

TOWN CLERK

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TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

June 28, 2005

6:30 P.M.

The following is a record of the minutes made of the Wallingford Town Council at its regular meeting held on Tuesday, June 28, 2005 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco Called the Meeting to Order at 6:38 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa, Jr., and James M. Vumbaco. Mayor William W. Dickinson, Jr., Janis Small, Town Attorney, and James Bowes, Comptroller, were also present.

There was a Moment of Silence and the Pledge of Allegiance was said.

Moment of Silence

1. Pledge of Allegiance and Roll Call
2. Correspondence
No correspondence
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds (#788 - 800#) totaling \$8,134.91 Account #001-1000-010-1170 – Tax Collector.
 - 3b. Consider and Approve of a change of Town Council meeting dates to July 19, 2005 and August 16, 2005, and canceling July 12, July 26, August 9 and August 23– James M. Vumbaco, Chairman
 - 3c. Appoint Joseph DiNatale to the Library Building Expansion Committee to fill the vacancy left by Louise Coffin, who has moved – Councilor Gerald E. Farrell, Jr.
 - 3d. Appoint to the David May, Jr. to serve on the Inland Wetland and Watercourses Commission for five years until February 28, 2010 - Chairman James M. Vumbaco

- 3e. Appoint Stacey Voss to serve as an alternate to the Planning and Zoning Commission to January 9, 2007 - Chairman James M. Vumbaco
- 3f. Approve minutes of the Town Council Meeting of June 14, 2005.
- 3g. Consider and Approve a Donation of \$2,500 from Stop and Shop Supermarket Company – Parks and Recreation
- 3h. Consider and Approve an Appropriation of \$2,500 - Parks and Recreation
- 3i. Consider and Approve a Transfer in the Amount of \$650 to Utilities Acct # 001-2005-201-2010 from General Wages Acct # 001-2005-101-1000 – Police Department
- 3j. Consider and Approve a Transfer in the Amount of \$230 to Telephone Acct # 6030-201-2000 from Maintenance of Equip Acct #6030-572-5200 for \$164 and from Vital Records Acct # 6030-600-7180 for \$66.00 – Town Clerk
- 3k. Consider and Approve a Transfer in the Amount of \$6,289 to Purchased Svc. Computer Indexing Acct # 6030-999-9024 from Re-indexing of Land Records Acct # 6030-999-9909 for \$4,063 and from Purchased Services – Codification of Ordinances Acct. # 6030-901-9001 for \$156 and from Office Expenses & Supplies Acct. # 6030-401-4000 for \$2070 – Town Clerk

Ms. Papale: I'd like to make a motion to accept Consent Agenda Items 3a. - 3e. and 3g. - 3k.

Mr. Knight: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved.

The Town Clerk swore in Stacey Voss as Alternate to the Planning and Zoning Commission.

4. Items Removed from the Consent Agenda

5.

Ms. Papale: I'd like to make a motion to enter into Executive Session pursuant to Section 1-200 (6) (E) of the Connecticut General Statutes with regard to strategy and /or negotiation with respect to collective bargaining. So moved. This is brought to us by the Board of Education.

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second to go into Executive Session. All in favor? Opposed? So moved.

The Council entered into Executive Session at 6:42 P.M.

Ms. Papale: I'd like to make a motion to exit from Executive Session.

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second to exit from Executive Session. All in favor? Opposed? So moved.

The Council exited from Executive Session at 6:52 P.M.

Attendance at Executive Session for Item #5:
Town Council (all), Mayor Dickinson, Kenneth Henrici, Superintendent, and Dale Wilson, Assistant Superintendent.

6. Approval of Educational Secretaries Local 1303-173, Council #4, AFSCME, AFL-CIO contract effective October 1, 2005 through September 30, 2010 – Board of Education

No action taken.

7.

Ms. Papale: I'd like to make a motion to approve several job descriptions within the clerical bargaining unit as asked for by the Board of Education.

Dale Wilson, Assistant Superintendent introduced **Patricia DeFilio**, who is president of the secretaries union and who has worked with Mr. Wilson's office for the last year updating the job descriptions that are here for the Council's approval. He said

that the descriptions have been outdated for the last seven to ten years listing things like typewriters instead of computers, and we've been dealing with this for the last couple of years. There are no classification changes. Some of the titles have changed but there is no financial impact at all to any of the changes.

Ms. Doherty: I was noticing that there are different positions and titles but the job descriptions were the same on Clerk 3, Secretary 1, Clerk 4 and then Secretary/ Clerk and Secretary 2-Clerk 5. And that's because?

Mr. Wilson: Because they are in the same classification now. They do very similar duties. Personnel side attempted really to bind and have one title but the union was not in favor of that so we really compromised on that and kept the two different titles so we could get agreement on both sides so it was really some give and take here on both sides. There was an effort on both parts and an attempt to do that but we were not successful but those duties are very, very similar. Right now we do have a Secretary 1, and we have a Clerk 4 in very similar duties but it was the unions feeling to keep the two different names but it's the same job description.

Ms. Doherty: Because...

Ms. DeFilio: The secretaries, the reason why you see both titles, usually if they are a secretary, they might have somebody that they directly work for versus a clerk in the office might work for three administrators but basically they do the same type of duties, clerical duties.

Ms. Doherty: Verbatim, it's exactly the same.

Ms. DeFilio: Yes, they do basically, except for the higher secretarial positions you'll see on the upper level. They are basically answering to an administrator versus a clerical person in the office will still perform the same clerical duties but for multiple administrators rather than just the one.

Ms. Doherty: They're afraid of losing those positions?

Ms. DeFilio: They like the title.

Mr. Wilson: It was a title thing. To get closure and agreement on this, I agreed to it. It has no impact. My first attempt was Secretary 1, 2, 3, 4, 5, 6 right up the row but that only lasted a week with the union so we went back and started over again and this is what we ended up with. It serves our purpose and it serves the town's purpose as well. I worked with Teri Sullivan closely with this and it helps with the testing procedures so it's a win-win.

Ms. Papale: I notice there is eleven positions that we are discussing here.

Mr. Wilson: Correct.

Ms. Papale: And how long ago before you just changed them?

Mr. Wilson: When were they changed last?

Ms. Papale: Yes.

Mr. Wilson: Before my time. A very long time.

Ms. Papale: So my question is, what made you decide that it was time to do it? And I think it's a good but I was concerned why you decided to do it. Did something occur?

Mr. Wilson: It was in discussions with Teri Sullivan with testing procedures that are very complicated. Before this we probable had 20 or 22 different positions and each time we had an opening and had to test, questions came up. They were outdated, the job descriptions. Teri and I met on it. He was starting to do the same thing on the town side so about a year an one half ago, I sat down with the union. It was really Teri and I working together on this feeling it was time to do it.

Ms. Papale: I think you did a good job.

Mr. Wilson: Thank you and thank Patty who was very helpful and as

liaison to the union and as I mentioned in Executive Session there are sixty three members and the majority of them were very pleased with the changes.

Chairman Vumbaco: Any other members of the Council? Members of the public? If not, We have a motion and a second to approve the job descriptions. All in favor? Opposed? So moved. We need to back up on this. There was no second.

Mr. Knight: Second.

Chairman Vumbaco: Now we have a motion and a second. All in favor? Opposed? So moved.

8. PUBLIC QUESTION AND ANSWER PERIOD

John Rooney, 62 Williams Road, spoke about Williams Road and asked why the school committee had to make a plan and why engineering doesn't have to make a plan.

Chairman Vumbaco: I don't understand what you mean that they don't have a plan. Mr. Thompson, do we have a plan for Williams Road?

John Thompson: We do not have a final design plan for the reconstruction of the road. What we have is a defined limit of what we anticipate reconstructing and that would be from Rt. 68 to Center Street. We know the limits of what we want to do and we have a plan of action of what we will do in terms of construction but we do not have final line and grade and drainage structures at this point in time.

Chairman Vumbaco: Thank you, Mr. Thompson . . .

Mr. Rooney: I would like to say . . .

Chairman Vumbaco: Mr. Rooney . . . one second

Mr. Rooney: . . . the road to is too

Chairman Vumbaco: Mr. Rooney, excuse me, one second, please. You

said that we gave them a million dollars. The town has not given the engineering department a million dollars to spend. The town approved the funding of it, and we have yet to fund it, so until the plan is in place, it's quite obvious that the money will not be funded to support the plan. We voted on a capital project plan and that was it.

Mr. Rooney: Well, OK but then I have something else to say.

Chairman Vumbaco: We have other people that are interested.

Mr. Rooney: I know but I've got something else to say and I'd like to say it.

Chairman Vumbaco: Is this to do with the same subject?

Mr. Rooney said that he's been trying to get the work done that the town wanted done that the developers were supposed to do. He said that he went to the town attorney's office and then went to the Registrar's Office, went to the Tax Office. He said that he thinks we ought to save the town time and money by doing away with the Corporation Counsel. He also wants to go to a town management form of government, do away with Planning and Zoning. He said he would be back with more ideas.

Pasquale Melillo, 15 Haller Place, Yalesville spoke about legal fees payment from the State of Connecticut relative to the transmission lines. Has there been any progress?

Chairman Vumbaco responded that he had not heard of any and suggested that Mr. Melillo call Rep. Mary Frtiz and Sen. Fasano and ask them.

Mr. Melillo wants the Town Charter re-organized.

Chairman Vumbaco: Number 9, please.

9.

Ms. Papale: #9 is to consider and approve a transfer in the amount of \$15,000 to Utilities Acct # 001-5015-201-2010 and from Contingency-General Purpose Acct # 001-7060-800-3190 brought to us by Public Works. So moved, Mr. Chairman.

Mr. Farrell: Second.

Mr. McCully: We had an increase in electric this spring and a very cold winter with natural gas up. This transfer covers natural gas, electric, water and sewer.

Chairman Vumbaco: Is this for this year to cover what's left?

Mr. McCully: Yes.

Chairman Vumbaco: Any questions from the council? Public?

Pasquale Melillo, 15 Haller Place, Yalesville, asked about the bid and **Mr. McCully** responded that the bid waiver item (Item #10) had been withdrawn since the state bids were awarded last week.

Chairman Vumbaco: Any other questions? If not, we have a motion and a second. All in favor? Opposed? So moved. As Henry stated, #10 has been withdrawn. Number 11.

11.

Ms. Papale: # 11 is a report out on the activities of the Commission on Diversity and Equal Opportunity asked for Councilor Stephen W. Knight and Chairman James M. Vumbaco.

Chairman Vumbaco: This was put on the agenda before the final meeting of the Commission meeting last Thursday. We were planning on having a formal report out to the Council on July 19th (2005) but I will go forward with some information here. We talked with the Commissioners, and they said go forward with this, and there will be a presentation in July. To give a brief rundown of what the Commission on Diversity and Equal Opportunity was established for.

The Commission was established in August 2004. The Commission held bi-weekly meetings from September 2004 to June 2005. The Commission met with former complainants and town officials. They held special meetings with town managers and supervisors and with union representatives and town employees, each separately, to gather information. The Commission received and reviewed

letters from town employees. The Commission also conducted a survey of over 440 town employees, excluding the Board of Education employees, to gather information on their feelings and concerns of perceived or real inequities in the town's personnel policies and practices. There were 159 responses, which is about 36% of the town's workforce. The survey was confidential but assurances were in place to prevent multiple responses. A draft report was finalized this past June 23rd (2005) with the final report scheduled to be presented to the Council on July 19th (2005). The summary of the results are:

- 1) Little evidence of sexual harassment or gender bias was found
- 2) Findings beyond the limited scope were found as a result of the survey and discussions. They are: dissatisfaction with the selection process in hiring and promotion; perceptions of general harassment; heavy-handed manager practices; and favoritism.

The Commission has this summary of recommendations:

- 1) A more intensive orientation process is needed to ensure that each new employee is familiar with the terms and conditions of all of the town's policies and procedures.
- 2) Training in sexual harassment and unlawful discrimination beyond the required one-time at hiring now practiced by the town.
- 3) A major effort should be made to recruit minorities and women at all levels of employment within the town
- 4) The adoption of a gender neutral Personnel Rules and Regulations
- 5) Consider adopting proposed policies and regulations concerning recruitment of minorities and women, equal employment opportunity, discrimination and sexual harassment, and discrimination and sexual harassment regulations.
- 6) The creation of an investigatory body with special authority to research, investigate and recommend measures to address allegations of possible inequities in hiring and promotion, general harassment, favoritism by management and a possible need for sensitivity training.

(Summary draft report is attached to the minutes.)

This was the result of a summary of a draft report that will be discussed by the Commission on July 19th at the Council meeting, which will be presented by Sue Whitney, who is a member of the Commission. I believe at that time, the full Commission will be here to take questions or discuss the process that the Commission went through. There is just one editorial comment that I would like to make and that is that this Commission was formed in September 2004, and I would like to stress, by a 9-0 vote of this Town Council. The Council solicited individuals who were interested in sitting on this Commission, and I, myself, chose five individuals based upon their background and their history and their work environment. I would like to add that the five individuals that were picked were interviewed by the minority members of this party (Council) at a meeting, and when they were presented to this Town Council, they were presented as a full body, and, again I would like to stress, voted by this Council 9-0. On this Commission there was a labor attorney, a retired utility manager, a retired principal, a current hospital administrator, and a town finance director. All these individuals have extensive backgrounds in administration and management. They were not handpicked by the Council Chairman as has been indicated in the past. These five individuals were unique individuals, and I believe insinuating that they were handpicked by this chairman for some reason other than to do good for this community does not serve those individuals well. I believe that this is an insult to those five individuals, and I would like for the record to set it straight that this chairman did not handpick. I did not know any of those individuals personally, and they were picked solely on their backgrounds and knowledge in this area. I do not want to see the end of this process be tainted in any such way as saying that it was an issue on my part to try to discredit the administration. It's been said all too often, and I just think that it needs to be set straight. When they present their findings at the July 19th meeting, I'm sure that you will see that there was a wide and diverse set of individuals and opinions presented during this process. Since this was a report out, I don't think there is any necessity for discussion or taking any questions from the public. We will go forward on July 19th.

