

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

January 10, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting on Tuesday, January 10, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:35 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Vincenzo M. Di Natale was absent from the meeting for personal reasons. Mayor William W. Dickinson, Jr., Corporate Counsel, Adam Mantzaris, and James Bowes, Comptroller, were also present.

Moment of Silence

1. Pledge of Allegiance and Roll Call
2. Correspondence  
*No correspondence*
3. Consent Agenda
  - 3a. Consider and Approve Tax Refunds (#395 - #408) totaling \$3,821.60 Account # 001-1000-010-1170 - Tax Collector.
  - 3b. Consider and Approve Three Merit Anniversary Increases - Personnel
  - 3c. Consider and Approve a Resolution Authorizing the Mayor to Execute and Make Application with the Department of Social Services for undertaking a Hispanic Human Resources Development Program – Program Planning

- 3d. Consider and Approve an Agreement between the Town of Wallingford and Comunidad Hispana de Wallingford, Inc. (SCOW) to fulfill all terms and conditions of the Hispanic Human Resources Development Program – Program Planning
- 3e. Consider and Approve Establishing a Fund for the Hispanic Human Resources Development Program in the Amount of \$27,228 - Program Planning
- 3f. Approve Acceptance of a Grant in the Amount of \$17,209 to Immigrant and Youth Education Program – Board of Education
- 3g. Consider and Approve a Transfer in the Amount of \$6,500 to Maintenance Pumping Equipment Acct # 461-8620-633 from Acct # 461-8640-641 Chemical Expense – Sewer Division
- 3h. Approve Acceptance of the Extension of North Lane as a Town Road – Planning and Zoning
- 3i. Consider and Approve Re-Appointment to the Board of Assessment Appeals, William Pello– Chairman Robert F. Parisi
- 3j. Consider and Approve Re-Appointment to the Planning and Zoning Commission V. James Seicter – Chairman Robert F. Parisi
- 3k. Consider and Approve Appointment as Alternate to the Planning and Zoning Commission Armend Menard – Chairman Robert F. Parisi
- 3l. Consider and Approve Appointing the Flood & Erosion Control Board Pursuant to Ordinance #355, Chapter 8, Article VI of the Code of the Town of Wallingford Entitled "Boards, Commissions and Committees" – Chairman Robert F. Parisi
- 3m. Approve minutes of the Special Town Council Meeting and Swearing In Ceremony of January 2, 2006.

**Mr. Knight moved** to accept the Consent Agenda from 3a. – 3m.  
**Ms. Farrell seconded** the motion.

The vote was all ayes with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

The Town Clerk swore in:

**Mr. V. James Seichter** to the Planning and Zoning Commission (*Term 01/10/06 to 01/10/11*).

**Mr. Armend Menard** as an Alternate to the Planning and Zoning Commission (*Term 01/10/06 to 01/10/09*).

4. Items Removed from the Consent Agenda

*None*

5. PUBLIC QUESTION AND ANSWER PERIOD

**Frank Wasilewski, 57 North Orchard Street**, made comments regarding the next two years in relation to the revaluation and setting a tax rate. He congratulated the Wallingford Ambulance Service on the wonderful service they provide, asked how they are financed and why he was billed and agreed to meet with the Mayor to discuss the issue. He also asked about tax relief for the elderly in Wallingford.

The Town Clerk swore in **William Pello** to the Board of Assessment Appeals.

**Maryam Fritsch, 30 McKenna Court**, made comments regarding the public library.

**Wes Lube, 15 Montowese Trail**, complimented the excellence of the town's ambulance service and made comments about why the ambulance service billing is so high, and why the town is hiring somebody to do the billing.

The Mayor left the meeting, returning at 7:11 P.M.

**WAIVE RULE V**

**Mr. Knight** moved to Waive Rule V for the purpose of establishing a salary and benefits for the Town Clerk. **Ms. Rascati** seconded the motion.

