

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

September 11, 2007

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, September 11, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Vice Chairman Stephen W. Knight Called the Meeting to Order at 6:45 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, Rosemary Rascati and Vincent F. Testa, Jr. Councilor Vincenzo M. DiNatale was absent for personal reasons at the beginning of the meeting. He arrived at 8:05 P.M. Chairman Robert F. Parisi was absent due to sickness. Mayor William W. Dickinson, Jr., Assistant Town Attorney Gerald E. Farrell, Sr. and Comptroller James Bowes were also present. Town Attorney Janis M. Small arrived at 7:56 P.M. at which time Assistant Town Attorney Gerald E. Farrell, Sr. left the meeting.

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

Ms Papale commented that she and Chairman Parisi attended the Diversity Training and complimented Mr. Sullivan on bringing the Trainer, Lolita Chandler, to Wallingford for this series of training.

2. Correspondence

*None*

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#82- #186) totaling \$34,644.34  
Acct. #001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve a Resolution Authorizing the Mayor to enter into an Amended Personal Service Agreement/Grant/Contract for the Connecticut Department of Environmental Protection's Recreational Trails Grant Program – Engineering
- 3c. Acceptance of Federal Assistance to Firefighters Grant – Fire Department

- 3d. Consider and Approve an Appropriation if Homeland Security Assistance Firefighters Grant in the Amount of \$137,950 to Federal Grant Acct # 204-1050-050-5000-00 and to Acct # 204-2030-999-9901 – Fire Department
- 3e. Consider and Approve a Transfer in the amount of \$15,328 to Diesel Exhaust Matching Funds Acct # 001-2030-999-9006 from Contingency Acct # 001-7060-800-3190 – Fire Department
- 3f. Consider and Approve a Transfer in the amount of \$20,300 FY 2006-07 to Injury and Damage Insurance Acct # 925 from Employee Pension and Benefits Acct # 926 – Electric Division
- 3g. Consider and Approve a Transfer in the Amount of \$13,200 FY 2006-07 to Capital-Overhead Conductors Acct # 365 from Capital-Poles, Towers, Fixtures Acct # 364- Electric Division
- 3h. Consider and Approve a Transfer in the Amount of \$19,000 FY 2006-07 to Uncollectible Accounts Acct # 904 from Customer Record and Collection Expense Acct # 903 – Electric Division
- 3i. Consider and Approve a Budget Amendment in the Amount of \$94,810 FY 2006-07 to Source of Funds-Depreciation and to Depreciation Expense Acct # 461-8930-403- Sewer Division
- 3j. Approve Merit Review - Personnel
- 3k. Consider and Approve a Transfer in the Amount of \$400 to Leaf Blower – John Deere Acct # 001-5015-999-9116 from Tag Along Trailer Acct # 001-5015-999-9131- Public Works
- 3l. Set a Public Hearing for September 25 at 7:00 P.M to amend the *Parks and Playgrounds Ordinance*, Chapter 151, for the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- 3m. Set a Public Hearing for September 25 at 7:15 P.M to consider and act upon an ordinance entitled the *Objectionable Products Ordinance* of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee
- 3n. *Consider and Approve Special Town Council meeting minutes of September 4, 2007- Withdrawn*
- 3o. Consider and Approve Town Council minutes of August 14, 2007

**3p. Consider and Approve Town Council minutes of April 23, 2007**

Ms. Rascati made a motion, seconded by Mr. Farrell, to adopt the Consent Agenda 3a. to 3m., and 3o. and 3p. 3n. was withdrawn for correction.

Seven (7) Councilors present voted Aye, including Councilor Ms. Doherty; however, she indicated that she wished to abstain from the vote for Item 3o. as she was not in attendance at the August 14, 2007 meeting.

The motion passed.

**4. Items Removed from the Consent Agenda**

*None*

Mr. Farrell said that there are two agenda items that are related to the American Legion, Items 12 & 16, and that he requested item #16 to be on the agenda. He said that he is withdrawing it from the agenda because on this item the devil is going to be in the details, and we're not quite there yet, so he doesn't want people to sit for the 3 or 4 hours expecting action this evening on #16..

