

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

June 27, 2006

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, June 27, 2006 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:45 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Comptroller James Bowes and Town Attorney Janis Small were also present.

There was a moment of silence and the pledge of allegiance to the flag was given. There was no correspondence.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#689- #696) totaling \$4,294.11 Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Consider and Approve the Appointment of Candice Brashears to the Historic Properties Commission for a five-year term expiring March 27, 2011 – Chairman Robert F. Parisi
- 3c.** Consider and Approve the Appointment of Cheryl Christie-Collett to the Historic Properties Commission for a five-year term expiring March 27, 2011 – Chairman Robert F. Parisi

- 3d.** Consider and Approve the Appointment of Rita Katona to the Historic Properties Commission for a five-year term expiring March 27, 2011 – Chairman Robert F. Parisi
- 3e.** Consider and Approve the Appointment of Rosemary Rascati to the Historic Properties Commission for a five-year term expiring March 27, 2011 – Chairman Robert F. Parisi
- 3f.** Approve Town Council minutes of March 14, 2006.
- 3g.** Approve Town Council minutes of June 6, 2006.
- 3h.** Consider and Approve a bid Waiver for Recording Secretarial Services – Planning and Zoning
- 3i.** Acceptance of a framed Antique Map from the estate of Kathryn and Raymond Gillespie from their son, Barry Gillespie, D.M.D., M.S. S. -Mayor
- 3j.** Consider and Approve a Transfer in the Amount of \$570 to John J. Nerden RTC Camp Acct# 001-3070-600-6710 from Contingency-General Purpose Acct # 001-7060-800-3190 (FY 2006-07) - Mayor
- 3k.** Consider and Approve a Transfer in the Amount of \$5,265 to Maintenance of Equipment \$175 Acct # 6030-570-5200 and to Purchased Services – Indexing \$5,090 Acct # 6030-901-9024 from Regular Salaries for \$5,265 Acct # 6030-101-1000 – Town Clerk
- 3l.** Consider and Approve a Transfer in the Amount of \$650 to Design - Quinnipiac Linear Trail Acct # 302-1403-813-3010-00 from Contingency - Quinnipiac Linear Trail Acct # 302-1403-806-3040-00 – Engineering
- 3m.** Consider and Approve a Transfer in the Amount of \$3,500 to Office Expense & Supplies Acct # 001-1320-401-4000 from Self-Insurance Claims Acct # 001-1603-800-8280 – Law Department
- 3n.** Consider and Approve a Transfer in the Amount of \$17,423 to Recycling Containers BOE (Program Planning Budget) Acct. # 001-1302-999-9902 from Contingency – General Purpose Acct # 001-7060-800-3190 – Program Planning

- 3o.** Consider and Approve a Transfer in the Amount of \$500 to Generator –Local Share Acct # 001-2005-999-9955 from Contingency Acct # 001-7060-800-3190 and an Appropriation in the Amount of \$27,140 to Grant Revenue-Generator Acct # 200-1050-050-5000 and to Expenditures-Generator Acct # 200-2005-999-9955
- Police Chief
- 3p.** Consider and Approve a Transfer in the Amount of \$2,715 to Paint Exterior Bldgs. #8, 9, 10 & 11 Public Works Department Acct # 001-5015-999-9124 from three various accounts as listed – Public Works

CONSENT AGENDA ADDENDUM

- 3p. 3q.** Consider and Approve a Transfer in the Amount of \$400 to Gas & Oil Acct # 2035-300-3000 from Fire Operating Expenses Acct # 2035-401-4100 – Fire Marshal

Mr. Knight announced that two items on the Consent Agenda had been labeled 3p., and he renamed Consent Agenda Addendum Item 3p. as 3q. He made a motion to adopt the Consent Agenda from 3a. to 3q. **Mr. Farrell seconded the motion. The vote was All Ayes, and the motion passed.**

- 4.** Items Removed from the Consent Agenda

None

Mr. Knight made a motion to move up Item 20, the Agenda Addendum. Ms. Papale seconded the motion. The vote was All Ayes, and the motion passed.

AGENDA ADDENDUM

- 20.** Consider and Approve an Appropriation in the Amount of \$1,025 to Revenue- Quinnipiac River Linear Trail Project –Donations Acct # 302-1045-040-4052 and to Expenditures - Quinnipiac River Linear Trail Enhancement Acct # 302-1403-816-3052 – Town Engineer

Mr. Knight made to Approve an Appropriation in the Amount of \$1,025 to Revenue- Quinnipiac River Linear Trail Project -- Donations and to Expenditures - Quinnipiac River Linear Trail Enhancement as presented by the Town Engineer. Mr. Farrell seconded the motion. The vote was All Ayes, and the motion passed.

Ms. Doherty acknowledged the donation of \$1,000 from the Pond Hill School PTO and a \$25 donation from a private party and said that the funds would be used for couch bench after the tunnel and a plaque project at the Quinnipiac River Linear Trail Project.

5. Executive Session pursuant to Section 1-200 (2) of the Connecticut General Statutes with respect to Collective Bargaining
- Board of Education

Mr. Knight made a motion for the Council to enter into Executive Session pursuant to Section 1-200 (2) of the Connecticut General Statutes with respect to Collective Bargaining as requested by the Board of Education. Mr. Farrell seconded the motion. The vote was All Ayes, and the motion passed.

The Council entered Executive Session at 6:48 P.M.

Mr. Knight made a motion that the Council exit Executive Session. Mr. Farrell seconded the motion. The vote was All Ayes, and the motion passed.

The Council exited Executive session at 6:59 P.M.

Attendance at the Executive Session:
Council (9); Mayor Dickinson, Attorney Small and Dale Wilson, Assistant Superintendent for Personnel and Thomas Hennessey, Chairman of the Board of Education

6. Discussion and Possible Action with regard to the UPSEU, Local 424, Unit 18, contract for the period July 1, 2006 - June 30, 2010 - Board of Education

No action taken.

Town Clerk, Barbara Thompson, swore in the following people to the *Historic Properties Commission*: Cheryl Christie-Collette, Rita Katona and Rosemary Rascati.

7. PUBLIC QUESTION AND ANSWER PERIOD

John Wooding, 43 Academy Street, asked the council to move up the items having to do with Wooding Caplan.

John Rooney, 52 Williams Road, spoke about residential construction and water issues. **Chairman Parisi** said that he would speak with Mr. Rooney at any time.

Bob Gross, 114 Long Hill Road, asked the Council to move up the items pertaining to the Wooding Caplan Property.

Pasquale Melillo, 15 Haller Place, Yalesville, asked if the Public could speak on Item #17 and asked about the use of coal as a fuel.

Matthew Galligan, 300 Long Hill Road, spoke about price of \$409,000 that is being offered for the Wooding Caplan Property in relation to the price that the Town paid for the property.

Betsy Bradley, 49 Academy Street, asked to have the Wooding Caplan items moved up.

Kathryn Zandri, 9 Balsam Ridge Circle, spoke about the order of the agenda items.

Bev Calza, 30 Academy Street, spoke about the price of the property.

Chris Manzik, 52 Fair Street, said that he was bothered that the Council who voted have not said why they voted the way they did.

Tony DeBaise, no address given, talked about a political poll.

8. Consider and Approve a Transfer in the Amount of \$15,262 to Traffic Painting Contract Acct # 001-5015-401-4200 from Overtime \$15,000 Acct. # 001-5015-101-1400 and from Class Eight Snow Plow Truck w/Equipment \$262 Acct # 001-5015-999-9901 – Public Works

Henry McCully, Director, Public Works, was present.

Mr. Knight made a motion to Consider and Approve a Transfer in the Amount of \$15,262 to Traffic Painting Contract from Overtime \$15,000 and from Class Eight Snow Plow Truck w/Equipment \$262 as requested by Public Works. Mr. Farrell seconded the motion.

There was no discussion of this item.

The vote was all ayes, and the motion passed.

9. Consider and Approve a Transfer in the Amount of \$50,000 to Utilities Acct # 001-5015-201-2010 from Overtime \$5,000 Acct # 001-5015-101-1400 and from Regular Wages and Salaries \$45,000 Acct # 001-5015-101-1000 – Public Works

Henry McCully, Director, Public Works, was present.

Mr. Knight made a motion to Consider and Approve a Transfer in the Amount of \$50,000 to Utilities from Overtime \$5,000 and from Regular Wages and Salaries \$45,000 as requested by Public Works. Mr. Farrell seconded the motion.

There was no discussion of this item.

The vote was all ayes, and the motion passed.

10. Consider and Approve a bid Waiver for repair work to the Lyman Hall High School Intercom System – exceeds bid limit by \$7,583 - Board of Education

No representative was present.

Mr. Knight made a motion to Consider and Approve a bid Waiver for repair work to the Lyman Hall High School Intercom System – exceeds bid limit by \$7,583 by the Board of Education. Mr. Farrell seconded the motion.

There was no discussion of this item.

The vote was All Ayes, and the motion passed.

- 11. Consider and Approve a Bid Waiver for Air Conditioners in Pupil Personnel Services- exceeds bid limit by \$2,300 - Board of Education**

No representative was present.

Mr. Knight made a motion to Consider and Approve a Bid Waiver for Air Conditioners in Pupil Personnel Services- exceeds bid limit by \$2,300 by the Board of Education. **Mr. Farrell seconded the motion.**

Ms. Papale asked if there were ever air conditioners in these offices, did they break down or is this something new.

Mayor Dickinson said that he did not have the background and that there was an error in not realizing it was going to exceed the \$4,000. He thinks that it deals with some new areas but is not certain of that.

Ms. Papale supports them having air conditioning.

The vote was All Ayes, and the motion passed.

- 13. Conduct a Public Hearing Neighborhood Assistance Program at 7:00 P.M.**

Don Roe, Director, Program Planning, was present.

Mr. Knight announced that Item 13. He read a letter of explanation from Don Roe to Mayor Dickinson. He also read the summary list. *(letter and the summary list of agencies are part of the record)*

Chairman Parisi added the Wallingford Girls Softball League Incorporated Construction Committee, Gaylord Field Construction \$150,000 to the list. He said they are on an amended list.

Mr. Knight read the Resolution (Item 14)

Chairman Parisi said this is a Public Hearing, and he asked for comments. **Chairman Parisi** said these organizations estimate how much money that they will raise through various forms of solicitation. Any corporation that donates to them is entitled to a tax

break from the State of Connecticut. **Don Roe** concurred that that was the explanation. **Chairman Parisi** asked for questions.

There were none.

Mr. Knight made a motion to close the Public Hearing. **Ms. Papale** seconded the motion.

Chairman Parisi asked for those in favor and those opposed.

Five members voted aye. **Mr. Brodinsky, Mr. Farrell, Mr. Parisi** and **Ms. Rascati** abstained.

The motion passed.

14. Consider and Approve a Resolution Authorizing the Mayor to submit to State Department of Revenue Services the approved list of programs eligible for investment by business firms and to provide such additional information; to execute such other documents as may be required by the Department to accept on behalf of the Town any funds available for those municipal programs on the list; to execute any amendments, recisions and revisions thereto; and to act as the authorized representative of the Town of Wallingford – Program Planning

Mr. Knight made a motion to Consider and Approve a Resolution Authorizing the Mayor to submit to State Department of Revenue Services the approved list of programs eligible for investment by business firms and to provide such additional information; to execute such other documents as may be required by the Department to accept on behalf of the Town any funds available for those municipal programs on the list; to execute any amendments, recisions and revisions thereto; and to act as the authorized representative of the Town of Wallingford as presented by Program Planning. **Ms. Papale** seconded the motion.