**All** voted aye with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

**Mr. Knight** moved to establish salary and benefits for the Town Clerk as outlined in a letter from Personnel to the Town Clerk. **Ms. Doherty** seconded the motion.

**Mr. Knight** read the letter. There was discussion regarding the salary range of the Town Clerk position and how it is determined.

**All voted aye** with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

**Mr. Knight** moved up Items 9, 10, and 11.

**ADDENDUM – Items 9, 10 and 11**

- 9) Consider and Approve a bid waiver for the purpose of engaging legal assistance to write bid specs for a Request for Proposal for Architectural Services for the Lyman Hall High School Vo-Ag Building project.  
– Vo-Ag Building Committee

**Mr. Knight** moved to Approve a bid waiver for the purpose of engaging legal assistance to write bid specs for a Request for Proposal for Architectural Services for the Lyman Hall High School Vo-Ag Building project as requested by the Vo-Ag Building Committee. **Ms. Papale** seconded the motion.

**James Vitali, Chairman, Vo-Ag Building Committee**, said that that the Committee has had recommendations regarding the experience of the attorney they have in mind who has had with the Towns of North Haven and Wallingford on building projects and building project legal issues, and especially in writing RFP building specs that will assist the Committee with regard to an architect quote for the project. He expressed concern regarding the timeline and procedure for this project and that they want to have the shovel in the ground July 2007. There was discussion regarding cost of writing the bid spec and hourly rate of the attorney. They can't get an Ordinance generated, they can't get the money to go out to bid to get the architect hired until they have an Ordinance drafted and to get the ordinance drafted they need an approximate cost, a soft cost, before the shovel goes into the ground. He said that now they need to get this additional information put together and to get a line-by-line item value, so they can go back to Finance to get an Ordinance generated.

In regard to the scope of the services, Mr. Vitali responded that the first issue is to hire the attorney without going out to bid and that stays under the requirement of \$4,000. That's a separate item, and they would like to get him on board for the initial writing of the architectural specs and some other writing specs and the other part of that goes to architectural fees. He said that they have \$5,000 that was transferred to pay this attorney. The scope is to hire Attorney D'Onofrio, who will get them on the correct legal path and assist in writing the specs for the architect. The estimate on this project, the preparation of architectural bid specifications, will not exceed the bid limit and is estimated to take about 5 to 6 hours at \$185 per hour. He also said that they would need about \$1,000 for an owner's

representative and \$500 for the information needed to put the Ordinance together to get the funds rolling. Mr. Mantzaris added that the attorney will also assist when the Committee interviews and in the hiring process and that the cost is about \$5,000 on a \$25 million project.

Mr. Vitali stressed the timeframe as the issue because if they are not in the ground by July 2007, then they lose the state money. Mr. Bowes added that they didn't know how many hours this would require, and they feel safer coming in to ask for a bid waiver in case it was over that amount but that it will be around that amount. Mr. Testa asked if this would be limiting to keep it to just writing specs for an RFP for architectural services. Mr. Vitali said that that was a very good point because they want his service to be a little more at this time. Mr. Bowes said that it does say "to write the bid specs" and that he agrees with Councilman Testa and said, however, that they need this attorney to write the bid specs and to communicate the needs to the committee and in assisting in the selection of the firm.

Following this discussion, **Mr. Knight withdrew his motion and Ms. Papale withdrew her second.**

Mr. Mantzaris suggested that the motion could read to assist the committee in the bidding and hiring process of the architect and to assist the committee in the bidding and hiring process of the architect and additional services not to exceed \$5,000.

**Mr. Knight moved** to consider and approve a bid waiver for the purpose of engaging legal assistance to write and assist in the bidding and hiring process for architectural services and additional services not to exceed \$5,000. **Ms. Papale seconded** the motion.

