

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

September 28, 2004

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, September 28, 2004, in the Robert Earley Auditorium of the Wallingford Town Hall. The meeting was Called to Order by Town Council Chairman James M. Vumbaco at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa and James M. Vumbaco. Janis Small, Town Attorney and Robert Ronstrom, Acting Comptroller, were also present. Mayor William W. Dickinson, Jr. arrived at 6:51P.M. and Councilor Vincenzo DiNatale arrived at 6:54 P.M.

Following the Blessing given by Arnie Yaghsizian of Bible Rock Ministries in Wallingford, Chairman Vumbaco asked for silence to remember the recent deaths of Robert Pedersen, the Town's Purchasing Agent for 12 years and Walter Dubar, longtime resident of the Town of Wallingford and individual who meant a great deal to the town.

The Pledge of Allegiance was given to the flag.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#296-325) totaling \$10,164.68
Account #001-1000-010-1170– Tax Collector**
- 3b. Note for the Record Mayoral Transfers to date- Mayor**
- 3c. Note for the Record Anniversary Increases to date- Mayor**
- 3d. Consider and Appoint Roz Gallagher and Jean Valenti to the
Wallingford Public Celebrations Committee – Lorraine Devaney, Chairperson**

3e. Acceptance of Donation and Appropriation of Funds in the Amount of \$50.00 from Allegheny Ludlum Steel to Park Beautification
Acct. # 001-4001-901-9018 to Misc. Revenue Acct. #1075-070-7040
– Parks and Recreation

3f. Acceptance of Donation and Appropriation of Funds in the Amount of \$1,000.00 Walmart Community Fire Prevention Grant from Walmart Co. to Grant Expenditures Acct. #208-2035-605-6000 to Walmart Grant Revenues Acct. # 208-1051-050-5000 – Fire Marshal

3g. Consider and Approve an Appropriation of Funds in the Amount of \$750.00 to Tape Drive Backup Acct. # 228-6030-999-9902 and to Preservation Town Share Acct. # 228-1010-020-2030 – Town Clerk

Ms. Papale: I have no correspondence, Mr. Chairman. I would like to make a motion to accept the Consent agenda 3a to 3g.

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second to accept the Consent Agenda. All those in favor signify by saying aye. Opposed. So moved.

Ms. Papale: We did accept the Consent Agenda but I think it's important that the people of Wallingford know when we receive donations and we received a \$50 donation from Allegheny Ludlum Steel to park Beautification and Wal-Mart also made a donation of \$1,000 Community Fire Prevention grant and that was received by the Fire Marshal.

Chairman Vumbaco: Thank you, Iris. Public question and answer period.
Anyone from the public wish to speak?

4. Items Removed from the Consent Agenda - *None*

5. PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Mellilo, 15 Haller Place, Yalesville, asked about the ball fields.

Mr. Testa: The leagues have all the fields that they need to play on. The Park and Recreation Department with the assistance of Public Works have worked very hard to make sure that there were enough fields,

adequate fields so that all the games could be scheduled, so let it not be said that there's leagues that don't have a place to play. That being said, the issue that's still on the table for some of us is whether or not Wallingford Little League might have a certain location for all of their fields to be in one place, that being a complex where they can have concessions and run their leagues the way Yalesville Little League does. That's a separate issue. We are dealing with that now. It would be wrong to assume that there are some kids who do not have a place to play. Park and Rec Department has done an incredible job making sure there are enough fields to play on and this past year, Public Works created two new fields so that they would all have enough places to play. There is no shortage of fields.

Mr. Mellilo asked if we were getting our fair share of the Homeland Security Funds from the Federal Government. **Mr. Vumbaco** said that yes we were and that the Fire Marshal, the Police Chief and the Mayor were working on that.

Chairman Vumbaco: Any other members of the public wish to speak? I declare that the Public Question and Answer period closed. Before we get into the next agenda item, we had on the Consent Agenda two new members of the Wallingford Public Celebrations Committee, and I see that Mrs. Gallagher is here this evening so if you could stand and be recognized and come down and Kathy can swear you in.

Kathryn Zandri, Town Clerk, swore in **Roz Gallagher** to the Wallingford Public Celebrations Committee.

Chairman Vumbaco: The committee does a wonderful job, and we thank Mrs. Gallagher for volunteering her time. Item #6, please.

6. Discussion of Maintenance of Doolittle Park Playscape and Other Town Parks – Michael Spiteri

Ms. Papale: Discussion of Maintenance of Doolittle Park Playscape and Other Town Parks asked for by Michael Spiteri.

Henry McCully, Director of Public Works and **John Gawlak**, Acting Director of Parks and Recreation introduced themselves.

Mr. Spiteri: It's probably fairly obvious why I called this item. I wanted to

get an update. There were a couple of articles in the Morning Record about children getting splinters and about the general upkeep of the Playscape at Doolittle Park. Once we get past that, it would be good to go through an overall review of the maintenance for the rest of the parks.

Mr. McCully: Prior to the article in the paper that seems to have gotten everyone's attention, John and I had already recognized the deteriorating condition of the playscape. This playscape was built in 1991 and next April it will be 14 years old. John has done expensive research on this type of design and installation. These wooden playscapes were designed to bring communities together, all done by volunteers. I worked on that myself. The long term appraisal of these is that after 6 to 9 years, they don't have any usefulness left in them. They are a maintenance nightmare. Splinters are only one problem. Nails are another problem. Because of the extensive use of wood in these, all the wood deteriorates in unison, together. We recognized this early when we were doing some maintenance on it and John put together a proposal and going to present it at the next budget to replace the playscape with another modern playscape with newer materials and less maintenance and getting away from wood.

Mr. Spiteri: Is the infrastructure on the playscape - does it have integrity.

Mr. McCully: It's not unsafe. It's continuous maintenance. Originally we would power wash it and stain it. We really don't want to be doing that because lots of agents that help to preserve the wood are released into the ground. The recommendations are to refrain from sanding a lot because you leave the dust there. When it was put in, playscapes were very popular. It was a great idea at the time. It brought the community together but it really has outlived its usefulness to the community. It's time to move on and build a new one. A miniature of a new one is behind Dag Hammerskjold school, if you want to see it. We would put in a much larger one to replace what we have.

Mr. Gawlak: It will also include components for children who have special needs where this one doesn't.

Mr. Spiteri: So the present playscape was made with arsenic wood?

Mr. McCully: Yes.

Mr. Spiteri: And that stuff's not available anymore, right?

Mr. McCully: No.

Mr. Spiteri: So the new playscape would be plastics and metal?

Mr. McCully: That's correct.

Mr. Gawlak: There are 26 of this Robert Ledders' playscape designs here in Connecticut right now. The last one that was installed was in 1996 so since then not one has been installed in the state.

Mr. Testa: I understand that the whole idea behind the concerns over the years, I understand that. To me the hazard of a playscape or anything made out of this kind of wood over the years is that it starts to splinter. It's not the arsenic. I understand that company's saying don't sand because you create dust. You can sand wash off the dust and you have no issue with additional amount of metals. To me the risk is that they start to wear down. If we sanded and washed it down we, would have another five or ten years of life. We would have no additional risk of chemical problems. I don't think that the necessary answer is to rip it down and replace it. We just need to take care of the wood.

Chairman Vumbaco asked what kind of liability do we have if someone gets hurt? It gets used by kids from the Y. If they get hurt what would happen to the town?

Mr. McCully: I think in the past and perhaps the Mayor can clarify it, I think from a recreation standpoint if you got hurt on the ballfield, Towns weren't liable. I think that changed several years ago with a Preston, CT lawsuit. We don't have an ongoing problem. This one sliver incident has caught everyone's attention. We don't have complaints daily, weekly or monthly on this playscape. I've looked at it, and it is a maintenance headache. We get complaints about nails and maintenance people are down there all the time. Comparing this with all the other towns that are in this business that have exactly the same items that we have, ours is one of the oldest. It's still useful but I think it's time to move on to more modern equipment. Could we get another five years out of it? Absolutely but it depends on what direction we want to go.

Mr. Spiteri: What shape is it in now?

Mr. McCully: We did some maintenance earlier this spring. It gets maintained on a regular basis. It's clean. We just had our annual inspection of the fields. I get a list and we address them.