**5. PUBLIC QUESTION AND ANSWER PERIOD**

Geno Zandri, 9 Balsam Ridge Circle, said that there are four roads in Wallingford that go over Interstate 91 – Harrison Road, East Center Street, New Rock Hill Road and Durham Road. He asked who is responsible for maintaining the bridges in Wallingford that go over I-91. Mayor Dickinson said that he believes that it would be the town's responsibility except for Rt. 68, which is a state highway. He said that he would check with the Engineering Department. Mr. Zandri said that the bridges are in desperate need of attention.

Robert Sheehan, 11 Cooper Avenue, asked for a Moment of Silence in honor of 9/11. His request was acknowledged with a Moment of Silence. Mr. Sheehan asked about the status of the School Building Renovation and when we would hear if they are done or not. Mayor Dickinson said that there are final figures and information that is not available, and when that comes in, there will be a report.

Lucille Trzcinski, 25 Turnberry Road, asked if it wouldn't be helpful to the Council to have public input before the Council goes into Executive Session to discuss the details regarding the American Legion Building. She said that she does not believe that they can arrive at an opinion that involves the public since they are not discussing it before they go into Executive Session.

Mr. Knight said that when all of the information is available, it will come to the public and that there would be ample opportunity for public input. He said that details are being ironed out. Ms. Trzcinski said that it would be more beneficial to the Council in discussions if the Council had the large piece of the puzzle available to them and that is public opinion.

Bob Gross, 114 Long Hill Road, asked the Mayor about CRRRA with regard to negotiating a new contract, appointing someone to sit on the Board of Directors for the town, making a decision on the application that the Mayor has received. Mayor Dickinson said that there is no new information with regard to the negotiations. He said that the Town Attorney has sent information regarding the appointment process. Mr. Knight read a memo from Town Attorney Janis Small to Mike Brodinsky (*Appendix I*) with regard to appointments. Mr. Gross asked if any names of people were going to be submitted, so the governor can make an appointment before the vote comes on the contract for the new plant, if it gets to a new contract. Mayor Dickinson said it would be up to the Town Council to suggest an appointment. Mr. Gross said that there are two appointments and one is through the Mayor's Office. Mayor Dickinson said that he believes there is only one appointment and that is through the Town Council who makes a request to the Governor for an appointment of an ad hoc member. The Mayor said that the Town Council acts for the Town of Wallingford and has the authority to request an appointment and then the Governor actually makes the appointment. Further discussion ensued with respect to appointments to the board. Mr. Knight said that the Council would take an appointment under advisement because at this point this is new information.

6. Consider and Approve Acceptance of Ortense Drive and Wojtasik Drive – Planning and Zoning

Ms. Rascati made a motion, seconded by Mr. Farrell, to Accept Ortense Drive and Wojtasik Drive as requested by Planning and Zoning.

Linda Bush, Town Planner, said that the Planning and Zoning Commission accepted these roads at their August meeting and that Public Works and Engineering have signed off. She said that she would like to get them accepted into the town road system

Mr. Testa asked if these two names are on the list. Ms. Bush said no longer. She said that Ortense was on the list, and it was taken off when it was selected by someone. She said that Wojtasik was accepted as a street name by the Town Council on the Consent Agenda of April 13, 2004. Ms. Papale wanted clarification asking if they were both no longer on the list. Ms. Bush said that Wojtasik was never on the list. She said that they (the property owner) asked to have their street named Wojtasik and you (the Council) approved it in 2004. She said that Ortense was on the original list the Council approved in November 1997.

She said it is no longer on the list because it has been taken off. Ms. Papale asked why we approved that name, when two weeks ago we did not approve a street name request.

No further comments from the Council or from the public.

Councilors called out their vote. Farrell-yes; Doherty-yes; Rascati-yes; Papale-yes; Testa-yes; Brodinsky-yes; Knight-yes 7- Aye; 0-no

The motion passed.