Mr. Knight: Mr. Chairman, would it be possible for some of the Councilors to ask questions of this process?

Chairman Vumbaco: July 19th?

Mr. Knight: No, right now. That was the point of my requesting that it be put on the agenda.

Chairman Vumbaco: Go right ahead.

Mr. Knight: I want to know when this process is going to end and I want to know why it has exceeded its charge.

Chairman Vumbaco: I just stated when it was going to end, Steve, the final report is being presented of July 19th (2005), well within its one year charge that was given by this Council.

Mr. Knight: The Record-Journal seemed to indicate that it was going to drag on until September.

Chairman Vumbaco: The report will be to this Council on July 19th. I was hoping that it would allow the Council a month to be able to review it and then to vote on whether want to send it onward to the administration in the August meeting, which is the end of the twelfth month.

Mr. Knight: My other question has to do with recommendation #6. It seemed that the Commission was formed for some specific purposes. Some allegations were alleged and the Commission was formed specifically to address those and it seems to have gone on to include just about anything anybody wanted to say about any practices having to do with hiring or jobs and management in the Town of Wallingford. From what I'm seeing that seems to be something that there is....we are going to form a standing committee to continue this process?

Chairman Vumbaco: I have not said there was going to be anything, Steve. This is what they found. It's like some of the Commissioners have said, if you are looking at a building for termites, you find other issues that are causing the building to crumble, do you just ignore them? These are other issues that

were raised. They were part of this report as an addendum to this report. This Commission unanimously chose to not ignore the other issues that have been raised and are presenting simply a recommendation to this Council and that recommendation is to create an investigatory body. If this Council decides not to do that or if the administration decides not to do that, so be it. The Commission's responsibility was to raise issues and make recommendations and that's what they did.

Mr. Knight: The only other comment I would like to respond to is to your comment on how the members were selected. Jim, in the years that I've been on the Council, whenever a Commission or committee was formed, input was received from all the Councilors as to the makeup of the membership. You chose to deviate from that and establish you as the sole arbiter of who was going to serve on this Commission. You can't deny that. That was your choice to do and if some people choose to get the impression that it was a handpicked committee, it was because the chairman did indeed choose all the members.

Chairman Vumbaco: Do you think it was a handpicked committee, Mr. Knight?

Mr. Knight: I'm asking you...it was a handpicked ...

Chairman Vumbaco: No, it was not. It was a decision of this Council's vote. It wasn't my vote that did this. It was a Council vote that established this Commission with those guidelines. It was not my vote first of all so you should not be feeding the political rumor that I handpicked this Commission. It was a Council vote. Albeit, it was a 5-4 vote that might not have agreed with your way of doing things but it was a Council vote. It was not a decision of the chairman of this council. You also had the opportunity to interview, and you did, and you accepted all five individuals without any discourse, without any challenge to those five individuals. And if you or any members of the public had come to those meetings and saw the discussions, you would know and you wouldn't even be sitting here this evening making the insinuation that it was hadpicked. If I was going to handpick five individuals, I wouldn't have handpicked those five because there was some very contentious, strong moments in those meetings.

Mr. Knight: I was in attendance.

Chairman Vumbaco: You attended maybe three out of the 20 something that we had but that's beside the point. No other Councilor decided to chose besides Mrs. Doherty who showed up at a couple. To sit here and say that Steve, I take as an offense to myself and I take it as an offense to those five individuals who put in hundreds of hours of work into this process.

Mr. Knight: I was just making a statement of fact, Jim.

Chairman Vumbaco: It's not a statement of fact, Steve. This Commission was decided by a vote of this Council and I followed the vote of this Council. Mr. Farrell.

Mr. Farrell: Mr. Chairman, I'm going on what it says in your report here that the final report is going to be presented to the Council on July 19th. I know you've had some difficulty in getting that July 19th meeting scheduled. In terms of what will come out that evening – Mrs. Doherty and I can't make that evening – is any action contemplated that evening?

Chairman Vumbaco: No. and I think I said that to both you and Lois that there would be no action taken on issues because you weren't going to be able to make the meeting.

Mr. Farrell: I just wanted to get a full flavor.

Chairman Vumbaco: August 16th will be the action.

Mr. Farrell: OK. Thank you.

Chairman Vumbaco: Lois.

Ms. Doherty: Just in case there is because I won't be here, I just want to make a comment and that was I did attend several of the meetings and read your minutes and your questionnaire and it just appeared to me that what came out of that was basically a matter of tolerance and sensitivity and the only thing I would, my own suggestion would be to consider incorporating sensitivity into the job description and performance evaluation.

Chairman Vumbaco: That would be find and you can make that

suggestion when we vote on the report if that's what you feel. That's no problem. Any other members of the Council? Like I said I won't take public comment because that will be when they make the official report. Thank you. Item #12.

12.

Ms. Papale: Mr. Chairman, Item #12 is a Report out by the Wooding - Caplan Committee

Dave Smith, Co- Chair of the Wooding - Caplan Committee:

Mr. Chairman, members of the Council, Mr. Mayor and others, several meeting ago the Wooding-Caplan Committee presented to the Council the findings and recommendations of a team of professional consultants in evaluating a site similar to ours, and they presented you and us and the town with several options and it was suggested that the next logical step following the presentation of the recommendations would be to prepare an RFP, a Request For Proposal, that would then be sent to a group of developers, far and wide, to secure appropriate proposals, the town assuming to choose the most beneficial use of the property. Our committee would like to make a recommendation, Mr. Chairman, to the Council this evening. First of all we'd like to commend the Council and the Administration for creating both an open process and on that really continues this process forward. We would like to secure the approval from the Council to develop and RFP with subsequent issuance of the RFP. We'd like to propose that the methodology be as follows: the committee would develop it, it would be subject to approval by the Town Attorney, and then would subsequently be issued. We would like to have the ability to spend no more than \$4,000 or less to secure appropriate technical expertise so the RFP will be consistent with the very specific recommendations prepared by the consultants. Thank you.

Chairman Vumbaco: Any members of the Council have questions?

Ms. Papale: You're asking the Council to put it into the Committee's hands to come up with the RFP.

Mr. Smith: Yes, and it would definitely be subject to approval by the Town Attorney but we feel that we have the continuum of the work and a significant expertise. We have individuals who are contract administrators, attorneys, consultants who are very experienced with RFPs and would use a models other RFPs developed by communities, of course, subject to the Town Attorney's approval.

Ms. Papale: What about we Council people? I mean we have to have some input into this, please

Mr. Smith: I was trying to read my writing and it clearly says . . and the Council, so my apologies.

Ms. Papale: I know that we are welcome to come to any of our meetings, and I know that, and I'm sure if we come to your meetings and we have any suggestions, you would take them. I think we, up here, have to be very much involved in how this RFP comes about.

Mr. Smith: Would it preferable then if we amend our recommendation to be subject to approval to the Town Attorney and the Council? That would be our recommendation.

Ms. Papale: Thank you.

Mr. DiNatale: A question for Janis - we recently went through a similar process with the Simpson School where you had developed the RFP and given feedback from the Council, what are your thoughts on this to move the process along with getting some input from the committee.

Attny Small: I'm certainly willing to work on it. That's Council's choice. Certainly to the extent that some consultation is - I'm sure I'm going to need some from my perspective. I willing to do that. Whatever the Council wishes me to do.

Mr. Knight: I certainly support the idea of getting some expertise in this particular area. I can tell you, I would need it if I were on that committee, and I applaud your efforts. You guys have learned a tremendous amount, and it's no reflection on you. I'm glad the committee feels the need to make sure that all

the Is are dotted and the Ts are crossed on what is potentially a very complex process. Would the Jonathan Rose firm be the one that you would recommend?

Mr. Smith: We had discussion with them initially but it's likely that their fees are higher than what we think is reasonable.

Mr. Knight: Oh, really.

Mr. Smith: A member of our committee had a discussion with the Plattus group at Yale. It seems the probably there is a willingness there but we think that in addition there are several other qualified technical consultants that both meet the budget and provide the technical expertise.

Mr. Knight: Ok, that's very interesting.

Mr. Farrell: That's Alan Plattus who was involved with Jonathan Rose who was part of the team.

Mr. Smith: The Yale Cooperative is a separate entity unto itself, Mr. Farrell.

Mr. Farrell: The comment that I would have is having come through the whole Simpson School deal that I'd rather have this go in front of a committee initially. I thought that even though it's the Council's ultimate responsibility that the amount of time that we spent on Simpson School got us bogged down. It might be better to send it to the committee and let the committee hash a lot of this out and then come back to us. I think that's going to make for a cleaner process in the end so I'd be very happy going in this direction. Thank you.

Chairman Vumbaco: I was thinking of trying to make this as simple a process as possible, so that we can keep the ball rolling. I believe that we could use the Jonathan Rose report as a guideline or as a template that at least a developer would look at. My personal belief on this is that we should be doing a couple of things here. One is that we should definitely assign that piece of property that's behind the Police station, which is one of the reasons that we bought the property, to the Police Department as their required space, so when we do go out for

an RFP that it's well defined that that piece of property is not part of it. Second of all, I think we should only be dealing with the property that is currently owned by this community, which is just the Wooding property. There are three or four different parcels if you look at the agreement. I think if you are just dealing with that and then let the developer look at that and be creative themselves and come up with suggestions that they would need the town involved in. If we sit down and spend a whole lot of time trying to define the issues and define things that we are going to either scare developers away or we're going to get bogged down in the process again. I spoke with Janis (Small) this morning a little bit about this and discussed this with her. We can put together a very simplistic RFP saying here's a piece of property, tell us how you want to develop it based on the Jonathan Rose Companies guidelines, so that we don't get so specifically bogged down in trying to define what we want there. Let the developer come back to us. The Council has the ultimate decision making anyway so if they come back with something we don't like, we just don't accept it. This way we are allowing the creative juices of the developer to think about what they might be willing do to that. Janis could also use the expertise of the Yale group (Yale Urban Design Group), the Plattus group to help develop the RFP as she goes down the road. I would like to personally see Janis as the point person for the Council on this issue, working with that consultant so we just don't turn it over to them and have them come back again with what they feel is right for that property. We have to make this as open as possible because there are probably some very good developers out there who have some very good creative ideas that they might want to present to us and then let them come in with their best shot. If in fact, there is a need for the town to get involved in some of the other issues that were raised by the Jonathan Rose report, then let the developer tell us that and then we pick the one that is best for the community. That's the process and the way I would think it would be. How I envision it.

Mr. Smith: Will the committee have input into the RFP?

Chairman Vumbaco: I think they would have input into it. Of course, you're never going to say no to people who want to help and volunteer and give inputs. I think Janis could also work with them, if there is input that they would like to have considered in the process.

Mr. Smith: We are in agreement with you that the principles of the Rose report should be embodied so the concept of using the consultants are to take those principles of development that early on were expressed – architectural controls, consistent with neighborhood development, benefiting all who surround it – take those very specific, technical items and put them in so that we would aide the Council in a selection process. The feeling of the committee is that it would be to the advantage of the Council and the town if there was criteria by which the proposal should be evaluated so the purpose of bringing the technical expertise and having the committee assist is to do exactly what you said. It's to take the Rose report and take those elements that were their principle criteria and principles of development and make those the basis of the RFP. We concur that regarding the legal language and the elements, it's obviously a legal matter, but our goal is to take the key elements of the consultant's report and make that the prime criteria by which the Council will be able to evaluate the proposals.

Chairman Vumbaco: I'm not sure what you mean by the principle elements of the Jonathan Rose report because, Jonathan Rose said it should be this and they give three different options and I really don't think that we want to get into a situation saying that we want it to be retail, commercial or residential because who knows, there could be somebody out there that's going to do one heck of a commercial job and make it wonderful. I think our intention is to not make it so specific.

Mr. Smith: We agree with that. Our intention was not to define the uses. The intention was that there are certain elements that the Rose Company put in the report that they felt were important elements, which should apply to the entire development. For example, quality of materials, in keeping with neighborhood conditions, benefiting all by visual, so we think those are important technical aspects so that when the Council gets the

bids, you will have a check sheet that everyone has agreed is the criteria that then form the basis of your decision making process. We really thought that it would help the Council be able to evaluate them much more precisely.

Chairman Vumbaco: Ok, that explains what you meant. You can work with that can't you, Janis? If you were to be the point person on this you could work with the Yale group and the committee to make sure.

Attny Small indicated that she would.

Mr. DiNatale, speaking to Attny Small: Logistically then, you could be in a meeting with the committee.

Attny Small: And something could be done by July 19th, if I recall correctly.

Mr. Smith: I'm not sure we can work that quickly but I think we will work Expediently.

Chairman Vumbaco: I think we need to identify a target date and if we don't make it, then fine.

Mr. DiNatale: My point is that we are looking to insert the committee into the process at some point along with what Jerry said.

Mr. Smith: I would agree and we look forward to working cooperatively with the town attorney.

Mr. Parisi: I agree basically with what you said, Jim. I thought that we might take one of the proposals that was made by the Rose company as a starting point – mixed use or whatever.