**Mayor Dickinson** said that the language 'bidding and hiring' would cover it whether it's an RFP or whatever. It's a hiring process so whether you are using a public bid or some other form of RFP, it's covered by the bidding and hiring process. He said that that process is covered in the next item, which would waive the public bid and allow for a selection process.

Each Councilor, individually, voted saying yes except Mr. DiNatale who was absent from the meeting.

The motion passed.

**ADDENDUM**

- 10) Consider and Approve a bid waiver for the purpose of hiring an architect for the Lyman Hall High School Vo-Ag Building using a Request for Proposal. – Vo-Ag Building Committee

**Mr. Knight moved** to Approve a bid waiver for the purpose of hiring an architect for the Lyman Hall High School Vo-Ag Building using a Request for Proposal as requested by the Vo-Ag Building Committee.  
**Ms. Papale seconded** the motion.

Mr. Vitali said that with the Request for Proposal given they will send out requests for architects to supply a proposal and quote for their services and that they will submit documentation on their accomplishments, how many vo-ag buildings they've built, how many schools they've built, how many municipal buildings, their criteria and their program. He said that rather than go with the low bid for the architect, this allows the Committee to have a score sheet and focus on a short list to select five candidates who can be scored during the interview process to come up with one architect. He said the Purchasing Department has a list of architects who can receive the RFP.

Mayor Dickinson said that the bidding process, especially for professional services, is a two envelope process, one envelope is the proposal and the second envelope is the price, and he thinks that the Committee wants to be able to short list what may come in. He said that it is the same dilemma that the Renovation project for the school system had when they didn't want to have to have 50 interviews, so through the request for proposal process, it would not be the two envelope process necessarily because that actually meets the Town's public bidding requirements. He said that the bid is being waived here, and using the request for proposal approach, whose purpose is to short list, is to provide a specification that only desired bidders will make proposals on and reduce some of the work-load of the Committee. He said that otherwise the Committee would have to interview every applicant.

Mr. Brodinsky said that the bid proposals could have conditions that reasonably limit those who are qualified to respond since it has to be a qualified bidder. He said that his concern is that the short list is not too short and asked if the short-list could be no less than five.

Mr. Vitali said that five has been the number that has been discussed at different meetings and with Purchasing and the Mayor.

Mr. Knight added that this is a very attractive project and that it will attract the very top firms in the state, and that he agrees to not limit it to a specific number. Mr. Knight said that a bid must be waived in order to

enter into the RFP process, and it is confusing sometimes when that is done. It's a technical matter.

Mr. Testa stated that it's necessary to hire an architect by the RFP process and that's what this does. He said it was his understanding that the Council is giving the go ahead to do the RFP process, and when the Committee gets the short list, they come to the Council for authorization to hire a particular architect. He asked if this is correct.

Mayor Dickinson responded by saying that no one can be hired without the money, so the Council has to approve additional funds in order to hire an architect. He said that the funds are there for the attorney but there are no funds for the architect, so at the very least the Committee has to come back to report what has happened and who they recommend, and it is the decision of the Council to approve appropriate funds, which would be an amendment to the ordinance that allows the Vo-Ag project to move forward. And at this point, we do not have an ordinance adopted and that process should happen at the appropriate point to provide the funds to hire someone. If the Council is not satisfied with some aspect or does not agree with the recommendation of the Committee, then the Council does not approve the funding. He said that the Council could ask the Committee to come back or share or anything that you want. The Council is the enabling group. The Council appointed the Committee and they are doing work for the Council.

Chairman Parisi reminded everyone of the timeline.

Mr. Vitali asked if the money for the ordinance is be drafted after the architect is in place.

Mayor Dickinson said that the pattern is that the town does not approve funding until the town goes through the process and knows what the cost is. He said that otherwise what the town is willing to pay is telegraphed, and it's not good business practice.

Mr. Vitali asked if the ordinance would have only the architect in it or if it will have more than the architect.

Mayor Dickinson said the architect and other expenses as identified but it certainly wouldn't cover construction.