7. Presentation from Habitat for Humanity regarding a conveyance of property located at 1300 Barnes Road (Route 68) – Mayor

Presenting for Habitat of Humanity were:

William Casey, Executive Director, Habitat for Humanity

Rev. Eric Fjeldal, President of the Board of Directors, Habitat for Humanity

Mr. Casey distributed an information folder to the Council and thanked the Town Council and the Town of Wallingford for the donation of land that allowed Habitat for Humanity to build two homes on Washington Street. He acknowledged the community for their support and how grateful Habitat for Humanity is for the warm reception given to them by Wallingford. He said that they would like to build again in Wallingford. He said that as is evidenced by the homes on Washington Street that they have the ability to build good quality homes with good families. He asked for the town's assistance to acquire land to be able to build again.

Rev. Fjeldal said there was great community involvement with about 20 volunteers on Saturdays and that relationships with the families had been forged as a result of the experience.

Mr. Knight asked for a description of the property and their intentions for the property. Mr. Casey referred to the map of the property, and said that it is about 2 acres in size with a property slope that will allow for one two-story, three-bedroom house to be built at 1300 Barnes Road. Mr. Knight acknowledged that it is town-owned property and asked the Mayor how the town came to own it. Mayor Dickinson said that he does not know the history but that departments have said that they do not have need in the property. The Electric Division, prior to the sale of the property, will need an easement where the over-head service cable crosses the property at the western tip.

Mr. Farrell confirmed that this Habitat for Humanity group is Habitat for Humanity involved in a Liquor Control hearing where it sought a remonstrance against a café in New Haven. It was a very hard-fought matter before the Liquor Control Commission. He said that ordinarily he would not use that as a reason to

abstain but the decision of the Commission is on appeal to the Superior Court, so he thinks that it would be best that he not appear to be doing anything in regard to Habitat for Humanity of Greater New Haven. He said that he wanted the community to know why he is recusing himself.

Mr. Testa asked if Habitat is looking for the property to be donated. Mr. Casey said that they were and that Habitat does not receive any government funds and they get funding from donations, private individuals, businesses, churches, etc. He said that homes cost about \$110,000 and they sell them for \$90,000 with a \$20,000 loss, so acquisition is a problem. He said that they have used the Wallingford project as a model and now other towns, Hamden and West Haven, are asking Habitat to come into their towns with a project. It said that Wallingford has forwarded their mission to provide affordable housing for people outside of New Haven.

Mr. Testa said that he thinks of Habitat for Humanity as a worthy and good endeavor but feels that it is important for the Council to have all the information they need before they can take action.

Mr. Brodinsky asked how they became aware that Wallingford owned this property and that the town didn't need it. Mr. Casey said that they have been speaking to town employees and officials since they built the houses on Washington Street, and they checked out about 6 properties that were both town and privately owned properties. Some of the information was from the Zoning Department and some from Engineering Department. As far as taxes, they follow procedure like any other builder. The houses are assessed at fair market value and the sale price is not considered.

Dianne Saunders, 72 Northford Road, asked about procedure in regard to review by departments, including the Law Department and the Conservation Commission. She wholly supports Habitat for Humanity effort. Mayor Dickinson said that all the departments were asked if they had any interest in it and they received no interest from them. Ms. Saunders expressed her concern about procedure. She asked about re-sale of the Habitat properties. She commented that when an individual buys the property for \$90,000 that immediately it is worth \$300,000, and asked when that property is re-sold, how is that gain recaptured. Mr. Casey said that they have a recapture agreement, which specifies that the home is only occupied by the owner; secondly there is a financial aspect to that. He said that it is a shared equity agreement on a declining scale over 12 years, so that the first 4 years the homeowner gets almost nothing of the equity – it would all go back to Habitat. After that, it begins to increase and they get more and more, so that finally they get 100% of the equity.

