to as Phase I. He noted prior to the bid going out, Silver Petrucelli put in unsolicited

information as to what it will take the Town to go from the beginning of the process through referendum. He noted the Council then wanted a bid, therefore, the bid was put out by the Town to get them to Phase I. He stated although Silver Petrucelli brought the number down, it still took them from the beginning through referendum. He noted BL Companies responded solely to what the bid had required, but in their comments to the Committee, had said there would be additional costs once they got through the first phase, but they did not outline what those costs would be. He stated the decision would be if the Council wants to award the bid on Phase I, or actually award the bid on the entire package. He noted it's up to the Council, and it's not necessarily up to the Committee to determine if there's a bid for the second phase.

Councilor Deni recommended bringing back BL Companies and have them bid on the second phase.

Councilor Edgar stated the request for proposals went out to five companies, and two companies answered. He noted the request for proposals was answered on a low bid and a high bid. He stated the award of the contract, as he sees it legally, has to be on the basis of those answers to the RFP, not all of the other things added in. He noted there was no mention of Phase I or Phase II on the RFP. He stated the original low and high bids were sent by the Town Manager to Public Works to see if there was any major difference, and it came back that there was not. He noted the Charter says that you have to award to the low bid, unless you can find a substantial difference. He stated he wants the Committee to do their job right, and their job is based on the RFP's. He noted if there's a problem with the RFP's, they should be re-written and go out and give all five companies another chance to bid. He stated they can't consider all these extra things because it wasn't in the RFP. He noted the small print says Phase II beyond three months-rebid. He stated his belief what the Committee has done is contrary to contract law, and they should be answering to the RFP's and not anything else. He noted if they're adding on other things, they have to go out to bid.

Chairman Kaupin stated the Charter does not require them to go out to bid for architectural design services because they only go out for commodity. He noted the bid that went out was more of a guide, not a requirement. He stated after the Committee met last week, he asked the Town Manager to get the breakdown between Phase I and Phase II because that was the biggest question. He noted the vote at the Committee level was five for Silver Petrucelli; one for BL Companies and two abstentions. He stated Mr. Rutledge was one of the abstentions because he wanted the breakdown information. He stated they were following the guidance of staff, and their decision was based on a hunch that they knew the Phase I cost was going to be competitive, but also the presentation that Silver Petrucelli made. He noted he was present, and hands down the better company is Silver Petrucelli. He noted this isn't based on their track record, but based on their actual presentation and their interaction with the Committee. He noted Phase II is the selling of the project that an architect created, therefore, they wouldn't have a different company come in and do Phase II. He stated the Committee really feels confident that Silver Petrucelli is the way to go, and based on the breakdown, it shows that they're very close

in price. He noted it was explained to the Committee that this is not a requirement of the Town Charter, but a request of the Council to get the cost.

Councilor Edgar stated it comes down to the basic point that an RFP went out, two people answered the RFP, and a decision has to be made on that, not on all the other things that came up afterwards. As concerns the question of commodities, he suggested there be a legal opinion on that. He stated he has nothing against Silver Petrucelli or anyone else, however, the question in his mind is what is right and what is wrong. He stated they have to take the low bid.

Chairman Kaupin stated it was explained to the Committee that they do not have to take the low bid. He noted the Committee is an advisory body to the Council and ultimately they produce their opinion, and the decision belongs to the Town Council.

Councilor Edgar stated the technicality has to do with the RFP that they answered, and that's where the lawsuit is going to come, and he doesn't want to see it happen.

Councilor Edgar stated his belief Mr. Rutledge is doing a very good job, but he feels it's under trying circumstances because he feels he has been pushed this way and that way, and he's caught in the middle. He thanked Mr. Rutledge for abstaining and not voting.

Councilor Szewczak stated she attended the interviews and the next meeting to see how the Committee would go on this. She noted Silver Petrucelli did a much better presentation. She added BL Companies did a good presentation, but the thing that struck her was that BL Companies stated point blank that they do not work with a PAC. She stated she needs to have confidence that whoever works with the staff and designs something for the middle school can go out and present it properly so that constituents will support it. She noted it's very important to take something from start to finish. She stated she was stunned by the fact that BL Companies did not expect to take it all the way to referendum. She stated her belief the Committee did a good job, and she will support their choice.