Five Council members voted aye. **Mr. Brodinsky, Mr. Farrell, Mr. Parisi** and **Ms. Rascati** abstained.

The motion passed.

15. Conduct a Public Hearing at 7:15 P.M. and Consider and Act on the following Ordinance entitled:

AN ORDINANCE APPROPRIATING \$2,000,000 FOR THE PLANNING AND DESIGN OF THE VERNON E. CLEAVES REGIONAL VOCATIONAL AGRICULTURAL CENTER SCHOOL AND AUTHORIZING THE ISSUE OF \$2,000,000

BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Mr. Knight made a motion to read the title and section one of the following proposed ordinance in their entirety and to waive the reading of the remainder of the ordinance, incorporating its full text into the minutes of this meeting. **Ms. Papale seconded the motion.**

ROLL CALL VOTE WAS TAKEN.

**Brodinsky – yes; DiNatale – yes; Doherty – yes;
Farrell – yes; Knight – yes; Papale – yes;
Rascati – yes; Testa – yes; Parisi – yes
9 - yes**

The motion passed.

Mr. Knight read the Title and Section 1

AN ORDINANCE APPROPRIATING \$2,000,000 FOR THE PLANNING AND DESIGN OF THE VERNON E. CLEAVES REGIONAL VOCATIONAL AGRICULTURAL CENTER SCHOOL AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$2,000,000 is appropriated for the planning and design of the Vernon E. Cleaves Regional Vocational Agricultural Center School, the preparation of final plans, specifications and construction bid documents, and for appurtenances, equipment, services and consultants related thereto, or so much there of as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs, said appropriation to be inclusive of any and all State and Federal grants-in-aid.

Chairman Parisi: This is a Public Hearing. Are there any comments from the Public?

Pasquale Melillo, 15 Haller Place, Yalesville, wanted the item described.

James Vitali, Chairman, Vocational Agricultural Building Committee for Lyman Hall High School, North Elm Street, Who introduced the Vice Chairman, Craig Self, south Main Street explained that the State of Connecticut approved a grant to build a new Regional Vocational Agricultural School Center at Lyman Hall High School, and this is the first step of the process.

Robert Sheehan, 11 Cooper Avenue, asked if the \$2 million is our commitment to this building since this is being funded 95% by the state.

Mr. Vitali said that this is just the first step of the architectural fees and design fees, and the state will be paying 95% of this. **Mr. Sheehan** asked if we are liable for the design and planning of this building. **Mr. Vitali** said, "No, we are liable for 5% of this building."

Mayor Dickinson said that the state program is a reimbursement program, so if it's a \$27 million construction project, the town would front \$27 million, and our share of it would be 5%. He said similar to that there is the \$72 million school project, and it shows up on the Town's bond issue as \$72 million; however, we will be reimbursed at approximately 47% of that. He said that we front all of the money and are reimbursed by the state in accordance with their schedule.

Chairman Parisi asked for other comments. He said, "Last call." No one came forward, and he called the Public Hearing closed.

He asked, "Is there a motion that the \$2,000,000 Vernon E. Cleaves Regional VOAG School Design bond ordinance be adopted?"

Mr. Knight: So moved.

Mr. Farrell seconded the motion.

Chairman Parisi asked for discussion from the Council. There was no discussion from the Council, and he requested a Roll Call vote.

ROLL CALL VOTE WAS TAKEN.

**Brodinsky – yes; DiNatale – yes; Doherty – yes;
Farrell – yes; Knight – yes; Papale – yes;
Rascati – yes; Testa – yes; Parisi – yes
9 – yes**

Chairman Parisi: I declare the motion passes.

The bond ordinance was adopted.

**12. Report Out from Community Lake Study Committee
– Chairman Robert F. Parisi**

Sal Rascati, Chairman, Community Lake Study Committee, was present along with Town Engineer, John Thompson.

Mr. Rascati presented the report. He said that it has been about a year and one half since he last reported. The last report commissioned by the DEP performed by Malone and MacBroom Company was issued October 2004. He said the report recommended that the dam could be restored but there were many circumstances that would need further study, and one of the things that exists is soil contamination. He said that Nick Kern, Jim Vumbaco, the Mayor and the Town Engineer and he had a meeting with DEP in December 2004, and almost every department of the DEP was represented at that meeting. He said that most of them were negative with respect to replacing the dam, mainly because of the water quality issues, but that before they could do anything that soil sampling needed to be done since the previous contractor in the 1980s had found some contaminants in the lake bottom.

He next met with the Community Lake Study Committee, and they decided to go ahead with the soil-sampling program. John Thompson wrote a specification and recommended that they hire a consulting firm to look at the lake and decide where the test boring should be and then to get DEP approval. The Committee sent out RFQs and had four responses. The Committee reviewed and evaluated the four contractors and turned over the results to the Purchasing Department. He said that when the bids came in, ASW of Wallingford was the low bidder; however, the Committee did not

recommend them but Purchasing said that we had to give them the contract. He said that this company never performed in accordance with the Town Engineer's specifications, so their contract was cancelled, and then issued it to Malone and MacBroom. They are still waiting for the DEP to approve the sampling program.

The Town Engineer, Nick Kern and a member of Malone and MacBroom met with DEP May 11, 2006 to discuss replacing the dam. He said right now they are proceeding with the soil sampling test on the east side of the river to see if the two ponds on the east side of the river can be combined. He said there is an eleven-acre pond west of the Senior Center and another one south that is five acres. He said that they would like to remove about eleven acres of fill so that the two ponds could be combined to create a pond that is about 25 acres. A plan is being undertaken by Malone and MacBroom that would need the approval of the DEP.

Mr. Thompson said that cover things thoroughly and commented that they a lot of lost time on the process but that they will have a sampling program to the DEP in about one month, and then it would go out to bid, and we would proceed with the Council from there with respect to funding.

There were not questions from the Council.

Pasquale Melillo, 15 Haller Place, Yalesville, asked how the lake would respond to large storms.

Mr. Rascati said they talk about it from a 100-year viewpoint, and he referred to the 1938 New England hurricane when the river flow rates at that time were 5,000 cubic feet per second. He said that in 1979 when the dam let go, the river rates were about the same after heavy rain storms. In 1982 after a long period of rain, the Quinnipiac flow rates were about 8,000 cubic feet per second. He said because there was no dam in 1982 that nothing happened except the lake was formed overnight and that in 12 or 13 hours it receded. He said that you can't predict what will happen.

Jason Zandri, 35 Lincoln Drive, said that when there is a storm that contaminants will rise and potentially get into the river.

Mr. Rascati said that the point of the DEP is that if we replace the dam to its original height of 10 or 12 feet above the present Quinnipiac River elevation that during the summer months when the flow rates are down to 150 to 200 cubic feet per second that if you are impounding that much water that you tend to get nitrification, which will effect the water quality.

He said the purpose of the DEP is not to affect anything that will hurt the water quality, which ultimately goes to Long Island Sound. There were three studies. He said the DEP puts in many, many requirements but that they will never say no to restoring the dam. He said that the last letter from the DEP talks about the tiger beetle that will be affected. He said that the ponds now in existence are not technically connected to the river and that when they fill up it's 'momentary' like a couple of days.

He said to replace the nine-foot dam, you would have to take 185,000 cubic yards of fill out, and one of the restrictions from DEP is that if you restore the dam, you have to maintain a nine foot depth and a certain ratio of slope, and before the dam went the depth was only four or five feet. He said that the original long-range plan was to restore the lake and to add additional features but that DEP continues to add new restrictions preventing the dam's restoration.

No action taken

Mr. Knight made a motion to move up Item # 17.

Ms. Doherty seconded the motion.

The vote was all ayes and the motion passed.

17. Discussion and possible repeal of the Town Council's resolution passed on April 11, 2006 selecting Town Center LLC as the developer for the Wooding-Caplan project, per Chapter III, Section 9 of the Town Charter – Councilor Mike Brodinsky

Mr. Knight read Item 15.

**At this time the following Councilors excused themselves from the Council table having recused themselves from this issue:
Councilors DiNatale, Farrell Jr. and Papale.**

Mr. Brodinsky recalled that the April 11 vote was five to one and that he was to one who made the dissenting vote and that he found it an easy decision to vote against that proposal. He said that he thinks that his colleagues found it easy to vote for the Joe DiNatale project and that they have great confidence that they made the right decision. He said that he suggest that when a decision that is this complex and involves so many matters of personal preference and taste, the decision should bring some humility since you don't know if what you're doing is right. He said that after this is resolved on way or the other, whether this is voted up and down, whether it goes to referendum, built or not built, we're all going to have to come together and live as a community again and be on good enough terms to talk again and to conduct business and government in a civil way. Reasonable minds can differ. He said that we have 4,000 to 5,000 residents who said that the Council went down the wrong path. He hoped that would bring out the humility side of the dilemma of the decision. Then he asked himself if 10,000 people would have done it What would it take? He said that even with 10,000, it wouldn't have changed their minds.

As a review from April 11, he said he voted against this project because he thought that it was much too aggressive; the plan asked for too much for a fairly small parcel; and it was much too risky with respect to parking; it was too risky with respect to traffic. He said he was skeptical that the plan had unintended consequences with respect to commercial in that it would weaken the downtown rather than strengthening it. There were other plans or potentials that we could have turned to rather than this one. He remembered that this plan was at the bottom of the Wooding Caplan Study Committee's list. On April 11, the neighbors noted that they didn't like this plan and residents across town didn't like it either yet the vote was five to one.

He said the other reason he voted against it was that the price is not there. In my opinion the price is a low-ball price. He asked *why* is it so low? He commented that the *why* gives the context. He said that Mr. Widenmann's plan is modest, not very aggressive and he submitted a bid of \$950,000, more than twice what Joe DiNatale did and that suggests to him that Mr. Widenmann might have thought that if he didn't get aggressive with his bid that he wouldn't get the deal so he bid a good price. \$950,000 was also about the amount the property was appraised at a couple of years ago and value of land depends on how you use it or how you are permitted to use it. He said that the Council was aware of the \$950,000 appraised value. He

pointed to materials in Joe DiNatale's proposal where he says he is going to spend \$595,000 to buy the Woods property, which is a little piece in the middle of the Wooding Caplan area, and he was going to pay 50% more for that little piece, even though the town's piece is much, much larger. He said when he compared the values and the size, it suggested to him that \$409,000 is a low-ball price.

He said his comments are not to be construed to be against Joe DiNatale personally. He said in Joe DiNatale's proposal, he was going to buy 25 Wallace Avenue for \$225,000, which is a postage size piece of property, then compare that to the \$409,000 and it's a low ball price. He said that why bid \$909,000 or some other number, other than \$409,000. He talked about the matter of perception. He said that it bothers a lot of people and it bothers him, and others are not phased by the perception that is being created. He talked about a political insider getting a project for a price as low as it is over the objection of the town, over objections of the Wooding Caplan Study Committee, the perception of Wallingford is it's who you know. He said that perception in his opinion should be enough reason for at least somebody to say, it isn't worth it, let's find another way. He said tonight that perception can be reinforced, or it can be squashed. He said that he will be making a motion to rescind the vote and that he doesn't expect it to pass.