A number of other questions regarding the property were asked that could not be addressed at this meeting. Some of the questions that arose were about property acquisition by the town, property value, property donation by the town, property

configuration, how Habitat for Humanity knew about this property and why it was selected.

Mayor Dickinson, in regard to the public interest issue, said that typically there must be a public interest to justify the gift of anything from government, and in the instance of affordable housing, there are state laws that indicate that each community should make efforts to provide housing for all incomes categories, including the affordable housing. He said that this is where this becomes justified as a matter of how is the public interest being served and that the effort, with regard to affordable housing, is recognized by state law.

As this was a presentation, there was no action by the Council.

8. Consider and Approve a contract for DS (Dark Sky) Production, LLC to utilize Field 10B, Tamarac Swamp Road, currently under the Town's Farmland Lease Program – Law Department

Ms. Rascati made a motion, seconded by Mr. Farrell, to Approve a contract for DS (Dark Sky) Production, LLC to utilize Field 10B, Tamarac Swamp Road, currently under the Town's Farmland Lease Program as requested by the Law Department. Ms. Rascati read a memo from Corporation Counsel Adam Mantzaris to the Mayor regarding this request.

Mr. Testa asked if this is the property that was the subject of a news article that said they couldn't film on the land because it was town-owned land, and they couldn't do it at night. He asked if the reason for the lease is that it's a property being used by Mr. Kondracki under the Farmland Lease Program. He asked if that is what this is all about.

Ms. Doherty said that the Conservation Commission initially said no, and they walked the property with then and learned more of the details and got it tightened up as to when, where and how, then they said it was OK.

While he thinks this is great, Mr. Testa said that he thought that the real issue as to why they couldn't film there was because you can't be on town property after dark, so are we violating our own rule. He said if it's no longer an issue that the filming is being done at night, he is OK with that. He said that the lease states that the filming will be done at night. He asked if we let person use it at night, then what happens when the next person wants to use a park at night.

Ms. Papale recalled that someone said that this filming event need not be precedent setting for future after-dark use and that every case is an individual case.

Mr. Farrell said that we do have an ordinance that prohibits people from being in our properties after dark, our open space and our parks. He said that was Obstacle

Number 1. He said that he hopes that this isn't a unique thing for Wallingford in that the legislature is trying to encourage the film industry to come to Connecticut. He said that we have a beautiful town, and it would be nice to have more of this going on like the Disney film at Choate this summer. He said that we should do it and encourage it.

Mr. Brodinsky asked how is it that something is presented to us, and there is no one here to answer the questions. He said that he read that there was concern about using Tyler Mill at night, and Tyler Mill may be considered a park but this doesn't appear to be the Tyler Mill property but rather one of the parcels in the Farmland Lease Program, which is not part of the park. He doesn't think that after-dark is relevant. He talked about the impact on the neighbors and parking and asked how long and when the filming would happen. Mayor Dickinson said that it would involve 8 to 10 people and two vehicles for part of one night, one occasion, to take some shots of people walking across the field and entering into the woods. Mr. Kondracki as lessee would be signing the agreement for this short-term event on this location. There is no anticipation of noise or many people. Mr. Brodinsky asked that the production company notify the neighbors.

Dianne Saunders, 72 Northford Road, as a resident and as a neighbor to the Tyler Mill Preserve, said that the farm fields are in the Tyler Mill Preserve. She asked about the contract and how did the film company approach the town about this parcel. Mayor Dickinson said that Darryl Tucker is familiar with Wallingford and the field and the trail, grew up in a neighboring town and that the location fit his vision of the movie. Ms. Saunders stated that this particular field is one where no state money was used to reimburse the town and that it is part of the old Sartori property. She pointed out her concerns with the contract of the farmland, with the Parks and Recreation Ordinance for use of the property, about a precedent that may be set of people using town-owned open space for commercial purposes, about doing something outside of the ordinance, and about regarding the quality of this film. She requested police presence at particular locations relative to the filming; that a group be formed to manage these requests for the future; that questions regarding non-resident use of town-owned property for commercial use be addressed; and that monies realized from the filming be put in an open space fund and not into the general fund.