Mr. Smith: I'm thinking that if we include the report, it's probably going to stimulate and clearly some of those recommendations are probably more desirable to a developer than others, so it's self-regulating. I concur.

Mr. Testa: When you mentioned the selection criteria, are you referring to something that could be construed as a score card that would then be used during this selection? I'm a little concerned about a situation where – I don't want to be put in a position where I can't select the one I like best. I'm speaking

of the legalities of recourse a certain developer might have because certain selection criteria were included and there might be the impression –OK, here's the score card and the highest score wins. Quite honestly, I'm not interested in that at all. I don't want to be in a position of having to score it. I want to look at the one that I feel best about. I know what I want to see done there but I do want to see what different developers propose. I don't want to be in a position where my hands are tied legally in the selection of a developer for this parcel and I'm concerned about that.

Mr. Smith: Thank you for your comments. I can't address it from a legal point of view but from the committee's perspective, it would never be out intention to suggest that the Council's methodology not include any methodology you chose to use. We thought that since there was a significant expenditure by the consultants and the work they did that it would be helpful to recapitulate that so that at least the criteria they felt was important would at least allow you a touchstone by which to use during your deliberations.

Mr. Testa: And I wholeheartedly agree with that.

Mr. Parisi: Mr. Chairman, through you (addressing Attorney Small), doesn't the Council reserve the right to make whatever decision it chooses to at the final determination.

Attny Small: the decision will be yours and you can say no to everybody. There won't be any limitation on your ability to say yes or no to any proposal made to you and you won't be committed to pick one. You can say, you know what, don't like any of them.

Mayor Dickinson: On that same point, I think a process would be at the point you have the RFP to send out, you would waive the bid so the selection process would not be part of the formal bidding process. You'd waive the bid and have the freedom to hear whatever you want to hear and make a judgment on what is in the interests of the town without adherence to formal bidding. That would clear the way for the Council to make the decision it wanted to make.

Mr. Knight: You and I were having a side discussion just a minute ago, and I wanted to mention some of your remarks. I think that there is general agreement that we want to allow for as much creativity and imagination as possible in the development of the property. Having said that, we did spend a fair amount of town money to try to sharpen out focus as to what we ultimately want, and I thought that Jonathan Rose and the committee did an excellent job at doing just that. They came to us with three alternatives and kept our feet on the ground as to what is possible and what is probably not possible and I'd like to make use of the report. I got the impression that there was general agreement that the third option that the Rose firm had suggested was the most realistic at least to this Council. I didn't think that even referencing the fact that we thought that was the best option would necessarily tie anybody's hands or shut down anybody's creative juices. I'd like to think that we did get a lot out of the committee's time and that \$40,000 plus that we spent hiring experts and I'd hope that we'd lean toward at least part of the RFP as focusing on one of the three options that were recommended.

Chairman Vumbaco: For the public, would you say what that was.

Mr. Knight: Yes, thank you. It was a mixed use. There was one that was weighted toward a great deal of town involvement. The one that really seemed to be the most economical for the town and have the most promise was a mixed use of residential and commercial development and that's what they recommended as I recall.

Mr. Smith: Maybe it would be appropriate to send the report in its entirety and certainly make mention there that the Council thought that that scenario was desirable.

Chairman Vumbaco: You could work that in Janis?

Mr. Spiteri: We are going to have Janis go out with the committee and put together an RFP for our review for July 19? Is that correct?

Mr. Smith: I don't know considering the date today, I'm not sure that we

can pull that off because there is some technical expertise. I would suggest the August meeting which is probably more realistic in terms of timing.

Mr. Spiteri: Regardless of the date, before it goes out to the public it's going to come before us and we can take a look and understand what's on this RFP.

Mr. Smith: Yes.

Chairman Vumbaco: Any other members of the Council? Public?

Pasquale Melillo, 15 Haller Place, Yalesville: Spoke about the average resident getting involved and having communication with the committee and the town government before the decision is made. He asked about bids and if they will be open to all areas of the project.

Chairman Vumbaco: We're putting the RFP out on the market and whatever developer come forward will make their proposals to this Council and this Council will accept one or reject them all. Once that developer is chosen, it's up to him to do whatever he is proposing to do so it has nothing to do with bids or waiving or any of that. Once that developer is chosen, it's his project.

Mr. Melillo asked about the consultants that have been hired.

Chairman Vumbaco: No, consultants have not been hired. It has been suggested that we use a consultant working in conjunction with Janis to develop to the technical aspects of the RFP

Mr. Melillo asked about the professional expertise that we have in the town government. He named several departments that he thinks have the skills.

Chairman Vumbaco: I don't believe that they have the technical background to do the specifics that are inherent in a development like this. It's up to Janis. If she decides that she doesn't need to use consultants then obviously Janis won't use them. It will be up to the Town Attorney to make sure that the RFP is done properly and done simplistically so that we

get the widest breadth of developers to come back to this Council with their plan. Thanks, Pat. Any other member of the public?

Mr. Testa: Are we in agreement that we're only talking about the parcel that is owned by the town.

Mr. Smith: I think that Mr. Vumbaco . .

Mr. Testa: He stated his wishes on that. Is that your intention to go forward along those lines as well?

Mr. Smith: Yes, I should tell you that developers may elect to –it's very difficult to predict what developers may suggest for this site but I think Chairman Vumbaco said that's what should be offered as available. Developers may have a variety of proposals, which could potentially exceed that area but I think that it's clear that's the area to be discussed in the RFP.

Mr. Testa: I just don't want anyone to have the impression that is contingent upon anything on the part of any of the private landowners abutting that. I'm not referring to residential. Many, many years have gone by where lots of people have talked and tried to do things, which is why you exist, although not totally. It's why the committee was formed and why we spent money on this report, and I don't want to see anything held back because of the intentions of any of the private property owners. We need to talk Wooding property.

Chairman Vumbaco: We were discussing the timing issue up here. There are two Councilors that will not be here on the 19th of July that should be actively involved in this process so what we are going to look for, Janis, is to have the RFP to the Council, the draft of it, by July 31st. That way we have a couple of weeks to look at it, what we want incorporated in it and to get back to you. Then it could be presented as a full RFP at the August 16th meeting to vote for it.

Mr. Parisi: Is that workable?

Chairman Vumbaco: I think so.

Mr. Smith: It's tight but we'll push it.

13.

Ms. Papale: I'd like to make a motion for discussion and action on the development of an RFP for the Wooding-Caplan property. That's item #13.

Mr. Parisi: Second.

Ms. Papale: Now I would like to move that the Town of Wallingford offer a portion of the town-owned Wooding property for sale and development by way of an RFP, the final language of which shall be approved by the Wallingford Town Council.

Responses to the RFP shall include proposals for the land and proposals for any plan of development for the property, which the successful bidder will become obligated to complete within the time stated in the bidder's response. The proposed development should enhance the downtown of Wallingford and be reasonably protective of the neighbor's property values and quality of life.

The RFP shall state that the Town Council may, in its discretion, reject all proposals.

A copy of the Jonathan Rose report will be provided.

A fully developed draft RFP should be submitted to the Council by July 31, 2005 and presented by the August 16, 2005 meeting.

Mr. Farrell: Second.

Mr. Parisi: Point of information, Mr. Chairman, is that deadline isn't cast in cement is it?

Ms. Papale: No.

Mr. Parisi: I mean they are saying that it's tight.

Chairman Vumbaco: We're putting it in as a deadline, and I think if we can't make the deadline then Counsel will get back to us and let us know. She should know by the 19th meeting whether we're pushing it or not.

Mr. Parisi: Point of information, I think in the future we should dispose of one motion and then make a second.

Mr. Farrell: There's really no motion needed to open item #13.

Mr. Parisi: And I seconded it.

Ms. Doherty: I just wanted to bring up the mixed use theme. We have a tendency to go towards that because it provided the greatest financial return for the town and it seemed to be the best presentation of the three. Were we going to include that?

Mr. Smith: Once we get the entire report which would include all of the options. Is that your question?

Chairman Vumbaco: I think what's she's asking, Dave, and I don't want to put words in your mouth, if we should somewhere in this motion stress the third option.

Mr. Smith: I had addressed that earlier but that is really the decision of the Council.

Ms. Doherty: I would like to see it go that way. OK. I will make an amendment.

Mr. Smith: Councilman Doherty, I think that we had said as a matter of sense of the Council that that recommendation was considered desirable, so we certainly would honor that.

Ms. Doherty: Ok but should that go in the RFP?

Mr. Smith: Our thought was yes.

Ms. Doherty: Ok. It wasn't included in the motion.

Chairman Vumbaco: I think that the intent was.

Mr. Smith: Yes.

Ms. Doherty: OK.

Chairman Vumbaco: And when we review the RFP, if it's not, we

can add it in. Any other discussion by the Council? Apparently we have one motion on the table was to open this item so we probably should vote on it. All in favor? Opposed? So moved. Now we have a motion and a second for the RFP. Any further discussion?

Wes Lubee, Montowese Trail: You thought that the portion now being utilized by the Police Department for parking should be withheld. Was that part of the Wooding property?

Chairman Vumbaco: Yes.

Mr. Lubee: That is not in your motion.

Chairman Vumbaco: It will be part of the RFP when they present the RFP. The piece that the developer will be looking at will be the town owned property less that piece. And that's the way it will be referenced in the RFP. Any other members of the public? We have a motion and a second. All in favor? Opposed? So moved. Thanks, Dave and the Committee.

14.

Ms. Papale: #14 is to have an update on town-wide revaluation.

Shelby Jackson, Town Assessor: Thank you for this opportunity to address the Town Council and the Wallingford public. With me this evening are Wallingford's Chief Appraiser, Dennis Hlavac and Mr. Ron Moda, Project Supervisor, Vision Appraisal Technology. I will present brief report that you received, hitting on the important points. Our purpose for appearing here tonight is to give the elected officials and the residents of Wallingford a status report relative to the 2005 revaluation project, which will be completed January 2006. We are still collecting and analyzing information and we are not able to really give you any specific date regarding property values or assessments. I'll give an overview of the project and explain some of the tasks that we've already completed as well as describe those tasks that we still need to complete.

(Mr. Jackson presented the status report, which is appended to the minutes.)

I would be happy to take any questions.

Mr. Parisi: Page 3, 2nd paragraph, last line, "...it will help us record the conditions under which the sale occurred." What do you mean by that?

Mr. Jackson: When we look at a property sale and try to use that as a benchmark for what other similar properties are worth, we need to know the condition of that property at the time of the sale. A person might purchase a property and then do substantial renovations shortly after purchasing the property. We need to understand that. We need to know that the property was purchased at a given price in a given condition. Another example would be a someone may purchase a property and then add an addition, add a garage, increasing the square footage, increasing the size of the dimensions of the structure. We need to factor all of that in as we use those comparable sales and analyze them.

Mr. Parisi: But a person has to take out a building permit.

Mr. Jackson: Yes, they do.

Mr. Parisi: What's the difference?

Mr. Jackson: In order to accurately apply those sales prices and apply them to comparable properties, we need to be able to compare apples with apples and the only way we can do that is to understand the condition of that property at the point of the sale because changes occur before, during and after the sale and we need to verify that.

Mr. Parisi: I understand that but again, are you telling me that there aren't enough building permits being taken out? Is that what you are telling me?

Mr. Jackson: No.

Mr. Parisi: Well, what are you telling me?

Mr. Jackson: No, I'm not telling you that. We also visit all the properties

where a building permit has been taken out. We would know that as we go to verify the sale. One of the requirements under Uniform Standards of Professional Appraisal Practice (USEPAP) is that we verify information and verify the sale. So that's one step that we're going through to comply with the USEPAP and follow an appraisal process that is accepted.

Mr. Parisi: We've never done that before, am I correct?

Mr. Jackson: Well, we've never done the five-year update before, so this is a whole new process for us. In the past, under the ten-year cycle, we would inspect every property. We would do a full physical inspection on every property. So that was not a necessary process

Mr. Parisi: I'm going to be honest. My first reaction to this is that it's an awful invasion of people's privacy. It seems like you are hovering over someone's house like a vulture and the minute the 'For Sale' sign is there, whammo, you're there.

Mr. Jackson: We instruct our inspectors to be very cordial and polite and if a property owner does not wish to allow the inspection, then that's the end of that. We don't force the issue.

Comptroller Bowes: If I can help with the Building permit issue, it's rare Councilman to see the value of a building permit reflect accurately what it would sell for. You might see a building permit taken out for \$10,000 worth of work on a house, let's say to increase the square footage, that does not translate to \$10,000 in this market. It translates to maybe \$30,000 or \$40,000 sales value. I think that might be an easier way to look at it as well.

Mr. Parisi: I understand what you're saying but you're missing my point. What I 'm trying to say is the building permit should be the tip off. It's not the rule. It tells you that someone is doing something, and why don't you go out and inspect it then?

Mr. Bowes: We do.

Mr. Parisi: Then this is redundant or what?

Mr. Jackson: Condition really is the answer. If we don't know the

condition of a particular property that we haven't been to for several years, we don't know what the current condition is, and we need to factor that in.

Mr. Parisi: How do you learn any more the day the property is being sold and what does your comparison criteria come in?

Mr. Jackson: Let's say we have two properties that are exactly the same in every other way except that one is in poor condition and was sold, and we have another property that's in perfect condition. We would look at that sale and perhaps adjust it so that we can accurately compare it to a property that in superior condition which is one of the factors that we look at.

Mr. Parisi: In other words, you are trying to equalize the sale of property. What's you're doing is taking a property that doesn't appear to have any value and make it more valuable.

