

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING

October 14, 2008

The following is a record of the minutes of the Regular Meeting of the Wallingford Town Council held Tuesday, October 14, 2008, Robert Earley Auditorium of the Wallingford Town Hall. The Meeting was Called to Order at 6:35 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Vincenzo M. DiNatale, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Town Attorney Janis Small, who arrived at 7:04 P.M., and Comptroller James Bowes were also present. Councilor Robert F. Parisi was absent from the meeting.

A Moment of Silence was observed and those present recited the Pledge of Allegiance.

2. Chairman's Report

• Proclamation

Mr. Testa read the Mayor's *Proclamation* proclaiming October as *Domestic Violence Awareness Month*, in part, encouraging "all residents to join together in recommitting ourselves to eliminating domestic violence, reaching out to its victims and letting them know that help is available."

- Announcement Joint Meeting Council- P & Z, October 27, 2008 at the Wallingford Senior Center

Chairman Brodinsky announced the meeting saying that the agenda is wide open and encouraged anyone to submit agenda ideas to the Town Council Office or to the Chairman

- Sale of "portions of Dudley Avenue, Nichols Street and Carlton Street to "Ulbrich stainless Steel & Specialty Metals, Inc."
- Chairman Brodinsky that Dudley Avenue, Nichols Street and Carlton Street have been to Ulbrich Stainless Steel & Specialty Metals, Inc., and said that those streets will be closed.

He said that if anyone is interested in serving on the Wallingford Housing Authority, where there is a vacancy, to submit a letter of interest to the Town Council Office.

- Possible formation of a committee to study Direct Deposit

Chairman Brodinsky there has been some discussion among of few of the Council of forming a committee to study direct deposit and if there is anyone with particular experience and are interested in serving on such a committee to contact Town Council Office.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#173- #279) totaling \$19,904.93
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Approve Town Council Special Meeting Minutes for September 17, 2008
- 3c. Approve Town Council Regular Meeting Minutes for September 23, 2008
- 3d. Approve Town Council Special Meeting Minutes for September 25, 2008
- 3e. Approve Town Council Special Meeting Minutes for September 29, 2008
- 3f. Approve Town Council Special Meeting Minutes for October 6, 2008
- 3g. Acceptance of and Consider and Approve an Appropriation in the Amount of \$180,464
SCOW Special Fund to Expenditures Acct # 216-3070-605-6000 and to Revenue –
State Grant Acct # 216-3070-605-6000 – Grants Administrator
- 3h. Acceptance of and Consider and Approve an Appropriation Adult Education 21st C.
Workforce in the Amount of \$60,000 to State Grant Revenues and to Program
Expenditures – Board of Education
- 3i. Acceptance of and Consider and Approve an Appropriation Incentive Housing Zone in
the Amount of \$50,000 to Revenue Acct # 001-1040-050-5590 and to Expenditures
Acct # 001-7010-901-9027 – Planning & Zoning
- 3j. Consider and Approve an Appropriation in the Amount of \$10,000 to Community
Welfare Acct# 426 and to Appropriation to Retained Earnings
– Electric Division
- 3k. Consider and Approve a Transfer in the Amount of \$27,000 to Used Oil Burner &
2,000 Gallon Oil Tank Acct # 001-5015-999-9169-00 from Recycling Contract Acct #
001-5015-901-9021– Public Works
- 3l. Consider and Approve an Appropriation in the amount of \$335 Young Astronauts Club
Special Fund to Donations Acct # 226-1042-701-7010 and to Expenditures Acct # 226-
3070-611-6500 – Youth and Social Services
- 3m. Acceptance of and Consider and Approve an Appropriation in the Amount of \$2,483 to
Revenue Highway Safety Acct # 001-1050-050-5883 and to Police Overtime Acct #
001-2005-101-1400 – Police Department
- 3n. Confirmation of Reappointment of Vincent Santacroce to Pension Commission
effective immediately for a term expiring 12/31/2013 and the Appointment of Diana M.
Kleefeld to the Pension Commission effective immediately to fulfill a vacancy for a
tern expiring 12/31/2012 - Mayor

MOTION

Mr. Testa made a motion to approve the Consent Agenda Items 3a to 3n. Ms. Rascati seconded. All Councilors present (8) voted Aye and the motion passed.

4. Items Removed from Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, spoke about the removal of dead wildlife on private property and a resident's inability to have a deer removed from his backyard. Mayor Dickinson said that if it is a live animal to call the Animal Control Officer. He said that if it is a dead animal it needs to be properly disposed of but the town does not have any service for that and that an individual would need to call their hauler. Mayor Dickinson said that he would inquire further at Mr. Zandri's urging and in the spirit of community to do so.