He said after that the next agenda item is very important because it deals with the mechanics of the referendum and we need to be on the same page as to how that is going to work. He said that this is really the first half of the discussion.

Chairman Parisi said we don't have a motion and asked for comments.

Mr. Brodinsky: I'll make motion to allow for discussion. I did that once and you said that after I made the motion there would be no further discussion so I didn't make the motion. He said as long as there is discussion, I'll make the motion to rescind the vote taken on April 11, 2006 by the Town Council selecting Town Center, LLC as the developer for the Wooding Caplan property. **Mr. Testa** seconded the motion.

Chairman Parisi said that now there is discussion.

John Wooding, 43 Academy Street, said that people are commenting to him on his name, Wooding, and that they are telling him their thoughts. He reminded people that it was his father that sold the Wooding property to the town. He asked the Council to repeal their decision of April 11. He requested that if there is a referendum that they make sure that people know where to go to vote.

David Barbarino, 1179 Yale Avenue, expressed his concern over the low purchase price considering that this is a multi-million dollar deal for Mr. DiNatale, and he doesn't see why the people of Wallingford should be subsidizing this property by underselling it. He said that there are more public uses that this property could be used for and doesn't see why we have to rush the project in light of all of the residents who do not agree with the choice of the Council. He urged the Council to rescind and move forward in a more united way toward more public use of the property.

John Rooney, 62 Williams Road, commented on the price of land today, and that the town should keep this land.

John Beecher, 65 Seiter Hill Road, said he has lived in Wallingford 30 years, and he recalled a movement to combine the two high schools and the persistence it took to have that question reconsidered. He said that he does not feel that this question is neighborhood driven. He quoted an author, who said 'seek first to understand', and he said that he does not understand why this is happening in the way it's happening. He said that he doesn't understand why our fiscally conservative Mayor, who has guided the Town well, seems to be in favor to take an investment and lose money on it. He said that he doesn't understand why, after public hearings, and what he thought an independent public committee reviewed proposals and ranked last that the proposal that ranked last of the four would be the proposal that the Council chose. He said because 3 Councilors had to recuse themselves that leaving six Councilors to make the decision cripples the decision-making capability. He said that he does not recall in 30 years another referendum in Wallingford and that this is historic that enough people have signed papers that say please reconsider this. He acknowledged that the Council has tough decisions to make and asked the Council to seek to understand. He said this isn't a neighborhood issue and that it is a town-wide issue because enough people are here to say they wouldn't like this to be done to them and

that is why he is here, and he asked the Council to re-consider the decision that they made.

Debbie Gross, 114 Long Hill Road, she asked the Council to keep an open mind and to consider rescinding their decision. She commented that she was present for the four developer presentations of their proposals and that as a percent-owner of this property she asked the Council to consider the parking issues of the town, the future expansion of town and municipal services and to consider using the land for the benefit of the citizens and gave examples that included band concerts, the Farmer's Market and the Taste of Wallingford. She said that this is not a local Wooding Caplan resident neighborhood issue and noted the 4,700 residents who signed the petition, who represent 14% of the registered voters and 20% of the people who voted in the last Presidential election. She said all nine voting districts were represented in the petition. She gave percentages for each district emphasizing that this is a town issue. She asked the Council to reverse their decision and to start new, adding that we can never go back. She asked people who were in favor of the Council rescinding their decision to stand.

Jack Winkleman, 141 South Airline Road, said that he is disappointed in the Council's decision and made comments about parking.

Patricia Sittnick, 139 Prince Street, said that she is the public and a neighbor of the property. She referred to letters that were published in the newspaper letter in the newspaper ad said she is in favor of the proposal as voted by the Council on April 11. She said that she feels that the Council, Mr. DiNatale and the architects have been abused and that what is happening is heartbreaking. She offered reasons why she thinks this is a good plan. She said that she does not want the Council to rescind their decision.

Robert Sheehan, 11 Cooper Avenue, said that he is not in favor of this and asked the Council to rescind their vote and do nothing with the property. He said that the Community Lake project has been going on longer that the town has owned the Wooding Caplan property and that the golf committee was recently disbanded after 40 years. He said he is still waiting to play on the golf course and to go to Community Lake and Little League is waiting, and the Council is rushing to do this. He talked about taxes and the town's open space program and asked then why do something with this property? He asked the Council to rescind their vote.

Chairman Parisi recessed for a stretch for two minutes. the recess began at 8:41 P.M. and ended at 8:43 P.M.

Ann Collins, 56 Lupine Street, asked the Council to rescind their decision and asked about 390 Center Street. She said that it is a nationally recognized historic property, and she is concerned that the building will be destroyed in its relocation during the Wooding Caplan project development.

Jason Zandri, 35 Lincoln Drive, said he thinks people should be able to have different opinions and to express them without people shouting them down. He referred to a previous speaker. He thinks he is represented fairly well by the Council. He would like the Council to reconsider their vote because the public has come up with a lot of good points. He understands if the Council does not change their vote, and if a referendum results, then it is up to the citizens to go and vote. He asked for particulars in voting and that that word gets out to the voters. He urged people to get out and vote.

Chairman Parisi commended Jason Zandri for his contribution and fair comments and about how articulate he is.

Barbara Kapi, 6 Deme Road, said there are too many questions involved with this development. She spoke about the price and the general impact on the town and asked if there could be a moratorium on this piece of property.

Lucille Trzcinski, 25 Turnberry Road, Wooding Caplan Committee Member, said that she has been at almost every meeting over that last four years and there was endless debate within the Committee, with the Jonathan Rose Group, with people in town and the residents about the best way to develop this property. She said the Mayor's intervention is what allowed the Committee present to the Town Council. She said otherwise the Committee would not have been heard. She said that this distressed her. She said Mr. Brodinsky, and perhaps, Mr. Testa questioned the Committee. She said no one on the Council that night asked the Committee why they chose the way they chose, and what were the reasons and the rationale, and why would they choose an outsider, and why would they choose a rental project. She said that would have been the first thing that she would have wanted to know from a Committee of people who have been intimately involved with the downtown over a period of twenty years. She said that in all of the countless meetings

here many people have spoken and questions have not been answered, and the Council did not comment, and she said she thinks that it was a strategy because, if there are no answers to the questions and there is no comment, then there is no debate, and there is no allowance for the opening of new ideas because debate is ended. She said that nobody on the Council cares to ask or to answer. She said the decision was made and that no one was given the opportunity to change that decision but it will happen here tonight.

Chairman Parisi said that he would like to make an observation that it is not their policy to debate each and every individual who comes up to the microphone, and this Council was very receptive to you reporting, and this Council was not going to restrict you in any way. He said that he wasn't going to debate.

Lucille Trzcinski, 25 Turnberry Road, said that not one member of the Council except Mr. Brodinsky asked her or any other Committee member why they Committee voted the way they did. She said that if she was a Council member, and she had appointed the Committee herself, she would have at least wanted to know how did the Committee choose these people. She said that the Council was responsive in that they listened and gave everybody a chance to speak, and that the Council was courteous but that they never questioned. She said that the night that the vote was taken, after all those people spoke, that after the public hearing the Chair very often brings it back to the Council for discussion to talk about what they have heard. She said that the night of the 11th (April), the Chair did *not* bring it back to the Council. She said when the Chair brought the public meeting to a close, Mr. Knight immediately made the motion to propose Wallingford Center, LLC (*she did not say Town Center, LLC*). She said that there was no discussion by the Council about anything they had heard that night, and then the Council read prepared statements. She said that the Council was courteous, and the Council was receptive in the technical sense that the Council listened but it didn't matter what the Committee said because the Council was not going to debate with the Committee and not going to discuss with the Committee. She said that is proven by the facts. She said you can look at the minutes and look at the tapes and you can see that she is right.

Chairman Parisi said he had made several mistakes tonight because he was rushing to get to this item, and he admits that publicly. He said that he doesn't honestly recall whether the Council went to the

public or not but that he would take her word for it if she says that they didn't but that it was never, ever meant to stifle. He said that if he is remembered for anything as a Chairman, he hopes that it would be that he attempts to allow for fairness and to hear the people speak. He said that he heard from 40 people why the Committee did what they did.

(Off mike comments from the public section. Indecipherable)

Bev Calza, Academy Street, said she thinks what Ms. Trzcinski is trying to point out is there was such a lack of respect for opinion that the Council didn't need to say anything. She said she thinks that decisions should be made with the town involved and what is very clear to her is that this Town Council pretty much thinks they know what we need to do. She said that worries her. She said that the Council members are representatives of the people and the Council doesn't listen and doesn't respond because the Council doesn't respect their position.

Bob Hogan, Grieb Road, read a statement saying that the Council had chosen the best plan in their eyes but that the fallacy lies in the failure of the Council members to recognize their responsibility. He said that an elected official is expected to vote the will of the people, right or wrong, best or not, and not what the Council members want but what the public wants. He said that more often than not, an elected official forgets that they are there to serve the people and give them what they want, not what the elected official wants or what the elected official thinks is best for the town. He said that if the results are a reflection of what five people think is best for the town, then the thinking fails, if it does not reflect what the people want. Five people. He said five people are still only five people with their views and prejudices but when 4,700 people express their views, it seems to reason that you will have a more accurate representation of what the overall populace wants. He said, "Listen to the people. Give them what they want, not what you think they should have, however brilliant you are in your reasoning." He said that many Wallingford residents gathered signatures, and while that was happening, they were told that the reason people live here and move here is because Wallingford is a small, New England town, and why not keep it that way. He said that condos won't do it. He said that up on Grieb Road where he has lived for 44 years, there used to be cows and cornfields but now there are 165 homes, and further down on Grieb Road, there are 95 condos, and now he is going to have Mortgage Lenders where the corn field used to be.

He said 300,009 square feet of office building. He said that his neighbor is selling their North Branford Road farm to a developer. Addressing the Council and the Chairman, he said that the Council has the opportunity to rescind their decision to indicate to the people of Wallingford that they are willing to listen to at least 4,700 Wallingford residents who have indicated that they do not want this proposal.

Unidentified speaker (Tony DeBaise) spoke about a banquet he attended to honor Mr. Bob Parisi as "Man of the Year" by the Elks Club. He said that he thinks the controversy between the Council and the public is totally unnecessary. He said that whatever decision they make is going to effect this community for the next number of centuries and that if the vote is not rescinded that it will change the structure of Wallingford.

Jeffrey Busa, 5 Cannon Gate Way, spoke about the purchase price of the property, traffic and a development that he saw in Darien that he related to the Wallingford proposal. He talked about the development's restaurant, the residents above the commercial space, noise and parking. He asked the Council to rescind its vote.

Pasquale Melillo, 15 Haller Place, Yalesville, asked why the town didn't have an appraisal of the Wooding Caplan property. **Janis Small, Town Attorney**, said the town did have an appraisal performed by John Leary of New Haven in the early stages of the process. **Mr. Melillo** asked each Councilor to respond to the question. **Chairman Parisi** said that right now the Council is entertaining comments from the public, and he said that everyone will give their reasons for whatever they do when the discussion is done. **Mr. Melillo** spoke about clean and polluted air and traffic. He asked that Item 17 be repealed.