Mr. Jackson: Property taxes are more and more of an issue. The public is much more educated than 20 or 30 years ago with respect to the property tax and there is a good deal of pressure to ensue that we have done a thorough job and accurately appraised their property because taxes are directly related to that so we really try in every way to follow those uniform standards of professional appraisal practice. I think your point was the invasion of privacy, which we are very sensitive to, and I would just say now publicly that if someone is not comfortable with allowing one of our inspectors in, say so, and that will be the end of that. We'll make an appraisal judgment, if you will. We will estimate as to condition and these other factors.

Mr. Parisi: I'm missing something here I guess and perhaps I can have a conversation with you. I don't want to overdo this. We don't have a choice in this as I'm understanding. You are just telling us and the town that this is going to happen.

Mr. Jackson: Yes, and I want Wallingford residents to be aware that it's going on and that we are required under Connecticut law to do this and I hope that I can leave them with the impression that we're doing a good job, and we're really trying to be as thorough as we can to ensure

Mr. Parisi: Please understand that I am not questioning the job that you Do. There is no reflection on your department or your own efforts at all in my statement. As this hits me, it's isn't the best feeling that I've had today. Thank you, Mr. Chairman.

Chairman Vumbaco: Thank you, Mr. Parisi. Mr. Farrell?

Mr. Farrell: Shelby, you used the term inspectors, are the people who are being sent out by Vision Appraisal, are they not licensed appraisers?

Mr. Jackson: We would utilize a Vision employee based upon the function that they are completing, we would utilize someone who has an adequate level of competence. In terms of, are they licensed appraisers? No, they are not. What Vision is providing are employees who are certified revaluation employees in the State of Connecticut Office of Policy and Management (which has a fairly rigorous testing process that revaluation employees need to go through. For example, if it's someone who is dealing with a residential property, there is a residential certification. For a commercial or industrial property, it's much more complicated. A person who have to go and test and pass an examination and to be certified as commercial or industrial inspector, and so on.

Mr. Farrell: So they are not somebody pulled in off the street. They have credentials that make this their area of expertise.

Mr. Jackson: That's correct and in our contract with Vision, we have established minimum requirements that we expect and they have to adhere to that.

Chairman Vumbaco: Any other members of the Council? Public?

Phil Wright, Sr., 160 Cedar Street, wanted to know if this is the same kind of appraisal that it will be in five years or if this one is different. **Mr. Jackson** responded that we are now required to bring real estate values current every five years, so every five years there will be a revaluation to which a new market value will be set. He said that five years from now, there will be a full, interior inspection of every property. So five years hence, it will be more comprehensive in terms of the

inspection. He added that they are required to assign a new market value every five years. To assign the market value there are certain function to go through in order to show that they have estimated the property properly. Doing the interior inspection is not absolutely necessary every single time so it isn't done every five years but to go beyond ten years and not physically inspect these properties completely does not give an accurate picture of what the true value is. *(Mr. Wright asked for and was given a copy of the assessor's report.)*

Mr. Wright stated that five years ago he was unsuccessful when he complained about his assessment and said he was asked if he had had an official appraiser appraise his house, which he hadn't. He said that fact was used to justify the appraisal he received.

Pasquale Melillo, 15 Haller Place, Yalesville, wanted to know if one type of property was going to be valued differently than another. **Mr. Jackson** responded that there are shifts from one class of property to another. He said that they are not here yet that they are still in the gathering and analyzing stage of the process. He said that when they begin to assign the final valuations they will have an idea of what changes may occur but even then there is an informal hearing process, a Board of Assessment Appeal process and that values are going to change over time. **Mr Melillo** expressed his opinion that homeowners will pay more taxes than the big industry and big business.

15. **Chairman Vumbaco** asked for further questions. There were none. He thanked **Mr. Jackson** and called for item #15, which is Discussion regarding a Real Property Tax Incentive Program for properties located in the I-5 Zone proposed by the Economic Development Commission.

Richard Nunn, Chairman of the Economic Development Commission:
I would like to thank the Council for inviting us to make this presentation that you will hear from various members of the Commission and also from staff personnel. I would like to introduce our presenters this evening- on the Commission – Rosemarie Preneta, Jim Wolfe, Joe Mirra. These three people and myself constitute the Economic Development Commission. Also presenting this evening are Economic

Development Coordinator, Don Roe, and Doreen DeSarro, who is our business recruiter.

Don Roe: Already forwarded to you was a cover letter and the actual proposal in which the EDC is asking that you all consider a new economic tax incentive program, specifically for office development and specifically in the I-5 zone. In the handout is an outline, next is an overview of the I-5 zone, and the last two pages are maps. The I-5 zone is located in the interchange area of I-91 and Rt. 68. On the town map, it's the light purple area in the northeast quadrant area of town. The second map is a detail of that zone which uses hatched lines to outline the extent of the zone and it also shows property boundaries within the zone. The presentation that follows attempts to elaborate on the points that are made in the transmittal letter to you.

(The presentation, cover letter and proposal are appended to the minutes.)

Jim Wolfe: *Planning and Zoning Commission Plan of Development:*
Our first reason for being here relates to the recommendations that are part of the update of the Plan of Development and recent deliberations about the zone itself. To begin, that Plan recognizes the I-5 zone as a major engine for economic development in our community

“Bristol-Myers Squibb average \$16,846/acre in taxes paid to Wallingford in 2001. A residential house averaged \$6,228.88/acre. Developed properties in the Interchange Zone averaged \$27,455/acre.” (pg. 20)

Specifically, the Plan recommends that economic development efforts be concentrated on the Rte. 68/I-91 area. The proposed program before you is our Commission's recommendation to the Town to support that goal.

In addition, the EDC is aware that there are concerns being put forth to the Planning & Zoning Commission about the restrictions of the I-5 zone. At a recent Planning & Zoning workshop which some EDC members attended, a change to possibly include housing in the I-5 zone was discussed. The EDC believes this would adversely affect our Town. The

incentive program as proposed targets the type of development -- higher end office buildings -- that is the long-standing purpose of the zone and, we believe, in the long-term best interest of our Town.

Rosemarie Preneta: *Company Request:*

The EDC was approached by a Connecticut company looking to construct a 160,000 –180,000 sf, campus-type corporate headquarters in Connecticut or southern Massachusetts. The company is a Financial Services operation that provides home mortgages and home equity loans to customers who are unable to access conventional financing. The company has four locations in Connecticut, including one in Wallingford, and employs 650 people. The company is currently considering sites in Middletown; Rocky Hill; Holyoke, Massachusetts; and the Bellemead site in Wallingford. The company anticipates purchasing the 109-acre Bellemead site and leasing the facility from a developer. The approximate cost to build the facility is \$29 million, which does not include the personal property or the cost to acquire the land.

The company identified to the EDC that the location in Wallingford was not competitive since all of the locations they are considering offer tax incentive programs. The EDC decided to investigate this through its Business Retention Subcommittee.

Doreen DeSarro: *Review of Market Place:*

Eight communities within Wallingford's market area have Enterprise Zones including Middletown, Meriden, Southington, New Haven, Hamden, New Britain, Bristol and Waterbury. An Enterprise Zone community will grant an 80% tax abatement on land, building and personal property for 5 years plus a 25% reduction in corporate business taxes for 10 years to a company who constructs a new building.

Many of the surrounding communities, in addition to having Enterprise Zones, have real property tax incentive programs under CGS 12-65b. This is a program that allows a municipality, with the approval of its Legislative body, to fix the assessment on real property for up to 7 years for improvements costing in excess of \$3 million. Hamden and Cheshire have standardized programs; Meriden and Rocky

Hill negotiate on a case-by-case basis. Here are some examples of incentive packages that were announced just within the last two months:

The Town of Cheshire has a standardized real property tax incentive program that grants a 45% reduction in real property taxes for the building improvements only for 7 years. Cheshire recently granted this incentive package to Whole Foods, a natural food company, for the construction of a 120,000-sf distribution center.

Rocky Hill, which negotiates with a company on a case-by-case basis, recently awarded a 100% real property tax reduction on land and building for 7 years for the construction of a 65,000-sf building for WFSB Channel 3.

The City of Meriden, with the DECD Commissioner's approval, recently awarded Enterprise Zone benefits to Aplicare, an out-of-state company leasing 230,000-sf on Research Parkway.

The City of Hamden has a standardized real property tax incentive program that grants a reduction on the increase in assessment beginning at 70% per year and decreasing over a 7-year period by 10% per year. The latest incentive package awarded by the Hamden under this program involves the conversion of a 22,000-sf factory on Dixwell Ave. into a Faunal Hall-type facility.

In addition to these recently announced incentive packages, many of the surrounding communities have additional programs such as Information Technology Zones, a Railroad Depot Zone, personal property tax incentive programs, low interest loan programs and the installation of infrastructure improvements.

Joe Mirra: *Proposed Program:*

After analyzing the incentive programs being offered by the surrounding communities, a decision was made to craft a real property tax incentive program for office development only within the I-5 Zoning District based on the same principles used to craft the Town's existing Personal Property Tax Incentive Program for manufacturers: keep it simple, straightforward and constrained.

The Real Property Tax Incentive Program you have before you is authorized under Connecticut General Statutes 12-65b which allows a municipality, with the authorization of its Town Council, to fix the assessment on real property for a period of up to 7 years for improvements valued in excess of \$3 million.

Although the legislation does allow a municipality to negotiate with a proposed developer on a case-by-case basis, the EDC opted to construct a standardized program, similar to Cheshire's, that would establish a percentage of abatement the Town would consider for new office development within the I-5 zone. The EDC believes this will facilitate the marketing of the program and the Zone. The proposed program offers a 20% reduction in real property taxes on land and building for a 7-year period. The minimum square footage required to qualify for this program is 60,000 sf of new construction, which is the minimum square footage allowed under existing Planning and Zoning regulations. The \$12 million minimum investment was calculated by multiplying the minimum square footage times \$200/sf.

The proposed program requires the applicant to be in compliance with the requirements of the I-5 Zoning District as designated by the Planning and Zoning Commission and to be current in the payment of any taxes or other obligations due to the Town. The program includes a "clawback" provision, should a company reduce its operations within the community during the 7-year period. The proposed program also includes a 3-year sunset provision that will allow the EDC and the Town officials to monitor the effectiveness of the program. The program also requires the Town Council to approve all agreements entered into on behalf of the Town.

What the EDC attempted to accomplish with this program is to provide a tool which will allow us to piggyback on the Town's existing locational advantages, such as our central location, our ease of highway access and our low electric rates. The EDC believes that this program will position the Town as an attractive location for office development and allow us to become more competitive within our market area.

Should this Financial Services company construct a 160,000 square foot corporate headquarters on the Bellemead site in Wallingford, the project would generate \$423,000/year in real and personal property taxes. Under the proposed incentive program, the company would realize a \$73,290 savings/year in real property taxes or a \$513,000 savings over the 7-year term of the program.

Dick Nunn: *Summation:*

I would like to take this opportunity to prepare a summation of what has been presented to you this evening and then offer an opportunity to field questions from me, the commissioners or the staff. A lot of time, effort, thought and analysis went into the proposed real property tax incentive program for office development within the I-5 Zone that you have before you. Thanks to the members of the EDC's business committee, who have been meeting on a weekly basis for the last two and one half months. Since most communities as you have heard within our market area are offering tax incentive programs. I believe adopting this program will allow the town to become more competitive within our market area and encourage new office development within the I-5 Zone. Coupled with Wallingford's location advantages and we clearly have those, the EDC should have a better shot at encouraging the financial services company the EDC is working with to choose Wallingford as a location for its corporate headquarters. This program is in keeping with and supports the economic development priority recommendations in the town's *Plan of Development* that call for the town to concentrate its efforts on economic development in the Rt. 68 – I-91 area, also known as the I-5 Zone. And aggressively monitor developments in I-5 Zones to ensure the orderly development of tax producing properties. It is believed that implementation of this program will encourage office development within the I-5 Zone and that office development remains desirable for the long-term future of our town and our tax base. I will leave you with one thought. It is generally accepted that the economic health of a community depends on a diverse commercial and industrial base. Residential development rarely pays its own way in taxes for the essential services it requires, especially in providing education, thus the need to grow the tax base year after year to generate ever increasing tax dollars. These are

not my words. This is an excerpt out of the town's *Plan of Development*. What we are seeking is Town Council endorsement of this program and in doing so it will enable the EDC and town officials to entertain requests that meet the minimum criteria and develop agreements for the Town Council. Thank you for your time and if there are any questions, we are in a position to field them now.

(Document appended to the minutes)

Mr. Farrell: I'm a little unclear on what you are asking the Town Council to do tonight. What's the action item?

Mr. Nunn: We're looking for endorsement of this program and we'd like to have you recognize as we recognize a need to become more competitive with surrounding towns. I've outline n Doreen DeSarro's program describing what other towns are offering, such things as enterprise zones, serious, serious tax abatement programs. We need to make ourselves more competitive in order to attract the businesses that we would like to see in the town, particularly in the I-5 and the I-X Zones, which generate the best tax base for the town. What we are looking for tonight is an endorsement of this program. We are not looking for you to make a motion to say this is the way we are going to do it. We are looking initially as an endorsement of the program.

Mr. Farrell: So endorse the concept and the devil will be in the details later?

Mr. Roe: You have attached to the item what we would be seeking Town Council approval of. This item we actually requested that it be scheduled as a discussion item or a presentation item because quite frankly my personal opinion and even speaking on behalf of the Commission here when we first started with them, this is not an easy issue to consider. What is attached to the transmittal is what we would recommend to you for adoption. What that does is set some minimum criteria for the kinds of projects that we would then look to develop agreements, and we would come to the Town Council for ratification and involvement.