Councilor Davis thanked Mr. Rutledge and the whole Committee for all their hard work. She stated they need a referendum that will pass, and they need the best state-of-the-art middle school for their children. She stated an RFP has to be answered by the questions that are asked, and that's what came back, and they weren't much different by the scope of the work that was asked. She stated they need this referendum to pass, and they need to do everything right from the beginning and be 100% transparent to the residents, otherwise, the referendum will not pass. She stated this contract bidding is already unethical because they can't put it out, have one come in and then have the other company change and lower their price when they know the price of the other company. She stated this should be sent back out the right way with the right scope, get the RFP's back and then look at them. She noted she's sure the same company will win because they're great, but they have to give the right to every company, and they have to have the right scope of work that the Town wants.

Councilor Deni stated everyone wants this to pass. He noted people read the headlines in the Hartford Courant about Silver Petrucelli \$60,000 and BL Companies \$28,000, and then the phone calls start with people asking what kind of deal is going on and what is happening and why is this so much. He noted there's not enough transparency, and it didn't go out the right way. He questioned if they can do this the right way.

Mr. Rutledge referred to transparency and noted the Committee meetings are open to the public and they invite public commentary. He stated if there are concerns, he suggested those concerns be directed to the Committee. He noted if they re-bid this, BL Companies has an advantage because they've now heard everything Silver Petrucelli offered and can adjust their presentation and proposal. He pointed out BL Companies was already able to see the initial proposal offered by Silver Petrucelli in July, therefore, they would have seen that Silver Petrucelli is already offering additional services.

Councilor Edgar stated he has no problem going back out for a re-bid. He questioned if the RFP stated it was required to work with a PAC, and did it say they had to go from start to finish, or to just provide the requirements. Mr. Rutledge stated the bid didn't refer to any political action committee. Councilor Edgar stated then that should not enter into the decision because it was not a request. Mr. Rutledge stated even if they were to stop the Silver Petrucelli bid at the same point as the BL Companies bid, the Committee very likely would still have chosen Silver Petrucelli for no other reason than the example of the study document they provided which was so much more comprehensive than BL Associates.

Councilor Edgar stated the RFP was sent to five companies, and two answered. He noted a decision is made on the RFP and not all the other contingencies being brought up.

Chairman Kaupin stated if they compare to the request of the RFP, the study documents are part of that request and both companies presented them as saying this is what the end product will be. He noted that's why they asked for the division in the price, which results in Silver Petrucelli at \$29,500 and BL Companies at \$28,400, and Silver Petrucelli had a far superior presentation and documentation.

Councilor Edgar stated they are also counting on getting another \$29,600 on Phase II, and Chairman Kaupin responded BL Companies would be doing the same thing, and he stated his belief they quoted an hourly charge for anything afterwards. Councilor Edgar responded it should go out to bid. Chairman Kaupin stated he's not ready for it to go out to bid, and he lends his support to the process.

This discussion ended with Chairman Kaupin concluding this will be voted upon at the October 24<sup>th</sup> Special Meeting.

Councilor Szewczak stated the Facilities Committee made a lot of headway on Thursday night. She noted they re-prioritized things, and they will meet on November 10<sup>th</sup> at which time they'll have their new BOE person present so there will be a full complement. Chairman Kaupin stated the Board of Education had a special meeting earlier this

evening, and they did appoint Randy Daigle as the resident committee member representing the Board. He noted that vote does not have to come to the Council because it's an appointment based on the resolution by the Board of Education.

## **OLD BUSINESS**

### **APPOINTMENTS (TOWN COUNCIL)**

**MOTION #3869** by Councilor Edgar, seconded by Councilor Lee to remove Item #3 from the table.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3869** adopted 8-0-0.

**NOMINATION #3870** by Councilor Edgar to reappoint Walter Shermer to the Area 25 Cable Television Advisory Committee for a term which expires 6/30/18.

