

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

March 27, 2007

6:30 P.M.

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, March 27, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:46 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were also present.

A Moment of Silence began the meeting. The Pledge of Allegiance was said and the Roll Call taken.

2. Correspondence

None

Chairman Parisi announced that The Town Clerk, Barbara Thompson, was appointed Chairwoman of the Connecticut Real Estate Commission and that Jerry Farrell, Jr. was confirmed as Commissioner of the Department of Consumer Protection.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#603 - #622) totaling \$22,056.67
Acct. #001-1000-010-1170 - Tax Collector
- 3b.** Consider and Approve Town Council minutes of February 13, 2007
- 3c.** Consider and Approve a Transfer in the Amount of \$600 to Gas & Oil Acct.
001-4001-300-3000 from Vehicle Maintenance Acct. # 001-4001-550-3000
- Parks and Recreation Department
- 3d.** Consider and confirm reappointment of Robert Beaumont to the Public Utilities
Commission for a three-year term - Mayor
- 3e.** Consider and Approve reappointment of Barbara Sibley to Historic Properties
Commission for a five-year term - Chairman Robert F. Parisi

- 3f. Schedule a Public Hearing for April 10, 2007 at 7:00 P.M. to be held in connection with an Ordinance entitled:

AN ORDINANCE APPROPRIATING \$350,000 FOR THE CHRISTIAN STREET BRIDGE REPLACEMENT PROJECT AND AUTHORIZING THE ISSUE OF \$350,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

MOTION

Mr. Knight made a motion to accept the Consent Agenda Items 4a. to 4d.
Mr. Farrell seconded the motion.

VOTE

All Councilors present (9) voted aye. The motion passed.

4. Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD

The following people spoke at the Public Question and Answer session.

Geno Zandri, 9 Balsam Ridge Circle, regarding his opposition to the appointment of Robert Beaumont to the Public Utilities Commission for his position on how the PUC charges for fire hydrants in relation to water rates that he is charged.

Town Clerk, Barbara Thompson, swore in Robert Beaumont to the Public Utilities Commission.

Bob Gross, 114 Long Hill Road, read a prepared statement regarding Town Council minutes to which the Town Attorney responded.

Kathryn Zandri, 9 Balsam Ridge Road, also commented on the Town Council minutes.

Lucille Trzcinski, 25 Turnberry Road, asked about the Simpson School contract with LaRosa Building Company and if the affordable units were to be intermingled throughout the development. The Town Attorney, Janis Small said that this was not in the contract.

6. Consider and Approve a Transfer in the Amount of \$40,000 to Town Hall
- New Windows and Doors Acct. # 300-1403-534-0004-07 from East Main Street
- Mill and Overlay Acct. # 300-1403-534-0002-07 - Public Works

MOTION

Mr. Knight made a motion to transfer in the Amount of \$40,000 to Town Hall

- New Windows and Doors Acct. from East Main Street – Mill and Overlay Acct. as requested by Public Works. Mr. Farrell seconded the motion.

Mr. Knight read the memo from Henry McCully to the Mayor.

Henry McCully, Director of Public Works, was present.

Mr. McCully commented of the condition of the windows and doors, pointing out that only the doors on the front of Town Hall, facing Main Street, would be replaced. Mr. Farrell asked about the style of the new windows in relation to the style of the building as did John LeTourneau, 3 Regent Court. The windows are energy efficient. Robert Sheehan, 11 Cooper Avenue, asked if the East Main Street account would be closed out. Mr. McCully said that there is an excess in the account of about \$3,000. Lucille Trzcinski, 25 Turnberry Road, requested that the auditorium doors be replaced.

VOTE

Eight (8) Councilors voted aye. Mr. Farrell voted no.
8 yes; 1 no.

The motion passed

7. Consider and Approve a Budget Amendment in the amount of \$86,000 to Maintenance Treatment Equipment Acct # 431-8640-652 to Source of Funds – Appropriation from Retained Earnings – Cash for Rate Stabilization \$66,000 from Use of Funds – Major Component Replacement \$20,000 – Water Division

MOTION

Mr. Knight made a motion to approve a budget amendment in the amount of \$86,000 to Maintenance Treatment Equipment Acct to Source of Funds – Appropriation from Retained Earnings – Cash for Rate Stabilization \$66,000 from Use of Funds – Major Component Replacement \$20,000 as requested by the Water Division. Mr. Farrell seconded the motion.