Mayor Dickinson said that the contract states that no more than 10 people with the production shall be on the property and that all such persons shall walk the tree-line in entering and exiting the property and that no vehicles be allowed on the property. There was a request for two areas and one of them off Maltby Lane could not be permitted because it falls under the ordinance. He said that this field being in the Farmland Lease Program is outside that ordinance, hence, the ability to allow the use of the field. He said that the certificate of liability insurance is \$1 million/\$1 million. He continued saying that there is no plan to add police presence but that it will be patrolled as usual.

Lucille Trzcinski, 25 Turnberry Road, said that she understood from attending the Conservation Commission meeting that they said 'no' to the film company, that it was not in the best interests of the town. She asked who overrides that decision of that commission of townspeople in whom the town entrusts this land.

Mayor Dickinson said that their position is advisory and that the decision was that there would be no environmental impact. The commission's concern was over content regarding the potential movie, and after discussion with the Town Attorney, it was agreed that we have no business dealing with content. Mr. Knight said that the Conservation Commission is advisory.

No further comments from the Council or from the public.

Councilors called out their vote. Brodinsky-yes; Testa-yes; Papale-yes; Rascati-yes; Doherty-yes; Farrell-yes; Knight-yes 7- Aye; 0-no

The motion passed.

9. Discussion and Possible Action on the Future of the Wooding-Caplan development area – Town Council

Mr. Brodinsky asked about the status of the RFP. Mayor Dickinson said that the Law Department has sent it to the Purchasing Department, who will be putting it out as soon as it is ready. There will be an update at the next meeting.

Robert Gross, 114 Long Hill Road, said that since it will be many months to get the RFP back, asked that the property be cleaned up by grass mowing and debris pickup. Mayor Dickinson said that they would cut the grass but probably nothing in the way of landscaping. Mr. Gross said just a cleaned up parking lot.

Town Attorney arrived at 7:56 P.M., and Assistant Town Attorney Mr. Farrell, Sr. left the meeting.

10. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending workers' compensation matter of Thomas Demonte - Personnel
11. Executive Session pursuant to Section 1-200 (6) (E) of the Connecticut General Statutes with regard to strategy and negotiation with respect to Collective Bargaining - Personnel
12. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes to discuss pending litigation in the matter of the Connecticut Historical Commission v. Town of Wallingford – Law Department

**13. 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**

Ms. Rascati made a motion, seconded by Mr. Farrell, to go into Executive Session pursuant to -

- 10.) Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending workers' compensation matter of Thomas Demonte – Personnel
- 11.) Section 1-200 (6) (E) of the Connecticut General Statutes with regard to strategy and negotiation with respect to Collective Bargaining - Personnel
- 12.) Section 1-200 (6) (B) of the Connecticut General Statutes to discuss pending litigation in the matter of the Connecticut Historical Commission v. Town of Wallingford – Law Department
- 13.) §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property– Mayor

All seven (7) Councilors present voted Aye.

The motion passed.

The Council entered into Executive Session at 7:56 P.M.

Mr. DiNatale arrived at the meeting at 8:05 P.M.

Ms. Rascati made a motion seconded by Mr. Farrell, to Exit Executive Session.

All eight (8) Councilors present voted Aye.

The motion passed.

The Council exited Executive Session at 9:57 P.M.

Attendance at the Executive Sessions:

- 10.) Eight (8) Councilors, Mayor Dickinson, Town Attorney Small, Terence Sullivan, James Hutt and Kurt Treiber
- 11.) Eight (8) Councilors, Mayor Dickinson, Town Attorney Small, Terence Sullivan, James Hutt
- 12.) Eight (8) Councilors, Mayor Dickinson, Town Attorney Small

- 13.) Eight (8) Councilors, Mayor Dickinson, Town Attorney Small, and John Gawlak, Dave Gelo and Lynn Hoffman
14. Motion to consider and approve the settlement of the pending workers' compensation matter of Thomas Demonte as discussed in Executive Session  
- Personnel

Ms. Rascati made a motion, seconded by Mr. Farrell, to Approve the settlement of the pending workers' compensation matter of Thomas Demonte as discussed in Executive Session.