Bob Gross, 114 Long Hill Road, said the appraisal is for much more than Wallingford, LLC (*he did not say Town Center, LLC*) is paying for the property. He thinks that the project is too dense for that area and that is why the project should be rescinded. He referred to the people in attendance, the people who signed the petition and Record-Journal editorials and columnists all of whom have spoken out against the Council's decision. He spoke about the proposal price of \$409,000 for 2.9 acres. He said supposedly Wallingford, LLC (*he did not say Town Center, LLC*) is purchasing approximately six tenths of an acre for \$1.3 million. He referred to the Code of Ethics in the Charter read from it in relation to

Councilor Knight. **Mr. Gross** said that he thought that he should have recused himself from the vote.

Mr. Knight said that Mr. Gross was in error because he was there and that other issue was brought up and thoroughly discussed in the Ethics Board hearing and said to suggest that he was less than forthcoming about everything is just one of the several perceptions that certain people have tried to promulgate with regard to his taking part in this decision and that this is his reputation that Mr. Gross is talking about. **Mr. Gross** asked about the Mayor's position on this or other projects.

Mayor Dickinson said that the price has been discussed and that if price was the issue, the town would have put the property up for sale, and the highest bidder would have received it but we didn't do that because there was interest in (*having*) certain controls over what would happen on the property. He said that there was not a desire just to sell it for whatever price it would bring and have a developer do whatever they wanted on the property. He said that there was a certain set of specifications and requirements that went along with a vision. He said that the Committee that was entrusted to deal with this issue hired Jonathan Rose, the consultant, for \$50,000 to give the town an idea of what would benefit the downtown. Jonathan Rose came back with their report last fall, and the Committee took up that report and brought it to the Council. He said the Council knew at that point that the next step would be an RFP, a Request For Proposal, that incorporated the vision as voiced by Jonathan Rose and the Committee. He said that that RFP was prepared with the Council effort and the Town Attorney, and the RFP was sent out. He said the RFP came back with a series of proposals that everyone now knows.

He said that at that point it became a question of which proposal best suits the vision, the idea of enhancing the downtown, enhancing the general purpose and enjoyable nature of the center of Wallingford. He said that that's a judgment and that it was never based upon what would make us the most money. He said it was based upon what would be the best approach to enhance the downtown, and at that point there going to be, and there obviously is, a great variety of viewpoint over what best represents or approximates the ideas that the Committee and Jonathan Rose brought together but this process has evolved lots of different viewpoints, and a lot of discussion over a number of years, and it never was based upon what would bring

the highest price. He said it's really a judgment over what will enhance the community.

Mr. Gross said that he understands that the town is not in business to make money but this did not follow the Rose Report, this particular project. He said that this is the densest of the projects, and it was picked as the lowest on the scale by the Wooding Caplan Committee.

Mayor Dickinson said that is incorrect that this is not the densest of the projects. He said that here is where we don't even agree on density and that there were far more dense projects from some that called for more residential units.

(Off mike comments)

Mayor Dickinson continued. He said that we are immediately arguing over what our judgment is as to what would enhance the downtown. He said that it's not a formula, that it's a judgment over what will enhance the downtown, and that is where the differences of opinion come in, and that's the way it should be. He said that is primarily responding to the money issue because this never was an approach to find out what is the highest value that would come back in dollars because the town would have just sold the property, and it wouldn't have to meet any specifications and anything could be done on the property.

(Chairman Parisi again reminded the public not to speak from their seat because the microphone will not pick.)

Mr. Gross asked Councilor Brodinsky about the pricing on Wallingford, LLC *(he did not say Town Center, LLC)*.

Mr. Brodinsky said if you can do so much with the property and be so aggressive with the amount of commercial space and the amount of residential units, then why is the price only \$409,000 to the town, whereas by comparison, Bob Widenmann is bidding \$950,000 and doing less with the property. He said it's not a matter of putting it up for bid for the highest price, that it is a matter of whether this price is realistic and fair based on all we know and based on what is being done with the property. He said if the answer is 'no' that the price is not fair, based upon comparable sales, based upon the appraisal, based upon comparable bids, then the bid should be rejected because the price is not a fair price, so it's not a situation

where the lowest price proves that's the best bid. He said that that seems to be the logic that he heard that the lower the price the greater the vision. He said that he doesn't buy into that. He said that the responses to the RFP bear that out. He said he thinks that if we want to have something there at all, and we could have something very attractive there and at least more than twice the price.

Kathryn Zandri, 9 Balsam Ridge Circle, spoke about the increase in her tax bill and that when she hears this property was appraised at approximately \$950,000 and this developer could obtain this property for \$500,000 less that she is quite upset that five people are choosing to give away \$500,000 of her money. She said that the money could be used for the town's parking area behind the buildings on Center Street. She said people say they feel their Councilors are not listening to them, and she thinks it's because there are no consequences. She talked about the number of nominations for Council from each party, 12 for 9 seats. She urged people to get involved.

Don Harwood, 14 Taylor Lane, said that in his 30 years of being involved here that he has never seen this Council, or any Council before this one, read from prepared statements, and that he is curious as to who prepared those statements. He said that it doesn't mean that it hadn't been done, only that he has never seen it.

Chairman Parisi said he prepared his own statement.

Mr. Harwood asked if all Councilors prepared their statements.

(There was no audible response but the indication was that they did.)

Don Harwood, 14 Taylor Lane said he took time to look at all of the proposals and to go through the Rose Report at length, and the item he sees in approaching this issue is not to attack or to discredit or to lean toward one developer or the other. He said he is not here to speak for or to belittle any developer or proposal. He said he is concerned about the issue of process.

He referred to page 27 of the Rose Report which notes the recommendation of the mixed-use scheme. He said if the town invested \$50,000 in this report, he assumes that this report would be the hallmark for all proposals and that all proposals would mimic this report very closely because this seems to be the leveling

document that would level the proposals. He said that wasn't done by the developers, in fact there is a great deal of disparity in what was proposed from density, to number of units, to type of units, style, condos, rentals, age and so on. He said there are four developers that all invested a fair amount of money; however, they were shooting at some sort of a target, and he is not sure the target was well defined. He said you try to define it so that when the bids come back, they're tight, and they are close, and the Purchasing Department can make a very good analysis quantitatively and qualitatively of that bid proposal. He said that here you don't have that. He said that the low was 18 or 20 units to a high of 66 units to a 44 window. He said it's all over the mark so it's impossible to draw an apple-for-apple comparison.

He remarked that only two thirds of the Council reviewed this item, which makes it even more challenging. He said you can't base them equally. He asked what shifted so dramatically since the Rose Report when in paragraph two, line five says, that 20 (twenty) town home units included in the mixed use scheme illustrates a balance of density and scale that is sensitive to the surrounding neighborhood. He asked where are we if this is the litmus test for what the Council uses for decisions. He said that he doesn't understand it. He said because you got such diversity in the bid package that came back, rather open ended, how can you do a good quantitative and qualitative analysis normally required under town or municipal purchasing regulations. He said if this went back out on the street with a tighter proposal, you could address this at least on an equal base.

He gave an example of the Rose Report saying 20 town homes and the RFP could say a number between 18 and 25, and that commercial should be 'X'. He said that what this does is that it addresses the diversity in the 100+ people that are here at this meeting and who were here at the last meeting, a phenomenal number. However, he said that the people at home have no appreciation for that, since the cameras do not pan the audience, which would show the amount of interest that is here and gives balance to the field in interest, in input and also to what the document says.

He said that he submits that we should look at a balanced proposal to go back out on the street. He said it would take the pressure off the Council and allows it to be an equitable approach. He said that you get something back that follows the purchasing regulations, and the

way we review things, and let the chips fall where the chips fall but at least it is a balanced proposal with everybody bidding and shooting at the same thing. He said that it takes away some of that concern of impropriety or concerns that have been expressed. He said that failure to make an apple-to-apple comparison will never take you off the hot seat. He said that we should move on it and balance it. He said that he is floored after working with the Council for twelve years on building committees that the Committee comes back with a report, good, bad or indifferent, weighted, skewed, no rational reason, and it gets dropped, and that's it. He said that there is serious talent on the Committee with diversity in educational background and with diversity in professional background. He said that he is amazed by what has gone on and that the Council always offers that degree of respect and understanding for a Committee that worked their tails off. He said to the Council that they are paid employees, and the Committee was not, and the amount of five or six thousand dollars is not the issue. He said that he doesn't think he is unreasonable, and what he would love to do is see a balanced approach because then he thinks that the Council represents the people.

Stephen Clark, 40 Apple Street, asked that the Council rescind their decision. He said that the town has spent millions of dollars to buy open space and that he sees the center of town parcel as a park to be enjoyed by everyone.

John Bradley, 49 Academy Street, Wooding Caplan Committee Member, said it's important to remember that everyone wants the best for Wallingford, even if there are differences, we want to maintain friendship. He said what keeps him propelled on this is when he served on the Committee, they evaluated the proposals, and they focused their discussion on Smith Craft. He said they also evaluated the other proposals. He said everyone has heard and read that this was the least desired property.

He said they scaled each of the proposals on eight dimensions, and The Wallingford Center, LLC (*He did not say Town Center, LLC*) proposal failed their criteria on seven of the eight dimensions, and the one of note to him is the stimulus to the economy of downtown. He said the Wooding Caplan Committee said 'no', it was not a stimulus to the economy of downtown, and it was the only proposal, out of four, that the Committee said that about, and the concern was the over reliance on the commercial development that could potentially put a nail into the downtown commercial area in that we

would have too much commercial development, and we would have empty stores on Center Street because they would have moved to this new area. He said that he cannot get over the fact the Committee included the Executive Director of Wallingford Center, Inc., the former Executive Director of Wallingford Center, Inc. and a retail person, who was extremely important and critical, that that was ignored and the Council proceeded with their opinion. He said that if the five opinions of the Councilors and Joe DiNatale prove to be wrong and our committee proves to be right, then we have just banked the future of our downtown, which is the future of our town, on five people's opinions over everybody else's. He urged the people of Wallingford to take an interest because this is big, and it's about the future of Wallingford, and this is about how government operates. He urged people to get involved and to vote when the referendum comes.

Kathy Avery, 42 South Elm Street, made a statement about an article in the newspaper about Joe DiNatale.

Patricia Sittnick, 139 Prince Street, said that she believes Joe DiNatale's heart is in this.

Chairman Parisi asked for further comments and no one else came forward. He said that we have a motion.

Mr. Testa: There have been a lot of calls for explanations, and even tonight someone said how come nobody has put anything in the paper, how come nobody spoke, or how come nobody's explained themselves any further. I got a call from a colleague informing me of this poll that was going on out there. We discussed it, and it just sort of sounded –again perception – it was like why is this poll being done. It must sound like some kind of effort at the beginning of a PR campaign to make this thing pass the referendum. I told my colleague that my timing is pretty lousy because I was apparently mentioned in that poll, and here I am ready to publish a piece in the newspaper.

I've wanted to explain myself quite extensively but I thought the night of the 11th, we did attempt to explain ourselves, and I want to talk about that meeting because I'm really getting sick of the misrepresentation of what that meeting was all about, especially in the editorials and by a lot of people's comments. That was not a public hearing. Plain and simple. The hearings were over. It was a regular Town Council meeting at which an agenda item was the

vote. The hearings were over. We had worked on this a long time. You may not like the decision. I can appreciate that. How anybody can expect a Councilor to show up at that meeting still undecided is beyond me. We were done with the hearings. We were expected to show up and vote, and for someone to show up and not have their mind made up in my mind is irresponsible. We had an obligation to make a decision and that night was simply the vote. Unfortunately, as I see it, every time we have an agenda item, it's open for public discussion. The motion is made, and the chair says anybody in the public want to comment. Normally, it's appropriate, and sometimes we're thinking about it for the first time. The best thing we could have done that night was to not have public comment, not to shut everybody up, but we had already heard all that was going to be said, and our job was to make a decision and vote that night and that was it.

