

**WEST HARTFORD TOWN COUNCIL MEETING
AUGUST 23, 2016
LEGISLATIVE CHAMBER**

ITEM #1 - MEETING CALLED TO ORDER AT 7:30 P.M.

President Cantor: All right. We are calling the August 23rd Town Council meeting to order and we're going to start with the Pledge of Allegiance.

ITEM #2 - PLEDGE OF ALLEGIANCE

President Cantor: Roll call, Ms. King.

ITEM #3 - ROLL CALL: COUNCILORS BARNES, CANTOR, DAVIDOFF, DODGE, HALL, KERRIGAN AND WENOGRAD WERE PRESENT. COUNCILORS CASPERSON AND WILLIAMS WERE ABSENT.

President Cantor: Thank you, Ms. King. Number four, Mr. Davidoff.

ITEM #4 - APPROVAL OF MINUTES: RECEIVED

Councilor Davidoff: I move the approval of the Minutes of the Town Council meeting of 7/26/2016; the Public Hearing, 312 North Main Street, 7/26/2016; the Public Hearing- Ordinance Amending Administrative Approval Process Applicable to Special Development Districts, 7/26/2016; the Public Hearing- Ordinance Extension Moratorium on Approval of Ground-Mounted and Pole-Mounted Solar Energy Systems in Residential Zones of 7/26/2016.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. And we're going to go to the Public Forum section but before we do, I'd like to welcome Mr. Alair to the table as Corporation Counsel. Let's see, he's been on the other side of the table so we're, we're very, very happy to have him on this side of the table and we'd like to also welcome our new Assistant Corp. Counsel, Garmon, and he's sitting with Kimberly over here and we're very thrilled to have you both here at the meeting and welcome, welcome aboard. Okay.

ITEM #5 - PUBLIC FORUM

President Cantor: There's nobody that has signed up to speak. Is there anybody that is in the audience that would like to speak on something that is not the subject of a public hearing on the Agenda, something that is on the Agenda this evening? Okay. Number, number six, Mr. Van Winkle.

ITEM #6 - REPORTS OF TOWN MANAGER

Mr. Van Winkle: There is. I don't have a whole lot to report, which is good in government. Things are going. As you know, Charter Oak School is about to open. That was a \$45 million construction project for the Town of West Hartford. It is on schedule, on budget and ready to open for the, the new kids this season so that's very exciting for the community. If your, if your son or daughter is off to college, you might want to think about picking up an absentee ballot because they're available now and they can take that ballot off to college and make their choice and get that mailed back in. But outside of that, I really don't have anything. If there's a question you might have, I'd be happy to answer those.

President Cantor: Thank you. I, I think we were going to have our, our Director of Public Health, our Health Department talk about a couple of items...

Mr. Van Winkle: Yup. Thank you for reminding me. There was a report from the State Health Department that we have a mosquito catching station at Spicebush Swamp that captures mosquitos and tests them to determine if there is any disease. And they did find mosquitos with West Nile virus. So first of all, it's in the community, West Nile virus. There are mosquitos that would have that and I'm going to ask Steve to kind of help us understand what that might mean.

Mr. Huleatt: Good evening. Long time, no see. Steve Huleatt, Director of West Hartford/Bloomfield Health District, 580 Cottage Grove Road in Bloomfield, Connecticut. Thank you, Ron, and again good evening, Council. Yes, Ron has asked me to speak on the mosquito program that the State of Connecticut runs and the fact that recently in the press it has been reported that two positive mosquitos were found in a mosquito trapping station that's located here in West Hartford. So I'll give you a quick overview on, on West Nile virus and we will make sure to put this brochure, link to this brochure on our website almost immediately in the next day or so. I think there might be some extras that we might have one or two for the folks in the audience. And then a key component is insect repellent information and that has been on our website in previous years and we'll make sure that gets up. So West Nile virus is a, a virus that got identified back around 2009. No, longer than that, 1999, I think, and it came across in container ships from, from the Middle East. That's why it got the West Nile virus name. It was a new virus in North America. It was initially confused with Eastern Equine Encephalitis when it first started. And it has been identified, here in Connecticut was the first place it was actually identified by the Connecticut Agricultural Experiment Station, so they truly have the expertise here in Connecticut down in New Haven on this sort of vector disease pathogen and also have been the experts on following the Zika outbreak that, that you may also want to ask a question or two about before we're done. The West Nile virus has a very elaborate mosquito control program that was put into place, as I said, about 15/16 years ago. The first cases that we saw were mostly coming around the Greater New York area. And to this date, that's still where there's more mosquito activity and there's still more human cases. Over the last five years of data, there has not been a case out of West Hartford. There's not been any ill positive individuals out of West Hartford. And up until this year, there have not been any trapped positive mosquitos in the last five years. The mosquitos become infected from the migratory bird population, which comes back and forth, north hemisphere/south hemisphere. They go back and forth. So as that population becomes more infected themselves with West Nile virus, certain species bite on birds and bite on humans. There's lots of species of mosquitos and they pick and choose their, where they get their meal. It's not species-specific. So there's this one, one nasty