**MOTION #3871** by Councilor Lee, seconded by Councilor Szewczak to close nominations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3871** adopted 8-0-0.

Upon a **ROLL-CALL** vote being taken, the Chair declared Walter Shermer reappointed to the Area 25 Cable Television Advisory Committee by an 8-0-0 vote.

All other Old Business items remained tabled.

## **NEW BUSINESS**

There were no New Business items on this evening's agenda.

### **ITEMS FOR DISCUSSION**

All Appointments remained on the agenda.

All items were moved to Miscellaneous.

## **MISCELLANEOUS**

**MOTION #3872** by Councilor Lee, seconded by Councilor Szewczak to adopt the Consent Agenda. Request for Transfer Town Clerk \$4,824

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3872** adopted 8-0-0.

**RESOLUTION #3873** by Councilor Arnone, seconded by Councilor Deni.

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

TO:	Rail Station		
	Other Professional Services	31008157-533900	\$100,000
FROM:	CIP Revenue FY17 Other State Grants		
	Office of Policy & Management Grant	31042017-460001	\$100,000

**CERTIFICATION:**

I hereby certify that the above-stated funds are available as of October 7, 2016.

/s/ John Wilcox, Director of Finance

Councilor Lee stated the hearing is part of the grant process that this was involved in. Mr. Chodkowski stated this particular grant will actually be a springboard from the TOD element that is currently ongoing from ConnDOT so this will take the product that comes out of the ConnDOT process and elevate that forward more specific to Enfield.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3873** adopted 8-0-0.

**RESOLUTION #3874** by Councilor Cekala, seconded by Councilor Deni.

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

TO:	Vehicles	22046099-573200	\$249,348
FROM:	DOT Fixed Route Bus Grant	22044990-460990	\$249,348

**CERTIFICATION:**

I hereby certify that the above-stated funds are available as of October 7, 2016.

/s/ John Wilcox, Director of Finance

Councilor Lee questioned if there's any feedback on the Wi-Fi question. Mr. Chodkowski stated that question was relayed to Ms. Homer-Bouthiette at Thursday's staff meeting, and he doesn't know what the resolution to that is as yet, but they will be following up tomorrow at the staff meeting.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3874** adopted 8-0-0.

**RESOLUTION #3875** by Councilor Arnone, seconded by Councilor Szewczak.

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

FROM: Thompsonville Revitalization- Other Professional Services 10606155-533900	\$5,000	TO: Transfer to Capital 1080092-593010	\$5,000
FROM: General Fund Transfers 31042017-480001	\$5,000	TO: Thompsonville Incentive-Other Other Prof Services 31008168-533900	\$5,000
FROM: CIP Revenue FY17- Other State Grants 31042017-460001	\$20,000	TO: Thompsonville Incentive Other Prof Services 31008168-533900	\$20,000

**CERTIFICATION:**

I hereby certify that the above-stated funds are available as of October 7, 2016.

/s/ John Wilcox, Director of Finance

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3875** adopted 8-0-0.

**RESOLUTION #3876** by Councilor Arnone, seconded by Councilor Szewczak.

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

TO: Youth Services STOP ACT Grant Appropriation FY16-17-Year (9/30/2016-9/29/17)		
Full Time Salaries	22046122 511000	\$ 5,265
Part Time Salaries	22046122 512000	\$ 5,000
Social Security	22046122 522000	\$ 310
Medicare	22046122 522100	\$ 73
Other Profess Services	22046122 533900	\$27,200
Advertising	22046122 554000	\$ 1,000
Printing & Reproduction	22046122 555000	\$ 2,960
Travel	22046122 558000	\$ 4,395
Office Supplies	22045122 561200	\$ 222
Materials & Supplies	22046122 561900	\$ 720

FROM: STOP ACT Revenue

STOP ACT Grant                      22046122 460161        \$47,145

**CERTIFICATION:** I hereby certify that the above-stated funds are available as of October 4, 2016.

/s/ John Wilcox, Director of Finance

Councilor Arnone stated this is part of the Drug Free Community grants and also helps with preventing teenage drinking. He noted this is great for the Enfield Together Coalition as well as Youth Services. He encouraged everyone to move forward on this.