However, everybody, and I can only speak for myself but I know everybody else, we didn't talk about it, but I know everybody else felt an obligation to explain themselves. It was very important. It's not easy to talk off the cuff. It's very difficult. So everybody that was making a vote that night felt an obligation to write out and prepare a reasonable, lengthy explanation because we owed it to you to explain our vote, and that's what we did. That's why people had prepared statements. It's very easy to be cynical and sarcastic and to stand up and say 'you all showed up with prepared statements. You don't care what we think.' Not true. It was actually an opportunity and an attempt to explain ourselves and to do so in writing, so that we wouldn't forget what we wanted to say.

That was not a public hearing that night. The Record-Journal should know better. And the editorial writers should know better. And everybody that was here should know better because we had a lot of public hearings, and the same people spoke over and over again. We listened. We heard. May not have agreed but there was nothing more to say at that point. We had a decision to make, and all we were there for that night was to vote. And don't take that the wrong way, like we don't care what you had to say, but don't interpret that night as a public hearing where we came here prepared not to listen to you. It was only an agenda item, and the vote was that night. The hearings were previous to that.

Please don't tell me I don't care. Don't stand up there and tell me I don't care. I may disagree with you but don't tell me I don't respect your opinion, and you know who I'm talking to, and don't say I don't

care, we don't care. Don't get that personal. It's not that important to get that personal. I appreciated Attorney Galligan's question about the cost. That has come up a lot. A lot of people come up to me and said 'what are you thinking? You're giving this property away. What are you thinking?' If we had decided to just put this property up to bid, as the Mayor said, if we said wanted to sell this property, let's put it out to bid. Highest bid gets the property. We could have done it. We would have gotten a lot more money for it. Although I question that too because everybody in this town that is a developer or involved in moving real estate knew that we would have welcomed offers any day of the week if someone wanted to buy this property. People weren't running to buy this property back there. They just weren't. We could have sold it and then not have any control over what happens. Buy it and do what you want with it. We chose to control it. And if you're going to have a say in that, you have to expect that you are not necessarily going to get market value for it.

And everybody talks about the Rose Report. The Rose Report specified that if we wanted to get this thing developed the way we had anticipated, the Town had to be prepared to invest more money. The Rose Report said that we're probably not going to get anybody interested in that property if we don't do more on our own behalf, and the estimates were between \$1 million and \$2 million that the town had to further invest to get an interested party. As it turned out, we didn't have to do that. No, we're not getting \$2 million or \$1.5 million but we're getting something. I also find it ironic that a lot of the same people who keep bringing that up are the people that from the beginning of this process were very adamant about getting Mario DiNatale's plan selected, which was going to give us \$100,000.

There are a lot of objections to this, and there are a lot of opinions on this. I've had people express an objection that they don't want anything done, and when someone gets up and says 'let's not do anything,' everybody claps, and all the people that are clapping are the same ones that are at other times saying 'you didn't listen to the committee.' The committee said 'do a mixed use plan back there.' There are a lot of opinions on this. We thought about a lot of things. I thought about the whole thing.

The night we took the vote, we tried to explain ourselves, and I went through at length why I thought what I thought. And I explained why I didn't accept the committee's recommendation. I didn't like

the rental property component. That was a big part of it. It just escapes my logic, and I will never understand, no matter what you say, how the second choice could have been the one that was farthest away in concept. That study plan was about a concept. It was not about a proposal and that concept was a mixed-use development, and the committee chose to recommend one, and it focused on rental property as the residential component. How the next choice could not have been the most similar plan was beyond me, so I didn't accept that logic. There was so disrespect intended. It just didn't follow. A lot of reasons have been brought up to criticize our decision. The money. The density. You didn't listen to the committee. You can point out all sorts of things. We tried to look at the big picture. I tried to look at the big picture and come up with what I thought best represented our initial idea of what we wanted to do back there.

From the beginning of this process, from the beginning of those proposals, there was an effort and a movement that began to have another proposal be the one selected. And we know what one that was. Mario DiNatale's plan. The neighbors wanted that one the most. I don't blame them. It was the least dense. I understand that. And very early on, all of these perceptions that people like to talk about started coming out. It doesn't take a lot of people to start a little rumor for it to start to spread. Next thing you know, this one's mind is made up already, this one's being paid off. Get it out there. So much has been said, I don't blame a lot of people for having a bad perception of this. We had to make a decision. Do we let that stop us? Or do we do what we felt we wanted to do and take the consequences if the voters decide they don't like that. I chose to go forward. I fully expect the referendum to be active, and if the referendum passes, and our vote is overruled, I'll respect that.

But I'm not changing my vote based on 4,700 signatures, and I'll tell you why. I'm giving you straight talk tonight, and that's what everybody said they wanted. I talked to a lot of people who signed that petition. I talked to a lot of people that were asked to sign that petition. When someone asks you to sign a petition, you don't have to hear a whole lot. If you hear a little and you think that's a good idea, you're on board. How many people that are out there, that are watching, that signed that petition were told they are going to put up high rise condos? How many people were told it's going to be a parking nightmare? How many people were told that it was a corrupt decision? And said 'I'll sign that petition.' How many people were told that? How many people were told who was really

driving that petition? Who is really behind it? Who was really behind that in a big way? Sure a lot of people were going to sign the petition. If those people that signed that petition go through this and still feel strongly that we made the wrong decision, and we do our best to try to explain ourselves, and they continue to vote against it, I respect that. But I don't honestly feel that that petition is truly representative of the way the town feels. I think a lot of those signatures are representative of how that petition was presented to them.

(Comment from the public section of the auditorium)

Mr. Testa: Go right ahead. Say what you have to say.

(Off mike comment from the public section.)

Mr. Testa continued. That's fine. I'm sure it was, and I've talked to many, many people who told me otherwise.

(More comments from the public section)

Chairman Parisi: All right. Let's let the Councilor finish.

Mr. Testa: I am not looking for an argument. I am explaining to you why I personally am not going to change me vote based on the petition.

Chairman Parisi asked Matt *(Galligan)* to sit down.

(More comments and boos from the public section.)

Mr. Testa: That's fine and those people can vote in the referendum, and I will accept that. You don't want to hear all that I have to say? I am expressing myself to you, OK? I'm telling you what's on my mind. And I'm being honest and up front with you on how I feel. If you don't like that, I appreciate that. If you don't agree with me, I respect that. A lot of you haven't agreed with me from the beginning on this. A lot has to be said. I have nothing else to say. Thank you.

Chairman Parisi *(Speaking to Matt Galligan who is speaking off mike):* No, we're finished now. The Council is speaking, Matt. No, not right now. The Councilors are giving their

Mr. Galligan asked if he could have a word before they're finished.

Chairman Parisi said, no, the period of comment was before, and we are at the point where the Councilors are giving their discussion and that is our procedure and that maybe he would call on Mr. Galligan later. **Mr. Galligan** said he wanted to make an observation. **Chairman Parisi** said we'll see what happens when we're finished. **Mr. Galligan** asked if he would let him know when he was ready, and **Chairman Parisi** said that he certainly would and asked Mr. Galligan to wait there.

Ms. Rascati: I would like to say a few words regarding the sale price of this property. Of the first piece that was purchased years ago, a portion was already given to the police for parking, so what we are getting is not the price for the entire piece. The RFP that was sent out told the developer what the town wanted back there. It was not as though the town sold it outright. Perhaps we should have sold it outright and gotten \$1.2 million or \$1.5 million or whatever we could have gotten and allowed anything to go back there. Perhaps another lumber company or light manufacturing. We chose to tell the developer in the RFP what we wanted, and when you do that, it's like my selling you my house and saying but you cannot move the shrubs. You can't cut that tree down. You know what you would have told me.

As far as no questions being asked the night the report was presented, I felt that the committee did a very thorough job of explaining their reason for the choice and speaking for myself, I had no questions because I felt that they had explained their choice and their position.

As far as the prepared statements went, as Vinnie (*Testa*) said, we listened. We listened for three hours. Then we had a month's time to digest what we heard, make up our minds, and we were not about to come to the meeting and cast a vote that night without a few notes jotted down or a prepared statement.

As far as the 44 units that Mr. DiNatale is proposing, that's no more than Mr. Brodinsky who told you that Mr. Widenmann was proposing 30 units and had given us more money. Mr. DiNatale was also putting 30 units on that particular piece of property, the 44 units are the extra property that he was buying, so there were 30 units that he proposed for Wooding Caplan property, and so did Mr. Widenmann but then Mr. Widenmann is depending on the town to

buy or purchase or procure for him an exit onto North Main Street. Mr. DiNatale did not do that.

As far as my vote goes, I do not intend to change my vote this evening. I have not heard or seen anything since I voted on April 11 that would induce me to change my mind, and I feel that four thousand some people signed a petition, and they felt strongly about this project, then let us do it the democratic way. Let the referendum go forward, and I'll be happy to abide by the vote. Thank you.

Mr. Knight: One of the first people that came up tonight asked the question –it was the gentleman from Fair Street- wanting to know why we hadn't explained ourselves and at the same time which I found somewhat ironic because, as Mr. Testa and Ms. Rascati have referred to, we did have statements that we were making as you all filed out of the room. We were explaining our position. I spent five hours on a Saturday afternoon writing my position up, making a summation trying to explain why I decided the Wallingford Center, LLC (*He did not say Town Center, LLC*) project was head and shoulders in my mind the best proposal. Five single-spaced typed pages, and I would be delighted to share every word of that with anybody who cares to listen. It's on my blog, if you are so inclined, all, every word, that I said that night, and I did explain myself.

Others have also referenced the fact that on April 11, this was the culmination of weeks and weeks and weeks of study, of input, of listening, of discussions of every aspect of those four proposals, which included listening to the proposees, all four of them, personally visiting with all four in a quieter venue where they would have more time to explain their proposals in detail. This was all part of our decision. It was not made that night because, as Mr. Testa said, I would hope you would expect us to have put a little more thought into it than to have left it wide open until the very last second of the very last night. You would expect us to do what you sent us to do here and study these proposals.

Now I will give you quickly as many of them as I can remember from this long dissertation. One, no other proposal even suggests purchasing other property, only Wallingford Center, LLC (*He did not say Town Center, LLC*). I thought it was courageous, frankly. It was courageous that Joe DiNatale would be so committed to this project that he would have the vision to eliminate the last vestiges of the industrial downtown Wallingford in that block.

Secondly, access to the property- no other proposal in my mind has as much visibility and is as inviting to the public as Wallingford Center, LLC (*He did not say Town Center, LLC*), and that proposal accomplishes that by moving 390 Center Street into the development and rehabbing it, and opening up that street which would now "T" perfectly with Fair Street, a much, much superior, much superior traffic configuration than any of the other proposals, hands down.