There was no discussion.

All eight (8) Councilors present voted Aye.

The motion passed.

15. Consider and Approve IBEW Local 4567 Hazard Pension Plan Tentative Agreement from July 1, 2007 to June 30, 2019 – Personnel

Ms. Rascati made a motion, seconded by Mr. Farrell, to Approve the IBEW Local 4567 Hazard Pension Plan Tentative Agreement from July 1, 2007 to June 30, 2019 as discussed in Executive Session.

There was no discussion.

All eight (8) Councilors present voted Aye.

The motion passed.

16. *Discussion and possible action regarding the sale of 41 South Main Street (American Legion) – Town Attorney and Councilor Jerry Farrell, Jr.*

*Withdrawn*

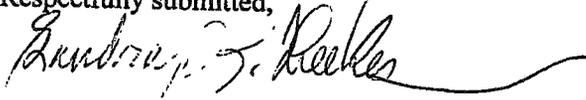
Mr. Farrell moved to adjourn. Ms. Rascati seconded.

All Councilors present (8) voted aye.

The motion passed.

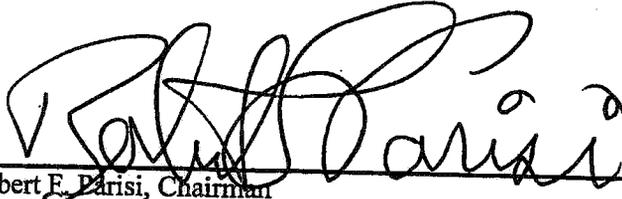
The meeting adjourned at 10:02 P.M.

Respectfully submitted,



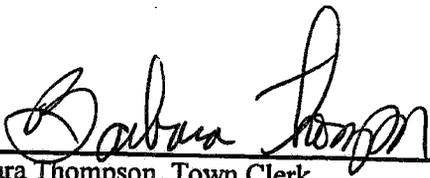
Sandra R. Weekes  
Town Council Secretary

Meeting recorded by Sandra R. Weekes



Robert E. Parisi, Chairman

9-25-07  
Date



Barbara Thompson, Town Clerk

9-25-07  
Date

RECEIVED FOR RECORD 9-14-07  
AT 4:34 P.M. AND RECORDED BY  
Barbara Thompson TOWN CLERK



*Town of Wallingford, Connecticut*

TOWN ATTORNEY  
JANIS M. SMALL

*Appendix I.*

ASSISTANT TOWN ATTORNEY  
GERALD E. FARRELL, SR.

CORPORATION COUNSEL  
ADAM MANTZARIS

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## MEMORANDUM

TO: Michael Brodinsky, Councilor, Wallingford Town Council

FROM: Janis M. Small, Town Attorney

RE: CRRA Board

DATE: August 31, 2007

Pursuant to Connecticut General Statutes §22a-261(g), the Town of Wallingford, as the Host Town, is entitled to request the appointment of an ad hoc member to the Board of Directors. The Town Council, pursuant to §22a-261(g), may pass a resolution requesting the Governor to appoint a resident to this position. The Governor will make the appointment upon the next vacancy for the facilities representative. The appointment is for a four-year term.

The ad hoc member sits on the Board of Directors. His or her powers, however, are limited to voting on matters concerning the Wallingford Facility.

The Wallingford Facility is entitled to two ad hoc members. At least one member must be a chief elected official or his designee. That appointment is made by the Governor with the advice and consent of the General Assembly.

Both ad hoc member positions for the Wallingford facility are presently vacant.

The CRRA Board of Directors consists of twelve members as detailed in Connecticut General Statutes §22a-261(b). Additionally, each facility may be represented by two ad hoc members pursuant to §22a-261(g).

  
JANIS M. SMALL  
Town Attorney

JMS/bjc