Mr. Vitali asked how long it would take after they choose the architect and have the architectural fees to get the ordinance in place.

Mayor Dickinson said about one and one half to two months for the ordinance to be approved since there is a thirty day appeal period, and

the notice of the Public Hearing is scheduled at one meeting, and then the Public Hearing is held at the next meeting and then thirty days from the publication in the paper.

Mr. Vitali said that he is new to all of this but that they will start with the specs for the architect immediately, get them out to bid and that is about a four week process by the time they get the review, and then another eight weeks before the architect can go to work. It's 12 weeks out before the architect can put pencil to paper. He said that the plan will be on the fast track. He said that there is one benefit in that there was some preliminary work done last July when there was state grant money available and that was conceptual design and at least the internal ingredients of the building are identified. He said that will be an advantage on the timeframe.

Mr. Knight said the state reimbursement rate is 95% reimbursement and asked if there is a different set of rules from the state in terms of oversight, and if it does, is the town familiar with those differences.

Mr. Vitali said that the number that has been talked about is 95%, and they have been instructed that the reimbursement covers all the expenses that have been talked about tonight – legal, architect fees, etc.- and that nobody has disqualified any of the 95% expenses as long as you stay under the overall budget. He said there is a very big concern over work order changes, and in this type of building that is not a renovation the Department of Education will examine work order changes more closely on this project than renovation projects. He said that they have talked about and focused on work order changes and that there is a goal of zero work order changes. He said that everything else seems to be under the 95% reimbursement provided that we start by July 2007. He said that the company that is working with and guides the School Building Renovation Committee is an expert on state grant administration, and they have spoken with the Vo-Ag Committee and that they are the ones who have advised them about the change order concern. Mr. Vitali suggested an outline for building committees delineating RFP, Bidding Practice, and Ordinance and pointing a new committee in the right direction for various things that a committee will encounter.

Mr. Brodinsky asked if when using the RFP process, are there restrictions in this process, in regard to the 95% reimbursement from the State of Connecticut.

Mayor Dickinson said that this is the process that the town used with the renovation project, and it is a competitive process. Mr. Vitali confirmed that it is not a problem. Mr. Brodinsky said that he would support this item and asked about the number of architectural firms. Mr. Bowes said that once you get past 7, 8 or 9 firms, they will not have the required

experience for this types of project. He said that this two-step process is a good alternative, and the State of Connecticut procedures are that it be a competitive process, and the RFP is a competitive process. He said that a list would be forthcoming from the State of Connecticut Department of Education of pre-qualified architect bidders.

Mayor Dickinson said that the Committee wants at least 5, and there could be more than that. Mr. Bowes said the top 7 or 8. Mayor Dickinson said to be clear, the Committee will determine who they want this sent to and that limits that to about 10 firms and that Purchasing would not typically choose who they invite. Mr. Bowes pointed out that Attorney D'Onofrio is an expert, who will help streamline this process and that the Committee will determine who is invited to submit a proposal. Mayor Dickinson said the names would be provided from the state list and from the attorney and perhaps the Purchasing Department.

Mr. Brodinsky suggested sending it out to 30 firms and then cut the number of interviews based on the responses. It was pointed out that the town is not required to use the state list.

Mr. Testa asked if in regard to the 95% reimbursement, is there a requirement that the state has that the town hire a firm that has been determined to be qualified, and if the answer is yes, then the town should use one. And also in regard to the 95% reimbursement, he said that in this project the town needs to know for certain is that expenditures qualify for reimbursement.

Mayor Dickinson said that there are a number of questions that need to be put forth to Attorney D'Onofrio and that his expertise should provide quick answers.

Mr. Vitali asked if any guidelines exist for this grant.

Mayor Dickinson said that typically the grants are very short and simple and in providing funds for a specific project and don't go into the regulatory issues. Mr. Vitali said that Attorney D'Onofrio is the North Haven Town Attorney and has just finished the North Haven High School Building Committee on time and under budget, so that his expertise will be invaluable with these questions for the Committee.