Mr. Farrell: So in essence, we're endorsing the general concept and telling you to go forth and work under these general perimeters but ultimately any true vote on an abatement has to come back here.

Mr. Roe: Absolutely.

Mr. Nunn: And what we are also looking for is input. So far the work has been done by staff and by the Commission but in order to have a greater degree of success, we certainly would like to invite suggestions from the Council as to what in your opinions are in the best interests of the town. We've made out presentation, and we want to see how you react to that, and if there is something further you would like to add, we certainly would take it under consideration.

Mr. Farrell: Are you working under a deadline here? The newspaper article sort of inferred that.

Mr. Roe: I think the answer to that is almost going to be quite glib. A month and one half ago was too late but the EDC felt that it needed to consider this depth and really has had a committee meeting on a weekly basis for a two and one half month period. What we have identified to that particular company is that there is a process involved and that we view this as being a big step for the community to take, and it is going to take time. If the Council were to decide tonight that you wanted to say 'yes' to this, we're not going to fight with you about that. My experience with the Commission was that it took time.

Mr. Nunn: To clarify that, this presentation is not strictly designed for a particular applicant. This is to be utilized within the I-5 Zone; however, there is an applicant that is interested in leasing/developing a rather large portion and they, perhaps have a timing that's involved. In fact, I know that they do. The articles in the newspaper that you talked about, one of them in the *New Haven Register*, the lack of support they got from the state. They were kind in not talking about lack of support from the Town of Wallingford, if you read that article. There is a timing concern on their part. They would like to act. They have a presence within the town now but they are looking to consolidate three or four locations

throughout Connecticut and perhaps Massachusetts and we would lose that presence if we were not that location. To answer your question, there is a time consideration here because we have a client and in discussing with them the location we have is what's most desirable. What they are looking for is certain incentives besides the ideal, besides the power that we offer in a low price area and so forth. From that point of view, there is a timing issue to a specific client but not for the general presentation which just covers the I-5 Zone.

Mr. Testa: There is a lot of incentive to develop in Wallingford as it is. Certainly our electric rates, our location, our mill rate is lower. When you talk about the other communities and what they are offering I know it's hard to compete with someone who has an enterprise zone incentive of 80% and all of that. I assume that's more in the city type areas but when we talk about different communities that are offering different tax incentives, we could be talking about a community that has a mill rate 46 and our mill rate is 26 and 20% or 40% off of their mill rate without even offering an incentive we're ahead of the game in some of these areas. It's difficult to weigh the worth of this sometimes when you talk about what other communities are offering because their starting point can be so different than ours. I'm curious as to how you came up with 20% and is it safe to assume that's what you thought would get us competitive with the other incentives that we are competing with based on our starting points?

Mr. Roe: the EDC concurs with you that the town has many assets that go into that decision making pie. That number was picked because again there was the feeling that it is just one piece of the pie that makes Wallingford attractive. For instance, when you compare us to what Cheshire does or Rocky Hill, those communities offer higher percentages, significantly higher percentages, and their mill rates aren't as competitive as ours as well.

Mr. Nunn: The figure analysis of what we have to offer is quite accurate, the location, the power costs, and such so we didn't feel we had to have a tax incentive program comparable to some of the other communities. We feel coupled with what we have to offer on a natural basis that that would make us attractive. We feel that the offering that's presented to you is rather

conservative, particularly when you compare it to some of the other communities have offered.

Mr. Testa: Is this for new construction only? It's only 10% developed now so given what the zone is and what's there now, this applies to new construction, correct? And that's what you're hoping to encourage.

Mr. Nunn: Only on new construction, right.

Mr. Testa: This isn't like an area that has a whole bunch of vacant buildings that we are trying to fill.

Mr. Nunn: If I may interject, much of this is farmland and much of this produces very low tax rates that the town can take advantage of. With this new construction and the type of buildings that we are suggesting and again we made it clear to the letter that we wrote to Planning and Zoning that we don't feel these properties in the I-5 Zone would be conducive to residential development. That's not where we would get the best bang for our buck.

Mr. Testa: You also brought up that each individual situation where this might come into play would be subject to Council approval but I'm curious, how do we legally discriminate, I just used that word in its literal sense, between situations like you get it and you don't when someone meets the letter of this policy? I'm looking at this and saying we're going to adopt a plan and if somebody meets those criteria are we not obligated to anybody?

Mr. Roe: No, no, it's 'may' enter. You're not obliged.

Mr. Testa: I understand but when we do say yes, the next time we may consider it, isn't it difficult to say 'no'? I'm not saying that because I would be interested in that.

Mr. Nunn: The criteria is spelled out. As a matter of fact, we take it another step. If someone should comply with the criteria that we have set up and then for some reason have a reduction in their initial plans, that plan is not locked in place for seven years. That can be re-considered. I point out to you that this is a proposal on the best way to develop the I-5 Zone so that

if other companies would come up with a similar program, the chances are we would recommend to the Council *not* to act differently. They've complied. We're not looking to set an unusual precedent. We are looking to set what we feel is the best use of that land for the town.

Mr. Testa: I like it. Don't get me wrong. I like it. Thank you for the backup data that we received tonight because a lot of my questions are answered in there. The one thing that stands out to me that I have a concern about is the focus and limit to office use only, and I don't understand why it wouldn't be recommended why this wouldn't be recommended to any of the permitted uses in the zone. One of the main reasons why that came up to me is I noticed it has nothing to do with personal property. It's land and building only that would receive the abatement and but certain uses tend to generate higher value personal property and it would seem to me that while we want to attract the businesses to the zone, wouldn't you want to attract businesses that add to the tax base down the road based on their personal property. Light industry is not allowable in this zone but when you talk about research lab, I'm thinking technology; I'm thinking research facility's that may tend to have higher value personal property in the equipment that they are bringing in and why would you not want to give an incentive a company like that? Why are we focused solely on office buildings? I'm in favor of this but I'm also in favor of revising it to all permitted uses.

Mr. Nunn: There are certain limitations and regulations that were set up by Planning and Zoning. For instance, the I-X Zone will permit some of the bringing in of those types of businesses while the I-5 has their specific uses so that we are in compliance and we're following the regulations that are set up by Planning and Zoning. We have no authority in changing anything that Planning and Zoning has set up but we can make recommendations. To the people who worked on this program, Mr. Wolfe and Mr. Mirra are liaison personnel on our Commission with Planning and Zoning, attend Planning and Zoning meetings and talk to them about some of the ideas that we have, and I relate happily to you that we've had a good reception and some of the recommendations that we have made. From time to time we attend their workshops.

Mr. Wolfe: To add to that, the I-5 Zone has not been real productive for developers. As you know the State of Connecticut and office buildings has declined. Other zones, industrial zones or I-X Zones have naturally developed on their own. Part of this is to assist that development but not to say that we won't come before you with a plan for the other zones but for right now, that's the zone that needs the help.

Mr. Testa: I understand and I agree but I'm curious, why not offer the incentive for the other permitted uses in this zone – outpatient medical facility, research labs, hotel, motels, things of that nature. What was your reasoning to not offer the incentive. If the idea is to develop the zone and there are x number of permitted uses, why not offer the tax incentive for all permitted uses? What drove offices only?

Mr. Mirra: I unfortunately was not at all of the meetings when this was put together but part of the formula was the overflow traffic that a project like that would bring to the town. A building like this would employ some 600-800 people which would filter into the economy of the Wallingford, so it would add an extra bonus to the program. That was part of the formula. Why we specifically picked on the office building, maybe it was the project that we had on the table at the time. Keep in mind that this is an incentive program for anyone who is going to improve value over \$3,000,000 and it's only for a seven year period.

Mr. Testa: I understand all of that. I think it's great. I just not quite sure why. Is there an aversion to offering an incentive uses or does it run a foul of what you are trying to accomplish here. I value what you are doing and I want to support you.

Mr. Roe: Certainly what Joe just identified to you, in part the focus was driven by the company that came knocking on the door. However, with that being said, we went back to the early establishment of the zone and recognized that what we envisioned there was a suburban office market configuration, and that was what we focused on is having that happen. Certainly office buildings includes financial institutions. That language comes right out of the zoning regulations. Whether office buildings includes research labs, I'm not sure. The

focus has been on that as a suburban office market, a suburban office development area. The EDC has had mixed positions on hotels-motels and that on one hand it's a needed piece of the business infrastructure but on the other hand I just know we haven't been that enthusiastic about that use and so that we the backdrop there....why go there?

Mr. Testa: I appreciate that. Thank you very much.

Ms. Doherty: How long have we had this I-5 Zone?

Mr. Roe: Since the mid-80s.

Ms. Doherty: The way it's mapped out now? I wanted a general idea.

Mr. Roe: Sorry but I did not bring that paper with me.

Ms. Doherty: It's a long time. In the qualified participating parties that come looking and that have not followed through with a purchase, have you done exit surveying? In other words, they weren't interested for whatever reason.

Mr. Roe: I would say that over the last decade the outfits that have been knocking on the door have largely required almost without exception a zone change to accommodate what they wanted to do. The development of retail activity be it the development of an extended care facility, a variety of different folks come knocking on the door but in each it would require a zone change, and again, the EDC really saw that zone and its location was most ideally suited for office park type development.

Ms. Doherty: I'm not questioning that. I'm questioning parties that have come forward to look at the area in the I-5 Zone and have ended up not pursuing.

Mr. Roe: Right. They wanted a zone change.

Ms. Doherty: They want a zone change.

Mr. Roe: It would take a zone change for what those parties have wanted to do. Retail is not allowed there.

Ms. Doherty: I understand that.

Mr. Roe: A 400,00 square foot distribution facility, not allowed there.

Ms. Doherty: That's why I said 'qualify', the ones that qualified for the I-5 Zone.

Mr. Roe: I missed that point. Again there has been little activity on the office park.

Ms. Doherty: Ok, thank you.

Mr. DiNatale: To clarify what Mr. Farrell and Mr. Testa were discussing about the guidelines here. We 're setting up a guideline almost as an invitation for someone to come in and to make a deal. If you met these guidelines, it's a done deal. There's an abatement. If you meet these guidelines, you come forward to the Council on any proposal to finalize a deal. This is not an automatic incentive if you're investing x amount of dollars in the zone. Is that correct? Today it could be this and tomorrow it could be somebody else but regardless they would come to Council with the specifics.

Mr. Roe: Right.

Ms. DiNatale: What's important, and I kind of agree with what Mr. Testa was saying here, I would raise the same concerns. Why wouldn't we expand to all uses, why would we not expand to the I-X Zone and also what's left behind is why are we not creating an incentive for the existing buildings in the I-X Zone. It's important to realize the I-X and the I-5, they share a lot of properties in the sense of value to the town because of the taxes they pay. If it is discretionary, then why don't we include both of these zones? Zones for regulations are defined by the Planning and Zoning Commission of the types of uses and types of development so these are consistent with our plan of development. Why don't we include these in this kind of abatement but alternately they have to come to the Council anyway. There is not precedent set. It's discretionary but we should make a clear message that we welcome these businesses in this town, in this zone.

Mr. Roe: Generally the Commission takes things a step at a time and view this as being a step that had some basis based on some research into the marketplace and the market that we are competing in. Within the balance of the community, there has been a small incentive program for manufacturers and the EDC will be revisiting that because that program expires the end of this year. In the context of that we could certainly take up how else to configure I-X.

Mr. DiNatale: I would sense there is a frustration before and even after tonight, any of the investors in the I-X Zone that have buildings whether they are existing or are properties that are undeveloped that – hey, what about us? We have a fairly large I-X Zone in this town.

Mr. Nunn: In answer to part of your question, the client has approached us and complies with the regulations that Planning and Zoning has set up to move into the I-5 Zone. To be quite frank, what they are looking for is an incentive program that makes us comparable to or to make us stand out above some of the neighboring communities. I do truly believe that we have the best properties to offer.

Mr. DiNatale: I'm enthusiastic about your proposal and I support it and I appreciate the work that's gone in to this proposal here. I was just looking past that a little bit.

Mr. Nunn: I think companies that or clients that approach us like a property they see and they are looking for an incentive and we want to try to make an offer that doesn't give the store away. That property will be here tomorrow and a year from tomorrow and if this client doesn't take that property, some other client make come. This is an opportunity. That does not mean and perhaps with recommendations that the Commission is making, we may move into reviewing the I-X Zone for manufacturing quicker than the end of the contract. There is a regulation in place now but that will expire. So with that said, it seems that the Council at least by a couple of the members here would like to see that we don't discriminate against people in the I-X Zone because of what we are offering in the I-5 Zone. This is specifically dealing with the

I-5 Zone and companies, such as the one that has approached us that does qualify, to become a business in the I-5 Zone.

Mr. Roe: I wasn't that it wasn't discussed because we are also aware that there are I-X users that are looking to build a building or buildings and would certainly in the course of meeting with them have asked the same questions. It's now the standard question that gets asked. What will the town offer? I think in our discussions we thought that it might be too big a bill to ask the town to swallow, to bring to you, in one fell swoop.

Mr. Knight: Jim and I served on a committee so many years ago we can't remember the terms of what was finally established but you referenced it a few minutes ago about an incentive for manufacturers. This sounds like this. There are a lot of elements in this that are very familiar from working on that committee. I don't think this is a real huge step for the community to take because we have already made this step. We just defined it. And left it defined it a little more narrowly for manufacturers. Am I getting that right?

Mr. Roe: That's correct and part of the reason you're so familiar with it is that this document almost looks like the previous document.