Mr. Spiteri: Is there a plan for the playscape where someone goes down there in the spring and checks it and does maintenance?

Mr. McCully: John (Gawlak) goes around with the Risk Manager and inspects all the parks on a yearly basis. We don't do a monthly inspection of all of our parks. The playscape is a headache. We do get calls about nails not because someone has gotten hurt on them. When I sent the maintenance men down there, I have them walk through the whole thing.

Mr. Spiteri: With the other parks, how does that work?

Mr. McCully: My department does the maintenance in the parks. We have winter work scheduled such as boxing out and replace the sand under the swings. We just replaced all of the equipment at Grand Street Park. There is an ongoing program of putting new, modern equipment into the budget, and we have been doing that for several years for all the parks in town but the biggest maintenance with the new equipment is keeping the bedding under the swings and the slides.

Mr. Gawlak: From March through October, I will give Henry's department a schedule of anybody that is permitted use of all the different athletic facilities – weekly, daily – on what needs to get done. Field lining, grass cutting and towards the end of the summer I go around with Kurt Treiber, the Risk Manager, and a representative from H.D. Segur and do a photo documentary of all the parks we visit and put together a plan so if there are things that need to be addressed in the upcoming budget or maintenance. Henry and I get together every Thursday and we set the course.

Mr. Spiteri: Who is in charge of the Linear Trail? Is that Park and Rec?

Mr. McCully: Public Works.

Mr. Spiteri: How is that maintained?

Mr. McCully: It's on our list. We cut the grass. There is a little bit of mowing

and weed wacking, and it gets cleaned everyday for garbage. Structures down there are relatively maintenance free.

Mr. Spiteri: A few people complained to me about the grass not getting cut until Memorial Day and about the horseshoe area and reeds growing up around the bridge. Does someone go down there and evaluate what needs to be done a weekly basis? A supervisor or a foreman?

Mr. McCully: We don't have anyone in charge of the trail. Our maintenance crews go down there to weed whack and we have part time people to weed the flowers beds when they have time. It's not the only area in town. The biggest complaint that I ever got was from dogs. I went to look, and it is a problem and it is an ongoing thing, and I don't know that the town can do about that.

Dogs are allowed as long as they are on a leash. It's not neglected and anybody should feel free to call my office if they have a problem.

Mr. Spiteri: I would expect that we are going to keep it in the same shape as it was when it was new and anything less is to me neglect.

Mr. McCully: It's not being neglected.

Mr. Spiteri: OK. I'm all set.

Ms. Papale: Getting back to the playscape. The bottom line is that we are going to keep up the maintenance better than it's been. You mentioned that it's good for another five years?

Mr. McCully: No. My recommendation is that I would place this as a request in my 2005 budget to replace it.

Ms. Papale: So we would be looking to put a new one in?

Mr. McCully: Yes.

Chairman Vumbaco: A question that is not related to this. How do you establish your schedules for cleaning the litter up from the town streets? I talking about the main thoroughfares as we come into Wallingford. There are certain areas that are just covered with litter. I walked through the center of town. All the merchants on their side of the street they keep clean but the section that's over by the cemetery is to me such

a detraction. There is garbage there all the time, and I fail to understand why we can't have it swept once or twice a month to get the broken bottle and cardboard out of there.

Mr. McCully: A lot of the main thoroughfares we're not responsible for like Route 5 but there are areas that get littered quite a bit like River Road and we send the street sweepers in there. We have out part timers go over there if I recognize an area. In the winter we use our own men because construction is slowed down and we clean whole roads. During the summer, it's an ongoing problem.

Chairman Vumbaco: I was hoping that there were certain streets that would get more attention because they are the first thing they see when they get off the highway or they come into Wallingford.

Mr. McCully: We do sweep Center Street more than other areas the uptown area is swept a little more than other areas. Yes, you are right. After a weekend, the place can be full of litter.

Pasquale Melillo, 15 Haller Place, Yalesville complimented Mr. Spiteri for the conversation involving the town and the people and said that he set a very good example. He spoke about preventive maintenance for town parks and there is always room for improvement.

Mr. Testa: I'd like to go on the record as stating that I think what we should be doing with this is if it requires a couple of days or a full day or whatever it requires as far as a crew, I think we should go over this playscape and if we have a nail popping, pull it out and put in a screw. Get in there with an industrial sander and sand this thing down. I think it has more life to it, and I think it can be made perfectly safe and workable for another few years. Personally I look very unfavorably on the proposal to replace it right now and go to that expense. I don't think it's necessary. I think it's very strong and it has life. And I'm not going to be happy if I see a proposal to replace it at this time when I don't think it's necessary. Thank you.

Mr. Spiteri: It's time to look at some of the composites and non-wood materials that the lumber yard has now so if we need to replace a part of it, this would eliminate the toxic material and maybe prolong it. It's an idea that you might want to take a look at and maybe make a counterproposal when the time comes, John.

Chairman Vumbaco called upon the other member of the Public Celebrations Committee who has been voted on tonight. Jean Valenti would you please come up and Kathy will swear you in.

Jean Valenti was sworn in by the Town Clerk to the Public Celebrations Committee.

(Applause)

7. Discussion and Action regarding charging the School Renovation Building Committee to add an artificial surface football field to the scope of the Sheehan High School Project and redesign for public bid the artificial surface track and football field – James M. Vumbaco, Council Chairman

Ms. Papale: Discussion and Action regarding charging the School Renovation Building Committee to add an artificial surface football field to the scope of the Sheehan High School Project and redesign for public bid the artificial surface track and football field by Council Chairman James M. Vumbaco. So moved.

Mr. Testa: Second

Chairman Vumbaco: OK, we have a motion and a second. Thank you, Iris. We had this on the agenda a couple of meetings ago and then we realized that the Board of Education did not vote to add the football field to the scope of the project and they just did that last Monday at a full meeting of the Board of Education so I felt it was necessary that we should get it on the agenda now. We have discussed this somewhat in the past in a meeting with Mr. Harwood. Mr. Knight and a few members of the Council that discussed this issue to hand it over to the building committee, there has been pros and cons of where it should be but we feel that it should be with the building committee so what we will be doing tonight is adding the football field to the scope of the project so that we can get this thing started. I do have one caveat though that I would like to add to this. I would like to see this begin to have a shovel in the ground next spring so we are giving plenty of opportunity now it's the end of September to go out and re-bid and get the contractors lined up if possible so that we can get this thing started. I don't think we need to wait until the Sheehan project begins because this can be held separately. I'm encouraging the building committee to have a separate sub-committee that can oversee this construction and hopefully get this thing started so that next playing season, next fall's

playing season we'll have both track and football field at Sheehan that the town would be proud of. So I'll open it up for discussion or comments.

Mr. Knight: You mentioned that we were at the same meeting where Chairman Harwood did express his point of view that the committee is the best place for it and certainly given the success of the school renovation project to date, I would have to agree. Along the same lines, the old expression if you want something done, ask a busy person. Certainly applies here. This committee is incredibly busy and we always risk burnout of something of project that is this intense. I would hope that the Council would look favorably on any request from that committee for any additional help that they might require because of the addition of this project to their scope.

Chairman Vumbaco: Absolutely, thanks, Steve. I do agree, and I plan on attending the next building committee meeting when this is discussed, so that I can encourage them and offer any of my help going forward but I really think that we secured the funding and that

was great and I really think it is for the track and football field and we should get it started now. The track itself is in deplorable condition, so I think by next track season in the fall, if we can have it all upgraded for the community, it would be great. Any other members of this Council? Mayor?

Mayor Dickinson: I just wanted to point out if you wanted to place it in another building committee, you would have to remove the track from the existing committee so that's certainly encourages the current building committee to handle it. The other thing is at the point we have bids for the work, we will have to adopt ordinances in order to be able to spend the two \$500,000 grants.

Chairman Vumbaco: We'll wait to cross that bridge. We have letters that state there is disagreement as to how to do it but when we get to it we can discuss the proper way of handling it, Mayor.

Mayor Dickinson: I just want everyone aware that there is an issue with regard to whether or not that money's been appropriated. I don't think it's been appropriated.

Chairman Vumbaco: Thank you. Any other members of the Council?