Third, the commercial space – just weeks ago, if any of you read the *Wall Street Journal*, you may have seen it, there was an article, a lengthy one, outlining how big developers in other parts of the country are actually creating downtowns from scratch because that's where people want to be. That they don't necessarily like the sprawl, they like downtown areas. Frankly, Joe DiNatale is on the cutting edge of what a lot of people nationwide see as very, very encouraging development in downtown areas. Even in areas where there is no development, they are building. They are faux downtowns because people want to live there. The piazza is another reason. The piazza is a real public space. It's not a kind of thrown-in-there public space like, as far as I'm concerned, I saw in some of the other proposals. It was a real public space that's going to be maintained by the developer.

Another reason, ownership on site, Joe DiNatale, the owner, is going to locate his offices on that site. I thought that was very encouraging.

Improvements to other property – no other proposal suggests spending a dime on the Caplan property improving the parking lots, putting in inviting sidewalk treatments to bring people into the center of the development, only Wallingford Center, LLC (*He did not say Town Center, LLC*).

And lastly, it's the people involved. I was lucky enough to serve on a committee that helped steer the building of the new, now no longer new, Senior Center that we have on Washington Street. Lazarus and Sargeant built that. I defy you to go down there and not be delighted with what you see as a public building in Wallingford. I was impressed with the vision, the creativity, the enthusiasm, the energy that they put into that building, and I saw them when they gave their presentation, I saw this same energy, this same enthusiasm, the same creativity that resulted in the Senior Center that is the envy of this state.

For Joe DiNatale, after a phenomenal career, this would be his crowning achievement. Joe DiNatale is a man of impeccable reputation. I was floored when I read about the coward that wrote that letter and sent it unsigned with the vilest insinuations to the people who they insinuate were on-the-take from Joe DiNatale, have spent 60, combined 60, 70 years on the Town Council. The other one has spent 10 years on either on the Town Council or the Board of Education. This is the perception problem? We have a perception problem because the newspaper of record chooses, inexplicably to me, to publish those insinuations as if there were true. Unbelievable. Unbelievable. Unsubstantiated, not a single shred of evidence, and the writer, the author, of this letter didn't even have the courage to sign it. Pathetic. These three people, this is the way you are going to win an argument?

I can understand, as we've all said, there are going to be differences of opinion. God bless it. This is America. Politics is a food fight in America and that's the way it is but that doesn't necessarily mean that if you want to have a legitimate argument, a disagreement, that you have to trash the reputations of people who have spent decades of their lives representing this community. Shameful. Shameful.

I am not going to rescind my vote. I'm not going to change my mind and for all the reasons here and many more. We have a fabulous opportunity, a fabulous opportunity, in this town. Somebody is offering to build us a project that I believe in my heart has the potential to bring a good downtown even more to life and to actually ensure that the downtown of this community is vibrant for decades and decades to come. That's why I voted the way I did in the first place, and that's why I'm not changing my vote now. Thank you.

Ms. Doherty: I don't want to be redundant about many of the things that have been said up here because I agree with them all. What I would like to address are two things that were said earlier by Councilor Brodinsky that kind of bothered me, which was that it's easy to make this decision of the developers.

This was far from an easy decision to make. Many, many hours as you have heard from others have been spent on this, not just listening to you publicly here but emails, telephone calls, in the streets, wherever. This was a very difficult decision to make but I think the reasons that we gave in our prepared statements explain why we voted the way we did.

Loyalty to a cause? There was no loyalty. Our loyalty is to you as the citizens of Wallingford, and our integrity is very important to all of us up here. With that I would just want to say that I've gotten no new information that would change my vote. Thank you

Chairman Parisi: If I may make an observation, almost everyone, I'm roughly guessing, 90% of the people who spoke tonight, some of them extremely eloquent, like Don Harwood referred to notes, turning pages over, prepared statements. Not to whip a dead horse but why weren't we afforded that understanding when we referred to notes? As my colleagues said, many of us spent an inordinate amount of time preparing our statements. It's not always easy to write a public statement no matter how long you've been in politics or been in the public sector, a public life, a volunteer, whatever. In fact, I think the most difficult thing is to speak off the cuff publicly.

Having said that, I find it very interesting that I did receive an email from someone sitting in here in this auditorium tonight, who won't come forward and speak, which is fine, about Smith Craft. The articles are unbelievable. There isn't one article written that was complimentary to them and their philosophy, which I thought was very, very interesting. It was from the archives of, I think, the *Wall Street Journal*, if I'm not mistaken. That was something that unfortunately, it never went anywhere, and I used it for myself. It certainly did help me.

My approach to this was something that I had discussed on occasion with the Mayor and my colleagues for four or five years and that was the philosophy of 'partner'. Why doesn't the town 'partner'? Why can't the town partner? You read about it all over the place. Cities, states partnering with the private sector to do things to make things better, share the productivity and the know-how. My approach to this project was with the selection of Wallingford, LLC (*he did not say Town Center, LLC*), that's what we had achieved, a 'partnering'.

This was a request for proposal. Make no bones about it. My colleagues have expounded on this. It was done this way to control the project. It was done this way to, believe it or not, attempt to correct, to control, that area so that any number of undesirable things would not have been allowed there.

Why did I like this program? Very simply, it was as my colleague Mr. Knight stated, it was creative planning, it was phenomenal. The

reputation of the developer is beyond reproach. His rental record is extremely high. When I asked that question the night of the hearing, it was 100%. I guess what I like the most about it, and I make no bones about it. I know Joe DiNatale. I've known him for years. You've read about it. He loaned me money to help me when I was starting my business, and I paid it back with interest. He's a good soul. He's a good person but there are a lot of good people in this town. What I do like is he is a man of principle. When he says that he is going to put his name on this project, that's about all that I really need. Now, you can fault me for it later on, or you can trust me. It's entirely up to you but I have to do what I see and what I feel in my heart. I feel that this is the best thing for the Town of Wallingford.

I am sorry that I made many of you unhappy but I have made you unhappy on other occasions too. Evidently there were more occasions that I made you happy because you still support me, and I appreciate that, and I work hard to keep that respect and that support but this is something that we evidently very, very strongly, have a different viewpoint on. Well, I can tell you that I am sorry that we are disagreeing as I said but above and beyond all of the points that were listed by Mr. Knight, and I thought Mr. Testa made an excellent presentation, putting all of those factors together, there really was only one proposal that was truly a redevelopment project. The movement within that project as creative as anything I've ever seen.

The planning and the vision, that's what I was looking for. I've been associated with this project for 14 years. I remember the first day it was proposed. It was proposed then by Mario and Joe DiNatale. And it has taken this long. This has not been a fast thing. This has not been a rush job as some people think, and those people who think that haven't had their eyes and ears open because this had traveled a long road, and it's about time that it reaches some form of closure, either up or down. And I agree with you, the public should have their say, and they will have their say, and then let it be done. Either up or down. Whatever it is, I'll work just as hard for it in any way that I can. I will not change my vote tonight. I'm sure you can summarize that from my statement. Thank you.

Chairman Parisi asked for a Roll Call vote.

Mr. Brodinsky: Mr. Chairman, I just have a very quick observation. I think the point that was being made by many members of the public is what happens when a public official realizes that there is a disconnect between what the public wants and how he intends to vote and how does the public official deal with that and the answer of my colleagues is when you see the disconnect, you just go ahead with the prepared statement and forge ahead and that is somewhat upsetting to the public, and I understand that. I just wanted to make that statement and I am ready for the vote.

Chairman Parisi asked that the motion be read again.

Barbara Thompson, Town Clerk: The motion reads. Motion to rescind the vote taken on April 11 to award Wallingford Center LLC (*she did not say Town Center, LLC*) the Wooding Caplan project.

Chairman Parisi asked the Town Attorney if that would be a 'no' not to repeal and a 'yes' to repeal.

Janis Small, Town Attorney: Right. And it's Town Center, LLC, not Wallingford Center, LLC. Yes, a yes vote is a repeal, a rescinding of your vote.

Chairman Parisi said thank you, and now we will have a roll call please.

ROLL CALL VOTE:

**Brodinsky – yes; Doherty – no; Knight – no;
Rascati – no; Testa – no; Parisi – no
1 - yes; 5 - no**

MOTION FAILED.

Chairman Parisi asked for Mr. Galligan but he had left the meeting.

Lucille Trzcinski, 25 Turnberry Road, asked about Mr. Testa seconding Mr. Brodinsky's motion. Mr. Testa responded that it is necessary to have the discussion and the vote.

- 18.** Discussion and possible action concerning the date for a referendum on the question of repeal of the selection of Town Center LLC as the developer for the Wooding-Caplan project, and discussion and possible action on the location and number of polling places for said vote.
– Councilor Mike Brodinsky

Mr. Knight read item 18.

(1) MOTION: (Notification – each voter)

Mr. Brodinsky asked people to not leave at this point of the meeting as this is important. He said this is the issue of the mechanics of the referendum, and that he thinks that some of this has been worked out by the other side of the aisle because his research today indicated that a lot of the decisions have already been made, and that's OK, but he thinks that some refinements need to be made. He asked the Town Clerk how does Absentee Ballot work for the referendum, what provisions have been made and can you tell us how that's going to happen?

Barbara Thompson, Town Clerk, said that as long as there is 19 days notice absentee ballots will be available.

Mr. Brodinsky asked what days are involved? **Ms. Thompson** said that it is from tonight.

Mr. Brodinsky said 19 days from tonight? He asked if someone knows that they are going to be away on the 25th of July, which he understands has been worked out as the day of the referendum although he said he did not participate in that discussion, then when could people first get their absentee ballot. **Ms. Thompson** they have to fill out the application and she said that they have already gotten a few inquiries. She said that the applications would be ready tomorrow.

Mr. Brodinsky asked when the ballots would be mailed. **Ms. Thompson** said as soon as they receive them.

Mr. Brodinsky asked who is preparing the actual absentee ballot. **Ms. Thompson** said that the printed was.

Mr. Brodinsky asked if they were due any day. **Ms. Thompson** said absolutely not because they haven't been ordered.

Mr. Brodinsky asked when they would be received. **Ms. Thompson** said that she would call the printer tomorrow. She said that everything would have to happen tomorrow.

Mr. Brodinsky asked if people can start to process their applications for an absentee ballot and then when you get the ballots in you will mail them out in time for the referendum. **Ms. Thompson** said yes.

Mr. Brodinsky said that another issue is how the voters of Wallingford would be notified of the referendum, what process would be followed. He said that it looks like there will be two polling places so people won't be voting at their regular place that people will be unfamiliar with – a different polling place and the hours may be something that they are not used to, and there is a referendum and that not everyone subscribes to the Record-Journal. He said that his proposal is that the Registrar of Voters mail out a notification to every registered voter or household indicating the date of the referendum, what it is, the title, the hours and identifying the polling place so that people who get the postcard know where to go. He said that he is making this in the form of a motion. He said that he checked with the Registrar's Office and that they said that mailing out a notification wouldn't be a problem and this seems like the fair way to do it.

Chairman Parisi asked what is the procedure for notification.

Mr. Testa said, "Second."

Ms. Thompson said that she spoke with the Secretary of State and that according to her the legal notice will be put in the paper and notification on any town boards, posting in the Town Clerk's Office and that's about it.