creature called *Culex pipiens* and *Culex pipiens* bites birds and bites us, so therein is how we get exposed to West Nile virus. Once the mosquito has it, they get to share it with us. So basically, what happens with *Culex pipiens* is they like to live in stagnant water but they like pools of water, things like catch basins, buckets of water, birdbaths, for example. So the best thing to do with that is to make sure you turn the water over every seven days. The life cycle is 10 before they mature. So if you have a birdbath, by all means, enjoy it and let the birds enjoy it but by all means, every Sunday dump it out and put fresh water and start over. If you have buckets of water, I don't know why you should have them and we'll have one of health inspectors talk to you about that. But you know, as we look at that sort of stuff, that's, that's how you control *Culex pipiens*. They're an evening and night biter so, I mean, a day, a morning and night biter so dusk and dawn. So they, the time we're at risk is at our summer camps during the summer. When we send our kids to camp, first thing in the summer, many of our parks are in wetland-type areas or have water sources nearby. And then evenings when we like to be outdoor dining in West Hartford Center. So a place where historically the Town has put some effort has been to treat the catch basins in those areas. It's a very simple process. It's just, they have what's called, they look like little donuts. You've probably seen them at the area hardware store. You get like three in the package. And you just can break a piece of them and you can put some in a, in the catch basins and over the past years when we had mosquitos more positively, that was something that the Public Works would either do through a contractor or do in those areas to try to just lower the risk. This mosquito travels pretty far, however, so he can travel, he or she. Actually, it's shes that're doing the eating, 1,500 feet to maybe even a little farther so maybe up to a quarter mile. So they'll go pretty far in order to get a meal. So that's what sort of makes them difficult to control because there's probably not any household around that's not probably within that distance of a pond or a pool or something. However, in wildlife, the aquatic waters, where you have fish and other wildlife, they eat these mosquitos so that's not really the problem. The problem's more our swimming pools and maybe the swimming pools that we don't take care of as well as we should or other places of water. So what we have is this taste, testing station that by, on the public website, it says it so I'll say it. It is located in Spicebush Swamp. It's been there throughout the entire time of monitoring for West Nile virus. This particular year or the report I was able to download after Ron asked if I could speak, they've tested almost 1,900 mosquitos and they found two, one of which with *Culex pipiens* and the other one was *Culex restuans*, which is another species of mosquito. So, so roughly out of 1,800 that they've tested, two came back positive and that happened on August 9 according to the report. So it's in their August 15 report and that's why you're hearing it in the news now. So the key there is dump out your water. Don't keep standing water around for, you know, more than seven days. The effect of droughts oftentimes certainly so disease went west. When you had a drier summer, believe it or not, the disease rate goes up. Not exactly sure exactly the entomology of the mosquito but somehow they're more ferocious and voracious in, in their consumption of meals after they have been dormant all summer for some reason. And they must go out and just attack the birds or maybe it's because there's more birds around at that time of year. I really don't know enough about that, that phenomena. So this year sort of fits that. We had sort of a dry summer so maybe we might be in for a bit of a mosquito issue. So the key is protect yourself, protect your loved ones. Inside, on the back of that pamphlet right there, you'll see that there's a list of personal protection precautions. This is also something we routinely put up on our website every year. Statistically, the West Nile virus gets into the mosquito population on or about August 1. So the fact that on August 9 we end up with positive mosquitos is predictable. The key now is to make

sure that we don't have more and put ourselves or our residents or our folks who come to do business here in Town at risk. If that happens, I will be coming back to you and sort of saying, you know, we have, we have an active outbreak of West Nile virus now and we need to probably do more to protect the people at dusk and dawn. Ron.

Mr. Van Winkle: If you could just comment on Zika also while you're here?

Mr. Huleatt: Certainly. Zika is caused by a completely different species, and in Connecticut, we are very fortunate that that particular *Aedes aegypti* and *Aedes albopictus* do not live in this latitude. It's too cold. They just aren't here, so what the State Mosquito Program is doing is looking at the southernmost part of Connecticut to see if any of them show up. They are, they are down sort of New Jersey and Maryland, that way. The *albopictus* mosquito can live in that, that temperate zone. The *aegypti* does not. The *aegypti* is the bad character in this play. This is the 7th outbreak of Zika that they've recorded since the 40s. It came out of Africa, skipped around Africa, a couple outbreaks. Went over the India and caused an outbreak. Went to Malaysia, caused a big outbreak and then during the World Cup Soccer Tournament that was two years ago in Brazil, it made the jump from Malaysia to Brazil. So now it's in Brazil and South America and unfortunately, certainly for the folks in Miami, it's in Miami. So the other issue with Zika is those mosquitos don't carry the Zika virus with them. They give it to a person but then another mosquito feeds on that person and then transports it to the next person whereas *Culex pipiens* actually has West Nile virus in them. So they're actually, they're actually the host. In this case, these aren't hosts but they bite a person that has it and then takes it to the next person. So in Connecticut, the specialists down there at the Connecticut Agricultural Experiment Station say we are definitely not at risk this year there is not a burden of Zika in our population. So even if the *albopictus* mosquito shows up, there's no place for them to actually get the virus from at this point in time. As more people travel and come back and have Zika in their system, that, that could change. So you know, waiting to see on the science on that. The potential for a vaccine is certainly something that the, the Federal government is trying to find money to see if they can expedite that, to see if they can stop that. But in both cases, West Nile virus and Zika, if you are exposed, your symptoms will probably be mild except with Zika. If you're pregnant, you could have a bad birth outcome. You know, the, that seems to be running, I think they're still trying to figure out the statistics for what the prevalence of that is, what that, what the attack rate is for, for microencephaly but clearly that would be a, a birth defect for the life of that, that individual, that child. With West Nile virus, it's the risk of if you have other health complications, it can lead to pneumonia or it could lead to an encephalitis-type of condition, which would require hospitalization and, and good care. So both of them have different consequences. West Nile virus for those that maybe have other health issues or are somehow immunocompromised or in some sort of situation where they can't fight it off as easy. For healthy people, you may have already been exposed to West Nile virus over this 15 or 16 years that it's been here. So they're both cyclical. They're both going to be around for a while and they're both probably going to burn out so to speak just as Zika has done the other six outbreaks. It just sort of seems to get endemic in the population, and you know, there's just not that many people at risk at that point in time. So in both cases, the plan's the same. Protect yourself from mosquitos. The Zika mosquito's different. It's an all-day biter. It does not travel. It likes to get into an apartment complex and just bite everybody that's there. It doesn't fly very far. So that's why the Miami cases, you've seen a, they're just focusing on those neighborhoods, the