Mr. Testa: I know there are a lot of people who have been working on this a long time and I think some of the concern was that when the building committee looked into this the initial bid that they received to get this work done seemed a little outlandish and there was some concern that that might hold things up or cause some concern and I'm also wondering where does the baseball field fit into this? Wasn't some of the grant money that was put together to put artificial surfaces on the baseball field?

Chairman Vumbaco: No.

Mr. Testa: Not at all?

Chairman Vumbaco: Not at all. The money that was appropriated was \$500,000 specifically for the track and \$500,000 specifically for the

Mr. Testa: It wouldn't have any overflow, right?

Chairman Vumbaco: No.

Mr. Testa: Ok. So we wouldn't be entertaining that at all.

Chairman Vumbaco: No. Any other members of the Council?

Mr. Parisi: Is there any idea of what the cost of these two items will be?

Chairman Vumbaco: I understand from the first bid that went out... Mr. Choti probably could answer. Why don't you come up, Bill? I think it was in the range of \$700,000 just for the track but that was suspect too so I'm not really sure.

William Choti, Vice-Chairman, School Building Committee:

Yes, Mr. Parisi, that number was actually a little bit higher than the \$500,000. In retrospect, we were looking at a single item and the way we ended up bidding that was by breaking it out and having the construction of the school proper bid as one number and then the track and field bid as a separate number. We were a little surprised that the track was as high as it was at \$680,000 but because it was an add alternate to the project we feel the a re-bid was probably appropriate. When the discussion started of the grant money coming in for the track and then subsequent artificial

surface grant money, we had stopped the process of deciding on our own to go out to re-bid the track until this discussion came before us and we had direction. So what we are planning to do is bid these two components out together because as the grant states it's a football/soccer field which changes the configuration of our track from an oval to almost a rectangular type of direction to we have to rethink even our bleacher placement and a couple of our inland wetland issues so there are more things than just saying, well, we're going to add track to it. Because the discussion was tonight and there had to be a lot of things that had to be decided by the Board of Education, we did not re-bid so we're hoping that we're going to get a more favorable price this time because we are bidding both components together.

Mr. Parisi: I have no problem with the project at all as proposed. I think it is prudent though to ask if both phases will fit within the allotment of \$500,000 per each, meaning the football field and the track and if they don't fit within the grand total of \$1 million, how will it be paid for?

Chairman Vumbaco: I suspect, Bob, that like anything else, once it goes out and the bids come in higher, then it's the Council's decision whether they want to go forward with it or not.

Mr. Parisi: Is there any plan B or anything?

Chairman Vumbaco: I think it has to come back to the Council.

Mr. Parisi: That was my thought too. Thank you, Chair. Thanks, Bill.

Chairman Vumbaco: You're welcome. Any other questions of Bill?

Mr. Spiteri: I was of the understanding that part of the reason the bid was so high was the one sole company that bid for this was carrying through a design plan. They were going to be designing the track and from what I have been told the normal 8-track design is like eminent domain. You don't have to pay for that. What I'm trying to say is that the bid that the building committee was working with, this sole company, was redesigning the wheel. They were charging money to design the track when (you) pretty much go grab these designs anywhere out in the public. Is that true?

Mr. Choti: I don't know of any design that is public record. I am sure that

there are sketches or examples that are out there that can be referenced but the design because of the location and the understructure of both the track and the field is where their was quite a bit of cost. The product itself, the track is made out of, I'm sure, is a standard product. I think there is more than one vendor that sells this product but when you start single sourcing a field or the track chances are the price is going to go up but I think if you look at our design and you see that the fact that we had to move what was there and we had to go from a 6 to an 8 lane track, that's where most of the cost came in. If you were building a 6 land track on a 6 lane track, it probably would have cost less money. We have to literally move the track from where it is over because of the inland wetland issues to make it an 8 lane track. It's not quite as simple as it sounds. Am I answering your question?

Mr. Spiteri: Not really. Because from what I understand everything was pulled back. The company that bid on the project isn't doing it right now. There was a cease and desist.

Mr. Choti: I'm confused.

Mr. Spiteri: I am too. Maybe I'm mis-informed.

Mr. Choti: I'm not sure we can discuss this after was get a little more information on it but I'm not sure exactly what you are talking about.

Ms. Doherty: Bill, how much was originally set aside for this in the school Renovation?

Mr. Choti: How many dollars?

Ms. Doherty: Yes.

Mr. Choti: The track and field component was about \$800,000, a little bit more.

Ms. Doherty: So where is that money now?

Mr. Choti: That money is still currently in the budget until this Council decides what they want to do with that particular component. That's why we bid the track and the field complex as a separate bid item with all of those items listed out, so if there were components to be removed, this Council could take them out.

Ms. Doherty: OK. Thank you.

Mr. Testa: I think it's important to clarify though that that \$800,000 was not for the same amount of work that would be accomplished with a \$500,000 grant. That \$800,000 was for a lot of peripheral work much of which would not be a part of this project to replace the actual track itself. My understanding was the replacement of the track itself, the artificial surface of the track and the immediate work associated with that was in the \$400,000 to \$500,000 range.

Mr. Choti: Yes.

Mr. Testa: OK, that's important to remember, Lois. We're not replacing \$800,000 of work with \$500,000.

Ms. Doherty: No, the five is in addition. This is a grant. I'm asking him what initially before this grant ever came up because actually it's been kind of ...

Mr. Testa: What's the grant is going to do is not \$800,000 in the project. I just don't want anybody to misunderstand that out there.

Ms. Doherty: I just want to know what was appropriated for it prior to these Grants.

Mr. Testa: It's about \$450,000.

Chairman Vumbaco: Thank you. Any other members of the Council? Public?

Pasquale Melillo, 15 Haller Place, Yalesville, commented about the word 'bid' in the agenda item and wants to see that more often.

Fred Balsamo, 58 Dibble Edge Road said that he would like to urge the Council to urge the Building Committee to make sure that this sub-committee has some expertise on it and experience, and said that part of the problem that they got was because, and I'm not knocking the architect, but it was given to an architect that had never built a field before, who secured one bid price and it wasn't really a competitive bid. I speak to you not only as a resident but an athletic director who has built several facilities in my life. Currently I am the athletic director at East Haven. We have a synthetic field going in as we speak. The grass

itself is nearly 90% done. Through experience, I can tell you when you bring people in that know what they are doing that are involved, you can get the biggest bang for the buck. Our field is currently going in with complete drainage and we have one of the biggest, as Mr. Choti said, it's almost like a broken back track which make us a very wide field. We have a full 225 yard soccer field. We probably have more turf than most of the towns in the state and our price came in at \$440,000 for the field, drainage and everything. But I will tell you that our first bid was secured through the local process, and it came in at \$743,000 so through the re-bid and the competitive process we saved \$300,000 in bringing in expert people so I would hope that you would urge this committee to form a sub-committee that utilizes outside people that have some knowledge of this. Thank you.

Chairman Vumbaco: Any other members of the public?

Robert Sheehan, 11 Cooper Avenue, asked Bill (Choti) are you going to form a sub-committee within this committee just for this project.

Mr. Choti responded that he wasn't sure how they were going to structure it. He said they would talk to a few people especially from the Purchasing Department and then we would have to decide the proper way to purchase this service and the field and then if a decision was made to go RFP or a decision was made to go with a straight bid, a normal straight bid, then we would have a little more time to put together the scope of work, what we are looking for. We do have several sources. East Haven is one of them that have gone through this process and we have had dialogue with them and everyone has been extremely helpful in guiding us. Some towns had some very serious problems and others town were able to get through it so what we are doing is looking through the towns that are being successful at this project and hoping that we can learn from them and take some of their heartaches to get through to get to where they got and not make the same mistake twice. As to whether or not we are going to have a sub-committee, look to the outside, I would say that the building committee would have to decide that and see how many people have any interest in being on the sub-committee.

Mr. Sheehan said he was interested in seeing the project stand on its own, a separate project from the school renovation. He said that just because it's grant money and its from the state don't even want to have the appearance of co-mingling the money. The should stand whether it's a

sub-committee within your committee or your committee does it and they want to take on a little more work, that's fine but I want it to stand by itself. Whoever you hire or gets the bid whether it's somebody doing the work in some part of phase that is school renovation committee, I really don't care either but I only care that it gets done because it should have been started already now. You wasted a lot of time trying to now doing the artificial surface and whatnot and I understand that wasn't your concern that comes from the Board of Education but having said that if you can get a shovel in the ground, if you can do this in a reasonable time by the end of the year which I don't think you can anyway, it doesn't wait on another part of the school renovation project. Don't just add it to the list. This goes to the top of the list. That's why I want it separate by itself. No hold up.