Mr. Knight: Good. Because I don't see that this is a radical step that the town is taking. We're not talking about something that might happen in the future. We've got somebody that's actually approached the town and has said 'I'm looking all over the place'. Listening to Doreen talk about the towns right around us that are offering steeper incentives, more attractive incentives in certain respects, than we were. It struck me because I've heard so many times and I've read in our local paper about how we have to regionalize and that the regions have to get together because everything affects the region. Well, the fact is that the property tax is the biggest part of our financial operations and I don't want to give up a potential taxpayer to another community. Certainly the state has stacked the deck so that other communities are allowed economic enterprise zones and so forth that make it pretty interesting. Doreen outlined some of that. I read in the *Wall Street Journal* today that Toyota is looking to put seven assembly plants somewhere in North America and between

the province of Ontario and the federal government of Canada, they are offering incentives of over \$100 million to put in an auto assembly plant that will employ about 1,000 people. Don't be so timid. You're not asking that we consider tax abatements of that magnitude. I work in the industrial economy of Connecticut everyday, and I've seen in 25 years that we have lost manufacturing to Mexico, North Carolina, China. We have to do something to attract industry, the business that will be left to us. These office parks and these financial institutions are plums in this day and age. I hope you stay as aggressive as you can be and I think that you are going to find that this Council is going to support you in those endeavors. I certainly do. Stay strong with this. This is a good program. You haven't asked for the moon. It's nothing that we aren't already doing for the manufacturers.

Mr. Parisi: Am I correct in understanding that we're not attracting businesses because of a lack of incentives or not competing on the same level of incentives offered by surrounding towns?

Mr. Mirra: I think what we're proposing tonight is that the I-5 zone is not getting the play that we would like it to get, and we have a client now looking at it and in competition with surrounding towns, we are making a proposal.

Mr. Parisi: I understand. I read the papers about the client but in the past has it been your experience that we're not offering enough to attract businesses.

Mr. Roe: I almost want to defer to Doreen.

Mr. Nunn: I think this is only her second time before the Council. As her title as business recruiter I think she is best equipped to answer your question.

Doreen DeSarro: We have had some problems, especially with our own local companies. We've been successful in being able to retain some of those and this is not just in the I-5 Zone, this is town-wide. It's very difficult because they will go to Cheshire, and they will go to Southington, and they will go as far away as New Britain, and they will come back and say to us, I'm being offered an 80% tax abatement, a 45 % tax abatement. I don't even want to leave, what can you do for

me? Basically what we've been able to do is at least use the electric rate variable between ourselves and CL & P and UL. We say this is something that you get forever not for just seven years but we are dealing with two other companies right now besides the company that is looking for office space that we are hoping that at some point in time we might be able to work with to stay here. I need some tools in my tool box.

Mr. Parisi: I'm glad to hear you say that because that's been my gut feeling that we don't compete incentive wise and not in just this current situation. I agree with Mr. Knight. I think this is wonderful. I too would encourage to keep thinking in this way. It's very important for our share of the pie because we are a stable, well-run town. This is a very positive step. I commend you.

Ms. Papale: I believe that we all agree that this is really a good for the town. It bothers me a little bit that - I'm going to ask the question. If this company did not come forward and say they wanted to be here, would you be here asking for this incentive?

Mr. Nunn: This plan of action, this presentation, is something that we have been working on for quite sometime, even prior to this company coming forward. As explained by some of the other Commissioners there has been very little action on I-5 development because what's happened over the past 10 years that doesn't make it as attractive as it was a number of years ago but I think it's a combination. It did not certainly adverse our program. It may have moved up our action a little sooner because as Mr. Farrell has asked do we have a deadline. No, the EDC does not have a deadline. This client has a deadline and if we are to attract this client we have to move because they want to take an action in two or three other communities and those other communities are offering a competitive package that is very difficult for us to compete with. Again, I think it's the location of our property that is absolutely outstanding to them.

Ms. Papale: I'm glad to hear what you said but I still just a little disappointed because I really feel that this client made this happen and I think that it should have happened a while back.

I think that people are coming are coming to the Economic Development Commission and that incentive should be out so that more people come to you. You said that you didn't want to come to the Council. Why? Did you think we would say no to an incentive? We all look back at Bristol-Meyers and look at what happened with Bristol-Meyers.

Mr. Nunn: That was a wonderful mark in history. The town has prospered by adding that particular business to town and I'll speak personally, I'm not afraid of the Council.

Ms. Papale: Well, I hope not. My point is, and I think everyone is getting my point, we should be out there more. Everyone I talk to thinks it's a wonderful place to work and a wonderful place to live so it often bothers me to think there are empty places and empty lots. Some groups have to work a little harder to get people here and I wouldn't even hesitate as far as incentive. We all need incentive in life to get something done and to get somewhere.

Mr. Roe: Wait a second, my Commission might start asking for salaries and stipends.

Ms. Papale: I really believe that you have our blessing on this one and we want to hear more. We are all in agreement on that point.

Mr. Nunn: That's one of the recommendations we are looking for and I think you all have made it loud and clear that that's the type of activity you would like to see to be pursued that we don' isolate it just to the I-5 Zone but to the I-X Zone and to some of the other particular properties so that we can intelligently develop the properties that we have. That's the responsibility that we have.

Mr. Farrell: I've been sitting here trying to think that because there is no motion on the floor of how to come up with a fairly simple motion that on the one hand sends the right signals to the potential client that you are courting and on the other hand responds to some of the comments from Mr. DiNatale and Ms. Papale and others that the conversation shouldn't end here. The simple motion that I am making is that the Council endorse the concept as presented. Keep it that simple.

Mr. Parisi: I'll second that.

Mr. Farrell: I was trying to put a motion on the floor to at least shake the debate so that we know where we are going. It's just a motion, Pat.

Chairman Vumbaco: The public will have a chance to speak (*directed at Mr. Melillo*) Before we discuss this any further, I have some questions on this. How are we going to verify the amount of money that they're spending based upon the limits that are put in this proposal? In the past we've had problems with other development in this community where they refused to even let us look at how much they spent and if we're putting a cap here of \$12 million, I want to know before I support this what are we going to see, and what are we going to expect from these individuals to verify that \$12 million has been spent.

Mr. Roe: My answer to you would be this. I agree that we need to devise something up front in whatever agreements are entered into that ensures that documentation is provided. I would see that being a specific piece of an agreement.

Chairman Vumbaco: So the agreement that would be brought before this Council would say that would be construction documents and invoices that this town would verify.

Mr. Roe: If that's what our folks in finance and law think is what we needs to see then I would say that should be right up front with the client.

Chairman Vumbaco: I think that's an important issue because in the past we've had trouble verifying costs.

Mr. Nunn: If they can't verify this to us, then by our definition they have not complied.

Chairman Vumbaco: Right but there has to be a means of verification. If they're going to turn around and say here's our one invoice from the major construction person. I just want to make sure that we verify the dollars associated with it. So somewhere that will be written into the agreement. The other question that I have is regarding new construction. Is that new

construction on an empty lot or if a person has a spot and decides to add a \$12 million piece to that. Does that fall underneath your guidelines?

Mr. Roe: Off the top on my head, I would think, yes.

Chairman Vumbaco: I would think so too but I want to make sure that that is the thought process. Like if they want to start small and then all of a sudden they want to go big. It's on an individual basis. They can't start small and do \$6 million and then do another \$6 million.

Mr. Roe: Right. It has not been structured that way.

Mr. Nunn: If we could call on the comptroller's office to assist us in ascertaining the fact that these clients will have met the requirements that we have. They are the people who have the financial expertise. We have no problem in consulting with other town departments within the town government. We do this regularly with Planning and Zoning. We do it with the Law Department. *(To Mr. Bowes)* Jim, would you have any comments to make as to how we best should handle something like this?

Mr. Bowes: There are various methods through our assessor's office. There is always per square foot construction verification methods that can be used. Most companies are going to provide documentation or else they are not going to get the tax break. There are other independent ways to do it.

Chairman Vumbaco: I want to make sure that we're not going to get caught in a situation where they say, "This is what we're giving you, and it is \$12 million," and we can't verify it.

Mr. Bowes: If we can't verify it, they don't get the tax incentive and they just put up 180 sq ft building that they are paying full for and they can take us to court, and we'll hand it to Janice.

Chairman Vumbaco: the hard part about going last is because everything has been said but I will stamp my endorsement onto this. I think it's a long time in coming and I have been in favor of tax incentives ever since I have been sitting on the Council. I think as was said earlier if you just look at what Bristol-

Meyers did to this community 22 years ago, there was an explosion of industrial and commercial space within our I-X Zones and our industrial zones because people felt that if a Fortune 100 company can come here, then it must be OK me if I'm one of those little people down below. I'm fully in favor of it. I would like to see tonight this Council endorse all of the uses in the I-5 Zone. I go along the way of what Mr. Testa and Mr. DiNatale were saying and some of my colleagues to the left that there is an incentive there that could bring in other types of business that's allowable in that zone. Maybe there is no activity because we don't have the incentives. Mr. Testa brought out that a research lab brings in a lot of personal property in the form of computers that are valuable that we could get regular tax dollars on. The shell of the building whether it's an office building or a lab is the same. It's going to be a \$12 million building whether you use it for office or lab space. If there is a possibility that you can bring in a business that is going to have an increase in personal property tax along with it, it's even more of a win for this town. I personally would like to see us include all of the uses in the I-5 Zone and then go forward with looking into the I-X Zone when this other one comes up. That would be my opinion and I would like to see comments from the Council on whether they would endorse that this evening so that we can fold that into this proposal.

Mayor Dickinson: I wanted to address a couple of comments. We are cautious about programs because they do represent subsidies. The rest of the taxpayers are obviously subsidizing the potential need for services, etc. of a new business coming into town. I like the phrase 'intelligent development'. There are many communities that have very little space left for development but in Wallingford that isn't the case and whatever we have will only become more and more attractive so we should pick and choose. I don't think it's a case of us having to rush to have all of our acreage filled up and then wonder what happened fifteen years from now when there isn't the ability to attract a major new business because there is no open acreage left. There has been a cautious approach and I think that's appropriate. Certainly the community has developed in a way for the most part has been positive for the community but when we ask the rest of the taxpayers to be subsidizing it, I think we have to have a very good reason to

do so and certainly the reasons advanced by the EDC are good reasons. I'm not sure the same incentive should go to hotels and some of the other uses in the I-5. I don't think they represent the same employment nor do they represent the personal property tax potentials. I think we should see how this works with office and gain some experience and then maybe go further. I don't think anyone has identified that in the next five years that the acreage that's now I-5 90% developed. We could achieve that. All it takes is the right incentive program but I don't think that's in the interest of the community or the long-term intelligent development goals that we should have. I think it's time to move ahead with this program but I wouldn't broaden it too much until we gain some experience in what it will mean and how quickly the area develops.

Chairman Vumbaco: I guess that's where you and I differ, mayor, I would like to see 100% of the spot filled so that we at least have a greater tax base that we could draw on. As far as subsidizing goes, I would just as soon subsidize then have a piece of property sitting there empty for the next ten years and not getting anything out of it. If it's the wishes of this Council to go forward with the present plan, that's fine. I have no problem with that.

Mayor Dickinson: One way to vote tonight would be to Waive Rule 5 and then vote on this plan if you want to do that. It's not on the agenda but you could add that.

Chairman Vumbaco called on the public for comment.

Lou Passariello, 2 Stella Drive: First I'd like to compliment the Commission on a job well done and whether it's overdue is not the issue. We're here tonight with MNL on the line ready to sit down and negotiate and to bring some tax money and potentially they could be in the top five taxpayers in the town right away so we have an opportunity. It's nice to see that nine members, democrats and republicans, actually agree on something. Can we implement it or do we drag our feet for the next several months and MLN will pack their bags and go to Massachusetts and we've lost a golden opportunity. As Mr. Vumbaco said, why let the land sit idle for ten years. We've got somebody in the queue right now who is interested. To

go along with Mr. Testa, yes, there are many things that are attractive to Wallingford but you've got to negotiate, you've got to put something on the table and you've got to mean it and you've got to do it fast. These guys don't seem like they're going to drag their feet. They seem like they're fast movers. They have the money and they are ready to move and we can't sit here and think about it for several weeks. You've got to make a decision and you've got to get the ball rolling. Turn the Commission lose and the Mayor and whoever else needs to go out and negotiate for us. Let's get the tax dollars here today.

Wes Lubee, 15 Montowese Trail: My comment is to the Chairman. I don't know who wrote the script but they did a nice job. It was very brief and to the point and also my compliments for involving your various parts of the committee for making the presentation. Good job. As an advocate of the program, I do have some questions. To tell you where I am coming from, I think it may be too little too late. I'm not sure that 20% is what the Commission may have felt they could get approved or whether they thought it would be sufficient to accomplish their goals and maybe privately they could tell us. I think that 20% is not a very aggressive posture when Councilman Doherty brings out with Don Roe the fact that there has been no one in 20 years, from the mid-80s to now, that's 20 years and no one came forth to want to build office space in this I-5 Zone. Golly, doesn't that tell us something? Not one in 20 years that didn't want to have a change of zone for some other purpose other than the office space that we would like to see built there. I think that if we really want to stick to that, we do have to become more aggressive. I also was bothered by the mention of a three-year sunset. If I was investing \$12 million, I don't think I would want to have the feeling that in three years someone was going to question what we had done. I think that is a little bit too critical and ought to be dropped out. I think that the comments that have been made about the need for action after 20 years, let's not put it off another 20 days. Let's do something. I also want to ask some questions. This land we are speaking of in the I-5 Zone, is this part of the land that the Mayor once proposed building some roads?