Ms. Doherty asked about the timetable. Mayor Dickinson said that he spoke to the Committee regarding this issue and that it has been voiced at other times. He said that because of the variables and unique aspects of building committee projects that it is difficult to generalize the process.

**ROLL CALL VOTE:**

**Brodinsky – yes; Doherty – yes; Farrell – yes;  
Knight – yes; Papale – yes; Rascati – yes;  
Testa – yes; Parisi – yes**  
*(Mr. DiNatale was absent from the meeting.)*

The motion passed.

**ADDENDUM**

- 11) Consider and Approve a Transfer in the Amount of \$5,000 to Vo-Ag Building Acct. # 001-1403-999-9902 from Contingency – General Purpose Acct. # 001-7060-800-3190 – Vo-Ag Building Committee

**Mr. Knight moved** to Approve a Transfer in the Amount of \$5,000 to Vo-Ag Building Acct. # 001-1403-999-9902 from Contingency – General Purpose Acct. # 001-7060-800-3190 as presented by the Vo-Ag Building Committee. **Ms. Papale seconded** the motion.

*There was no discussion.*

**The vote was all ayes** with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

6. Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor
7. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of the Town of Wallingford v. Perry Palmer  
– Law Department

**Mr. Knight** made a motion as requested by the Law Department and the Mayor to enter into Executive Session pursuant to (6) Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as asked for by the Mayor, and (7) Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of the Town of Wallingford v. Perry Palmer.

**Ms. Doherty** seconded

**The vote was all ayes** with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

The Council entered into Executive Session at 7:57 P.M.

**Mr. Farrell** made a motion to exit from Executive Session. **Mr. Knight** seconded.

**The vote was all ayes** with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

The Council exited from Executive Session at 8:35 P.M.

Executive Session Attendance Item #7 at 7:59 P.M.:  
Council (8), Mayor Dickinson and Adam Mantzaris,  
Corporate Counsel.  
*(Mr. DiNatale was absent from the meeting.)*

Executive Session Attendance Item #6 at 8:20 P.M.:  
Council (8), Mayor Dickinson and Adam Mantzaris,  
Corporate Counsel.  
*(Mr. DiNatale was absent from the meeting.)*

8. Motion to Consider and Approve a Settlement of the pending matter of the Town of Wallingford v. Perry Palmer as discussed in Executive Session  
– Law Department

**Mr. Knight** made a motion to Consider and Approve a Settlement of the pending matter of the Town of Wallingford v. Perry Taylor (*sic* Palmer) as discussed in Executive Session. **Ms. Rascati** seconded.

**Five voted aye; Councilors Farrell, Papale and Testa voted no.** Mr. DiNatale was absent from the meeting.  
(5 yes; 3 no; 1 absent) The motion passed.

**Mr. Knight** made a motion to adjourn the meeting. **Ms. Papale** seconded.

**The vote was all ayes** with the exception of Mr. DiNatale who was absent from the meeting. The motion passed.

There being no further business to consider, the meeting adjourned at 8:48 P.M.

Respectfully submitted,



Sandra R. Weekes  
Town Council Secretary

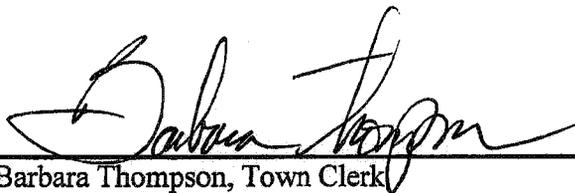
Meeting recorded by Sandra R. Weekes



Robert E. Parisi, Chairman

9-26-06

Date



Barbara Thompson, Town Clerk

9-26-06

Date

RECEIVED FOR RECORD 9/19/06

AT 2 H 55 M P M AND RECORDED BY

Barbara Thompson TOWN CLERK