Chairman Vumbaco called on Mr. Hennessy.

Tom Hennessy, 1 Laurel Drive: I would be remiss to come before you as a member of the Board of Education and not put a pitch in for the Board of Education to take over the scope of this \$500,000 grant for the football field. Also as the Mayor did state, you would have to give back the \$500,000 for the grant because I firmly believe that we have the expertise to handle the \$1 million scope for the Sheehan facility. My hat is off for the building renovation committee. They have done an outstanding job but as Mr. Knight stated, they indeed have a full plate. Again that pitch would be for the Board of Education to take over the entire project. Instead of a bid, I'd like to recommend possibly going to RFPs. The City of Milford, their Town Council and Board of Education got together and did the entire project with RFPs. Another recommendation that I would like to see done is assign a consultant to manage the project that has experience in managing a multitude of these athletic complexes around the State of Connecticut or in New England. If you do go out for bidding, do not do the RFPs. I'd like to see a company that is involved in athletic fields around the State of Connecticut and has the expertise and that could possibly come up with references and show us what fields they have done in the area, so we can go to look at these facilities. The track proposal that we got for \$770,000 is indeed an exorbitant amount of money. I've taken my own personal time to go to 6 to 12 different schools in the State of Connecticut that have gone out and replaced their existing athletic fields with some type of synthetic turf and have included a track and field. \$770,000 for a track is an extremely large amount. We do have \$800,000 and that includes the original scope of changing bleachers and

the buildings that are located at the Sheehan High School football field. I've been a high school coach for over 20 years and I'm dealing with kids for over 30 years as an athletic coach. This is certainly something that the town should take with a great deal of pride because of what we have showcased for our school system and for our town. Being very frugal in one regard, my real concern right now is just to get the best product at the cheapest price that will ensure that we are all fiscally responsible and that to me seems to be the avenue that we should be going in. Saying all that and being involved in this project for a long time, I did notice part of the bid that did come in, in my opinion, involved in manufacturing, some of the prices that come in for the bid to remove part of the track field did definitely seem very high price. If a sub-committee is something that you do anticipate getting involved in, I would certainly appreciate the opportunity to give anybody a hand. Thank you.

Chairman Vumbaco: Any other members of the public? Council? We have a motion and a second in front of us, all in favor? Opposed? So moved. Eight affirmative, one negative. (*Mr. Testa voted no.*)
Item #8.

8. Discussion and Possible Action regarding the Town Plan of Conservation and Development – Gerald E. Farrell, Jr.

Ms. Papale: Discussion and Possible Action regarding the Town Plan of Conservation and Development put on by Gerald E. Farrell, Jr.

Mr. Farrell: Mr. Chairman, I was asked to put this item on the agenda. As you know just about every decade, each municipality updates its plan of development. Back a year or two ago the state legislature changed the statute on town plans of development to add a component where the governing body of the municipality, that being us in Wallingford's case, reviews what the Planning and Zoning Commission has come up with. We've gotten a copy of it. We've had a chance to read it. The Planning and Zoning Commission itself goes to a Public Hearing of their own on October 25, 2004, but if we wanted to make recommendations, make changes, make deletions, additions, we would need to do that prior in time to their Public Hearing. I didn't want to say for the nine of you where we come out on that so I put it on as a discussion item. My own feel is that if the state statute provides for us to have our own public hearing and us to have a statutory role in this that we should do that. We should hold a Public Hearing at our next Council meeting on

October 8, 2004, which we'd need to vote on a motion setting the Public Hearing for the 8th (October) this evening.

Chairman Vumbaco: Any other members of the Council?

Mayor Dickinson: Just a question, Jerry, does the statute say that the Town Council hold a Public Hearing? Or just a hearing and then you present your views to the Planning and Zoning? Planning and Zoning holds the Public Hearing. It would seem strange to have two Public Hearings, not that it's impossible, but I don't know whether it's a Public Hearing or just an opportunity for you to make known your recommendations to Planning and Zoning, which wouldn't b a Public Hearing. It would just be a hearing on the issue.

Mr. Farrell: I think that if people feel that they have a comment that they want to make that pertains to us as the governing body, that they want us to make a certain recommendation, then we have a Public Hearing and it gives the public the opportunity to inform us.

Mayor Dickinson: And that's fine. My concern is that there's a Public Hearing process that Planning and Zoning uses to publish in the newspaper. I don't thing you are looking at having a hearing advertised in the newspaper as a Public Hearing, or are you?

Mr. Farrell: I think the statute speaks of the governing body having a Public Hearing.

Mayor Dickinson: Then you'd have to advertise it.

Mr. Parisi: It says right here. Such body may have one or more hearings on the proposed plan and shall submit any comments to the Commission prior to the Public Hearing, which means the hearing held by the Commission.

Mayor Dickinson: The language there would just be a hearing. It's not a formal public hearing. There are notice requirements if there's a true Public Hearing and we'd have to have that published in the newspaper.

Mr. Parisi: I believe your thought is to have a Public Hearing.

Mr. Farrell: To have an opportunity for the public to comment to the Council, I guess is a Public Hearing.

Mr. Parisi: It's a Public Hearing.

Mayor Dickinson: Well, it's a chance for the public to speak and we do that all the time. There is an agenda item for the public to speak. I just wanted to make sure the statute wasn't requiring a Public Hearing because then we'd have to advertise.

Mr. Farrell: We hear a lot up here.

Ms. Papale: Are we setting a date?

MOTION

Mr. Farrell: Maybe if people are in agreement that I make a motion that we hold a hearing, not a Public Hearing, a hearing on October 8, 2004 at 8:00 P.M. for the public to comment on , well, for us to comment on the Town Plan of Conservation Development.

Mr. Parisi: Second.

Chairman Vumbaco: First of all we had a motion that was made by Iris earlier just on discussion and possible action which would need to be withdrawn.

Ms. Papale: I withdraw that motion.

Chairman Vumbaco: Second to that, I think Bob (Parisi) seconded that motion.

Mr. Parisi: I withdraw the second.

Chairman Vumbaco: that really wasn't anything to be discussed initially. Now the first Council meeting in October is the 12th, if I recall. Yes, October 12th. If you would like to remake your motion.

Mr. Farrell: Sure. I move that we hold a hearing on October 12 (2004) at 8:00 P.M. for comment on the Town Plan of Conservation and Development.

SECOND

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. Is there any discussion of the motion? All in favor? Opposed? So moved

Mr. Testa: I have no problem with that. My read on this is the opportunity is at the Commission's Public Hearings. The readings that you have allow the Town's Legislative Body to perhaps make comments on it. For me the hearing that they are referring to would just be an agenda item on our agenda where we can talk about it and decide that we may want to make comments on that. I don't think it necessitates a time restrictive hearing. I have no problem with it if you want to do it.

Mr. Farrell: We have to do it on that date because we have to get it to them by October 2_ . . .

Mr. Testa: I mean it could just be an agenda item. I don't think it's up to us to have a hearing for the public to make comments on it and that's an opportunity for us to make comments on it. The Public Hearing for the public to make comment is to the Commission directly. If you want to have it, fine. I just think it's a little overkill.

Mr. Farrell: I guess we're going to talk about it October 12th, compile our Comments and send them on.

Chairman Vumbaco: If I may take you back to discussion. This is the item we're discussing, we're talking about. If there are any members of the public that would like this, contact the Planning and Zoning Office. Mr. Whitey who is Chairman of the Planning and Zoning Commission this evening and will make himself available at the Council's meeting on October 12th in case there are any questions from the Council or the public. Not everybody has the opportunity to attend the Planning and Zoning meetings to make comments. This just affords the public another avenue of making comment on this. I encourage my fellow Councilors and I'm sure you already have but the read to this thing, it's a very, very interesting document. There are some very serious issues here. I think that if the Council is going to send it forward that we really need to understand and have discussion on it. And I think Jerry is absolutely right. We should do it on the 12th and have a specific time set aside so we can actually spend the time and work on it. It is a very, very important document. Any other Council?