Bob Gross, 114 Long Hill Road, asked about CRRA and Covanta and asked the Council to consider the 3rd option as well for the town to purchase the plant. He asked if the town had an insurance commission and offered his services to such a commission. Mr. Gross said that there is a Pension Commission meeting this week that is open to the public.

Bill Cumerford, 5 Parkview, in regard to the Charter Revision, said that the town will have a Director of Park and Rec.(Parks and Recreation), which we have, and we are also by ordinance and charter to have a recreation commission appointed by the Mayor. He asked if the Mayor would be in violation of the charter if he failed to appoint the recreation commission. The Mayor said that there is a Park and Rec Commission. Mr. Comerford compared the Park & Rec Commission and its Director to that of an insurance commission and the hiring of a Risk Manager.

Ken Daly, 594 North Elm Street, suggested that the town look into net-metering and gave examples such as the electric division reducing a bill if they are generating through solar energy or solar heat. Chairman Brodinsky said that the WECC (Wallingford Energy Conservation Commission) will look into net-metering. Mr. Daly said that the state has tax credits but that Wallingford doesn't qualify because the Electric Division is town owned. The Mayor said he would speak with the Director of Public Utilities, George Adair.

Ben Martin, Ward Street, reminded the Chairman that 3o. was not taken up.

Jason Zandri, Lincoln Drive, said that he has spoken to the electric division about both subsidies for solar power and net-metering, and he explained the conversation that he had and recommended that others also speak with the electric division.

Bob Gross, 114 Long Hill Road, said that he wanted to share that CRRA sits on \$60 million that belongs to the Wallingford plant and that one-third is Wallingford's.

CONSENT AGENDA ADDENDUM

MOTION

3o. Consider and Approve Request to add Cummins Metro Power Co. to the 2008-09 Bid Waiver List – Public Works

Mr. Testa made a motion to approve 3o., the request of Public Works to add Cummins Metro Power Co. to the 2008-09 Bid Waiver List. Mr. Farrell seconded the motion.

All Councilors present (8) voted Aye, and the motion passed. Mr. Parisi was absent from the meeting.

6. Discussion and Acceptance of the Report of the Mayor's Senior Tax Relief Committee, and referral to the Ordinance Committee for further action.

Chairman Brodinsky reviewed the history of the Mayor's Senior Tax Relief Committee and that they recommended phasing in the tax relief. He said that the Ordinance Committee would review this question at their next meeting on October 16th and that it would come back to the Council as a Public Hearing. Dianne Saunders, 72 Northford Road, said that in view of the fact that it will affect every household in town that she would like to hear what Mr. Sjovald has to report.

William Sjovald, 76 Ridgecrest Road, Chairman of the committee, said that the committee looked into this issue with two goals. One was to come up with a concrete figure as to how much tax revenue would be affected if an additional \$15,000 were granted to the existing quotas and secondly was how to implement it. He said that in examining the data they would be unable to determine the number of people who would be in this extra \$15,000 group. He said if it's an individual, the dollar value would be elevated from \$29,800 to \$43,000. He said that if the number of people in that group is not known, then we would not know the value of the taxes that would be deferred. He said that the number could be large, based on the number of people who currently meet the measurement. He said since 1992, it has been increasing. He referred to the Veterans exemption and that has also been increasing. He said that over the next 20 years the number of people over the age of 65 would double and that there would be a number of them who would qualify for tax deferral program. He said that as a result instead of going the \$15,000 increase in one year to experiment in three \$5,000 increments, and see what the effect is on the town revenue, and if it can be managed, then go up another \$5,000 in two years. He said that they thought that this was a logical and fair way to go about it.

7. A brief report from the Mayor and Town Attorney on the status of:

a. The Town's website and compliance with P. A. 08-03;

Mayor Dickinson said that Program Planning is in the midst of putting the information together and that they would look to comply as soon as is feasible.

b. Appointments to the Conservation Commission;

Mayor Dickinson said that he is in the midst of interviews regarding the Conservation Commission.

- c. The Demand for Arbitration filed by the teachers' union concerning self-insurance;

With regard to the Demand for Arbitration, Mayor Dickinson said that is still pending and that there are still discussions in the contract regarding the same issue. The town is currently reviewing its status, and it is certainly possible that the town will return to fully-insured.

- d. Anthem's proposed agreement for Third Party Administrator Services, which was forwarded to the Council on June 13, 2008;

Mayor Dickinson said that nothing has been signed given the situations regarding union positions on self-insurance.