Wynwood neighborhood now over on Miami side because those mosquitos don't go anywhere whereas Culex pipiens, you know, they, they go fly around. And their breeding is tougher. They breed in litter. They don't need a big bucket of water. They just, they just need a little bit. They can breed in the knots of trees. They can breed in a, in a soda can on the side of the road. So it's really important and a good thing for West Hartford we are very aggressive and, and have a strong litter and community standards ordinance. You know, the, we don't have a lot of debris and if we do, somebody's going to tell us and we're going to go out and look at it anyway and tell them what to do with it. But, but in those urban areas where there tends to be more of that, think of Rio with the Olympics, water everywhere, big buildings everywhere. You can see why the health officials and public health officials were so concerned. So that's the quick piece on Zika and, and the current status of West Nile virus and the two positive mosquitos found last week or two weeks ago.

Mr. Van Winkle: That's all we have. If there are any questions, I'd be happy to answer them.

President Cantor: Thank you, Mr. Van Winkle. Thank you, Mr. Huleatt and thank you so much, Aimee, for, for being here. Anybody? Yes, Mr. Davidoff.

Councilor Davidoff: Thank you, Madam Mayor. Mr. Manager, I had a question about the upcoming presidential election in particular. Absentee ballots are going to be available when?

Mr. Van Winkle: Absentee ballots are available now.

Councilor Davidoff: Okay. And the people can procure them at the Town Clerk's office, correct?

Mr. Van Winkle: At the Town Clerk's office, yes.

Councilor Davidoff: With respect to the hours of operation of our Registrar of Voters office, can you tell me the current hours of operation for that office?

Mr. Van Winkle: Yes. At this time, the Registrar of Voters office is open on Mondays from 1:30-4:30, on Thursdays from 12:30-6:30 and on Fridays from 8-1:30.

Councilor Davidoff: Thank you. It's, it's my understanding that the Mayor and the Minority Leader are going to meet with the Registrars to see if we can encourage more hours of operation prior to the upcoming election, so I'd be interested to hear how that turns out. Thank you.

President Cantor: Thank you, Mr. Davidoff. Mr. Wenograd, do you, no? Okay. Thank you, Mr. Van Winkle. Number seven, Mr. Davidoff.

ITEM #7 - CONSIDERATION OF CONSENT CALENDAR: ITEMS 10-16; 20-23 TO RECEIVE

Councilor Davidoff: I move that we place items 10-16 and 20-23 on the Consent Calendar.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Number eight, Mr. Davidoff.

UNFINISHED BUSINESS:

ITEM #8 - ORDINANCE REGULATING BARBERING, HAIRDRESSING, COSMETOLOGY, NAIL, TANNING, TATTOO AND BODY PIERCING SALONS

TABLED TO SEPTEMBER 27, 2016

Councilor Davidoff: I move that we table the Ordinance Regulating Barbering, Hairdressing, Cosmetology, Nail, Tanning, Tattoo and Body Piercing Salons to the Council meeting of September 27.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: Those opposed? Motion carries. Then we go to...

Councilor Barnes: Can I just ask a question? Sorry about that. When, we extended it to what date?

President Cantor: September 27.

Councilor Barnes: Okay, so two meetings out?

President Cantor: Yes. And the Public Hearing was closed on that so that's just as part of the record. Okay. Number, we're at number 17 then, correct?

Councilor Davidoff: Number nine.

President Cantor: Number nine. Oh, I'm sorry. Oh, jeez. Sorry about that. Number nine, Mr. Davidoff.

NEW BUSINESS:

ITEM #9 - ORDINANCE AMENDMENT APPLICATION ON BEHALF OF LEXHAM WEST HARTFORD OWNER, LLC, TO CREATE A NEW SECTION FOR THE ALTERATION OF FLOOR AREA RATIO STANDARD IN THE BC ZONE

SET FOR PUBLIC HEARING ON SEPTEMBER 27, 2016, AT 6:30 P.M. AND REFERRED TO TPZ AND CRCOG

(See Attachment A)

Councilor Davidoff: An Ordinance Amendment Application, on behalf of Lexham West Hartford Owner, LLC, to Create a New Section for the Alteration of Floor Area Ratio Standard in the BC Zone. I move we set for Public Hearing on September 27, 2016, at 6:30 p.m. in the Legislative Chambers and refer to TPZ and CRCOG.