Mr. Knight: Along the lines of your remarks, I agree with you that it's a very important document. I didn't want to give the impression that we were all going to speak with one voice once we were done with this hearing because we'll be here for days and days discussing that.

Chairman Vumbaco: No, I understand that.

Mr. Knight: OK.

Chairman Vumbaco: It's just the fact that we can talk about it, and we can incorporate the comments of the Council to the Planning and Zoning Commission, and if they want to incorporate it into the plan because we can't force them to incorporate our comments. We can only recommend. If they want to put anything in there, they can and that's fine.

Mr. Parisi: It gives people the opportunity to voice their opinions to us.

Chairman Vumbaco: With that in mind, is there any other discussion by the Council? Public?

Jack Agosta commented that pages 17, 18, and 19 of the summary contain contradictions.

Chairman Vumbaco: Can you save that for October 12th? Or you can submit it in written format to the Council office.

Pasquale Melillo, 15 Haller Place, Yalesville, commented on the words *Town Plan of Conservation and Development* and wanted to know the relationship of those words to the Town Council. **Chairman Vumbaco** responded that the Town Plan of Conservation and Development was for the Planning and Zoning Department, not the Town Council, who developed and who is responsible to develop this plan every ten years by state statute

VOTE

Chairman Vumbaco: Anyone else from the public? We have a motion and a second. All in favor? Opposed? So moved. Item #9.

9. Consider and Approve Job Description entitled "Environmental & Natural Resources Planner" - Personnel

Ms. Papale: Item 9 is to consider and approve job description entitled "Environmental & Natural Resources Planner" asked for by Personnel. So moved.

Mr. Knight: Second.

**Jim Vitali, Chairman, Inland Wetlands Commission and Terence Sullivan,
Personnel Director**

Mr. Sullivan: We're here tonight to ask the Council to consider adopting a job description for the Environmental & Natural Resources Planner. I gave a memo to the Mayor. It comes from the Inland Wetland standpoint, the conservation standpoint and essentially gives a position of 35 plus hours a week of work that needs to be done that may or may not have been accomplished in the last few years.

Chairman Vumbaco: Any questions by Council?

Mr. DiNatale: I read through your description, and it looks like it slid a little bit on the responsibilities. The question I have, let's say on one scenario, when this individual is reporting on a technical matter to the Inland Wetlands Commission, they are sort of wearing a different hat where at that point they're answering to the Chairperson of Wetland Commission as opposed to some of these other matters where it wouldn't involve the Wetlands Commission, it would be a different responsibility. I'm looking at one scenario. If I were this person and would write a letter of technical opinion, is that between me and the Chairperson or is that between me and the Town Planner and the Chairperson in your opinion?

Mr. Sullivan: It's a good question. Before I answer it, I'll tell you it's not uncommon for positions similar to this, which may carry the same or different titles but essentially the same kind of job, to report to commissions, and they can number 1 to 4 but also report to a full time Town Planner, so that's pretty common. I'm not saying that there wouldn't be any occasional differences of opinion but the Charter requires the Environmental Planner to report or actually be hired by the Inland Wetlands Commission so that person hold allegiance, if you will, to provide staff and recommendations to Inland Wetlands Commission. What the position also requires, I think and I think the Town leadership will agree with me that there also needs to be some supervision. There will be times when the staff person and the Town Planner and the Inland Wetlands Chairman may differ on the professional assessments and recommendations but those are the kinds of things that happen in every town and they have to be talked through. Regulations have to be approved. Plans have to be studied and recommended, and I think through this job description and lining it up this way, it kind of

encourages, if not forces, the three people to talk more about development in the town. I see the town only winning. I don't say it's going to be perfect. There may be some differences but I think through discussing, those problems are going to be worked out.

Mr. DiNatale: My sense would be that if I was this person with administrative matters, maybe vacation time or an approved absence, would be dealt with with the Town Planner in that respect but if I were dealing with technical issues, then I would report to the Commission and it would just be between me and them and if there was a problem with that, it would go from the Chairperson to the Town Planner but my experience with some of these commissions, it should be a separate responsibility. It should be left alone and up to a Chairperson of the Wetlands Commission to oversee that in that sense.

Mr. Sullivan: The key here is that the position as written does not contemplate a policy setter at this level. This is an entry level planning position. The policy setters would be the Commissions and the Town Planner acting as support to the Planning and Zoning Commission so there wouldn't necessarily be an inherent conflict. As I said, I think it's going to be healthy for the town. This person can report freely to the Inland Wetlands Commission on those technical matters, I think still have administrative guidance from the Town Planner.

Mayor Dickinson: If I can address this, I think what you are speaking to is a Inland Wetlands matter and who deals with that with this individual. I think the job description attempts to be fairly clear about that in the supervision received where it states "receives direct supervision from the Chairperson of the Inland Wetlands and Watercourses Commission for matters within the jurisdiction of such commission." That's the only supervision where it's an Inland Wetlands matter. Does that answer your question.

Mr. Di Natale: Yes, I think so.

Mr. Parisi: Mayor, I don't quite, with all due respect, I have a serious concern about the position this individual is going to be put into. Maybe in some other town it fits but speaking very bluntly with the history in this town, I don't know that I would want to be sitting in the middle on this trying to serve two masters. Quite frankly, I think it's a very unfair and not really thought out situation due to the circumstances that exist in that area.

Mayor Dickinson: If I can respond to that, our difficulty is that we need to have daily supervision and the most logical place for that is with the Planning Department. Any other department is really removed. The difficulty with having Inland Wetlands supervise on a daily basis is that they are not here on a daily basis and some of our problems in the past have been that without that daily supervision we've had problems about job performance.

Mr. Parisi: And I agree with that but again, this person will be receiving supervision from two areas – Planning Department and the Inland Wetland Commission. I just think the person would be put into a neutral area just for oversight as to what time they come to work and what they're doing.

Mayor Dickinson: I don't think there are real problems between Wetlands and the Planning Department at least the Chairperson is not indicating at this point that there are problems that he foresees with regard to receiving the work that he needs for the Inland Wetlands and Watercourses Commission. I don't think there is a problem existing between Planning and Zoning and Inland Wetlands that would mean that there would be an issue. Anywhere else we put the daily supervision will create a need to report to two masters. The problem is that the position must report to Inland Wetlands but they're not here on a daily basis so there has to be some other supervisor and that's what creates the dilemma so where that supervisor should be really the most logical place is with Planning Department.

Mr. Parisi: Well, I would have two observations that I would make. One is are you satisfied with this as Chairman of Inland Wetlands (*directed to Mr. Vitali*). I hate to put you on the spot.

Mr. Vitale: No, this isn't putting me on the spot because this is a very important issue going on. We've been without staff for over a year, and we had some good consultants and at different times a re-bidding process. They didn't get reappointed to the consultant position. The need for a fulltime staff person, I feel very strongly about and I'm willing to keep a very open mind that this can operate smoothly and equitably for everybody but on the same side of the coin you've got exactly those conditions where there is going to be somewhat two masters to serve and maybe they are going to be in different levels. We'll say mine is technical or that's time essence. I think a lot of that is going to depend on the person that is hired whether they can perform the technical duties for the

requirements for wetlands and also be able to share some time over to Conservation Commission and other issues. I'm hoping that some of the administration duties that our previous staff people have handled can be fully turned over to the Planning and Zoning personnel where that would allow them more time to enforce wetlands issues and possibly assist Planning and Zoning on some soil and erosion but it's still boils down to that I am keeping an open mind that it can work and I hope that the Council can keep an open mind because if it doesn't work, and I'm sitting back here a year from today that you can say this is what you want and this is what you get and that isn't really what I'm asking for. I think the Mayor and Personnel Director have spent some time and I spent time and we all tried to come up with something that looks like it will work that will try to make everybody happy at the moment. It's going to make me happy with a fulltime staff person. There are voids in the system right now.

Mr. Parisi: I'm very much in favor of this quite frankly, and I commend my colleague, Councilor Doherty, who took this effort up a long time ago back when it wasn't the most popular thing around, and it's nice to see it get to this point. My concern is that if we're coming this far and we're finally going to get this position, I'd like it to be a right as it can be, situation wise, so that it is successful, and it's given every chance to be successful. That's what my concern is.

