

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING

SEPTEMBER 9, 2008

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, September 9, 2008, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Mike Brodinsky Called the Meeting to Order at 6:43 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Michael Brodinsky, Nick Economopoulos, Gerald E. Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., and Corporation Counsel Adam Mantzaris were also present. Vincenzo M. DiNatale was absent from the meeting due to family activities.

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

2. Chairman's Report

Chairman Brodinsky announced that Item 9 would not be taken as there is no business to consider.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#1 - #104) totaling \$25,158.49
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Accept a \$500 Donation from the WECARE Program to Youth and Social Services, and Consider and Approve an Appropriation in the Amount of \$500 to Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 – Youth and Social Services
- 3c. Consider and Approve a Transfer in the Amount of \$15,000 to Community Lake Restoration Acct #001-1403-999-9903 from Contingency Fund Acct # 001-7060-800-3190 - Engineering
- 3d. Set a Public Hearing for September 23 at 8:00 P.M. on the possible sale of the American Legion Building pursuant to Section 7-163(e) of the Connecticut General Statutes – Chairman Mike Brodinsky
- 3e. Approve Town Council Regular Meeting Minutes for August 19, 2008

Mr. Testa made a motion to accept the Consent Agenda 3a. to 3e. Mr. Farrell seconded. All Councilors present (9) voted Aye, and the motion passed.

4. Items Removed from Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Bob Hogan, Grieb Road, read from a prepared statement regarding Veterans' tax exemption asking the Town Council to increase the qualifying income with regard to the Assessor's review of the tax impact.

Chairman Brodinsky read a memo from Comptroller James Bowes to the Mayor dated June 4, 2007 that notes the Assessor's report. (*Appendix I.*)

Larry Mordarski, Dogwood Lane, spoke about direct deposit of paychecks for town employees and remarked that several people have broached the subject with him. Mayor Dickinson said that no software has been purchased and that the current system cannot handle it. He added that direct deposit is part of collective bargaining negotiations.

Jason Zandri, Lincoln Drive, made comments with regard to payroll software and suggested that a poll be taken. Mayor Dickinson reminded Mr. Zandri that direct deposit is a contractual issue in regard to pay cycles.

Bob Gross, 114 Long Hill Drive, asked who owns Old Henry Traylor Park that is near Covanta. Mayor Dickinson said that as project owner, CRRA owns the property and was purchased with respect to contamination migration to that site.

WAIVE RULE V

Chairman Brodinsky made a motion to Waive Rule V for the purpose of the Town of Wallingford filing an appeal in regard to a decision of the Meriden Zoning Board of Appeals with respect to the Wallingford town line with Meriden. Mr. Spiteri seconded the motion.

All Councilors present (8) voted Aye, and the motion carried. Councilor Vincenzo DiNatale was absent from the meeting.

Chairman Brodinsky made a motion to Waive Rule V for the purpose of taking up discussion and possible action for the Town of Wallingford to file an appeal in regard to a decision of the Meriden Zoning Board of Appeals who granted a variance,

allowing Mark Development LLC to develop a used car business on Murdock Avenue in Meriden near the Wallingford town line. Mr. Farrell seconded.

Mr. LeTourneau talked about the number of homes and streets in this area and that people are upset. The property in question abuts Wallingford's I-X Zone. He spoke about street configuration in the area with suggestions of changes to traffic flow. He said that the Council needs to regard this issue seriously. He said at some point something will go there which will generate traffic, which needs to be addressed. He does not think that this is the type of business that should go into that area.

Corporation Counsel passed out a map of the area to the Council.

Mr. Parisi reminded the Town Council that he was very active in the initial application by Auto Auction to establish this type of business in that area. He continued that the new proposal that is just over the line has changed any of the complaints of the people in the area. He said that there isn't a road that will be spared if this proposal goes through. In his opinion, people should have a say and that hopefully they can be accommodated. He doesn't think that they are wrong in their objections to this kind of activity on this parcel. He said it was proven before with regard to the impact and appealed and the ruling by Planning and Zoning was upheld. He said that it should be pursued again.

Ms. Rascati said that whatever goes there will impact our roads. The area is zoned industrial and that Wallingford should join the suit.

Mr. Spiteri is in favor pursuing a suit.

Chairman Brodinsky read a newspaper article about the inappropriateness on the location for this type of business.