Councilor Lee stated his understanding this is just one part of the award, and Mr. Chodkowski stated the actual grant itself is \$188,000, and that's divided out over a four-year period.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3876** adopted 8-0-0.

**RESOLUTION #3877** by Councilor Edgar, seconded by Councilor Cekala.

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

TO:	Town Attorney-Judgments & Settlements 10130000 582000	\$270,000
FROM:	General Fund Revenue-Appropriated Fund Balance 10040000 499000	\$270,000

**CERTIFICATION:**

I hereby certify that the above-stated funds are available as of September 14, 2016.

/s/ John Wilcox, Director of Finance

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3877** adopted 8-0-0.

**RESOLUTION #3878** by Councilor Szewczak, seconded by Councilor Arnone.

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

WHEREAS, in accordance with the Town Charter, Chapter 3, Section 6, a Public Hearing was held on October 17, 2016; and

WHEREAS, it has been determined that it is in the best interest of the Town to amend Section 14-32;

NOW, THEREFORE, BE IT RESOLVED, the Enfield Town Council does hereby adopt the amendment to Enfield Town Code, Chapter 14, Article II, Section 14-32 Fee Schedule, appended hereto as "Attachment A".

Councilor Lee stated he supports this. He noted this is the least the Town can do for Enfield residents who are dealing with crumbling foundations. He stated he's encouraged that CRCOG has put together a working group and has representatives of the North Central area sitting on it. He stated his belief this is the right thing for Enfield to do.

Councilor Arnone stated he is glad this has been brought to the Council's attention, and he's glad the Town can do this.

Councilor Cekala stated her belief this is the least the Town can do and hopefully the State and Federal government can also chip in.

Chairman Kaupin stated there's one more thing the Council can do, and that would be talking to State and Federal government leaders.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3878** adopted 8-0-0.

**RESOLUTION #3879** by Councilor Arnone, seconded by Councilor Szewczak.

NOW THEREFORE BE IT RESOLVED, that Bryan R.H. Chodkowski, Town Manager, is hereby authorized to sign, for the Town of Enfield, the Agreement with State DOT entitled, "Master Municipal Agreement for Preliminary Engineering Projects".

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3879** adopted 8-0-0.

**RESOLUTION #3880** by Councilor Edgar, seconded by Councilor Szewczak.

WHEREAS, the Town of Enfield owns property on the northerly side of Oliver Road, shown as Lot 2 on Assessor's Map 47 ("the property")' and

WHEREAS, the Town acquired the property through a Certificate of Devise recorded in the Enfield Records at Volume 2633, Page 1125; and

WHEREAS, there is no public need for the Town to retain ownership of the property; and

WHEREAS, at its October 6, 2016 meeting, pursuant to Conn. Gen. Stat 8-24, the Enfield Planning and Zoning Commission made a positive recommendation to the Enfield Town Council regarding the proposed conveyance of the property; and

NOW, THEREFORE, BE IT RESOLVED, that the Enfield Town Council authorizes the Town Manager to execute any documents necessary to effectuate the conveyance of the property subject to the review and approval by the Town Attorney.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3880** adopted 8-0-0.

**RESOLUTION #3881** by Councilor Arnone, seconded by Councilor Davis.

WHEREAS, the Town of Enfield adopted Resolution #3002 establishing a policy for the Disposition of Town-Owned Surplus Personal Property;

WHEREAS, Surplus Property is defined as “tangible personal property owned by the Town of Enfield that has been determined to be unneeded presently or in the foreseeable future, or that is no longer of value or use to the Town”;

WHEREAS, the Policy requires that the Town Council approve the disposition of Surplus Property valued at Two Thousand Dollars (\$2,000) or more:

WHEREAS, the Department of Public Works has identified the property listed on Attachment A as Surplus Property valued at Two Thousand Dollars (\$2,000) or more;

WHEREAS, the Town Manager has reviewed the recommendations by the Department of Public Works and now seeks Town Council approval;

NOW, THEREFORE, BE IT RESOLVED, the disposal of the property listed on Attachment A, pursuant to the policy for the Disposition of Town-Owned Surplus Personal Property, is hereby approved.