Roger Dann, General Manager, Water-Sewer Divisions, explained how the funds move and that this is the most that would be expected to perform the job.

VOTE

All Councilors present (9) voted aye.

The motion passed.

8. Discussion regarding AT & T installation of facilities for cable television service in the Town of Wallingford – Law Department

George M. Moreira, Senior Legal Counsel, and three other AT & T representatives were present for the presentation of the AT & T installation in the Town of Wallingford. Mr. Moreira brought a photograph of a ground box on a small cement slab to show the Council.

Other present included:

John Emmron, Executive Director, External and Legislative Affairs for AT & T Connecticut with responsibility for State Legislative and Local Political Affairs.

Diane Rogers, Network Department, Conduit Construction Engineering Group with responsibility for Site Acquisition and Right-of-Way matters for ATT & T Connecticut.

Chet Townes, Vice President and General Manager for the State of Connecticut with responsibility for the roll out of the IPTV products throughout the State of Connecticut.

No action was taken by the Council.

MOTION

Mr. Knight made a motion to move up to the Agenda Addendum. Mr. Farrell seconded the motion.

VOTE

All Councilors present (9) voted aye.

The motion passed

AGENDA ADDENDUM

Report from CMEEC regarding the Pierce Plant Project – P.U.C.

Public Utilities Commission

George Adair, Director, Public Utilities

Robert Beaumont, Commissioner

CMEEC Representatives included:

Maurice Scully, Executive Director

Gabriel Stern

Michael Minkos

Philip Sussler, Legal Counsel

Mr. Minkos presented slides that showed the preparation, preparation changes and the installation of the generators at the Pierce Plant location. Mr. Scully spoke about some value added items including soil treatment at \$350,000, which was unexpected and that gas lines may be an additional cost if CMEEC becomes the owners of the lines. They also added a sound wall but that the overall landscape of the project is favorable and that the timeline is about one month behind.

9. Consider and Approve Farm Land Lease Program as presented
- Environmental Planner

Erin O'Hare, Environmental Planner, was present representing the Conservation Commission. A full outline of the farmland and bidding was presented. Ms. O'Hare noted that there were 30 bids from 24 responses and the eight parcels received no bids and that they would be put out to bid again in the future. Mr. Brodinsky was concerned about the black plastic used in the past on several parcels, and Ms. O'Hare said that as much as possible has been cleaned up and that weather and use of the fields will cause more of the plastic to come to the surface making it an ongoing project in the cleanup. She said everyone is cooperating to cleanup the plastic.

There was no action by the Town Council.

10. Report from the Vocational-Agricultural Building Committee
- Councilor Vincent F. Testa, Jr.

James Vitali, Chairman, Vocational-Agricultural Building Committee, was in attendance to present a report to the Council on the status of the design development and the schematic development phases of the building using drawings that were handed out to the Council. Ryszard Szczypek for Tao Soo Kim Partners, Architects, reviewed the spaces in the building - classrooms, labs, etc. They discussed the parking changes and that they are proceeding as per the original schedule and are maintaining the overall budget. Roger LaFleur and David Fresk, CREC, explained their function in the project to keep it on track and in the monitoring of the financial piece of the project working with the State of Connecticut in the reimbursement process.