Chairman Brodinsky asked if there was a target date given to the consultant to have the work their work done. Mayor Dickinson said that when they were before the Council, he believes, they said their work could be complete in a 6-week to 2-month period, and he doesn't know if any other timeframe than that and they are working on the website. He said that he hasn't seen the contract. Chairman Brodinsky want to know if there was a timeframe set in the contract.

Chairman Brodinsky next asked of there have been any formal proceedings on the Demand for Arbitration. Mayor Dickinson said yes that a date has been set for February 2009 and that there are dates relative to the contract negotiations which move at a quicker pace than are proceeding this fall. He said that the BOE has a tight time frame and thinks that they go to arbitration in 90 days if they haven't reached a settlement.

9. Discussion and Possible action on a project with Lyman Hall students, who would be willing to consider researching some issues for the Town Council. The Council would need to agree on the issues for their consideration.

Chairman Brodinsky said that this is a concept whereby students and teachers at Lyman Hall, if they are interested, who research various projects or issues of their interest or the Council comes up with. He said that this is sort of a new program and is experimental. He said that he has spoken with the principal and some teachers, and they seem interested. Issues need to be decided and that the concept now is that they would report back either as a verbal presentation or a written one. He said that he would like to form a Councilor Ad Hoc Committee to compile a list for consideration by the students.

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

MOTION

Mr. Testa made a motion to go into Executive Session pursuant to:

§1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as requested to the Mayor.

All Councilors present (8) voted Aye. Mr. Parisi was absent from the meeting. The Council entered into Executive Session at 7:20 P.M.

MOTION

Mr. Farrell made a motion, seconded by Ms. Rascati, to come out of Executive Session.

All Councilors present (8) voted Aye. Mr. Parisi was absent from the meeting. The Council exited Executive Session at 8:03 P.M.

EXECUTIVE SESSION ATTENDANCE

Eight (8) Councilors and Mayor Dickinson, Town Attorney Janis Small and Environmental Planner, Erin O'Hare. Mr. Parisi was absent from the meeting.

8. Conduct a Public Hearing at 8:00 P.M. and, thereafter, Possible Action on the Sale of the American Legion Building, including a possible reference to the Planning and Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes. The Council will consider a proposal to sell the property for \$65,000 to 152 North Main Street, LLC - Chairman Mike Brodinsky

Chairman Brodinsky read the item and opened the Public Hearing. He made comments on the history of the building as it relates to the building, the town and the Attorney General's Office suit, preventing the town from going ahead with the demolition of the building in regard to the historic value. He said that this issue began in 2002. Chairman Brodinsky said that the issue is about the offer and whether or not to sell the building. He said that the issue for the Public Hearing is the offer of \$65,000 and 3% commission from the town. He said that the offer has no financing contingency and no inspection contingency since the building has already been inspected. He said that a 10% deposit has been made. He said that the agreement is not assignable; the purchaser and the town would share parking in that the purchaser would have seven (7) unassigned parking spaces; there would be a conservation easement, recorded in the land records, that will preserve the external character and appearance of the building so as to be and look like a building of the period. (*Appendix I.*) The Contract Addendum address other details of the sale – building plans, signage, a porch, a patio, terms, construction costs, and construction dates. June 30, 2009 is the completion date for the restoration.

PUBLIC COMMENT:

Bob Hogan, Grieb Road, commented on the variety of opinions regarding the building remaining and being restored or being removed from the site. He said that if Mr. Gouveia purchases the building that is good. He asked about what if in the future the restored building is sold and about the protection the town would have, perhaps a first refusal clause in the contract.

Ken Daly, 584 North Elm Street, supports the sale of the building to reclaim an asset and that it should be as motivated by public spirit. He said that the town should assign historic buildings in town as an asset with "civic value."

Jason Zandri, Lincoln Drive, asked about the RFP that discouraged residential spaced in the building. He said that he wants the agreement to be equitable and supports saving the building.

He asked about the inspection of the building by Mr. Gouveia. Chairman Brodinsky said that he has had enough inspection access in order to make an offer.

Patricia Kohl, North Street, advocated keeping the property for municipal purposes.

Robert Sheehan, 11 Cooper Avenue, wanted to know about the law-suit. Chairman Brodinsky explained that it is in the same status as in July and that it is awaiting action tonight as to whether the suit fires up again or not. Mr. Sheehan spoke about parking and that he does not advocate selling the property at a loss. Chairman Brodinsky said that the town has used half of the \$190,00 purchase for a parking lot, and, in addition, the building was in better condition at the time of the purchase than it now is.