Councilor Kerrigan: Second.

President Cantor: Motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. Now we move to number 17. Sorry about that. That was a big one. Let's see. I have a few.

ITEM #17 - ANNOUNCEMENTS

President Cantor: Before I start Announcements and I meant to do this at the beginning of the meeting. You know, there's many people that pass in our community that need to, that should be mentioned but this particular gentleman was a, a, really made a mark on the State of Connecticut. This is Judge David Borden. He passed away a couple of weeks ago from pancreatic cancer. And I just wanted to read a quote. "It is difficult to find the right words to describe the incredible legacy of Justice David Borden," said Chief Justice Chase Rogers. "He was a brilliant scholar whose body of work will have a lasting impact on Connecticut. He believed deeply in the rule of law, open and transparent courts, and access to justice for all." And he was extremely highly-regarded by his colleagues on the Supreme Court and by lawyers. There was universal admiration and respect for his intellect and his approach to issues. He is survived by his wife, Judy, and three children. And he had, in 1977, he was named as a Judge of the Court of Common Pleas. He was President of the Connecticut Judge's Association from '81-'83. He became a Superior Court Judge in 1978 and he became...on April 5, 2006-2007 served as Acting Chief Justice of the State Supreme Court. And I know that he will be deeply missed by his family and he made, we're grateful for the impact he made on the State of Connecticut. And for announcements. Applying for an absentee ballot. I think we, we talked about that a little bit but the absentee ballots are available now. If you are absent from the Town during the, all the hours of voting, you, or you need to do this for an illness reason, physical disability, active service in the Armed Forces, duties as an election official at a polling place or religious tenets. The issuance of an absentee ballot is a two-step process. You can download on the, on our website an application and then you apply and you'll receive the ballot. Mail all completed applications as soon as possible to the Town Clerk's office, Room 313, 50 South Main Street, West Hartford, Connecticut, 06107. We must receive the voted ballot back in office by Election Day in order to have the vote count. The Global War on Terror Wall of Remembrance comes to West Hartford August 25-28. This August 25-28, the Connecticut Friends of Veterans, Inc. will bring the Global War on Terror Wall of Remembrance to West Hartford's Town Hall front lawn. The memorial has nearly 11,000 fallen Heros and victims from the global war on terror. The timeline covers Beirut; Desert Shield; Desert Storm; Somalia; Bosnia, USS Cole; Afghanistan; Iraq; Fort Hood; Benghazi; Boston, Massachusetts; Chattanooga, Tennessee and San Bernadino. The uniqueness of this memorial is that it's perpetual until the U.S. government declares the global war on terrorism campaign to be closed. The huge block of names are reminiscent of the Vietnam Memorial Wall but this memorial has added an element, a backside with pictures and brief text of events dating back to 1983 when 241 military personnel were killed by a truck bomb while stationed in Beirut, Lebanon. The three decades of history include the September 11, 2001 attacks in the U.S. and the wars in Iraq and Afghanistan. Over the four day period, there will be ceremonies, programs and performances that will be part of this commemorative weekend dedicated to honoring all of the veterans and those presently serving in our armed forces. "We expect over 20,000 veterans and civilians in attendance," stated Ray Philippon, event coordinator with Connecticut Friends of Veterans. There will be a ceremony at 7 on Friday night, the 25. Cycle and Stroll at West Hartford Center Sunday, August 28, 9-12. Folks of all ages are invited to take to the streets for a carefree and carefree summer morning, car-free, sorry, carefree and car-free summer morning in West Hartford Center on August 28, 9-12. It's the first ever "Center Streets" and it'll close four roads that will form a rectangular route, loop around the central business district, Farmington Avenue, South Main Street, Memorial Road Extension and LaSalle

Road. Ride your bicycle or scooter or take a stroll down the street without automobiles. Families with young children are especially welcome. Participating stores will be open. There will be food for sale and live music will be performed all morning. Fern Street Community Kitchen Free Community Breakfast. The Fern Street Community Kitchen has free community breakfast for neighbors in need at the Universalist Church, 433 Fern Street, West Hartford. Every Monday, Foodshare mobile truck will be distributing food in the back parking lot from 8:45-9:30. Breakfast is served 9-10 on August 29, September 12 and September 26. For more information about the Fern Street Community Kitchen, call (860) 233-3669. And sign up for a free 7-week diabetes self-management plan. The West Hartford/Bloomfield Health District, who just, our Director just left and Assistant Director, and Connecticut Department of Public Health are offering free 7-week diabetes health management workshop in fall 2016. Snacks will be provided for each session. Whatever. Call (860) 561-7900 to sign up. So anybody else have any announcements? No? Okay. Moving on. We, we're really moving on to the, number 24, Mr. Davidoff.

Councilor Davidoff: I move adoption of the Consent Calendar.

Councilor Kerrigan: Second.

President Cantor: I'm sorry, 18. Oh, I, I'm so sorry. We do have a report, too.

Mr. Alair: That would be me, yes.