Attending the meeting with Mr. Vitali were:

Ryszard Szczypek for Tao Soo Kim Partners, Architects

Mike Kolakowski, Konover Construction, Construction Manager

Roger LaFleur and David Fresk, Capital Region Educational Council (CREC)

11. Report from School Building Renovation Committee
- Chairman Robert F. Parisi

Don Harwood, Chairman, School Building Renovation Committee, and Bill Choti, Vice-Chairman, School Building Renovation Committee, discussed the various components of the Sheehan High School Field lighting bid, which incorporated aspects of the original bid from the Public Works Department and the Mayor. The low bidder who has been qualified and scope reviewed by Turner Construction is at \$289,330. Light poles and with safety accessories at \$50,000 were in the bid as an alternate. Mr. Choti said that at this time that the School Building Renovation Committee is not recommending the alternate. He said that the code now recommends safety lights. The bid also addressed the new switch-gear box. He said that they feel that this is a turnkey project. He said that the lighting system is used on most of the fields in the town. Mr. Harwood said the \$289,330 is a turnkey cost without having any construction

contingency attached to it, without the design costs that were incurred, without CA services for testing in the field on the 90-foot poles. He said that testing needs to be considered related to the concrete and the support structures that will be the base for the poles. This is without any sort of oversight or management. He said that the documents are very thorough. He said that there should be some contingency dollars should there be problems with soil or field conditions and said that 10% is a fair thought process. He also mentioned the bidding costs at about \$20,000, and the CA testing services could be \$5,000 to \$8,000. He said to consider \$45,000 to \$50,000 associated with the base bid amount of \$289,000. He said that the Building Committee has no interest in doing this project and what they recommend is that the Council have the project run with limited oversight by the town. He said that the best option is to award the contract and provide some contingency. He thinks that \$339,000 is a good working number for the project. There was discussion about a soccer grooming machine and costs. There are some change orders still outstanding and that the outcome will be slightly unfavorable. No final school building renovation number is currently available. Lyman Hall High School had overruns in the food services department FF& Es and in hazardous material costs. Some of the Lyman Hall issues may result in a claim related to design and installation with respect to recent failures at the school due to wind and moisture. There is no construction going on at any school now and that the project is in the process of close-out

Public Works will be approached by the mayor to install the Sheehan Field lights with the School building Renovation Committee standing by.

12. Discussion and possible action on the future of the Wooding Caplan property
– Councilors Mike Brodinsky, Vincenzo DiNatale, Vincent F. Testa, Jr., Iris Papale, Lois Doherty, Jerry Farrell, Jr., Stephen W. Knight, Chairman Robert F. Parisi and Rosemary Rascati

MOTION

Mr. Brodinsky made a motion that the Council adopt the Road Map as presented with the two additions. The additions are Traffic Control Officer report with the Town Engineer report and the AT & T easement, and if there is a title issue from the Law Department.

Mr. Testa seconded the motion

Various aspects of the Road Map were discussed. Parking was discussed and that there are many opinions regarding municipal parking and that to have a full discussion on the issue that tenants and commercial entities of the parcel should be invited to give opinions. Mr. Brodinsky said that he has been in touch with the church, the Town Planner and has called the Post Office. It was suggested that parking be part of the April 10th meeting. Bob Hogan, Grieb Road, asked how parking can be discussed before the Police Department gives their report. It was pointed out that police parking is a separate issue and will be discussed at another meeting. It was decided that Wallingford Center Inc. be asked to alert the merchants on the four corners of Center and Main Street to attend the meeting when parking is discussed and that Rosemary Rascati will speak with Wallingford

Center, Inc. If that is not possible the Mayor's Office will contact merchants in this area.

VOTE

All nine (9) Councilors votes aye to adopt the Road Map. The motions passed.

The discussion continued with the status of 390 Center Street and whether it can be moved or should be demolished. Chairman Parisi offered to find out how much it would cost to move and renovate the building and the Mayor to determine the cost to demolish.

13. Report from the Law Department regarding an advisory referendum and the 390 Center Street Property – Mayor

Janis Small, Town Attorney, said that on the access issue that AT & T is willing to talk to the town about giving the town access. She said that they have a very open mind, and if they can work it out with us, they expressed a willingness to do that. She said that the Council needs what it is that they want and that perhaps Engineering can draw up something that can be used as a working document. She asked the Council if they had a certain vision at this time.

Mr. Brodinsky said that on looking at a map that there isn't enough for a 24 foot buffer. Ms. Small concurred and said that the Engineering Department could tell them what they can get out of it. Mr. Brodinsky said as wide as possible, and if they are interested in what the town will use it for, he suggested any reasonable, appropriate use consistent with a development, the most intensive would be mixed use development and the least intensive would be a some sort of a park with some sort of vehicular access. Ms. Small said she expects this type of question from them. She said that if they think it is an appropriate direction that she will have Engineering draw up something to use as a working document and that she thinks that it will be a quick turn-around. Mr. Brodinsky asked for authorization for the Town Attorney to pursue this course with some response for the first meeting in April (April 10). Attorney Small said that she would forward the map the Council for comments.

She continued with two opinions that she rendered. With respect to the advisory referendum, the Law Office looked at this issue in 1998. She said that she took that opinion and performed the research again and came to the same conclusion. She said that there has been no change in the law and that essentially the Town Charter does not permit an advisory referendum. She said that such a procedure as that has to be specifically specified in the Charter, which it does not. She said that the law with respect to powers of a municipality are pretty tight, and if it isn't specifically granted, you simply don't have it. She said that was the opinion that they gave in 1998.

She said that with respect to 390 Center Street, this was discussed during the RFP process. She said that if it was decided to demolish it or even to move it that someone could challenge it as being an unreasonable destruction of an historical property that is in the National Register of Historic Places as part of the Center Street designation and by

law anyone who claims an interest in it can bring an action and make that claim. She said that she thinks that this applies to the moving of the structure as well as demolition because someone might argue that moving it would result in some sort of destruction that was not reasonable. She said that if that happened it would be up to the court to determine whether or not it's a justified demolition or moving of the facility. She said it would be a law suit under a specific statute and really gives anyone the right to do that. Mr. Brodinsky asked if it was decided to demolish or move the building that it would proceed unless a judge stopped it because someone made a legal complaint to the court. Attorney Small said that yes, that was correct.

Kathryn Zandri, 9 Balsam Ridge Road, asked the Wooding Caplan item be placed earlier on the agenda.

Lucille Trzcinski, 25 Turnberry Road, asked Attorney Small how she would approach the discussion with AT & T. Attorney Small said that it is a general discussion at first.

Wes Lube, Montowese Trail, asked if action can be taken by anyone as an individual. The answer was yes.

Kathy Avery, 42 North Elm Street, asked if everyone is agreed to this plan.

Bob Hogan, Grieb Road, reported criteria for removing properties from the National Register according to the National Register website. He said that the National Register has a Preservation Officer who can be contacted.

There were no further comments or questions.

14. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property
– Mayor

MOTION

Mr. Knight made a motion to go into Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as requested by the Mayor. Mr. Farrell seconded the motion.

VOTE

All Councilors present (9) voted aye. The motion passed.

The Council entered Execution at 10:22 P.M.

MOTION

Mr. Knight made a motion to come out of Executive Session

VOTE

All Councilors present (9) voted aye. The motion passed.

The Council exited Executive Session at 10:30 P.M.

Attendance at Executive Session:
Town Council (9); Mayor Dickinson; Town Attorney Janis Small

MOTION

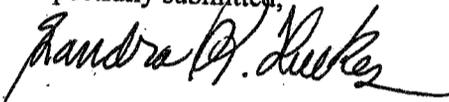
Mr. Farrell made a motion to adjourn the meeting.
Mr. Knight seconded the motion.

VOTE

All Councilors present (9) voted aye. The motion passed.

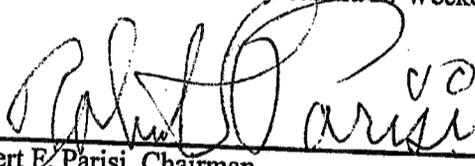
The meeting adjourned at 10:31 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

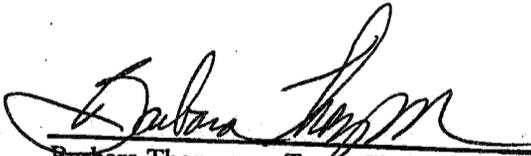
Meeting recorded by Sandra R. Weekes



Robert E. Parisi, Chairman

4-24-07

Date



Barbara Thompson, Town Clerk

4-25-07

Date

RECEIVED FOR RECORD 4-5-07
AT 3:55 P.M. AND RECORDED BY
Barbara Thompson TOWN CLERK