Dianne Saunders, 72 Northford Road, questioned the residential aspect of the contract but that she supports business portion of it. She wondered if there should be deed restrictions for only regulated activities that are approved by the town. She compared use to cell towers that a property owner might erect.

Wes Lube, Montowese Trail, said that he supports Mr. Gouveia's offer for the building and agrees with the right of first refusal and a deed restriction of the parking lot activity. He commented that compared the number of parking lot spaces in the Town Hall lot and said that seven spaces is a small number when compared to the whole lot. He expressed that when you consider the purchase price and the amount of dollar of the renovation at \$300k to \$400K, then that is quite an investment.

Ben Martin, Ward Street, spoke about allowing residency in the building to encourage the concept of housing density. He said that he support the offer.

Ken Daly, 584 North Elm Street, said that the offer of \$65,000 is the cost to the town of neglecting the building. He said that we paid for this; it is the cost of neglect.

Bob Gross, 114 Long Hill Road, referred to the town's Plan of Development, and asked if there is a time frame for use of vacant property if the building comes down.

TOWN COUNCIL:

Mr. LeTourneau said that he has been involved with the building for a long time and reviewed the history of the building and that the State Historic Property Commission reviewed the property, and with an unusual unanimous vote that this building on the parade ground should be saved. Mr. LeTourneau said that he testified before this commission. Eventually, that vote led to the Attorney General's Office, and there is a law suit now pending. He said, "Save it or let the court tell us what to do." He said that he supports Mr. Gouveia's offer; gave examples of the success of commercial on the first floor with residential on floors above. He thinks that selling this building is a win-win for the town. He spoke about the tax revenue that would be generated. This should be measured against the cost of demolition at \$50K to \$60K.

Mr. Economopoulos spoke about taxes and that we should care for our properties like Choate cares for theirs. He said that this is a prime property that can add more to the town's coffers than the small amount of taxes that will be generated by the sale of the building to Mr. Gouveia. He said that he respects everyone involved in this question tonight, but that he will be voting no.

He explained his views on this building and that the demolition of 390 Center Street will add potential to the other property. He advocates thinking of ways to bring more money into this town without just taxing properties.

Mr. DiNatale said that he is concerned about the purchase price and the town ending up with \$65,000. He talked about the relevance of its location to Town Hall and that it is the center of our location and to give up that property and the seven parking spaces doesn't seem viable. He spoke about the already heavy use of Town Hall's parking lot. He said that he will not support this proposal.

Ms. Rascati read a memo from Councilor Parisi (*Appendix II*), who expressed that he would not support the sale, and to do so is not planning for the future. She read her own prepared statement (*Appendix III*) that stated she will vote no for the sale of the building because that would not benefit the town and the town needs the property for parking and for the future. She too acknowledged that Mr. Gouveia is a fine, upstanding taxpayer of our town.

Mr. Farrell said that if the offer is refused, people will wonder why. He said that we are selling one-third of the property that was originally purchased so that economically, it's a good deal. He commented on the successful track record as a developer that Mr. Gouveia has in Wallingford, including his winery. He said that the town is left with a court case and that the court would not look favorably toward the town since the town has refused two offers on the property. He said that this offer is what is on table after many, many years of discussion. He said that in the long term for Wallingford, that the sale is the correct thing.

Chairman Brodinsky said that we do not have a freehand as to what we do with this property because the law says that demolition can only take place if that is the only reasonable alternative. He said that we may find if this is voted down that a judge may say that the town has been too finicky and to put it back on the market. He said that there may not be an offer, or an offer may not be as much, and then we have shot ourselves in the foot because we have acted unreasonably with something that may in a judge's view fit as the definition of reasonable. We do not have all the choices in the world, and that is not the issue. To believe that it is, is to fail to understand the significance of the litigation and the law protecting historic buildings.

Jason Zandri, 35 Lincoln Drive, talked about activity in regard to parking and that if there was a problem that Mr. Gouveia would address those concerns. He spoke about other properties that have been sold by the town. He said that if we ever need to get this property back that we would pay top market value, even if we have first refusal, we might be able to use the fixed up building. He talked about tax revenue over 20 years, and if the court case orders demolition, there will be yet another cost to the town of \$85,000. He asked the Council to take some action so that the town can move on to maybe Wooding-Caplan property.

Bob Gross, 114 Long Hill, said he didn't think that \$65,000 was unreasonable and referred to the sale of Simpson School.

Seeing no other people wishing to speak, Chairman Brodinsky closed the Public Hearing.

Mr. Spiteri spoke about the future of the property. He said that he thought that there was a restriction of residency for the building. He looked at the sale of this building in regard to income and what the town might have to pay if the town needs the property back. He referred

to the cost to the town should it have not sold the Simpson School property. He said that the property next door is prime locatol. He spoke about the "ownership" of the CRRA property and the lack of foresight in the agreement with CRRA.

Mr. LeTourneau commented on Town Hall expansion and said that in his conversations with a few architects, they all said that expansion using this property would not be a good idea. Mr. LeTourneau said that expansion could be over the Town Hall parking lot.

Chairman Brodinsky thanked everyone for participating in the discussion. He said that this is a complex issue as was the debate. He said that the purpose of the Preservation Easement is that it is forever and that nothing impacts how the building looks now. The Preservation Easement protects the community of surprise use or activity. He said that we would save about \$65,000 in demolition cost, plus the income from the sale, and that rounds to approximately \$125,000 a net financial benefit to the town. He said that if the building is taken down we would have a very small lot and that purpose of that lot is very speculative.

MOTION

Following extensive discussion, Mr. Brodinsky made a motion to accept the proposal of 152 South Main Street, LLC, subject to the parties involved to execute the more formal documents referred to in the proposal and subject to any other documents or tweaks that the Law Department would recommend to the Town Council with the idea behind the motion to bring the sale to a closing as soon as possible.

Mr. Farrell and Mr. Testa seconded the motion.

ROLL CALL VOTE

Mr. DiNatale-no; Mr. Economopoulos-no; Mr. Farrell-yes; Mr. LeTourneau-yes;
Ms. Rascati-no; Mr. Spiteri-no; Mr. Testa-yes; Chairman Brodinsky-yes.
Mr. Parisi was absent from the meeting.

4-Aye

4-Nay

Chairman Brodinsky said that there are not five votes to carry the motion.

The motion is defeated

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

MOTION

Mr. Testa made a motion, seconded by Mr. Farrell, to go into Executive Session pursuant to Session 2 for Item 10:

§1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as requested to the Mayor.

All Councilors present (8) voted Aye. Mr. Parisi was absent from the meeting. The Council entered into Executive Session at 9:17 P.M.

Mr. Farrell made a motion, seconded by Ms. Rascati, to come out of Executive Session.

All Councilors present (8) voted Aye. Mr. Parisi was absent from the meeting. The Council exited Executive Session at 9:52 P.M.

EXECUTIVE SESSION ATTENDANCE

Eight (8) Councilors and Mayor Dickinson and Town Attorney Janis Small.
Mr. Parisi was absent from the meeting.

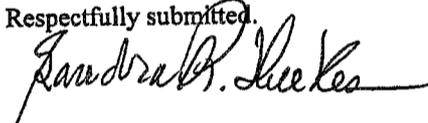
11. Executive Session pursuant to the Connecticut General Statutes §1-225(f), §1-210(b) (5)(B), (7), (10) and §1-200(6)(E), regarding the confidential financial and legal aspects of the CRRA/Covanta trash project and legal advice relating thereto – Mayor

Withdrawn

MOTION

Mr. Spiteri made a motion, seconded by Mr. Testa, to adjourn the meeting. All councilors present (8) voted Aye. Mr. Parisi was absent from the meeting. The meeting adjourned at 9:53 P.M. with no further business to conduct.

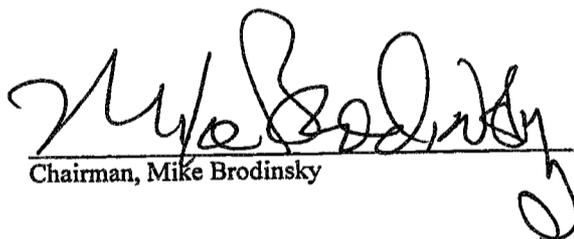
Respectfully submitted.



Sandra R. Weekes
Town Council Secretary

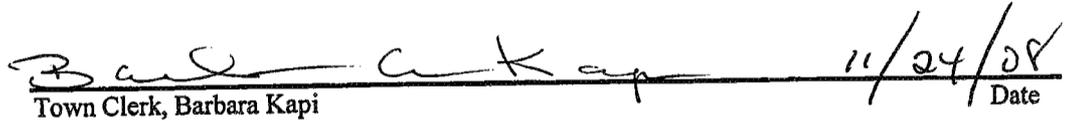
Meeting recorded by Sandra Weekes

RECEIVED FOR RECORD 10/21/2008
AT 4:00 P.M. AND RECORDED BY
TOWN CLERK



Chairman, Mike Brodinsky

11/24/08
Date



Town Clerk, Barbara Kapi

11/24/08
Date