Councilor Lee listed the items on the Attachment A as follows:

2002 Ford F550 4X4 service body utility vehicle with 62,000 miles – estimated value is \$4,500 and a 2005 Ford F350 flatbed truck with almost 53,000 miles- estimated value is \$3,500

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3881** adopted 8-0-0.

**RESOLUTION #3882** by Councilor Lee, seconded by Councilor Edgar

WHEREAS, the Town of Enfield has received a request form T-Mobile Cellular to enter into a lease agreement for a collocation on the Town's communication tower (the tower); and

WHEREAS, the tower located at the Enfield Police Department was constructed with the intent of future cellular antenna collocation; and

WHEREAS, the Council must refer this proposed transaction to the Planning and Zoning Commission for a report in conformance with the requirements of Connecticut General Statute 8-24;

NOW, THEREFORE, BE IT RESOLVED, that the proposed lease with T-Mobile be referred to the Planning and Zoning Commission in conformance with the requirements of Connecticut General Statute 8-24.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3882** adopted 8-0-0.

**RESOLUTION #3883** by Councilor Arnone, seconded by Councilor Cekala.

WHEREAS, the Town of Enfield owns the property located at 293 Elm Street on which the Public Safety Communications Tower is located ("the Tower"); and

WHEREAS, the Enfield Planning and Zoning Commission will make a recommendation at its November 3, 2016 meeting regarding the proposed lease of the Tower;

WHEREAS, Connecticut General Statute 7-163e requires the legislative body of a municipality to conduct a public hearing prior to the sale, lease or transfer of certain real property owned by the municipality;

NOW, THEREFORE, BE IT RESOLVED, that the Enfield Town Council does hereby schedule a public hearing to be held on November 14, 2016 to begin at 6:50 p.m. in the Council Chambers of the Enfield Town Hall, which is located at 820 Enfield Street, Enfield, Connecticut 06082 in order to receive public comment.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3883** adopted 8-0-0.

**RESOLUTION #3884** by Councilor Edgar, seconded by Councilor Arnone.

RESOLVED, that the Enfield Town Council does hereby approve the proposed settlement in the case entitled Capital Region Education Council vs. Town of Enfield et al, Docket #HHD-LND-CV-14-6050338-S as set forth in the attached stipulated judgment subject to final review of its Exhibit A by the Town Engineer and the Director of Planning and approval by the Town Attorney.

Councilor Lee thanked all of the parties involved. He stated his belief this settlement is a win-win between the Town, CREC and neighbors and comes after a long and in-depth debate.

Chairman Kaupin thanked Ms. Mullen for her tireless advocacy, continuing the fight and enlightening the Council and bringing them information, which really helped. He also thanked Attorney Bromson and his staff for their hard work. He stated the Town Council, Planning & Zoning and the Zoning Board of Appeals worked well together on this.

Upon a **ROLL-CALL** vote being taken, the Chair declared **RESOLUTION #3884** adopted 8-0-0.

### **PUBLIC COMMUNICATIONS**

Maureen Mullen, 1625 King Street

Stated she's glad they've gotten to this point. She noted she has not seen the actual write-up and doesn't know all the details. She thanked everyone for listening and their encouragement. She stated she's looking forward to mentoring at the school. She thanked Attorney Bromson for his work on this.

### **COUNCILOR COMMUNICATIONS**

There were no Councilor communications.

### **ADJOURNMENT**

**MOTION #3885** by Councilor Szewczak, seconded by Councilor Arnone to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #3885** adopted 8-0-0, and the meeting stood adjourned at 8:35 p.m.

Appended to minutes  
of October 17, 2016 Regular  
Town Council Meeting  
See Page 9

ENFIELD TOWN COUNCIL  
REQUEST FOR TRANSFER OF FUNDS  
RESOLUTION NO. \_\_\_\_\_

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

TO:           Town Clerk  
              Other Compensation 10160100-517000     \$4,824

FROM:           General Fund  
              Collective Bargaining 10800092-593070     \$4,824

CERTIFICATION: I hereby certify that the above-state funds are available as of October 10, 2016.