Corporation Counsel Adam Mantzaris reviewed the legal process saying that if the variance stands that the plan will go through with little or no control by the commission in Meriden. He pointed out that the "auto sales and service" shows traffic pattern has two lanes towards Wallingford and one lane towards Meriden, and has 1,000 parking spaces along with three very large buildings. He spoke about the administrative location for Saab on the site when traffic would not have been an issue. Mr. Mantzaris said that according to the statute, Wallingford is eligible for a proper appeal because we border the property and could have a adverse effect on our community. He added that Meriden may also appeal. The applicant urged a hardship that under the zoning regulations, he can't do anything else with the property. He said that this is what the Town Attorney developed with the help of Linda Bush, Town Planner. He said that the map was introduced in Meriden.

Chairman Brodinsky asked if the Council was in consensus to file an appeal.

Wes Lube, Montowese Trail, referred to the past. He said that the two towns should have similar zoning in areas that touch both towns.

Geno Zandri, 9 Balsam Ridge Circle, wants to know where the town is going with this and that obviously the residents in the area are opposed to this and asked if this is a normal practice for the town to appeal because of that. Chairman Brodinsky said that it's an appropriate practice and that we have statutory standing. He said the variance should not have been issued. Mr. Zandri asked if people in one area oppose a development in another area if it is the practice of the Council to appeal for those people. Chairman Brodinsky said the Council has by Charter the authority to authorize appeals. Mr. Mantzaris said that appeals have to do with people in proximity to the zone because they are aggrieved party. Chairman Brodinsky spoke about something across the border and that by statute the town has a standing to appeal.

Ben Martin, Ward Street, asked if there are details on why the variance was granted (by the ZBA of Meriden). Chairman Brodinsky said he thinks that it is a big mystery but that the basic argument is use of the land posed a hardship in relation the zoning regulations and that the applicant is losing money, which is an economic argument.

Robert Sheehan, 11 Cooper Avenue, expressed his opinion that Wallingford is jumping the gun on filing an appeal because the applicant still has steps to pass in the process before anything can happen. Chairman Brodinsky said that the rule is that once a decision is published there is fifteen days (15) to file an appeal.

Mr. LeTourneau reviewed that objections to the plan.

Mr. Testa inquired about the cost of the appeal. Mr. Mantzaris said that it would be handled by the law department with possible cost for experts. He said that this is a quality of life issue for Wallingford's residents.

ROLL CALL VOTE

Economopoulos-yes, Farrell-yes, LeTourneau-yes, Parisi-yes, Rascati-yes, Spiteri-yes, Testa-yes, Brodinsky-yes. Councilor Vincenzo DiNatale was absent from the meeting.

8- Aye; 1 Absent

The motion passed.

7. Conduct a Public Hearing for September 9, 2008 at 7:30 P.M. with regard to an amendment to Chapter 139 "LITTERING" of the code of the Town of Wallingford – Chairman Ordinance Committee Mike Brodinsky

Mr. Testa read the item, an Amendment to Chapter 139 "LITTERING" of the Code of the Town of Wallingford, followed by Chairman Brodinsky opening

the Public Hearing at 7:28 P.M. Chairman Brodinsky read the changes to the Ordinance. (*Appendix II*).

Discussion centered on enforcement of the ordinance, the demarcation line for the business owner and what the responsibility actually is. Several people testified as to the work in creating cleanliness in front of their own business only to find that passersby or nighttime activity recreate the litter. Jason Zandri, Lincoln Drive, asked about enforcement, and that if an ordinance can't be enforced then it should be taken off the books. Lucille Trzcinski, 25 Turnberry Road, asked about the responsibility of the town, especially along the Parade Ground. Ben Martin, Ward Street, said that he is in favor of the ordinance but that it only goes half-way. Chairman Brodinsky said that the discussion for an amendment came up in discussions in the ordinance committee as a way to keep out streets clean and that it sets out the values of the town in having a clean community. Sandwich boards were mentioned and the enforcement of that Planning and Zoning regulation, which is more complicated to enforce than the litter ordinance.

Mr. Testa said that street cleaning needs to be addressed in order to keep the town on a cleaning process.

Mr. LeTourneau said that if people keep their businesses clean then there would be no need for an ordinance.

There were no further comments.

Chairman Brodinsky called a close to the Public Hearing at 8:05 P.M.

Mr. Testa made a motion to approve the amendments presented for Chapter 139 "LITTERING" of the Code of the Town of Wallingford. Mr. Farrell seconded.

All Councilors present voted Aye and the motion passed. The amendments were accepted.