Diana Hotchkiss, Democratic Registrar of Voters, said the Secretary of State faxed the Advisory Guidelines concerning municipal referendums, and their statement is if fewer polling places are used, it is recommended that polling places chosen be centrally and conveniently located, and that adequate notice be given to the voters of the changes. She said that the Record-Journal in the Town of Wallingford has a daily circulation of 7,000 and most of those issues go to stores. She said that the town has 25,567 voters and that there are 16,000 households.

Bev Calza, said that she doesn't support using the newspaper and that she is worried about the notification to voters.

Kathryn Zandri, 9 Balsam Ridge Circle, said she is all for getting the sample as quickly as possible so that there is as open a democratic process as possible. She said people can download an absentee ballot application from the Secretary of State's website rather than wait for one to be mailed and that it is important for people to understand that they must meet one of the criteria for voting by absentee ballot. For example absent from town for all voting hours from 6am to 8pm, being a poll worker or as an election official, religious or personal beliefs, an illness. She said there may be more. She commented that often the referendum question is worded in such a way as to confuse the voter by design. She suggested that it say, "Do you want this? –yes or no." She said don't make the mistake of doing what other people have accused the petitioners of circulating.

Chairman Parisi said that there is a legal requirement and he has asked the Town Attorney to make it as clear as legally possible. He said that we aren't in this to fool anybody.

Stephen Clark, 40 Apple Street, asked if the 19 days was calendar days or work week days. **Ms. Thompson** said that she would get clarification on that. **Mr. Clark** asked if other than the minimum time required, what is the maximum time required. **Ms. Thompson** said that the town's Charter says that we have 60 days and that according to the Secretary of State that was the June 2 certification. **Mr. Clark** asked for the 60 days be taken to make certain that everyone was adequately represented.

Chris Manza, 62 Fair Street, said that he would like to see the mailing take place to notify everyone.

Mr. Testa asked if they had received an interpretation to make sure that we are all in agreement as to what the Charter specifically says about the dates since it sounds like it is confusing.

Ms. Thompson said that she spoke with Art Champaign in the Secretary of State's Office today and his interpretation of the 60 days is that it's not his place to interpret our Charter. It is certification of the signatures by the Clerk to the Council.

Ms. Small said that she had looked at this question and said it would be that the Council has 30 (thirty) days from the certification to repeal, and then the Charter says that if you fail to repeal, the referendum has to be scheduled within 60 days, and she thought she had already said that the 60 days runs from the Council's action. If the Council did absolutely nothing, then you would use the full 30 days that they had to act, so the 60 days, it would seem to her, would be from the end of the 30 days, if they did nothing but they've now had a vote on the repeal, and the 60 days would run from here.

(Chairman Parisi again reminded people to not speak from their seats and that they were welcome to the microphone.)

Stephen Clark, 40 Apple Street, asked if it's from tonight's vote or from the April 11 vote. **Ms. Small** said that it has nothing to do with the April 11th vote. She said within 30 days of the Town Clerk's certification, the 60 days can't run because the Council has 30 days to do something after her certification. **Mr. Clark** asked when the certification was done.

Ms. Thompson said, "June 2nd."

Ms. Small said the Charter doesn't mean for you to have absolutely no time to have a referendum. So the 60 days does not run from June 2nd. She said that was her interpretation.

Mr. Brodinsky said that the 60th day would be 60 days from tonight and asked if that was her opinion. **Ms. Small** said that the 30th day from the certification is July 2nd, so if it's not 60 days from today, then it would have to be 60 days from the full 30 days because even if you don't do anything tonight, you could still take it up within 30 days. **Mr. Brodinsky** said that he was just trying to get a bottom line. **Ms. Small** said that she would re-read it again.

RE-STATEMENT OF MOTION #1

Mr. Brodinsky said he has been asked to repeat his motion at the request of the Town Clerk.

He said, "I move that we instruct the Registrar of Voters to send a notice to every registered voter which notice will include the question to be presented to the voters at the referendum, the place where each voter will go to vote, the hours of the polling place and

the date of the referendum." He said that this is just about the notification and not about any other issue.

Chairman Parisi asked if Mr. Brodinsky if he would put out on the table all the he is interested in since it gives a perspective in trying to get a cost figure.

Mr. Brodinsky said the things that he wants to talk about are absentee ballots and notification, and also the number of polling places and where they would be, and the times, the hours, that polling places would be open, and that he would like to suggest to the Town Attorney, the number of voting machines. He said that he disagrees with the Registrar of Voters interpretation of the number of voting machines.

Chairman Parisi asked what he is proposing for polling places.

Mr. Testa asked if they could vote on the motion about mailing as he needs to leave the meeting.

Ms. Zandri said, "Point of order. You need six for a quorum to keep you meeting going. Because one Mr. Testa leaves..."

Chairman Parisi said, "No, I don't think we do. I think we need six to start."

Ms. Zandri said, "No. Your meeting can't start without six for a quorum and it had to stay six."

Mr. Testa pointed out that Ms Papale was there.

Chairman Parisi said, "She's here. She just can't vote."

Diana Hotchkiss, Registrar, said that they originally asked a mailing to households and now to person and she wanted a clarification. **Mr. Brodinsky** said that it was intended to be every registered voter. **Chairman Parisi** asked about the rough cost of this. **Ms. Hotchkiss** said that she priced it out by household. She said that there are 16,000 and the total cost estimate is \$15,000 for everything, including poll workers. **Chairman Parisi** asked if she was saying that she was going to mail out 15,000 at \$.44. **Ms. Hotchkiss** said that no because he wants to do everyone on the registry and that would be 25,537 voters. She said it cost \$.25 to mail postcard times 25,537 and that the cost of having the cards

printed would be \$44 per thousand. **Mr. Brodinsky** said the advantage of households is there is coverage and the disadvantage is cost, and we have to weigh whether it's worth the cost. The reason why he changed it from households to voters is that someone in a household could get a card and throw it out because they are not interested in the referendum. He said on the other hand, you have four voters in the same household. **Ms. Hotchkiss** said that she believes that every voter should be notified. **Mr. Brodinsky** said that he thinks that it worth the extra money to send to every voter.

Mr. Testa said that the difference between household mailing and voter mailing would be about \$3,000.

(Chairman Parisi again reminded people that they just can't speak without being called upon.)

Mr. Harwood, 14 Taylor Lane, said that if we really want to be fair to the process, we shouldn't be discussing \$2,500 or \$3,000 or \$25,000. He said based on comments made by the Councilors that voted for this tonight, this is going to change the landscape of the Town of Wallingford, life to come. He said we're all going to be dead, and we're not going to see it, and if we are talking about \$25,000, ladies and gentleman, then this perspective is skewed. He said he thinks it is as important as heck if we want a democratic process. He said we can't even get the 25,000 voters to vote during a November election unless it's a national election, and we still don't get 60% of the voters.

He said in all fairness to the 60 days, no matter when we put this on the calendar, it's dead summer, and you know where this is going to go. He said that's history. He said we should not have two polling places. We should have multiple polling places if this is that critical to the town, and if we invest \$100,000 or \$200,000 in this, what we are trying to do is make sure that it is a democratic process for the community, and then the issue to Bob Parisi's comment is 'if it's up or down', now we have the balance, and we move on, but we move on collectively together, and everybody has to pick up their marbles and go home. He said that it is absolutely absurd to think that we would even think that \$25,000 is a big number or \$2,500. He said that **Mr. Brodinsky** thinks we should get to everybody, then we should get to everybody with multiple polling places. He said that we should get it on the TV and wherever we can if it's that critical to the community, and it will be judged in my mind by how much you invest.

Chairman Parisi said right but we also have three television stations. We can put mailings in the electric bills. He said you don't have to do it throwing money at it. He said that's what his point is. He said it gets into the newspaper, and it can get on TV. **Mr. Harwood** said we are in a 100% concurrence. There was some talk about postcards.

Ms. Hotchkiss pointed out that in the past, there was a problem with letters. She also addressed polling places, especially in light of the fact that there is a primary (*August 8*), and they will have to move polling places, so there is confusion as to where people will have to go.

Jason Zandri, 35 Lincoln Drive, asked that the Council vote to get notice out to every registered voter, to do everything that can be done.

Unidentified speaker (Calza) said that she agreed with Mr. Zandri and thinks that if we need to spend \$25,000, then we should do that.

Unidentified speaker (Zandri) asked for a clarification on when the 60 days ends. She said that it started June 2nd and the Council had 30 days.

Ms. Small said she should have written this out. She said this is her opinion – The Town Council has 30 days from the Town Clerk's certification to repeal the passing of that resolution. She said your clock is still ticking on the 30 days, and you can technically bring it back. She said the Charter doesn't talk about the 60 days running from your action but it says that you have 30 days to do it and it is her position that the 30 days clock runs and the 60 days runs from the expiration of the 30 days. She said, "That's my opinion."

Unidentified speaker (Zandri) asked what date that would be.

Ms. Small said that if she signed it on June 2nd go out 30 days and then add another 60.

Unidentified speaker (Zandri) asked if September 2nd was the latest possible day.

Mr. Brodinsky said that he wanted to confirm the quorum issue and that the interpretation is that if Iris (Papale) is seated at the table, then we have a quorum, and we have five voting members, and we can proceed. He said that he wants to stay with his motion that notice go to each registered voter, and he acknowledged that both have merit but that he will stay with his motion.

Chairman Parisi said that the motion is to every registered voter.

Mr. Brodinsky said every registered voter, all 26,000 of them would get a notification.

Chairman Parisi asked how many households are there.

It was determined that there are 16,000 households.

Jason Zandri, 35 Lincoln Drive, made a statement about the households and the number registered voters in relation to the notice.

Unidentified speaker (Hotchkiss) made a statement about when she saw the petition, which said that if you were no longer a registered voter, you could sign the petition. She read a document from the Secretary of State's Office, "In addition a suggestion for consideration would be that persons who are not electors but who are voters as defined in Section 9-1 be allowed to vote when the result of the reference might effect the property tax structure or rate of the municipality." She said that this follows the same guidelines from Art Champaign.

Lucille Trzcinski, 25 Turnberry Road, said that she would like to have every voter notified and that mailing to every household may reach people who are not registered and that the consideration of how much money is spent is not important.

Chairman Parisi said that he thinks non-voter households can be pulled off the mailing list.

57

Mayor Dickinson said that the list can be sorted by household and that only the voter at that household would get the card.

Chairman Parisi said that we have the motion clear and said right? He asked that the motion be read again.

RE-READING OF THE MOTION #1

Ms. Thompson: Motion for the Registrar of Voters to mail out a notice of referendum including the date, the time, the location of the polling place, the question to be presented to each registered voter.

Chairman Parisi said we will vote on the motion.

ROLL CALL VOTE:

Brodinsky – yes; Doherty – no; Knight – no;

Rascati – no; Testa – no; Parisi – no

1 - yes; 5 - no

(Votes were called out by individual Councilors. On the recording, the votes of Ms. Rascati and Mr. Testa could not be heard; however, the votes were recorded at the time of the vote during the meeting SRW)

MOTION FAILED

(Mr. Testa left the meeting.)

(The Council constituted a quorum when Ms. Papale returned to sit at the Council table as a non-voting member.)

(2) MOTION: (Notification – households)

Mr. Knight: I make a motion which will be quite similar to what Mike's motion was other than it would be mailed to households rather than individuals.

(Mr. Brodinsky's motion included the following information- to have the Registrar of Voters mail out a notice of referendum that includes the referendum question, the date, the hours of polling place and the location of the polling place.)