John Wilcox, Director of Finance

APPROVED       BY: \_\_\_\_\_Town       Manager  
Date\_\_\_\_\_

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.	

Appended to minutes  
of October 27, 2016 Regular  
Town Council Meeting  
See Page 14

ATTACHMENT A

<u>YEAR</u>	<u>VEHICLE/EQUIPMENT</u>	<u>SERIAL/VIN#</u>	<u>MILEAGE/HOURS</u>	<u>EST. VALUE</u>
2002	Ford F550 4X4 Service Body Utility Vehicle	1FDXF47F72EC27170	61,858	\$4,500.00
2005	Ford F350 4X4 Flatbed Truck	1FTWF33PX5EC87151	52,922	\$3,500.00

Appended to minutes  
of October 27, 2016 Regular  
Town Council Meeting  
See Page 15

**DOCKET NO.: LND-CV-14-6050338-S : SUPERIOR COURT**  
**CAPITOL REGION EDUCATION COUNCIL : JUDICIAL DISTRICT OF HARTFORD**  
**VS. : AT HARTFORD**  
**THE TOWN OF ENFIELD, ET AL. : OCTOBER \_\_, 2016**

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**DOCKET NO.: LND-CV-14-6050339-S : SUPERIOR COURT**  
**CAPITOL REGION EDUCATION COUNCIL : JUDICIAL DISTRICT OF HARTFORD**  
**VS. : AT HARTFORD**  
**ZONING BOARD OF APPEALS OF THE TOWN OF ENFIELD : OCTOBER \_\_, 2016**

**STIPULATION AND SETTLEMENT AGREEMENT**

This Stipulation and Settlement Agreement ("Stipulation") is made and entered into this \_\_\_ day of OCTOBER, 2016 by and between Capitol Region Education Council ("CREC"), Zoning Board of Appeals of the Town of Enfield, Town of Enfield, Planning and Zoning Commission of the Town of Enfield and the Zoning Enforcement Officer Supervisor, Chief Building Official, Assistant Town Planners and Town Manager of the Town of Enfield (all, except CREC, collectively, the "Enfield Parties").

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**RECITALS**

- A. The parties to this Stipulation are parties to the captioned actions (the "Actions"), which include an appeal under Conn. Gen. Stat. § 8-8.
- B. The parties wish to resolve the Actions by agreement.

**AGREEMENTS**

For good and valuable consideration, including the mutual promises contained herein the parties agree as follows:

- 1. Modified Plans. The Special Permit and Site Plan approved by the Defendant Planning and Zoning Commission on October 20, 2011 with respect to construction of a school at 1617 King Street in Enfield (the "Property") is amended and modified pursuant to the plans annexed to this Stipulation as Exhibit A (the "Plans"). Such modification and amendment are deemed approved by the PZC and shall be effective upon Court approval of this Stipulation. The Plans shall be supplemented by a site management plan ("Soil Management Plan") including soil and erosion controls, for the Soil Removal work as described in Section 2 below. CREC shall use reasonable efforts to complete the Soil Management Plan for submittal to the Enfield Director of Planning and the Town Engineer as soon as practicable, so as not to delay the start of work (based on an anticipated Court approval date of November 14, 2016). The Soil Removal Work shall not start until the Soil Management Plan has been approved by the Director of Planning and the Town Engineer.

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2. Conformance with Renderings. The Plans provide for, among other things, removal of approximately 9,392 cubic yards of soil (the "Soil") from an existing earthen mound in the southwest corner of the Property immediately to the south of the main entrance drive (the "Soil Removal Work"). The Soil Removal Work shall result in a final grading and appearance, substantially as shown on the renderings annexed to this Stipulation as Exhibit B.

3. Acceptance of Soil at Town Landfill/Tipping Fee. The Soil shall be delivered to and accepted by the Town of Enfield at a landfill operated by the Town of Enfield located at 77 Town Farm Road, Enfield, Connecticut (the "Landfill"). The Town of Enfield represents it has obtained all necessary approvals by the Connecticut Department of Energy and Environmental Protection ("DEEP Approval") for the deposit and acceptance of the Soil at the Landfill. The Soil shall be excavated, irrespective of section 8.40.2 of the Zoning Regulations from which the excavation shall be specifically exempt, and transported to the Landfill at CREC's sole expense. The Soil shall be deposited by CREC or its contractor at a location or locations at the Landfill designated by the Town of Enfield, subject to and in accordance with the DEEP Approval and Map annexed to this Stipulation as Exhibits C and D, respectively, and in coordination with the Department of Public Works through the Town Attorney's Office. Transfer of ownership of, and responsibility for, the Soil to the Town of Enfield shall occur upon its arrival at the Landfill. As a tipping fee for the Soil, CREC shall make payable to the Town of

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Enfield a check in the amount of \$100,000 (one-hundred thousand dollars), payable before the Soil is delivered to the Landfill.

4. Certificate of Zoning Compliance. Promptly upon excavation and deposit of the Soil referenced in paragraph 2 and of construction of the French Drain referenced in paragraph 5, to the satisfaction of all Enfield Parties, and completion of all work reflected in Exhibit A and performed in compliance with the Enfield Zoning Regulations, a final Certificate of Compliance will be issued and all bonds for public or other improvements (if any) shall be released.

5. Timing of Certain Work. CREC shall use reasonable efforts to perform the following work, as shown on the Plans, as soon as reasonably practical after Court approval of this Stipulation, and to commence such work on or before thirty days following Court approval of this Stipulation, but in no event later than November 15, 2016: (1) the Soil Removal Work and (2) the construction of the French drain system in the southwestern portion of the Property. CREC shall be entitled to schedule both components of such work so that they occur concurrently.

6. Withdrawal of Actions. Upon Court approval of this Stipulation, CREC shall withdraw both of the Actions with prejudice. In accordance with Conn. Gen. Stat. § 8-8(n), a hearing shall be held before the Court.

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7. Mutual Releases. Upon Completion of all Work required herein, CREC, on the one hand, and the Enfield Parties, on the other hand, release each other from all claims and causes of action arising from or related to the matters described in the complaints in the Actions without costs.

8. Severability. Whenever possible, each provision of this Stipulation shall be interpreted in such manner as to be effective and valid under applicable law, but if any such provision of the Stipulation shall be prohibited by or invalid under applicable law, such provision shall be ineffective only to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Stipulation, it being the parties' intention that each and every provision of this Stipulation be enforced to the fullest extent permitted by applicable law.

9. Execution in Counterparts. This Stipulation may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument.

10. Modification. This Stipulation may be modified only by a written agreement signed by all the parties hereto.

11. Entire Agreement. This is the entire agreement of the parties concerning the subject matter hereof, and in executing this Stipulation no party has relied upon any statements, representations or agreements, whether oral or in writing, relating to the subject matter hereof, except as is expressly set forth herein.

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12. Governing Law/Jurisdiction/Venue. This Stipulation shall be deemed to be made under the laws of the State of Connecticut and for all purposes shall be governed by and construed in accordance with the law thereof. The parties agree that this Stipulation is made in Connecticut and stipulate to the continuing jurisdiction of this Court with respect to the subject matter of this Stipulation.

13. Parties Bound. This Stipulation shall be binding upon, and shall inure to the benefit of, the parties and their respective heirs, representatives, successors and assigns.

**IN WITNESS WHEREOF**, this Stipulation has been duly executed and delivered, pursuant to proper authority, as of the day and year first written above.

THE PLAINTIFF,  
CAPITOL REGION EDUCATION COUNCIL

DEFENDANTS,  
ZONING BOARD OF APPEALS OF  
THE TOWN OF ENFIELD, TOWN OF  
ENFIELD, PLANNING AND ZONING  
COMMISSION OF THE TOWN OF  
ENFIELD, ZONING ENFORCEMENT  
SUPERVISOR, CHIEF BUILDING  
OFFICIAL, ASSISTANT TOWN  
PLANNERS AND TOWN MANAGER  
OF THE TOWN OF ENFIELD

By: \_\_\_\_\_  
David S. Hoopes  
Jay R. Lawlor  
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