ITEM #18 - REPORTS OF CORPORATION COUNSEL

Mr. Alair: I, I actually do have a couple of quick things. First of all, in, and just to follow up on the question asked to Mr. Van Winkle earlier, I wouldn't want people to think that when the Registrar's office is closed they can't register to vote. You can register to vote online. You can register to vote at Motor Vehicles. There are other vehicle, opportunities to register when the, when the Registrar's office isn't open. The other thing is a point of personal privilege. My first job after law school was clerking at the Appellate Court when Judge, Justice Borden was there. I spent two years with him, and in my entire career, I can truly say there's no higher honor than having Judge Borden say good job on an opinion you wrote. He was a brilliant man. He was a kind and wonderful man. He was a resident of West Hartford and I, I didn't know he passed away and I'm, I'm sorry of the passing. Third, we have our newest member in the, of the office in the audience, Garmon Newsom, II. Not to be confused with his father the first, I assume. Garmon comes to us from the west coast after 10 years with the City of Renton City Attorney's Office in Renton, Washington. He was also a, a Pro Tem Judge, which sounds like an interesting gig. Before that, he was with the Office of General Counsel to the NTA, the New York City Transit Authority, the Bronx County District Attorney's office. He was also a special narcotics prosecutor. He graduated from G.W. Law School and Morehouse College. We are very, very lucky to have him and, Garmon, please stand up and say hello to folks and take your embarrassment like a man and...and, and Kimberly, as you know, you all know has been in the office for 11 years and has moved up to the ranks of Deputy, which is going to play out nicely on the 27th because you've continued everything to the 27th and I have plans to be out of the country that day, so Kimberly will be sitting in this chair for that meeting. Regrettably, we do need an Executive Session but it will be brief to discuss the possible settlement of a pending claim or litigation.

President Cantor: Thank you very much, Mr. Alair. And I apologize for that. I don't what...okay, we actually have no Appointments and now we are going to move to number 24, Mr. Davidoff.

ITEM #24 - CONSENT CALENDAR

ADOPTED

ITEM #10 – RESOLUTION TO CARRY FORWARD AND APPROPRIATE FUNDS AWARDED THE TOWN OF WEST HARTFORD UNDER THE FEDERAL HIGHWAY SAFETY PROGRAM FOR THE PURPOSE OF UNDERAGE DRINKING EDUCATION AND ENFORCEMENT

WHEREAS, the Town of West Hartford applied for and was awarded Federal Funds by the Connecticut Department of Transportation's Highway Safety Office under the Federal Highway Safety Program (Federal Program Area 2016-154-AL, State Project 0196-0722-EV) in the amount of \$29,756 to fund an Underage Drinking Education and Enforcement Initiative, and

WHEREAS, the objectives of this initiative are to educate teenagers and parents about the dangers and pitfalls of drinking underage and to improve the safety of citizens and visitors to West Hartford through underage drinking enforcement activities, and

WHEREAS, these funds were appropriated in the fiscal year 2015-2016 General Fund budget but were not fully expended, and

WHEREAS, per the terms of the grant award these funds can be carried forward to fiscal year 2016-2017, and

WHEREAS, the Town of West Hartford desires to utilize such carry-forward funds to supplement the current alcohol education curriculum in the Town's schools, assign an officer at school events such as dances and athletic events held in the evening, and through directed patrol and inspection of bars, restaurants and liquor stores, in accordance with both Federal and State regulations, policies, and procedures that govern the use of highway safety funds,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT unexpended grant funds under the Federal Highway Safety Program are appropriated for the purpose of underage drinking education and enforcement activities in accordance with the terms of the grant, and the fiscal year 2016-2017 General Fund budget is amended as follows:

<u>Increase Estimated Revenue</u>		
01-220410-20101-9070	Federal Grant Revenue	\$9,011
<u>Increase Appropriations</u>		
01-220410-20101-1010	Overtime	\$9,011

ITEM #11 – RESOLUTION TO CARRY FORWARD UNEXPENDED FUNDS IN THE CAPITAL AND NON-RECURRING EXPENDITURE FUND FOR THE PURCHASE OF POLICE VEHICLE EQUIPMENT

WHEREAS, the Town of West Hartford appropriated funds in the amount of \$200,000 in fiscal year 2016 to purchase police vehicles and equipment,

WHEREAS, the Town of West Hartford was unable to fully expend the funds in fiscal year 2016 and has an unexpended balance of \$8,335 as of June 30, 2016, and

WHEREAS, the Town of West Hartford wishes to carry forward these Capital and Non-Recurring Expenditure (CNRE) funds and appropriate them in the fiscal year 2017 CNRE Fund budget to purchase police vehicle equipment,

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the Fiscal Year 2016-2017 CNRE Fund budget is hereby amended as follows:

Capital Non-Recurring Expenditure Fund

Increase Estimated Revenues

33-910800-30506-9399	Fund Balance	\$8,335
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Increase Appropriations

33-910800-30506-3232	Police Vehicles and Equipment	\$8,335
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ITEM #12 – RESOLUTION TO CARRY FORWARD AND APPROPRIATE ASSISTANCE TO FIREFIGHTERS PROGRAM GRANT FUNDS AWARDED THE TOWN OF WEST HARTFORD BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

WHEREAS, the West Hartford Fire Department applied for and was awarded a Federal Emergency Management Agency-Assistance to Firefighters Grant in the amount of \$147,710, and

WHEREAS, the grant application requested funding for vehicle and machinery rescue technician training, certification, and materials, and the purchase of hydraulic and machinery rescue tools, and

WHEREAS, the estimated cost of training, certification and materials is \$112,940, with grant funds of \$102,674 and a required Town match of \$10,266 said funds being available within existing appropriations in the General Fund, and