Mr. Vitali: Unfortunately, the track record of staff for Inland Wetlands, since it's conception in 1988, has not been the best; therefore, even though it would be idealistic to have again a separate office with a separate secretary and a person that was a self-starter and a self-motivator and all those good things, that wasn't the option that we've had in the recent years. I'm trying to take the second best option and work with that.

Mr. Parisi: Fair enough. Thank you.

Ms. Papale: I realize that this is a compromise, Jim. I've worked with you long enough and know exactly what you are saying. I would like maybe not have to put it in a motion but a year from now the same Council is going to be here, and I think that maybe not even a year but maybe six months or eight months after you get the person in place, and I think that's going to make a big difference what kind of personality the person in place has, to see if it works. I'm not saying if it doesn't work that this person would be let go. I know that can happen. Let's see if it works this way,

and if it doesn't maybe we could break the compromise and go another way.

Mr. Vitali: That's more than I can ask for. You put it on your agenda six months after the staff (is hired) and I'll be here to discuss.

Ms. Papale: I know compromises sometimes do work.

Mr. Vitali: If I speak openly, I've got everything to gain. Other people have things to lose by not making it work.

Ms. Papale: We all want it to work. And I think that we're going to stay on it and see what happens. I don't know if we need that form of a motion or just know that in six months or eight months Bobby (Parisi) will remind me.

Mr. Testa: I have one question.

Mr. Vitali: Do you want to come back on the Commission? You started there.

Mr. Testa: That is correct. Yes, I did, and look what happened to me. I apologize that I didn't get a chance to look at my Charter on this one, and I don't have it with me. You mentioned that pursuant to the Town Charter the Inland Wetlands and Watercourses Commission appoints this position. At the same time we are talking about the creation of a new position. I'm going to need a little reassurance on how the Charter can do that with a newly appointed position. How can the Charter reference a position that didn't exist when it was written?

Mr. Sullivan: Actually it did. The position was vacated in November of 2001.

Mr. Testa: I understand that. This is a different position.

Mr. Sullivan: Well, essentially it's the same. We've added some duties. We've found from the last, maybe back to 1988. I wasn't here to experience all those problems but clearly there wasn't enough to keep the last gentleman busy.

Mr. Testa: I understand that.

Mr. Sullivan: What this job does it contemplates taking all of those duties and adding some so it's a variation on a theme. I think it's essentially the same job with some added responsibilities.

Mr. Testa: Whenever I see pursuant to the Charter, whenever I see the Charter referred to I always, my ears perk up because that's seem to indicate all of a sudden that that's law and has to be done that way. We are being asked to adopt a new position. Common sense tells me that if it's a new position, and I don't care how similar it is to a past position, it can't possibly be referenced to the Charter. The Charter wasn't written after this position is being considered. That's just one thing. Quite honestly we do whatever we want with this position because it's a new position. I know this is difficult, and let's get somebody hired to work with everybody because it has to be done. It says supervision received, it said received direct supervision from the Town Planner or other supervisor as designated by the Mayor, if I was applying for this job that would raise a red flag. How many supervisors am I going to get in any given year? This just says basically anybody that the Mayor decides to be my supervisor will be as well as received direct supervision from the Chairperson of Wetlands in matters within the jurisdiction of the Commission. You reference other activities regarding the farmland lease program, the Conservation Commission, other things. I just foresee potential problems with demands on this person's time. In other words, it's fairly clear that when this person is working on issues that are within the purview of the Wetlands Commission then certainly that person reports to the Wetlands Commission. It has nothing to do with how this person's time is allocated. If this person is being asked to work for open space, conservation, the Town Planner, I'm assuming, is going to determine where this person is going to go to work. In those situations, what happens? Who has the say over where that person spends their time? If the Town Planner decides that person doesn't spend their time with the Wetland Commission, then the Wetlands Commission has no say over that person. If they have no supervision over that person's allocation of time just what they do when they determine to work with Wetlands Commission. That is what had me a little uneasy about this - that dual supervision spread out as widely as it is in this description. That had me a little bit concerned and again after having said all of that mumbo jumbo, if the Wetlands Commission is comfortable with this and would like to see it go then I'm fine with that.

Mr. Vitali: Let me paint a little picture of what we think is this description. As the description talks about, his main function is Wetlands. When the person is working on wetlands issues, it can be a fulltime job. It can take up to 35 hours. Some of the other things under this description are fill in jobs. Take exception to the comment that the previous planner that there wasn't enough work to keep him busy 35 hours a week. That's because

he wasn't doing what was necessary so I don't want to get that confused that the work isn't out there. In describing this new job, some of the other people that might be asked to supervise could be Parks and Recreation in working on an open space plan. It could be the farmland project and assist in the bidding process of the farmland. When you say we take direction from another person, yes, but only maybe for a special project or a special item. It's not like saying he's going to have five different bosses to answer to. He's got to satisfy all the wetlands requirements, he or her, needed of the Wetlands Commission and other time be spent on other projects that are out there.

Mayor Dickinson: Mr. Chairman, the position is staffed to the Conservation Commission. It's in the job description, Conservation Commission. It's staffed to the Conservation Commission. It is staffed to the Conservation Commission as well. So the position will have at least two meetings a month –Wetlands as well as Conservation- that to the extent that there is so much work that something can't get done, we'll find out and then I agree with Jim, the priority has to be with the statutory issues – deadlines, the regulatory muscle that is Inland Wetlands. If there is so much beyond that then we'll have to deal with it but as this is written, the position performs staff functions for two Commissions and there is belief that there is an opportunity here to have this work because we've had a checkered past. I agree with Jim there's probably more time than was being spent. At this point, I don't think any of us can say that there is definitely 35 hours year around with Wetlands. We're trying to see just what exactly what kind of time is really needed on one area or another. We know we need people with conservation. There are a variety of projects not just the bidding of the open space, parcels for farm use but surveying of various parcels, the management issues with regard to the parcels, what recreational uses should be on the parcels. There are a variety of things. They don't have the statutory deadlines associated with Wetlands where a decision has to be made within a given period of time. We definitely are embarking on something that is a little bit of an experiment but I think there is optimism that it can work.

Chairman Vumbaco: Any other Councilors?

Mr. Knight: I just wanted to refer to a couple of the duties that seem to have and I think you referred to it, Jim (Vitali), that the Parks and Rec had some oversight over certain land management functions that are being moved into this position.

Mayor Dickinson: Park and Recreation would still have authority over parks and mainly the use kinds of activities. I would hope that Parks and Recreation would no longer have to do the bidding of the open space pieces for farm use. It would be picked up by this position.

Mr. Knight: Wasn't there for several years a \$25,000 item in the Park and Rec budget having to do with forest management?

Mayor Dickinson: Right.

Mr. Knight: And if I'm not mistaken those functions are now in this position.

Mayor Dickinson: Hopefully that can be picked up over here.

Mr. Knight: Hence my question. Will that come under the purview of the Conservation Commission?

Mayor Dickinson: It could be Conservation Commission requesting information. It could be Parks and Recreation requesting information regarding aspects of uses or management of Tyler Mill, for instance. There are parcels that Parks and Recreation are very active with and there are parcels that they are not very active with so where they are active there is a greater chance that they're going to be interested in information. Where it's an open area that they've never had any real contact with, then it's probably a better chance that it's Conservation Commission is going to be interested in some advice.

Mr. Knight: We are embarking on something that we have not had before, and that's a really pro-active management of our open spaces, not the ones that are used by Parks and Recreation but other passive recreational areas and other areas that we own. We've going to have a survey, an inventory, for exactly what we have on hand and how these various parcels should be managed. It sounds like if that's the case, it hasn't been done before. or it's been loosely defined as a function of the Parks and Recreation Department.

Mayor Dickinson: It has been done before and an example would be the Gelko property where Public Works has performed significant duties clearing the orchard there, I believe that we've embarked on setting some boundary markers around the Gelko property, cutting the grass at a certain time of the year so it doesn't disturb nesting birds. Public Works with Conservation have been involved on the management issue. Both

could use another person to be assisting, so this is another person to be assisting in that effort. Between Conservation, Public Works and Parks and Recreation, there have been significant efforts at management issues, at performing management issues identifying things to be done and this is meant to augment that.