Mr. Nunn: No, it is not. This is what's known as the Vilmeade property

that this particular client is questioning the town is as to what it can be offered to them. We have a map here and can point that out.

Mr. Lube: The answer is no.

Mr. Nunn: The answer is, no. It's not the same property. That's another area near the recreation center.

Mr. Lube: Is there nearby electricity?

Mr. Nunn: Yes, there is and if it isn't the electric division will put electricity in. Electricity has never been a concern of any location within the town of Wallingford.

Mr. Lube: Including the power that such a firm would need? What about water?

Mr. Nunn: Is that right Mr. Smith. He's confirming that providing electric power to any location in the Town of Wallingford is not a problem. Water and sewer could be concerns but not at this particular location. Is that right Mr. Dann? There is water and sewer in that area, yes.

Mr. Lube: Both water and sewer, OK. We think of the attractiveness of the town and I ask about these utilities because a lot of times a developer or an investor is looking at a particular piece of land, he is concerned about how much its going to cost him to bring water and electricity to the site. We are talking about a payroll intensive company. This company has a large number of employees that they are talking about bringing into one location but it also means that these people are gradually going to try to relocate their families, and when we look at one of the drawbacks of Wallingford, we all own homes and look at how their going up in value but if you had to come into town and buy a home, that's a factor that's now causing the Fortune 500 to move their headquarters out of the Stamford area because their employees find it too expensive to live here in Connecticut. This is a problem we now have here in Wallingford. Our homes have now become very expensive to acquire and any company coming in that is employee intensive has to have that in mind. Mr. Testa and

some of the others spoke of the attractiveness of not limiting this to office space rather to any of the uses that would be allowed by the Planning and Zoning Commission. I think there is a lot of merit to that because if you haven't had any bites in 20 years, let's not offset the abatement by limiting the uses. You're fighting each other. Will a tax abatement enhance the value of the land?

Chairman Vumbaco: We, there is no one here to answer that. The EDC could take that under advisement and check it out.

Mr. Lube: Will the price of this land suddenly go up if you people pass an abatement? Or can we control that price? If the price of the land were to go up, it would offset the advantage of the tax abatement.

Pasquale Melillo, 15 Haller Place, Yalesville, asked if this property is considered farmland.

Mr. Nunn: It is zoned farmland presently. I'm sorry. It's zoned as I-5.

Mr. Roe: The current owner has an agreement with a farmer so that the program is in what's called the 490 Program.

Mr. Melillo: How much of it is being farmed?

Mr. Roe: I couldn't tell you, Pat.

Chairman Vumbaco: Pat, that is not pertinent to this discussion, what type of land it is, or to this decision. Do you have a question?

Mr. Melillo wanted to know why businesses get the abatement and asked about us taxpayers and that farmland is very valuable.

Chairman Vumbaco thanked Mr. Melillo for his opinions and called on Mr. Wright.

Phil Wright, Sr., 160 Cedar Street: Commented on the interesting subject and that it has been very well covered including the technical aspects. He like to hear that people support it and

endorse it and that they like. He suggested that the Council not use the term 'blessings'.

Jon Walworth, Laurelwood Drive: Thank you to EDC for making the presentation. I was the guy who had to market Medway Business Park for 15 years with an empty piece of property south of Route 68. Some of the issues are that inherent restrictions within an I-5 which is a 15% coverage, which has no retail or shops nearby that businesses find attractive for their employees and some water and sewer issues which they in fact have to pay some additional funds when the project is being put together. None of these things are, unfortunately, being discussed tonight but it's been one of the most difficult parcels, not only for this town, but for me to market all 5,000 acres of industrial parks that I have worked on. I'm afraid that the proposal before you tonight is too conservative. I think it should be less than \$12 million. I think it should be more that 20%. I haven't seen a document but thanks to EDC for the beginnings. I hope you approve it and allow it to begin.

Nick Passariello, 40 South Cherry Street: I'm here as a resident of Wallingford. I also happened to be employed by the company that's interested. They don't know that I am here tonight. I came as a Wallingford resident. I just want you to keep in mind that speed is the key here. There are a lot of offers on the table and a lot more money that's going to be offered than we're going to offer. I know that we're getting offers from other places that's going to be more money but that doesn't mean we're not going to pick Wallingford. Keep in mind, it is a private company, not a public company. It's owned by a really good man and you're going to see the give back to the town, not just with taxes but with other things. We are constantly involved with United Way. By bringing the whole company into Wallingford, you're going to have a lot of money coming into United Way from all the different fundraisers that we do as a company. There is going to be a lot of benefits to the hotels and stuff like that. We constantly have third party vendors and everybody else coming in. I do agree that we should not be quite as high with our abatement because we do have a lot of other benefits. Wallingford is in my opinion a better town than a lot of the neighboring towns and we want to keep ourselves different and keep ourselves separated from those other towns. Again keep the urgency in

your mind for not only this decision but for future decisions with the company.

Chairman Vumbaco asked the public if there were other questions and hearing none he once again called upon the Council. I'll entertain a motion to Waive Rule V so that we can put Jerry's item on the agenda.

Mr. Farrell: So moved.

Ms. Papale: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved. Mr. Farrell, would you restate your motion.

Mr. Farrell: Sure. (The motion is) that the Council endorse the concept as presented.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved. Good luck.

Mr. Nunn thanked the Council.

16.

Ms. Papale: Number 16 is discussion and action regarding approval of a Contract for Services agreement between the CRRA and the Town of Wallingford from 7/01/05 to 6/30/10. So moved.

Mr. Parisi: Second.

Mr. Roe: I wanted to use this contract as an opportunity to introduce to you the new Resource Recovery Project Coordinator for the Wallingford Project. Mrs. Doreen Zaback is sitting to my left. She has now been on board about three months. Time flies. The last time we did this was five years ago and it is now time for the town to consider entering into this service contract in order to have the project provide funds for the project staff person. That person is in our office and works under the direction of our office but actually works on behalf of all the towns, all the project towns.

Chairman Vumbaco: Does this pay 50% of the salary?

Mr. Roe: No.

Chairman Vumbaco: It's 100% paid?

Mr. Roe: Yes. It's 100% and in addition there is a payment to the town in the amount of \$6,000 for the financial services, bookkeeping and accounting and other office costs.

Chairman Vumbaco: The other half of Phil's job had gone away, right?

Mr. Roe: Right.

Chairman Vumbaco: We have a motion and a second. All in favor?
Opposed? So moved. Item # 17.

17.

Ms. Papale: Discussion and action regarding acceptance of a Quit Claim Deed from Friends of the Trail, Inc. to the Town of Wallingford for property known as the Beaumont property located at 202 Main Street, Yalesville . So move.

Mr. Parisi: Second.

Town Attorney, Janis Small: We have a draft quit claim deed from the Friends of the Linear Trail, Inc. to the Town of Wallingford transferring the property Mr. Thompson will be talking to you about. There is a minor issue regarding taxes since the Friends have owned it and whether or not it falls into an exemption. I haven't had a chance to talk to Shelby (Jackson). I don't really think there is an issue. We're talking about less than \$1,000. If Shelby doesn't agree with my interpretation, we would be taking it subject to those taxes but I believe there is a statute that provides – it's not enough to just be a non-profit owning property for an exemption. It has to be actually used for a charitable purpose. There's an additional statute that talks about if it's something in the planning/construction stages, you still get the exemption, and I believe this would fall into that exemption. I view this to be a minor issue.

John Thompson, Town Engineer, displayed maps of the area and oriented people to it. He asked the Council to recall that the last time they talked about a land donation was the Ahearn-Rogers property which is on the northerly end of Fireworks Island. He said that property is on the far right of the diagram. He pointed out the Wilbur Cross Parkway, the Quinnipiac River and the raceway Fireworks Island being in the middle of the raceway. He pointed out the area under discussion. He said it's the former Beaumont property and is approximately 25 acres, some of which is on the southerly end of Fireworks Island and some on the portion of land between the parkway and the river. He said the reason the property is important is that it's the next section of where the linear trail is headed as we continue north. He showed the areas of the pedestrian bridge and the tunnel. He pointed out the next portion of the route of the linear trail. He said that this piece of land is integral and gets us up to Fireworks Island to the Ahearn-Rogers property onto Fireworks Island and then ultimately out to Main Street in Yalesville.

Mr. Farrell addressed the Town Attorney: What's in front of us is a proposed quit claim deed? I'm wondering why it's a quit claim deed as opposed to a warranty deed because if you look at the proposed language, it references a prior warranty deed of the very same parcel from Robert and Noma Beaumont to Friends of the Linear Trail.

Ms. Small: I think that that was a decision made by the Friends of the Linear Trail. There is another property owner that has cows that graze on a portion of this property and although he has said in fact that he knows he's on that piece of property, the Friends are not looking to be responsible or be the ones to tell him to get off. Mr. Thompson has had conversations with him about getting off of the property so that would be our issue to deal with. That's the primary motivation for the quit claim deed. I'm glad you asked that question because it escaped me for a few minutes.

Mr. Farrell: So we may have to take legal action against Mr. Kern.

Ms. Small: It's a possibility although Mr. Thompson has been able to

have discussions with him, and I thought indicated at one point that if he would get the cows off that in fact he would do so. Is that.....

Mr. Thompson: I can show you on the board where the line was but it's basically two pieces of land. The right side of the diagram is the Ahearn-Rogers property. There were two pieces in the middle that were identified as belonging to Nick Kern. Over time he time he had allowed his cows to graze further to the south on Fireworks Island and essentially claimed it by use. When we initiated discussions about the transfer of the land from Friends to the Town of Wallingford, I did have several discussions with Mr. Kern. He acknowledged that he knew he was going beyond what was his legal property limit and essentially said that upon direction from the town, he would resort back to his legal boundary. That still has to be legalized but we don't see it as a major issue to the transfer.

Mr. Farrell: Given that it's for the linear trail, I'll vote for this although it certainly raises my antennae that you don't normally take property that's been already conveyed by warranty deed and now by a quit claim deed.

Ms. Small: You're right. I did raise that. I did request that that be dealt with prior to our accepting the deed and I did say that. It is a non-profit who is looking to gift it to the town and there are preferences that it not have to be an issue that they have to deal with so I did state to the attorney that that would be up to the Council whether they took it that way. I understand their position. They're gifting it to the town and they rather it become our issue than theirs. I don't disagree with you. You wouldn't normally do that.

Mr. Farrell: Thank you.

Mr. DiNatale: To clarify, basically there is an encroachment that would be our problem to work out with this individual.

Mr. Thompson: That's correct and in all honesty the encroachment even if it continued to some extent in the future, it's not a critical piece of land. I believe it's resolvable with the current property owner.

Mr. DiNatale: This encroachment is far away from any activity for development of the trail.

Mr. Thompson: That's exactly correct.

Mr. DiNatale: So if it was farmed, it really wouldn't make any difference to us.

Mr. Thompson: If it's town property, we believe we have the right to have control over it and that people shouldn't trespass just because it is town property or anybody else's property.

Ms. Doherty: Being that this is a conservation easement, we are required to keep all of the covenants.

Mr. Thompson: Correct.

Ms. Doherty: Will that restrict paved trail on that area?

Mr. Thompson: I don't believe that a paved trail would be restricted. It would have to be within the context of what the DEP allowed the grant to provide for use of the property.

Ms. Doherty: I believe it says in here that it doesn't specifically say you can't but it says any additional trails would have to have natural...

Mr. Thompson: At the present time, the only anticipated use of that would be for a soft trail. We are not envisioning the main trail to go onto that portion of the island. Or are you referring to the entire property?

Ms. Doherty: Ok, so it doesn't have to be AD accessible

Mr. Thompson: It does and it would be.

Ms. Doherty: It could be ADA accessible without being paved.

Mr. Thompson: On the island.

Chairman Vumbaco called for more questions from the Council and the public. There were none. He said, "We have a motion and a second. All in favor? Opposed? So moved. Item 18.

18.

Ms. Papale: Item 18. I'd like to make a motion to have discussion and action regarding approval of two (2) revised contracts regarding the purchase of the Cuneo property at 155 Cheshire Road.

Mr. Farrell: Second.

Chairman Vumbaco called on Ms. Small.

Ms. Small: Just a few revisions from the attorney for the conservator. Both contracts have to get final approval from probate. With respect to the house lot, we wanted to make it clear that we're not responsible for any maintenance of the house that is solely, that that is the seller's responsibility although they did ask if we would mow the lawn. I did put in that we would mow the lawn when we deem it necessary. The other thing is the barns on the property are not really part of the life use, and so there is a provision that if we want, we can take them down immediately upon purchase, if we so desire. On the open space, we've also added a probate court approval but the one thing that was asked for was a plaque on the open space property just acknowledging the Cuneo Family so something to that effect. That's really it.

Chairman Vumbaco: Any questions from the Council? From the public? Seeing none, We have a motion and a second. All in favor? Opposed? So moved.

Waive Rule V

Ms. Papale: I'd like to make a motion to Waive Rule V for the reason to address repairs to motors at Mackenzie and Ulbrich pump stations.

- 1). Consider and Approve a bid waiver request to allow purchase of pump parts from General Electric FY 2005-06.
- 2). Consider and Approve a budget amendment in the amount of \$17,500 to increase Maintenance of Miscellaneous Water Source Plant Acct. # 431-8600-

617 and to increase the Appropriation from Retained Earnings – Cash FY 2005-06.
This is asked for by the Water Department.

Also to

- 3). Consider and approve a transfer in the amount of \$1,750 to Professional Services-Lawyers Acct. # 001-1320-901-9002 and from Professional Services-Specialists Acct. # 001-1320-901-9003 as asked for by the Law Department.

Mr. Farrell: Second.