WHEREAS, these funds were appropriated in the fiscal year 2015-2016 General Fund budget but were not fully expended, and

WHEREAS, per the terms of the grant award these funds can be carried forward to fiscal year 2016-2017, and

WHEREAS, the Town will utilize remaining grant funds to provide training, certification, and materials,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT unexpended grant funds under the Assistance to Firefighters program are appropriated for the purpose of rescue training initiatives, and the fiscal year 2016-2017 General Fund budget is amended as follows:

Estimated Revenues

01-200202-20201-9049	FEMA Grant	\$62,519
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Appropriations

01-200202-20201-1010	Overtime - Training	\$21,759
01-200202-20201-2049	Training	\$40,760

ITEM #13 – RESOLUTION TO CARRY FORWARD AND APPROPRIATE FUNDS AWARDED THE TOWN OF WEST HARTFORD UNDER THE FEDERAL HIGHWAY SAFETY PROGRAM FOR THE PURPOSE OF COMPREHENSIVE DUI ENFORCEMENT

WHEREAS, the Town of West Hartford applied for and was awarded Federal Funds by the Connecticut Department of Transportation’s Highway Safety Office under the Federal Highway Safety Program (Federal Program Area 2016-154AL, State Project 0196-0722-DR) in the amount of \$107,475 to provide comprehensive Driving Under the Influence (DUI) enforcement program activities from October 1, 2015 through September 10, 2016, and

WHEREAS, the objectives of this program are to reduce the number of crashes, injuries and fatalities from impaired driving through increased high-visibility enforcement activities and to communicate to the public, through media venues, the increased level of DUI enforcement so that drivers will realize the risks and consequences of operating a vehicle while under the influence and, therefore, deter that behavior, and

WHEREAS, these funds were appropriated in the fiscal year 2015-2016 General Fund budget but were not fully expended, and

WHEREAS, per the terms of the grant award these funds can be carried forward to fiscal year 2016-2017, and

WHEREAS, the Town of West Hartford desires to utilize such carry-forward funds for extra DUI patrol activities, in accordance with both Federal and State regulations, policies, and procedures that govern the use of highway safety funds,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT unexpended grant funds under the Federal Highway Safety Program are appropriated for the purpose of expanded DUI enforcement activities in accordance with the terms of the grant, and the fiscal year 2016-2017 General Fund budget is amended as follows:

<u>Increase Estimated Revenue</u>		
01-220410-20101-9070	Federal Grant Revenue	\$41,808
<u>Increase Appropriations</u>		
01-220410-20101-1010	Overtime	\$41,808

ITEM #14 – RESOLUTION TO APPROPRIATE UNEXPENDED FUNDS IN THE WEST HARTFORD LIBRARY FUND

WHEREAS, the West Hartford Library Fund is a special revenue fund used to account for grants received through the borrowIT CT (formerly Connecticard) Program, other intergovernmental and private foundation sources, and operation of the library’s copiers, which are supported by user charges, and

WHEREAS, as of June 30, 2016 there is \$46,439.48 in unreserved, undesignated fund balance available for appropriation, and

WHEREAS, funds are needed for the purchase of computers, furniture and other equipment for the library,

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that an appropriation for the purchase of computers, furniture and other miscellaneous library equipment is hereby authorized and the Fiscal Year 2016-2017 West Hartford Library Fund budget is hereby amended as follows:

<u>Estimated Revenues:</u>		
29-410501-40303-9399	Fund Balance	\$46,439.48
<u>Appropriations:</u>		
29-410501-40303-3151	Computer Equipment	\$25,000.00
29-410501-40303-3268	Library Furniture/Equipment	\$21,439.48

ITEM #15 – RESOLUTION TO CARRY FORWARD AND APPROPRIATE FUNDS AWARDED THE TOWN OF WEST HARTFORD UNDER THE FEDERAL HIGHWAY SAFETY PROGRAM FOR THE PURPOSE OF DISTRACTED DRIVING HIGH VISIBILITY ENFORCEMENT

WHEREAS, the Town of West Hartford applied for and was awarded Federal Funds under the Federal Highway Safety Program (Federal Aid Project 2016-405e-2, State Project 0196-0745-2-

BB) in the amount of \$45,375 to provide Distracted Driving High Visibility Enforcement from April 4, 2016 through September 30, 2016, and

WHEREAS, the goal of this program is to reduce fatalities and injuries resulting from crashes caused by driver distraction, especially those caused by hand held mobile phone use, and

WHEREAS, this goal can be reached through increasing enforcement, especially high visibility enforcement of Connecticut's hand held mobile phone ban for drivers in areas identified to have high rates of fatal and injury crashes, and

WHEREAS, these funds were appropriated in the fiscal year 2015-2016 General Fund budget but were not fully expended, and

WHEREAS, per the terms of the grant award these funds can be carried forward to fiscal year 2016-2017, and

WHEREAS, the Town of West Hartford desires to utilize such carry-forward funds for extra enforcement activities in accordance with both Federal and State regulations, policies, and procedures that govern the use of highway safety funds,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT unexpended grant funds under the Federal Highway Safety Program are appropriated for the purpose of distracted driving high visibility enforcement activities in accordance with the terms of the grant, and the fiscal year 2016-2017 General Fund budget is amended as follows:

Increase Estimated Revenue

01-220402-20101-9070	Federal Grant Revenue	\$17,393
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Increase Appropriations

01-220402-20101-1010	Overtime	\$17,393
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ITEM #16 – RESOLUTION TO CARRY FORWARD UNEXPENDED GRANT FUNDS FROM THE STATE OF CONNECTICUT-DEPARTMENT OF TRANSPORTATION FOR ENHANCED DIAL-A-RIDE SERVICE IN WEST HARTFORD

WHEREAS, the Town of West Hartford was awarded a grant in the amount of \$62,460 in fiscal year 2016 to enhance Dial-A-Ride Services for West Hartford residents, and

WHEREAS, the Town of West Hartford was unable to fully expend this grant in fiscal year 2016 and has unexpended grant funds of \$37,199.22 as of June 30, 2016, and

WHEREAS, the Town of West Hartford wishes to carry forward these grant funds and appropriate them in the fiscal year 2017 General Fund budget to provide transportation services under the Dial-A-Ride program,

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the Fiscal Year 2016-2017 General Fund budget is hereby amended as follows:

Increase Estimated Revenue

01-401800-40180-9037	Dial-A-Ride Grant	\$37,199.22
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Increase Appropriations

01-401800-40180-2550	Transportation	\$37,199.22
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ITEM #20 – FROM TOWN PLAN AND ZONING RECENT PLANNING ACTION – 162 SHIELD STREET, 37 LASALLE ROAD, 139 (AKA 137) NORTH MAIN STREET

ITEM #21 – FROM INLAND WETLAND AND WATERCOURSES AGENCY RECENT PLANNING ACTION – 1344 NEW BRITAIN AVENUE

ITEM #22 - MINUTES FROM PUBLIC SAFETY COMMITTEE – 7-7-2016

ITEM #23 – MINUTES FROM COMMUNITY PLANNING AND PHYSICAL SERVICES COMMITTEE – 7-9-2016

Councilor Davidoff: I move adoption of the Consent Calendar.

Councilor Kerrigan: Second.

President Cantor: The motion's been made and seconded. All those in favor?

Councilors: Aye.

President Cantor: All those opposed? Motion carries. No Communications. No Petitions. We are going into Executive Session. We'll be back to close the meeting. You can wait around or not.

ITEM #27 – EXECUTIVE SESSION: COUNCILORS BARNES, CANTOR, DAVIDOFF, DODGE, KERRIGAN, AND WENOGRAD; RONALD VAN WINKLE, PATRICK ALAIR, KIMBERLY BONEHAM, GARMON NEWSOM, AND ATTORNEY STEVE RYAN

SUSPENSE ITEM - RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM

ADOPTED – VOTE 6-0

BE IT RESOLVED that the Administration of the Town of West Hartford is authorized to settle the case entitled Patricia Catania v. Jeffrey Swank, et al., Docket No. HHD-CV-15-6058322-S, for the sum of Eighty Thousand (\$80,000.00) Dollars.

Meeting adjourned at 8:06 P.M.

Essie S. Labrot

Essie S. Labrot
Town Clerk/Council Clerk

ESL/dd

APPROVED AT SEPTEMBER 13, 2016, TOWN COUNCIL MEETING

ALTER
PEARSON, LLC
ATTORNEYS AT LAW

ATTACHMENT A

RECEIVED

AUG 12 2016

Robin Messier Pearson
rpearson@alterpearson.com

TOWN CLERK/TOWN COUNCIL OFFICE
West Hartford, CT

701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT 06033

August 12, 2016

860.652.4020 TELEPHONE
860.652.4022 FACSIMILE

Honorable Members of the West Hartford Town Council
Town of West Hartford
Town Hall
50 South Main Street
West Hartford, Connecticut 06107

ITEM NO. 9
FILE NO. 999

RE:

Application of Lexham West Hartford Owner, LLC to Amend the West Hartford Code of Ordinances to Allow for an Increase in FAR in BC Zones.

Dear Mayor Cantor and Honorable Members of the Town Council:

Application is hereby filed on behalf of Lexham West Hartford Owner, LLC ("Lexham"), the owner of several properties in West Hartford Center, including property at 53-65 LaSalle Road. Lexham proposes to amend the West Hartford Code of Ordinances to add a new Section 177-16.11 entitled "Alteration of Floor Area Ratio Standard in BC Zones" to allow an increase in the floor area ratio up to 1.5 upon application to the Town Council of West Hartford for a special development district, all as set forth in the proposed ordinance and accompanying documents (together with this letter, the "Amendment Application").

Please accept this Amendment Application and schedule it for a public hearing.

Overview:

Lexham is strongly committed to the improvement of its properties in the Center to add value for it, its tenants and the community as a whole. In particular, it believes the development of residential units will support existing Center restaurants, shops, service providers and office uses by providing customers as well as more housing options in the Center for their employees.

Through the experience of owning, operating and reinvesting in its properties, Lexham has become acutely aware of the difficulty of further investment through new construction of a scale and design befitting the highly regarded character of the Center. Much of the existing development in the Center was constructed at a time before the zoning Code imposed floor area ratio standards, standards that would prevent the development of a number of key buildings today.