6. Consider and Approve Tax Assessment Agreement between the Town of Wallingford and Bear Industries, LLC/Polylok, Inc. – Economic Development Commission

Mr. Testa made a motion, seconded by Mr. Farrell, to Approve Tax Assessment Agreement between the Town of Wallingford and Bear Industries, LLC/Polylok, Inc. as presented by the Economic Development Commission.

In Attendance:
Don Roe, Director Program Planning
Doreen DeSarro, Business Recruiter

Joseph Mirra, Vice-Chairman of the Economic Development Commission

Mr. Gavin of Polylok was in the audience.

Mr. Roe explained the tax agreement. Ms. DeSarro read a prepared statement regarding the tax assessment agreement and Mr. Mirra reviewed that specifications of the building and the property, all of which are noted in the letter to Mayor Dickinson from Richard Nunn, Chairman of the Economic Development Commission, dated August 27, 2008, from which Mr. Testa read, "This Program provides for the temporary fixing of real property assessments of up to 20% for up to 7 years for the construction of manufacturing facilities with a minimum of \$3 million. Ms. DeSarro explained "assessment fixing period". There are 53 employees and the Council expressed that we are fortunate to have a business that started in Wallingford that is succeeding to the point of expansion and who has chosen to stay in Wallingford in this new location, given that they had the opportunity offers to move to other communities. Bear Industries, LLC/Polylok, Inc. and the EDC were congratulated on this agreement.

Mr. Testa made a motion to Consider and Approve Tax Assessment Agreement between the Town of Wallingford and Bear Industries, LLC/Polylok, Inc. as requested by the Economic Development Commission.

All Councilors present (9) voted Aye, and the motion passed.

8. A *brief* report from the Mayor on the status of:
 - a. The sale of roads to Ulbrich Steel
Mayor Dickinson said that the roads will close before the end of Spetember.
 - b. The parking lot project behind Simpson Court
Mayor Dickinson said that one bank is not interested in the project.
 - c. The proposed skate board park
Mayor Dickinson said that the skate board park in in the design phase and that a meeting with neighbors has taken place with another one scheduled and that costs for the park are being collected. He said P & Z approval will be necessary.
 - d. 390 Center Street
Mayor Dickinson said that the building will be coming down soon when Public Works can schedule following department vacations. Bob Gross said the building needs boarding up.

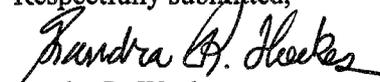
- e. The development of the Simpson School property
Mayor Dickinson referred to a letter from the developer, Robert LaRosa.
(Appendix III.)
- 9. Discussion and possible action on recommendations to CRRA regarding
the Wallingford Project. – Chairman Mike Brodinsky
 - ✦ *Withdrawn*
- 10. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with
respect to the purchase, sale and/or leasing of property – Mayor

Mr. Testa moved, seconded by Mr. Farrell, that the Town Council go into Executive Session. All Councilors present (8) voted Aye, and the Council went into Executive Session at 8:28 P.M. Mr. DiNatale was absent from the meeting.

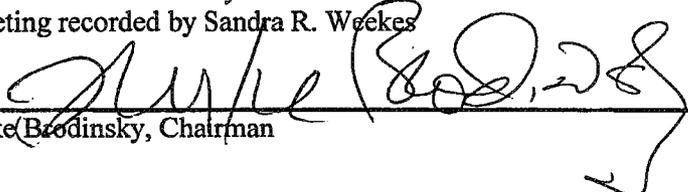
Mr. Testa moved, seconded by Mr. Farrell, that the Town Council come out of Executive Session. All Councilors present (8) voted Aye, and the Council exited Executive Session at 8:56 P.M. Mr. DiNatale was absent from the meeting

Attendance at Executive Session:
Town Councilors (8); Mayor Dickinson and Corporation Counsel Adam Mantzaris. Mr. DiNatale was absent from the meeting

Mr. Farrell made a motion to adjourn, which was seconded by Mr. Parisi. All Councilors present (8) voted Aye. Mr. DiNatale was absent from the meeting. The Council adjourned the meeting at 9:01 P.M. with no further business to conduct.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary
Meeting recorded by Sandra R. Weekes

RECEIVED FOR RECORD 9/11/08
AT 4 45 P M AND RECORDED BY
Barbara Kapi TOWN CLERK


Mike Brodinsky, Chairman

9/23/08
Date

Barbara Kapi, Town Clerk

Date