Chairman Vumbaco: We have a motion and a second to Waive Rule V.
All in favor? Opposed? So moved.

Ms. Papale: I'd like to make a motion to consider and approve a bid waiver request to allow purchase of pump parts from General Electric FY 2005-06.

Mr. Knight: seconded the motion.

Mr. Dann: A brief summary of this item and the one that comes after it. During the past week we did find that one of the motors at MacKenzie pump station had seized up and in investigating the causes of that we found a mechanical problem had occurred. These 500 hp motors at MacKenzie and 250 hp motors at Ulbrich have a mechanical device which is designed to prevent them from rotating backwards during the shut down process, or when they are offline. This device had failed and when it did it caused some damage to the internal components of that motor. When this was discovered, we inspected other motors of similar manufacturer that we have at Ulbrich pump station as well as at Pistapaug treatment plant and found evidence of wear of that same series of components and three of the other motors that we have. What we are looking to do at this point is to make repairs to all four motors, three of them will require components that we can purchase and install ourselves. The fourth one, because there has been some damage to the shaft and keyway on the motor as well as bearings, would be sent out and repaired. The reason for the bid waiver request is that due to the fact that large portion of the cost of these repairs is for parts, rather

than going through a subsidiary vendor under a bid arrangement with a 10% markup, we can purchase the same parts directly from the manufacturer and save about \$800 to \$1,000 by going that route. That's the reason that we are asking for the bid waiver. The actual cost of the repairs we've indicated to be about \$17,500 and that should accomplish repair all of the components that we have identified as damaged or in need of maintenance to avoid damage to the other motors.

Ms. Papale: Are there any questions from the Council? From the Public? We can vote on this. All in favor? The second item is to consider and approve a budget amendment in the amount of \$17,500 to increase Maintenance of Miscellaneous Water Source Plant Acct. # 431-8600-617 and to increase the Appropriation from Retained Earnings – Cash FY 2005-06. So moved.

Mr. Knight: Second.

Chairman Vumbaco: It's the same issue. Any questions from the public? Council? We have a motion and a second. All in favor? Opposed? So moved.

Ms. Papale: I'd like to make a motion to consider and approve a transfer in the amount of \$1,750 to Professional Services-Lawyers Acct. # 001-1320-901-9002 and from Professional Services-Specialists Acct. # 001-1320-901-9003 as asked for by the Law Department. So moved.

Mr. Farrell: Second.

Chairman Vumbaco called upon Ms. Small.

Ms. Small: I'm running really tight in my lawyer's account in large part to extra work being done on closing out the settlement of the worker's comp and the Mercier claim that is going a little bit longer and over. I need that to close out the year.

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

ADDENDUM

Ms. Papale: Report out from School Renovation Building Committee.

William Choti, Jon Walworth, members of the Wallingford School Building Committee and members of the Construction Task Force for that committee.

Mr. Choti read from a prepared report.

(Wallingford School Building Committee report is appended to the minutes.)

Mr. Choti: The construction management firm was here at tonight's meeting waiting to see what the outcome of this discussion was and I asked them once again, you have to tell me are we mid-September for substantial completion and define substantial completion to me. They gave me the definition I wanted to hear and they held to their date that I wanted to hear so I am going to say that I have a confidence level that they will be able meet that deadline.

Chairman Vumbaco: And what do you consider substantial completion, Bill.

Mr. Choti: That's move in with people using the area and the only thing left to do in that area would be whatever is on the punch list. So if there was a loose wall cabinet or a light switch that didn't work, those kind of issues but there should be no construction at substantial completion.

Chairman Vumbaco: So basically we are talking the first couple of weeks of the year and then we're all set. The question I have, and you raised it with the FF & E, is are we going to be moving people twice or are they going to have what they need to begin the school year with all the right equipment.

Mr. Choti: They will be moving twice.

Chairman Vumbaco: Why? I was under the impression that July 1 that

the bids are back on the FF & E and if they're awarded, why would we be moving twice.

Mr. Choti: There is some lag time on the delivery if the furniture is available to move into the space, we will definitely provide it. Much of the equipment is of the unique special order type of stuff. Some of it has to be actually be constructed to specifications. If it's off the shelf and it can be delivered, it will be here. We cannot guarantee that everyone will have everything that was ordered. We also review what has been out on the street when it comes back. It has to be accepted by the building committee and then it has to be released so there is a window of time that takes place before you actually spend the money and have it delivered.

Chairman Vumbaco: Will the double move happen while the kids are in school.

Mr. Choti: Yes. That's the way it looks.

Chairman Vumbaco: Will they be disrupted in their educational pursuits the first couple of weeks or is this going to be done evenings and weekends.

Mr. Choti: We try not to be disruptive and if we can do it after 3:30pm we would rather do it. If theirs is something we have to pay a premium for on the weekend, we have done that in the past. We try to make all the accommodations that we can. With the principal we work out an accommodating time. We have hired and brought on an FF & E coordinator through JCJ which is part of this increase in the dollars that we are spending on this project and we're hoping with that coordination that we'll have a smooth transition. One of the issues that we have right now is the Board of Education getting rid of the equipment that we are replacing. They have excess property that they aren't sure what they are going to do.

Chairman Vumbaco: I spoke with a couple of the principals and they don't want to get rid of the property while waiting for the new.

Mr. Choti: Just so everyone understands the mind set on this thing, FF & E was at the tail end of the construction project. One of the reasons that it's at the tail end is because these are items that can be added to or cut or moved around or delayed until you have more or less money or you see where contingency is or see where your budget is. That's one item that doesn't have to be there today. It's not like putting up a block wall.

Chairman Vumbaco: Do we have the specs out for that with Purchasing on a timely basis?

Mr. Choti: Yes.

Chairman Vumbaco: Was it planned to have the bids come back on July 1.

Mr. Choti: We were hoping that we were going to be a little bit earlier. JCJ put the bid packages together with the town because the town bids the FF & E package because neither Turner or JCJ do that. Our front end and the requirements of the Town of Wallingford took us time to get the documents in a position that Purchasing and JCJ were comfortable with. It caused a slight delay.

Chairman Vumbaco: I was talking to Sal today and he said that they are still waiting on the technology specs. Is that going to stall any of these Phase B schools if this isn't done?

Mr. Choti: Technology goes in after demo and during reconstruction so right now the Phase C schools are in the demo mode so we have a slight window of opportunity on that.

Chairman Vumbaco: OK, so you're waiting for technology on Phase C.

Mr. Choti: Right. Phase B is gong in and Phase A is in.

Chairman Vumbaco: there are a lot of specific questions here but you said that Turner has said that the middle of September is the time. Any members of the Council that have questions? Any members of the public?

Chris Murzak, a parent of a first grader at Highland school, talked about how construction goes on and on and parents have been told that things would be finished by the end of the summer. He talked about the timing of the asbestos abatement and asked if there were going to be delays because of the abatement.

Mr. Choti responded that abatement has to be under the old counters to put the new case work in. He said that they have a good control on that and added that they have found out that now sinks need to be installed in the cabinetry. To do that, they have to get water into the area. Water does not exist, and they have to come in through a wall, and when the wall was tested, asbestos was discovered inside the wall. So he said they start to do one thing and then find another unforeseen condition. We're now trying to find an alternate means to get water into the pod. Our goal is to have the cabinetry in place on the first day but maybe without sinks.

Mr. Murzak commented on why the asbestos abatement couldn't have been done in February when the children were out of the schools for five days. **Mr. Choti** explained the timing on air testing and that the February five-day break was shortened and was too much of a risk. If the air test fails, then the building is closed. **Mr. Murzak** made comments regarding the furniture and the need for teachers and students to move twice. **Mr. Choti** responded that they were \$40,000 over their original, intended budget and in reviewing that in February, they wanted to get closer to the actual numbers to see if it was a need or a want. He said they wanted the architect to go back and look at everything that was there, and in the meantime the Lyman Hall bid came back slightly favorable so with that they had more confidence in their numbers. Decision need to be made as you go along when you are looking at change orders and you have just spend about \$100,000 at Rock Hill for winter heating conditions, we have to look at every dollar we are spending. We just proceeded cautiously. You may call it a delay. **Mr. Murzak** wanted to know if the construction committee manages and monitors Turner Construction Company to see that deadlines are met. **Mr. Choti** responded that they follow milestones. The day-to-day thousands of issues usually come up in questions, and all of us receive 6am phone calls and daily

hundreds of emails. Day to day activities are managed through Turner Construction with questions to the owner because the owner is the only one that can spend money, even as simple as the location of a light switch. **Mr. Murzak** explained he would like the beginning of the school year to not be interrupted. **Mr. Choti** agreed pointing out that Wallingford releases late in the spring and returns to school earlier so that the window opportunity to do massive work is very limited. He said the calendar dictates that. **Mr. Walworth** added that they did ask the Board of Education is they would push the beginning of the school year to late in September and said that that was not acceptable.

Chairman Vumbaco: Turner is on site every time they need to be, correct?

Mr. Choti: Absolutely.

Chairman Vumbaco: There has been some concern among some parents that they didn't see anything happening on certain days. But they are there on certain days when it's necessary. I want to be assured that that is happening.

Mr. Choti: Turner is responsible for all of the work that goes on at the site. There are times when the site superintendent, a single individual, may be at the Lyman Hall trailer because all of the work is directed out of the Lyman Hall trailer, the Turner Construction main base. If you don't see Chris at Highland and you don't see Dave at Rock Hill, they may be over there. They do take vacations and have sick time. Every once and a while, we try to make sure that the job is always covered by someone. Mike Garrity who is project manager fills in and Scott Rowland fills in for people. You will always in construction run into lean times and also very busy times.

WAIVE RULE V

Chairman Vumbaco: Any other questions from the Council? Public? I'll entertain a motion to Waive Rule V so we can set up a Public Hearing.

Mr. Farrell: So moved.

Chairman Vumbaco: All in favor? All opposed? So moved.

Mr. Farrell: I make a motion that we set a Public Hearing for July 19, 2005 at 7:30 P.M. to amend the existing School Renovation Ordinance for an addition of \$1.8 million to a total of \$68,970 million.

Mr. Parisi: Second.

Chairman Vumbaco: We have a motion and a second. All in favor? Opposed? So moved.

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
20. Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford
– Town Attorney
21. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes to discuss pending litigation in the following matters:
 - a) F & M Bank Wallingford, LLC v. Town of Wallingford
 - b) Donald Lunt v. Town of Wallingford
 - c) Town of Wallingford v. CT. Department of Environmental Protection– Town Attorney

Ms. Papale: I'd like to make a motion to go into into Executive Session pursuant to Items # 19, 20 and 21. Ms. Papale read the items.

Mr. Farrell: Second.

Chairman Vumbaco: All in favor? Opposed? So moved. The Council is now in Executive Session.

The Council entered into Executive Session at 11:15 P.M.

Ms. Papale made a motion to come out of Executive Session

Mr. Testa: Second.

Chairman Vumbaco: All in favor? Opposed? So moved.

The Council exited Executive Session at 12:04 A.M.

ATTENDANCE AT EXECUTIVE SESSION # 19:

Council (8) except Mr. Spiteri, Mayor Dickinson, Town Attorney Janis Small and Comptroller James Bowes.

Attendance at Executive Session # 20:

Council (8) except Mr. Spiteri, Mayor Dickinson, Town Attorney Janis Small and Comptroller James Bowes.

Attendance at Executive Session # 21a:

Council (7) except Mr. Farrell and Mr. Spiteri, Mayor Dickinson, Town Attorney Janis Small and Comptroller James Bowes.

Attendance at Executive Session # 21b & 21c:

Council (8) except Mr. Spiteri, Mayor Dickinson, Town Attorney Janis Small and Comptroller James Bowes.

22. Discussion and Possible Action regarding the pending litigation matter of F & M Bank Wallingford, LLC v. Town of Wallingford as discussed in Executive Session – Town Attorney

Ms. Papale made a motion to approve the action regarding the pending litigation matter of F & M Bank Wallingford, LLC v. Town of Wallingford as discussed in Executive Session.

Mr. Parisi: Second.

Chairman Vumbaco: All in favor? Opposed? So moved.

23. Discussion and Possible Action regarding the pending litigation matter of Donald Lunt v. Town of Wallingford as discussed in Executive Session – Town Attorney

Ms. Papale: I'd like to make a motion to approve the action regarding the pending litigation matter of Donald Lunt v. Town of Wallingford as discussed in Executive Session

Mr. Parisi: Second.

Chairman Vumbaco: All in favor? Opposed? So moved.

24. Discussion and Possible Action regarding the pending litigation matter of Town of Wallingford v. CT. Department of Environmental Protection as discussed in Executive Session – Town Attorney

Ms. Papale: I'd like to make a motion to approve the action regarding the litigation matter of Town of Wallingford v. CT. Department of Environmental Protection as discussed in Executive Session.

Mr. Parisi: Seconded.

Chairman Vumbaco: All in favor? Opposed? So moved.

Ms. Papale: I'd like to make a motion to adjourn from the meeting.

Mr. Parisi: Second.

Chairman Vumbaco: All in favor? Opposed? So moved. This meeting is adjourned.

There being no further business to consider, the meeting adjourned at 12:09 A.M.

Meeting recorded and transcribed by Sandra R. Weekes.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Approved by:

James M. Vumbaco
James M. Vumbaco
Chairman

8/16/05
Date:

Kathryn F. Zandri
Kathryn F. Zandri
Town Clerk

8-17-05
Date:

RECEIVED FOR RECORD 7.22.05
AT 3 H 58 M P AND RECORDED BY
Kathryn F. Zandri TOWN CLERK