Lexham believes that by allowing an increase in the floor area ratio for buildings accommodating residential living above a commercial ground floor, and only after the Town Council's rigorous review of a special development district application subject to full public

ALTER
PEARSON, LLC
ATTORNEYS AT LAW

West Hartford Town Council
Lexham West Hartford Owner, LLC
Amendment to Code of Ordinances
August 12, 2016

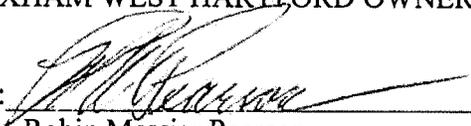
hearing and comment, the high design standards and promotion of walkable, vibrant, prosperous neighborhoods for which West Hartford is known, will be enhanced.

Lexham will be meeting with residential and commercial property owners in the Center over the next several weeks to introduce itself and this amendment proposal to them. Lexham intends to provide additional materials to its Center neighbors and to the Town Council to demonstrate the appropriateness of such a change for the beneficial future development of the Center. Lexham will report to the Council on its community outreach efforts in advance of a scheduled hearing on the Amendment Application.

We look forward to presenting this proposed ordinance to the Town Council in the near future.

Respectfully submitted,

LEXHAM WEST HARTFORD OWNER, LLC

By: 

Robin Messier Pearson
Alter & Pearson, LLC
Its Attorneys and Authorized Agent

List of Enclosures:

- (a) Proposed Ordinance;
- (b) Affidavit of Interest and Authorization;
- (c) Application fee by check in the amount of \$760.00 payable to the Town of West Hartford.

**An Ordinance Permitting Increased FAR
in the Central Business (BC) Zone**

WHEREAS the continued interest in commercial development opportunities within West Hartford Center supports a reevaluation of the current limitation on the floor area ratio standard; and

WHEREAS the desire for grand list growth within West Hartford Center must be balanced against the need to avoid expansion of the commercial center outward into residential neighborhoods; and

WHEREAS there is a particular benefit to encouraging further residential development within West Hartford Center in order to ensure continued year-round vibrancy, support existing businesses in the Center, and to increase pedestrian activity within that area; and

WHEREAS a limited increase in the permitted floor area ratio within the BC zone may promote development of sites which are currently underutilized, particularly infill site locations in the Center where development of structured underground parking will be required to support residential development.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the West Hartford Code of Ordinances is hereby amended to include a new section 177-16.11 Alteration of Floor Area Ratio Standard in BC Zones, as follows:

§177-16.11 Alteration of Floor Area Ratio Standard in BC Zones

The Town Council of West Hartford, through adoption of the Plan of Development, finds that areas zoned BC are characterized by physically and economically underutilized properties from the perspective of a suburban town center area and that these areas are also appropriate for residential development. It further finds that areas zoned BC are conducive to an increased floor area ratio to support residential development only if the impact on the Town's infrastructure, traffic circulation and parking, residential neighborhoods and community facilities is addressed satisfactorily. Accordingly, within the BC zones, the floor area ratio may be increased to 1.5 upon application to the Town Council for a special development district, provided that the following criteria, in addition to the criteria of § 177-44, are met:

- A. The Town Council must find that adequate parking exists to meet the needs of the proposed development.
- B. The Town Council must find that adequate street capacity exists on adjacent streets to accommodate the traffic projected to result from any increase in floor area ratio above that allowed as of right.

- C. The Town Council must find that appropriate bicycle and pedestrian amenities, such as but not limited to bicycle storage and/or parking, park benches and pedestrian walkways, are provided.
- D. The maximum floor area ratio may be increased up to 1.5 only if the floors above the ground floor are used for residential purposes.

Approved as to form and legality

Patrick Alair, Corporation Counsel

AFFIDAVIT OF INTEREST AND AUTHORIZATION

The undersigned, being duly sworn, hereby deposes and says:

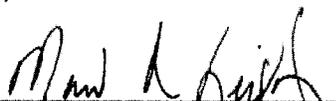
The names and addresses of any person, firm or corporation having a direct or indirect interest in a personal or financial sense in the attached application by Lexham West Hartford Owner, LLC, owner of 53-65 LaSalle Road, West Hartford, to amend the West Hartford Code of Ordinances to add a new Section 177-16.11 entitled "Alteration of Floor Area Ratio Standard in BC Zones" to allow an increase in the floor area ratio from 1.25 up to 1.5 upon application to the Town Council of West Hartford for a special development district, all as set forth in the documents and plans filed with this application, are as follows:

1. Lexham West Hartford Owner, LLC, as owner of the Property. Lexham West Hartford Owner, LLC is a Delaware limited liability company with a business address of c/o Lexham Private Investors, LLC, 274 Riverside Avenue, Penthouse, Westport, CT. 06880. It acquired the property in 2005.

Further, the undersigned, as owner of 53-65 LaSalle Road in the Town of West Hartford, authorizes its legal counsel, Alter & Pearson, LLC, as its agent, to file on its behalf with the West Hartford Town Council, the above referenced amendment to the West Hartford Code of Ordinances.

Further your affiant sayeth not.

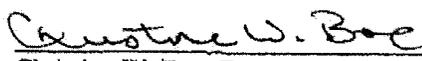
Executed this 12th day of August, 2016.



Marc K. Lewis, Managing Member

Duly Authorized Representative of
Lexham West Hartford Owner, LLC

Subscribed and sworn to before me this 12th day of August, 2016.



Christine W. Boe, Esq.
Commissioner of the Superior Court
State of Connecticut