Ms. Doherty: Second.

Lucille Trzcinski, 25 Turnberry Road, said she would like to know the reason why that vote was made.

Chairman Parisi said very simply that he would support it because it's every bit as effective, notices can be included in the electric bills, put notices on the three TV channels, and in the newspaper.

Ms. Trzcinski asked again for the reason for not doing the other.

Chairman Parisi said that he prefers to do it by household.

Robert Avery, 42 North Elm Street, said he does not want the Council to save \$2,000 to not notify everybody. He said his opinion of the Council is at a low ebb.

Ms. Zandri spoke about the costs of printing and placing a notice into the electric bill. She asked about the timing of more than three weeks notice.

Ms. Hotchkiss said that she can't do the mailing from her office. She said every person works better.

Bill Dunlap, 322 North Main Street encouraged as widespread a notice as possible and to consider adding that 'absentee ballots are available' on the notice.

Chairman Parisi said that's a good point.

Ms. Small said that you need to be careful about putting absentee ballot information of the notification because you have to meet certain qualifications and not everybody is supposed to get one.

Chairman Parisi said that she is overseeing the legal aspects and that they are considering everybody's suggestions and some may be workable and some may not be.

Mr. Zandri (Jason) asked if the current motion is for the all households or all households of registered voters.

Chairman Parisi said all households of 'registered voters'.

Mr. Brodinsky said that he is going to vote for this because he thinks that they need a decision. He said that his first preference is to every registered voter but the votes aren't there. He said that it's futile to vote 'no.' He said that we have to make some progress.

Chairman Parisi asked if Mr. Brodinsky wanted a roll call. He said yes for households.

(Individual votes of Doherty, Knight and Rascati could not be heard on the recording.)

ROLL CALL VOTE:

Brodinsky – yes; Doherty – yes; Knight – yes;

Rascati – yes; Parisi – yes

5 – yes

The motion passed

(3) MOTION: (Number of polling places)

Mr. Brodinsky said after spending time on the phone he learned that it had been decided that the polling places would be Stevens and Yalesville, and he asked if someone could help with the rationale on this.

Chairman Parisi said there were three referendums in the past and he thinks that each of them was done differently, and he doesn't think there is any scientific reason for the number of polling places for a referendum. He said that nothing has been predetermined.

(Chairman Parisi again reminded people to go to the microphones if they want to talk.)

Mr. Brodinsky: I make a motion that there be four polling places.

There was no second. And Mr. Brodinsky made another motion.

(4) MOTION: (Number of polling places)

Mr. Brodinsky: I make a motion to have three (3) polling places, locations to be determined.

Mr. Parisi: I'll second.

There was no discussion.

ROLL CALL VOTE:

Brodinsky – yes; Doherty – yes; Knight – yes;

Rascati – yes; Parisi – yes

5 – yes

(Individual votes of Doherty and Rascati could not be heard on the recording.)

The motion passed

(5) MOTION: (Location of polling places)

Mr. Brodinsky made a motion for polling places to be E.C. Stevens School, Yalesville School and the Senior Center.

Mr. Knight seconded the motion.

VOTE: All ayes (5)

The motion passed.

There was discussion of the hours of the polling places.

Mr. Brodinsky said that the morning hours are important.

Chairman Parisi asked how many machines we would need.

Mr. Brodinsky asked the Town Attorney to look at CGS 9-238 and make a determination and a decision of how many machines would be placed in each of the three polling places.

Chairman Parisi said we'll put in however many we need and that's the end of it.

Ms. Small said she has the statute with her *(speaking was off mike and indecipherable)*

(6) **MOTION:** (Time)

Mr. Brodinsky: I'll move to set the polling hours from 7:00 A.M. to 8:00 P.M.

Mr. Bradley asked that the polling places be open in the morning in consideration of working people and to make it relatively easy for the voters of Wallingford.

Ms. Doherty said say we do 12 to 8 and they can't get there; they are not here if then they make the criteria for an absentee ballot.

(Off mike comments from the public section)

Chairman Parisi said that 'yes' they do.

Town Clerk, Ms. Thompson said not if they are at work. She said that they have to be out of town, away.

Ms. Doherty said if they don't work in Wallingford, if they're out of town.

Ms. Thompson said, "I don't think so."

Mayor Dickinson said he thinks that the Town Attorney should look at it and that his understanding of absentee ballot is for reasons other than your normal schedule, if you are incapable of being at the polling place because you are ill, bedridden, out of town for a period of time, other than just working or working at a polling place. Otherwise, everyone would just vote by absentee ballot.

Unidentified speaker (Calza) commented on the hours and number of polling places. She later commented on cost of selling price of the property and the expense of the referendum

Mayor Dickinson said the cost is a legitimate concern that the referendum will be approximately \$20,000 and that the town is funding the primary on August 8 and then an election is November.

Chairman Parisi asked if there was a ruling on the absentee yet.

Ms. Small said she doesn't believe that you can validly use an absentee ballot in those circumstances.

Ms. Zandri commented on voting days and hours.

RESTATEMENT OF MOTION

Mr. Brodinsky restated that the polling hours be from 7:00 A.M. to 8:00 P.M. and that there has not been a second.

Chairman Parisi asked: How is the staffing on this?

Ms. Hotchkiss, Democratic Registrar said that the Council can determine if they can have a split shift the same way as regular elections. She said that the only thing it calls for is checkers. It recommends eight (8) at a polling place, so it would be eight for whoever is for and whoever is against it, each has the opportunity to appoint eight. She said three polling places will take 25,000 people where normally 25,000 people would be taken at nine polling places that and when there are nine, there are normally two (2) checkers.

Chairman Parisi asked **Mr. Brodinsky** about the motion.

RESTATEMENT OF MOTION

Mr. Brodinsky said the motion has not yet been seconded and it was from 7:00 A.M. to 8:00 P.M.

Chairman Parisi asked **Mr. Brodinsky** the rationale for 7:00 A.M. **Mr. Brodinsky** said because it was initially to begin at noon. So he was trying to get something that begins in the morning. **Chairman Parisi** asked how about 7:00 A.M. to 7:00 P.M.?

(Lots of noise from the public section.)

Jason Zandri, 35 Lincoln Drive, said that is he has to be out of town before the polls open that he may or may not get back before the polls close, and **Chairman Parisi** asked if that would qualify for an absentee ballot.

Ms. Small said if you are not in town during the entire time so if it was from 6:00 A.M. to 8:00 P.M., if he left at 5:00A.M., or knew he was going to leave at 5:00 A.M., and not be back until after 8:00 A.M., he would qualify. **Mr. Zandri** pointed out that he might not know enough ahead of time that he is going out of town and would have enough time to get an absentee ballot

Mr. Knight: Second.

Chairman Parisi asked all in favor and then any opposed?

The vote was all ayes (5) and the motion passed.

(7) **MOTION: (Date)**

Mr. Knight made a motion for the referendum to take place on July 25. **Ms. Rascati** seconded the motion. *(Off-Mike)*

Mr. Brodinsky said that in view that we've expanded it by over 60-days we don't have to do July 25. He said we could go all the way out to September 2nd and give time to get the word out.

John Lynch, 11 Taylor Lane, said that the last hour and one half of discussion shows the process of political action in this community and explains to some degree why the some of the frustration and anger that people feel.

Lucille Trzcinski, 25 Turnberry Road, pointed out that July 25 is less than one month away and related it to the absentee ballot time frame. She asked why the 25th when we have until September 2nd.

Mr. Knight said because we would like to get a decision on this matter, and we have a month to take care of it, and it seemed to him that was adequate time to take care of it.

Ms. Trzcinski, Ms. Calza, Ms. Zandri all had comments on the July 25th date.

The Chairman called a five minute recess and reconvened at 12:04 P.M.

Robert Avery, 42 North Elm Street, asked that they find a date so everyone in town can have an opportunity to vote.

Sharon Moody, 11 Taylor Lane, said that it is so important to her that everybody gets to learn when in a reasonable amount of time when and where they have to vote on this referendum and said that July 25 is too soon.

Mr. Knight amended his motion for the referendum to take place on August 15. **Ms. Rascati seconded the motion** (*off mike*)

Ms. Zandri asked about how long machines need to be locked down after the primary.

Ms. Rascati said that they have to remain in place and be locked down and she said that she thinks that it is six calendar days (6).

Mr. Brodinsky asked **Ms. Rascati** about time needed to load and inspect of machines. **Mayor Dickinson** said that he does not think there is enough time and said we don't know how many machines we're using in relation to the primary. **Mr. Brodinsky** suggested August 29th. **Ms. Thompson** said in regard to the opening of school that she thinks August 22 gives enough time, which is two weeks after the primary.

Mr. Knight amended his motion a second time for the referendum to take place on August 22. **Ms. Rascati seconded.** (*Off mike*)

Chairman Parisi asked for all those in favor and any against

The vote was all ayes (5) and the motion passed.

16. Consider and Approve Annual Bid Waiver List for 2006-2007 - Mayor

Mr. Knight made a motion to Approve Annual Bid Waiver List for 2006-2007 from the Mayor. **Ms. Papale seconded the motion.**

There was no discussion.

The vote was All Ayes, and the motion passed.

Mr. Avery asked when we will get the wording of the vote so that we will know if it's a 'yes' or an 'no' vote.

Ms. Small asked if anyone had her memo that states the question.

Ms. Thompson said the Town Attorney prepared a memo with the question:

Shall the Town Council's Resolution of April 11, 2006 selecting Town Center, LLC as the developer for the Wooding Caplan project be repealed?

She said that this language complies with CGS 9-369.

Mr. Avery asked that it be explained.

Ms. Small said, "The question is should it be repealed? So 'yes' means you want it repealed, that would be in favor of the repeal."

19. 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

Mr. Knight made a motion to adjourn. **Ms. Doherty** seconded the motion. The vote was all ayes, and the motion passed.

There being no further business to consider, the meeting adjourned at 12:14 A.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Meeting recorded and transcribed by Sandra R. Weekes



Robert F. Parisi, Chairman 7/25/06
Date



Barbara Thompson, Town Clerk 7/25/06
Date

**Conduct a Public Hearing at 7:15 P.M. and Consider and Act
on the following Ordinance entitled:**

**AN ORDINANCE APPROPRIATING \$2,000,000 FOR THE
PLANNING AND DESIGN OF THE VERNON E. CLEAVES
REGIONAL VOCATIONAL AGRICULTURAL CENTER SCHOOL
AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF
THE TOWN TO MEET SAID APPROPRIATION AND PENDING
THE ISSUANCE THEREOF THE MAKING OF TEMPORARY
BORROWINGS FOR SUCH PURPOSE**

AN ORDINANCE APPROPRIATING \$2,000,000 FOR THE PLANNING AND DESIGN OF THE VERNON E. CLEAVES REGIONAL VOCATIONAL AGRICULTURAL CENTER SCHOOL AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$2,000,000 is appropriated for the planning and design of the Vernon E. Cleaves Regional Vocational Agricultural Center School, the preparation of final plans, specifications and construction bid documents, and for appurtenances, equipment, services and consultants related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs, said appropriation to be inclusive of any and all State and Federal grants-in-aid.

Section 2. To meet said appropriation \$2,000,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and the amount of bonds of each series to be issued shall be fixed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit

prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of purchase agreement shall be subject to approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with

the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state-based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.