Mr. Knight: I won't belabor this, and I would agree with the other Councilors that have spoken, if I'm coming on to this job, I want to know who I'm talking to, who am I reporting to and for what purpose. Understood the technical aspects of the job are going to be really in the regulatory aspects of the job will come first because we've got to meet these deadlines but all these other functions, how many people is he going to be, how many other people and departments are going to request assistance from him. If I were him, I would want to know...where are we, who is going to control this person's time? All five of these departments?

Mayor Dickinson: No. the supervision is provided by Wetlands Chairperson, the Commission as a whole and/or the Planner or other designee which would be the case with nearly every other position in town anyway as identified by the Mayor's Office. So there are two places, one primarily for the substance and one primarily for the nuts and bolts of making sure that people are performing duties and are on hand when they need to be. If it turns out that there is too much, there is so much being dumped here that can't be handled, I'm sure we'll hear it and we'll deal with it. The alternative, however, is to hire a position for one or the other and not have a fulltime job. Just the concern in the other direction, you just hire an Inland Wetlands staff and then the concern is there's not enough work to make it a 35 hour a week job or just hire on the other side and the same question without solving the Inland Wetlands issue, and the Inland Wetlands issue is the primary position to be filled.

Mr. Knight: That's understood and I believe I made that clear. We have been talking about land management of our open spaces, especially since in the last ten years we've acquired so much of it and I'm looking forward to this position being a real step forward toward that.

Mayor Dickinson: If money weren't a problem or an issue, You'd hire two people or three. What's the problem? But as we all know, money is always the issue so here we're adding a fulltime position to the budget which will cost us an additional amount of money and we're trying to structure it in a way that we gradually get into it financially rather than create two

positions because we have needs from two different areas for additional people so you could hire two additional people and then deal with the financial problems.

Ms. Doherty: I just want to say that I think this is a very comprehensive job description and I'm glad to see that it also has enforcement capabilities which was not there before. My question that I do have is being that the scope of this job is so all encompassing and I noticed that the pay scale range has been somewhat lowered from the last time, is this in line with other towns that have similar responsibilities?

Mr. Sullivan: Yes, we looked at not just the duties but the educational requirements, experience, and of course, salary and we are going to be very competitive. We might even be a little higher than some other towns at the lower pay grade.

Ms. Doherty: OK. Thank you.

Chairman Vumbaco: Any other Council? I just have a question. I support this. I talked with Jim (Vitali) and the Mayor about it a little bit and the only suggestion that I have and I do agree with Mr. Parisi as far as the supervision is concerned. Terry (Sullivan), in your letter in the third paragraph, you say this person will be supervised by the Town Planner for general administrative matters and then when you get into the job description all you state is receives direct supervision. I think if there is some way you can define what general administrative matters are within this job description, like time management, vacation, that kind of thing. It would go a long way to clearing up whose responsibility is what and then the rest of it lies with Inland Wetlands. It's a little bit ambiguous is 'direct supervision'. Direct supervision is direct supervision as far as I'm concerned but I think if you can define this a little more succinctly in the job description – direct supervision for administrative purposes i.e. making sure they come to work, approval of vacation time and that kind of think, I think that would ease a lot of the issues that I think has come up with this Council as far as the supervision.

Mr. Sullivan: I understand your concern but that's not really how job descriptions are constructed. The administrative responsibilities to come into work on time, to punch a timecard, to fill out a report, be nice to people, cash your own paycheck every week, answer the telephone courteously, those aren't in job descriptions. I think by the Town Planner's assumption of the supervisory responsibilities that is inherent in her job

as supervisor to make sure that this person does those things and when those things don't happen, she'll need to step in to correct the problem.

Chairman Vumbaco: You're missing the point. I'm not saying that you cash your paycheck weekly in the job description, Terry. What I'm saying is in this job description you should define what the Town Planner's responsibility is as far as administrative.

Mr. Sullivan: What my point is that's not how you write job descriptions.

Chairman Vumbaco: Maybe that's not the way you don't write job descriptions but I've seen them written that way. I'm just making a suggestion. If you don't want to adhere to it, that's fine.

Mr. Sullivan: I don't mean to be argumentative. I think if the Mayor were to write to the Town Planner and say, as part of your administrative oversight over this person, here are some things you need to remember and focus on. It's not the way Terry Sullivan writes job descriptions, I'm just saying in my experience you wouldn't put those kinds of things in someone's job description but as a supervisor, the Town Planner will have that inherent responsibility as a supervisor to make sure that those things happen.

Chairman Vumbaco: I think if that's not in here, I think it needs to be defined in advance of what that administrative responsibility is because I can just see it coming down the road just like everybody else here is saying, I told him, and I heard them do this, and they're doing this and we're going to have a conflict. I have all the faith in the world that Jim (Vitali) is very good at dealing with issues, and he wouldn't been successful if he hasn't been. I'm trying to make sure that we have the least amount conflict that could happen here but then again we're going to revisit it again in six months anyway.

Mr. Vitali: Nobody wants it more than I do – no conflict. There are already conflicts going on. Your idea was discussed and one thing I think as I recall the conversation was that if you say that the Town Planner responsibility is to make sure you punch a time clock, that excludes then the ability to go do conservation work or work at the Conservation Commission. You don't want to tie the supervisor's hands too closely that the person you hire is not going to be able do more functions that what it says in that description. It was left a little broad language to give some flexibility to make sure the person couldn't back up and say it's not in the job description. It was a double edge sword we were

fighting with on this thing. The point that was brought out was some of those things that you described shouldn't even have to put into a job description of the employee because they should be to work on time.

Chairman Vumbaco: That's fine, and I stand corrected but I would appreciate if the Mayor does send a letter defining that.

Mayor Dickinson: Just to the point of the Town Planner supervision is not just a daily show up at 9am and so on. If the person does not go to the Conservation Commission meeting, if a person doesn't respond to a request regarding information on the bidding of the fields for farm use, that would be a component too which is outside the Wetlands. So there's some substance involved with it as well as the day to day routine stuff.

Chairman Vumbaco: OK. Thank you.

Mr. Spiteri: Could you give me the high and the low range of this position.

Mr. Sullivan: Yes, the new range would be, the starting step would be \$50,964 and the high end would be \$65,207.

Mr. Parisi: Is there a prescription drug program with this too?

Mr. Sullivan: It's on page four.

Mr. Parisi: There'd better be. You'll need a lot of aspirin.

Chairman Vumbaco: Any members of the public wish to comment?

Pasquale Melillo, 15 Haller Place, Yalesville asked about how would this Environmental Planner handle an industrial company or business legally violating the environment, such as water contamination or air pollution, correct this problem.

Chairman Vumbaco responded that the question was not relative to Item #9 and asked Mr. Melillo if he had another question and Mr. Melillo asked to describe to the maximum possible Item #9.

Mr. Vitali: Well, the regulations talk about it. There's a violator of the regulations to cease and desist. There's a whole chapter on what the procedure is to follow with this violator. You have cease and desist regulations. You

have time for them to make corrections. You have time for them to submit a plan but you also have DEP behind the Wetlands Commission. At some point in time DEP can actually step in and take over a violation and control it from their end and it doesn't all have to be done through the town.

Chairman Vumbaco: Any other members of the public? We have a motion and a Second on the floor to accept this job description. All in favor? Opposed? So moved. Thanks, Terry. Thank, Jim.

10. Approval of a Resolution Authorizing the Mayor to Execute for the State Department of Social Services a Grant for the Spanish Community of Wallingford in the amount of \$26,330 – Grants Administrator

Ms. Papale: Item # 10 is approval of a resolution authorizing the Mayor to execute for the State Department of Social Services a grant for the Spanish Community of Wallingford in the amount of \$26,330. This is asked for by our Grants Administrator, Don Roe. So moved.

Mr. Parisi: Seconded.

Don Roe: Good evening everybody. Let me bring you up to date with the funding situation with grants that come to the community that we then in turn contract with SCOW to provide an array of services. Back earlier this year, it looked as though there were going to be cutbacks at the state level and we were fearful that we were going to have very serious financial issues, not just finishing out this fiscal year but carrying into this fiscal year much to our surprise. We now have received an additional second state grant and essentially that's what's before you that actually the combination of that and our usual grant amount to about \$41,000, which has been about the basic amount that has been coming from the state. Instead of getting in one grant, it's now coming in two grants and seems to provide for sufficient resources to support the agency for this next fiscal year. That's pretty much it at this point.

Chairman Vumbaco: Any questions by the Council? Public? We have a motion and a second. All in favor? Opposed? So moved.

11. Approval of an Agreement between the Town of Wallingford and Comunidad Hispana de Wallingford, Inc., "SCOW" - Grants Administrator

Ms. Papale: Item 11 is to vote on an approval of an agreement between the Town of Wallingford and Comunidad Hispana de Wallingford, Inc., "SCOW"

Mr. Testa: Second.

Mr. Roe: We look to enter into this every year and this is an order to cover again that second grant program. The second grant program is on a different fiscal year than our fiscal year from SCOW's fiscal year so we didn't think the basic agreement that you already have with that exists between the town and SCOW was sufficient so we're coming back with a second agreement, specific to that one.

Chairman Vumbaco: Any questions, Council? Public? We have a motion and a second. All in favor? Opposed? So moved.

12. Consider and Approve Authorizing the Mayor to enter into a contract to purchase property at 1351 Scard Road owned by Kayenar Company, LLC – Town Attorney

Ms. Papale: Consider and Approve Authorizing the Mayor to enter into a contract to purchase property at 1351 Scard Road owned by Kayenar Company, LLC. By the Town Attorney, so moved.

Mr. Parisi: Second.

Mayor Dickinson: This is a map of 1351 Scard Road. This is Muddy River. Here's Mackenzie Reservoir. Here is Scard Road. At this point the Town owns these two pieces. The Town also owns this piece over here which stretches between Scard and Whirlwind Hill. The piece we're talking about is right here. It's the so called the Kier property, owned by the Kier family. It's about ten acres. We have a grant from the state that amounts to about \$151,000. The appraiser value is about \$350,000. The contract you have before you tonight is for \$350,000. There is a wetland area up in this corner of the property and a small one down here. The appraiser is assuming two lots; it's in a three-acre zone. A Phase One environmental assessment was performed and found it free of any contamination. In fact the water quality is listed as double A. It really is a very good property with the testing of the water; it really does highlight the need to protect Mackenzie because some of the brooks that run through this property are headed right to our reservoir. Given the double A quality of the streams there, I think that also is an

encouragement for the Town to own the property. I think I've hit all of the major points.

Janis Small, Town Attorney: I would point out the fact that grant would be a maximum when the state decides how much you get. It's not necessarily that you get the full amount. I thought that was one of the typical ones we get was always a maximum.

Mayor Dickinson: But that's before they announce it. They announced that we received \$151,000 and I'm expecting that we receive the \$151,000. Could there be a new wrinkle in the way they award the money? It's possible. They announced this several years ago that we had received \$151,500, I think it is, and I'm expecting we will receive that on this piece.

Ms. Doherty: One of the questions that I have is on page 2 where it says purchase price. I think there needs to be a correction. It says \$150,400 and in parentheses it has \$350,000.

Ms. Small: We didn't catch that typo. We'll fix that.

Ms. Doherty: I like the first one better.

Ms. Small: I do too but I'm pretty sure we won't be getting it at that price.

Ms. Doherty: The other question I had, is there buildings on this property.

Mayor Dickinson: No.

Ms. Doherty: And there's no one living there? I just questioned why it was in here. It doesn't have a name but you have...

Ms. Small: It's our standard contract when we buy real estate using provision that aren't going to be in effect but this is our basic and we've had a lot of success using this form contract so it's probably why the price is wrong. We just pulled it off another one and used it.

Ms. Doherty: All right. I just want to make sure there is no one living there so we don't go into residency and everything else?

Ms. Papale: Are there other questions from the Council? Public?

Pasquale Melillo, 15 Haller Place, Yalesville, wanted to know what the Town would do with this property and what the ratio of the wetlands to regular land

Ms. Small: It would be open space property. We would not be able to do anything with the property, and frankly, you wouldn't want to given where it is located in relationship to the reservoir. It's an open space purchase with open space money from the state so you would not be able to do anything on the property. An engineer/soil scientist go our and look at the property when we were trying to figure out the value of the property and they did lay out the wetlands and did conclude that there were definitely two building lots on that property and we had a disagreement with the property owner as to whether you could get a third one given the wetlands on the property so someone could make the argument that maybe you could actually get three building lots out of that but we think that with the wetlands, you can only get two.

Mr. Melillo: Thank you.

Wes Lubee, 15 Montowese Trail, asked if we don't normally get two appraisals on land that only one was mentioned. **Ms. Small** responded that the Town gets two when it is required by the state grant process, and we get this grant based upon one. **Mr. Lubee** wanted to know what percentage of the purchase price will the state grant be? **Ms. Small** said that the state grant is for \$151,500, slightly less than half of the purchase price. **Mr. Lubee** said considerably less than half and continued that according the statute, when a Town owns its own water company, its normally entitled to 60% of the purchase price, no, 60% of (*undecipherable*) and said if that held true here, that property here would only be worth \$218,000 in the eyes of the state, if this grant represented 60%. **Ms. Small** said that she was not following. **Mr. Lubee** said that the state statute says that if a municipality owns its own water company, why is that is a factor he doesn't know but that's what it says, that state grants can be 60% of the appraised value.

Mayor Dickinson: The operative words there are 'can be'. We have never received 60%, and I think, open space statute allows 65% where it's water shed property and we've never received 65% on any purchase we've been involved with.

Mr. Lubee said that has bothered him a long time and related a trip he took to

Hartford and said they told him that we didn't have a water company. The gentleman in charge of handing out the money was not aware and Don (Roe) had no made any mention of the fact in his application for the grant that we in fact own our own water company. He explained to me at the time we had received 45% and said if we took everybody at 50% and cut them back because we didn't have enough money to go around, so everybody got 45%. Mr. Lube said to him but we were supposed to get 60% to which the gentleman said, oh no, only if you own a water company. Check into it. This is probably why we're never getting money we're supposed to be getting.

Chairman Vumbaco: Any other members of the public? We have a motion and a second. All in favor? Opposed? Mr. Spiteri voted 'no'. the vote is 8 -1. So moved.

13. Set a Public Hearing Date for October 12, 2004 at 7:00 P.M. for an Ordinance entitled:

AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL ESTATE KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Ms. Papale: Number 13 is to Set a Public Hearing Date for October 12, 2004 at 7:00 P.M. for an Ordinance entitled:

AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL ESTATE KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

So moved.

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second to set the date October 12, 2004 at 7:00P.M. All in favor. Opposed? So moved.

Mr. Testa: Just a quick question? Why \$380,000?

Ms. Small: It includes the administrative costs associated with the bond. It also includes the environmental testing and also the cost of the survey and whatever Title 13 type fees we have with it.

Mr. Testa: And nothing resembling a real estate commission.

Ms. Small: No, no. Just our administrative costs.

14. 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

Withdrawn.

Chairman Vumbaco: OK. We have a 9-0 vote. I'll take a motion to adjourn.

Mr. Farrell: So moved.

Ms. Doherty: Second.

Chairman Vumbaco: OK. We have a motion and a second to adjourn. All in favor? Opposed? So moved. Good night.

There being no further business to consider, the meeting adjourned at 9:40 P.M.

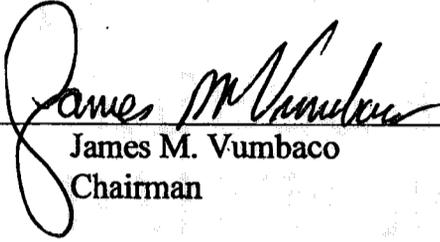
Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

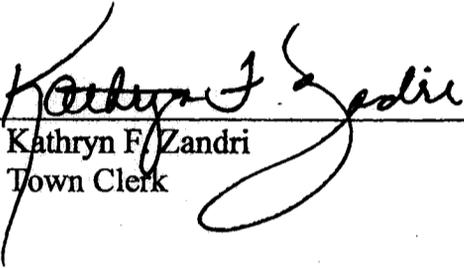
RECEIVED FOR RECORD 11/10/05
AT 10 H 15 M A M AND RECORDED BY
Katherine J. Gaudreault TOWN CLERK

Approved by:


James M. Vumbaco
Chairman

11/21/05

Date:


Kathryn F. Zandri
Town Clerk

11.21.05

Date: