TOWN OF WALLINGFORD, CONNECTICUT TOWN COUNCIL MEETING

April 25, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, April 25, 2006, following the Board of Education Budget Workshop in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 7:56 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Assistant Town Attorney, Gerald E. Farrell, Sr. and Comptroller James Bowes were also present.

Moment of Silence

- 1. Pledge of Allegiance and Roll Call
- 2. Correspondence
- 3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds (#594-#622) totaling \$28,645.94 Acct. # 001-1000-010-1170 Tax Collector
 - 3b. Confirmation of Mayoral Appointment of Attorney Loren Lettick to Personnel and Pensions Appeals Board for a term expiring on December 31, 2010 Mayor
 - 3c. Consider and Approve a Transfer in the Amount of \$1,885 to Automotive Diagnostic Scan Tool Acct. # 001-5015-999-9102 from 4 x 4 Full Size Pickup Truck Acct. # 001-5015-999-9923 Public Works
 - 3d. Consider and Approve a Transfer in the Amount of \$14,000 to Boom Truck Acct. # 001-5015-999-9109 from Contingency General Purpose Acct. # 001-7060-800-3190 Public Works

- 3e. Consider and Approve an Appropriation of Funds in the Amount of \$4,400 to Police Overtime Acct. # 001-2005-101-1400 from Revenue Highway Safety Acct. # 001-1050-050-5883

 Police Department
- 3f. Consider and Approve an Appropriation of Funds in the Amount of \$2,500 to State Grant Interview Room Acct. # 001-2005-999-9905 from Misc. State Grants Acct. # 001-1040-050-5520 Police Department
- 3g. Consider and Approve a Transfer in the Amount of \$15,000 to Purchased Services Ambulance Revenue Recovery

 Acct. # 001-2030-901-9035 from Regular Wages & Salaries (Comptroller)

 Acct. # 001-1401-101-1000 Fire Department
- 3h. Consider and Approve Appointment of Caryl Ryan for a three-year term to Greater New Haven/CONNECTICUT Convention & Visitors Bureau Chairman Robert F. Parisi
- 3i. Schedule a Public Hearing for May 9, 2006, at 7:00 P.M. to be held in connection with an ordinance entitled:
 - AN ORDINANCE APPROPRIATION \$1,980,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF VARIOUS MUNICIPAL CAPITAL IMPROVEMENTS 2006-2007 AND AUTHORIZING THE ISSUE OF \$1,980,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE USSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.
- 3j. Approve Town Council minutes of January 31, 2006.

Mr. Knight made a motion to accept the Consent Agenda Items 3a. to 3j. Mr. Farrell seconded.

All Councilors (9) vote Aye and the motion passed

Town Clerk, Barbara Thompson, swore in Loren Lettick to the Personnel and Pensions Appeals Board.

4. Items Removed from the Consent Agenda – None

5. PUBLIC QUESTION AND ANSWER PERIOD

Wes Lubee, 15 Montowese Trail, spoke about the petition (in regard to the Wooding Caplan Project) that is not to the Law Department and not to the Purchasing Department, it's rightfully addressed to the Council in trying to have a referendum. He said that even though staff people were carrying out assignments on your behalf, it was still the responsibility of the Council to review the progress and the result. He said that he has a letter explaining to him what those results were, and that the RFP advertising of the Town's \$2 million investment consisted of one 3 inch legal ad in the Hartford Courant and commented, "You know how many people read legal ads." He said that the main thrust was a display ad, a four column display ad, that appeared in the New England Real Estate Journal and said that it was an appropriate vehicle to use. It appeared on October 20, November 4 and November 18, and in the ad it said that there would be a pre-bid meeting and site tour on November 16, which was two days before the last appearance of the ad, which was ineffective. He said that there was a one time listing in the October 20th of the New England Construction News.

Chairman Parisi asked what year. Mr. Lubee said that all of these were last year, 2005. He said that the total expenditure for this \$2 million offering was \$1,608, which is less than $1/10^{th}$ of 1%. He said that 1% would have been \$20,000 and $1/10^{th}$ would have been \$2,000 to try to promote that \$2 million offering. He said that the Purchasing Department mailed bid notifications to about 300 vendors so there is the cost of that duplication and mailing to add to that \$1,600. He said that as a result of that effort there were 45 requests for copies of the RFP and related information and some of them were mailed in and some of them were telephone requests and some came to Town Hall to pick them up.

Chairman Parisi asked Mr. Lubee if he had a question. Mr. Lubee said that he might have one at the end of this and he knows that this is not very complimentary. Chairman Parisi said that it's the premise he is using to approach this and that it's question and answer, and that it is not statement. Mr. Lubee said that it is referred to as question and answer but that if you read the by-laws, it is not question and answer. He said that it is question and comments. Chairman Parisi said, "Yes, question and comment to the agenda," and this is not the agenda. He said to Mr. Lubee that he should continue.

Mr. Lubee continued saying that from the 45 inquiries only 20 people showed up for the walk-through and that this gem of ours executed such a poor turnout and that some of those 20 people were duplicates in that there

were not 20 companies and that there were in some cases 2 or more representatives from one company. He said that after those 20 people walked through, it resulted in only 5 proposals. He said that the Town Council never demonstrated any interest in the entire process and when he asked, he said that they had no idea how many responded to the RFP or how many came to the pre-bid meeting or how much effort had been expended to promote the availability of this real estate gem. He said that they acted as though they were going through the motions to appease the electorate but their votes were already committed. He said that he doesn't get paid to do these things. He said that the Council does and that he would appreciate the Council having more interest in the things that they are assigned as responsibility. He said thank you.

Chairman Parisi said that he would like to make two observations and that 18 people responded and asked was that what Mr. Lubee said. Mr. Lubee said there were 45. Chairman Parisi said that it was reasonably successful for a minimum expenditure. Mr. Lubee said that it isn't the number that it's the quality.

Chairman Parisi said that was Mr. Lubee's perception and that he thinks 45 is pretty good. He said that secondly he wasn't the Chairman in 2005 so this year and next year that he will try to ride herd over this better. Mr. Lubee said that he was personally off the hook. Chairman Parisi said that you were implying that it was uncomplimentary and that he took that to mean it was to him. Mr. Lubee said, "No. To the Council as a whole." Chairman Parisi said that they will try better to watch these things.

Bob Gross, Long Hill Road, said that in the RFP it didn't mention that any of the builders needed to have egresses and asked why two of the Council people say in their responses that they knocked two of the bidders out because they didn't have the proper egresses. Chairman Parisi said that he thinks that there were some comments to that effect. Mr. Gross said that there were but the RFP said that you didn't have to rely on having any egress and that the town was going to take care of that.

Chairman Parisi said that he was not going to answer that because he is not positive of how actual that is. He said that it may be but he thinks that he understood it a little differently. Mr. Gross said that the next day the paper commented on that and about how Smith Craft was upset that they didn't know that they had to have egresses because in the RFP it said that they did not.

Chairman Parisi said that he thinks that Smith Craft did have an idea. He said that he thinks that he can tell Mr. Gross that they had an idea. Mr. Gross said that it wasn't in the RFP. Chairman Parisi said that they were made aware of that. Mr. Gross said that he thought that they were supposed to bid on what the RFP said, bid on

Off mike conversation

Chairman Parisi said but he is talking about egress and that he thinks that they were aware of it, and he is pretty sure and said to Mr. Gross that he probably isn't aware of it from where he is. Mr. Gross, "Thank you."

Kathy Avery, 42 North Elm Street, reminded everyone that on April 11 the Council gave Joe DiNatale the five votes that he needed, four Republicans and one Democrat, Mr. Testa, and that now that this has been decided by the five people, she asked when does the actual sale of the land to Mr. Joe DiNatale take place.

Chairman Parisi said that right now he did not know that and asked if the Mayor might know.

Mayor Dickinson said that there is not a timeframe at this point. He said that the Law Department will be putting together draft documents of the basics which will then be shared with the Council for development of terms, conditions, etc and ultimately a date determined but that at this point there is not date. Ms. Avery asked if that would be made public. Mayor Dickinson asked to what she was referring. Ms. Avery said the sale of the land and for what price.

Mayor Dickinson said that it would have to be an action by the Council to approve the contract, which would be a public meeting. Ms. Avery asked if that would be posted for people to know about. Mayor Dickinson said that it would be a public item and with an agenda item. Ms. Avery said that in regard to different things that may or may not be in that sale would the public be notified of it. She said that their plans were so vague that there were no details about where buildings will be placed, how far from properties, the extreme engineering problem that is involved with the water problems that have existed for many years. She asked if all those things would be in the sale.

Mayor Dickinson said that whatever the Council determines to be appropriate and pertinent would appear in the documents that will ultimately get approved or not approved. Ms. Avery said that what she thinks she is worried about is the word appropriate versus necessary. Mayor Dickinson said that would be a judgment of the Council what is necessary.

Ms. Avery said all right and that she knows that they have all studied the proposals in great depth and said could they tell her who is the engineer for Joe DiNatale & Associates with Sam Sargeant as architect. She said that she thinks that is a crucial question and that every project, especially of this magnitude, needs an engineer. She said that an architect comes up with the concept.

Chairman Parisi asked if everyone had an engineer. Ms. Avery said that yes they did. Chairman Parisi said that he didn't meet them all. Ms. Avery said that they were all here.

Mayor Dickinson said that the engineer wouldn't be playing a role at this point. The contract would be setting out basic terms and conditions ultimately the staff of whoever would purchase a property would have to comply with those terms and conditions in whatever would be designed and that would be the next step beyond an actual signing of the documents and entering into a contract.

Ms. Avery said that she would like to be on the record very emphatically that an engineer is the crux of the entire project and that she can draw a beautiful building but that if it doesn't work and it kills the land and causes massive water problems for already existing neighbors and abutting properties, then it's no good and that they need an engineer. She said that every other project except Mr. Joe DiNatale has an engineer. She said thank you.

Robert Avery, 42 North Elm Street, said that he is still concerned that we didn't televise the presentations and that we got 2 or 3 different stories as to why they weren't televised and asked if there was a way to set rules so that everybody knows how they are followed instead of somebody just saying that they don't think this is a good idea. Chairman Parisi said that it is an administrative function right now and said that's the way it is.

Mr. Avery asked if they couldn't have a set of rules so that it is clear to everybody and so they know what is going to be covered.

Chairman Parisi said he didn't think that there was going to be mass confusion on what was going to be covered and that he thought is was understood. Mr. Avery said that there were two or three excuses as to why it wasn't covered. Chairman Parisi said that there were two or three different reasons as to why it wasn't covered. Mr. Avery said that they were all different. Chairman Parisi said that was his perception of whether they were bad or good but they were legitimate reasons and considerations.

Mr. Avery said that he remembered that he (Mr. Parisi) determined that they weren't going to be televised. He said that he had said it and that another time it was the Mayor who decided and then we heard that it was Don Roe who decided and that he thinks just so there is no confusion that there should be a set of rules.

Mayor Dickinson said that there is no confusion and that as a general rule regular meetings are televised and that special meetings are reviewed and depending upon availability of staff and a multitude of factors they may or may not be televised and in this case, Mr. Roe, as supervisor covering government television, determined that there is not the staff time to dedicate to that knowing that they would be doing workshops for the Council and knowing that there was not opportunity to do all the sessions and with an inability to do all of them, the determination was not to do one and not all. He said that the assessment is very often based upon how vital the particular issue is on a town-wide basis. He said that the critical issue for any meeting is that it is a public meeting and any member of the public is given notice and an ability to participate in the meeting. He said that is the whole issue with democracy in allowing people to participate in the decision making process. Television is an added luxury and bonus when it can be provided but it is not a necessity.

Mr. Avery said that he read in the Meriden Record that Scott Hanley said he was prepared to do it and that he didn't have a problem and that several of the Councilors have said that they were basing their decision on people they met in coffee shops and not what on what the public said. He said that it was clear what the public side was of those who came here.

Mayor Dickinson said that no decision is ever made based upon just the viewpoints expressed at a given meeting. He said that people who participate at a meeting in a more active way than people who are not here but that at no time does Congress or the General Assembly or any other elected official anywhere in a democracy make a decision solely upon evidence or testimony uttered at a public meeting. He said that there are bodies that must restrict themselves to that, and that would be Planning and Zoning Commission, or any judicial regulatory situation where the members are not supposed to entertain or give weight to evidence submitted at other times. He said that in fact that can be reason for challenge of the ultimate decision but with legislative bodies all information is assessed and should be because elected people are hearing from constituents all the time. He said that at no time is a meeting with a legislative body the only place where they should arrive at conclusions or make decisions.

Mr. Avery said that he was fully aware of that and also aware of why they voted the way they voted. He said that they certainly didn't listen to the public.

Phil Wright, Sr., 160 Cedar Street, said to the Mayor that he listened to all the reasons why the meetings were not televised, that he was talking about Planning and Zoning and so forth. He asked why the Mayor didn't insist on the P.U.C. meeting being televised, and he said don't tell me that it's because they don't have room down there.

Mayor Dickinson said that once again it is an issue of staff time and availability and that they are not staffed to handle that and that if we were to do additional meetings on a regular basis, the P.U.C. is absolutely a most appropriate meeting to be handled because they effect everyone in town with their decisions but that the P.U.C. meets on John Street, and that they would have to shift where they meet to this building because there is no setup on John Street or the utilities offices for television coverage.

Mr. Wright said why isn't it? He said that they should meet up here where they can be televised. He said that is the biggest chunk of

Town Council

business in this town, and there are three people making decisions, and it's never televised.

Robert Sheehan, 11 Cooper Avenue, said he wanted to complain that the budget process is getting shorter and shorter. He said he was elated to read that 20 people from the general public showed up to question the Board of Education and that he could understand that but that there were no questions for the other departments. He said that he is amazed that in a year where there is a 13% raise in taxes that people did not come to speak.

Chairman Parisi said that it was a public hearing last night, and people didn't show up and that he thinks that they, the Council, are concerned too. He said that he doesn't know what can be done to change it. Mr. Sheehan said that perhaps just another accommodation instead of seeing how fast you can go and getting out of here. He said that in the past he has sat for budget meetings until 1:00 am or 2:00 am. Chairman Parisi said that they don't rush the process and that they go right down the list.

Mr. Sheehan said that he is sorry for that and encouraged people that if they have a problem to get up and speak, and he thinks that if it isn't in their back yard that they don't come even with a 13% increase in taxes. He said that he thinks the tax increase is in everybody's back yard.

Ms. Papale said that the Council is here and willing to put in the time that it takes and that it has nothing to do with what we would like to do. She asked Mr. Sheehan if he would like them to schedule two nights for the public and have the Council sit there and look at nobody. She said that last night they saw the Electric Division and that they went line by line, and she said at the time to her colleagues that she couldn't believe that no one was there to talk to the Electric Division, especially with the rates going up everywhere.

6. Consider and Approve a Bid Waiver for Services and Materials by Tilcon Connecticut, Inc. – Public Works

Mr. Knight made a motion to Consider and Approve a Bid Waiver for Services and Materials by Tilcon Connecticut, Inc. as asked for by the Public Works Department. He read a memo to the Mayor from the Director of Public Works, Henry McCully, which indicated that the State of Connecticut annual bids were not awarded in the month of March due to delays in the state's Department of Administrative Services. The memo said that projects are ready on Mansion Road from Blue Hills Road to the Town line and that they have paving projects also ready. This bid waiver

Item 6. con't

will allow Public Works to proceed with the projects at current prices of Tilcon Connecticut, Inc until the new bids are awarded by the state.

Mayor Dickinson asked if the motion could read that it is for the Town of Wallingford. He said that the utility department can take advantage of the Tilcon Connecticut, Inc. bid waiver also should it become necessary until the state awards a bid.

Mr. Knight restated his motion as follows to Approve a Bid Waiver for Services and Materials by Tilcon Connecticut, Inc. for the Town of Wallingford. Ms. Papale seconded. Chairman Parisi asked for discussion.

Mr. Farrell asked why the state hasn't acted, and Mr. McCully said that he doesn't know and that they had to go through the same thing last year. He said that they are usually awarded in March, and that they are year by year bids. He said that last year they voted in April and that he got no answer when he called the state today. Mr. Farrell asked if it the state thinks it has anything to do with de-certification as a bidder. Mr. McCully said he really doesn't know.

Mr. Brodinsky asked how much this no bid contract will be for, how much money. Mr. McCully said that they are in the middle of re-construction of Mansion Road and that if it gets delayed long enough that it will also include paving, curbing and stone products, and it would be \$365,000 and that is at the current prices that expired in March. Mr. Brodinsky asked if the bid from last year was for part of this project or for other projects. Mr. McCully said that it was for all of the services that they provide — paving, process stone, curbing, reclaiming machine, etc. Mr. Brodinsky asked if Tilcon does not get the new bid, and there is a lower bidder, will Tilcon charge us at the lower rate.

Mr. McCully said that they have the option of going to another bidder and that they can terminate whatever purchase orders that they have with Tilcon and go with the new lowest bidder and that all that is in the state bids and that the Town would be abiding by the state bids. He stated that as long as he can remember the Town has always abided by the state bids and the Town has always used Tilcon. Mr. McCully said that the Council is voting on waiving the bid and that purchases will be on an as needed basis until the new contracts come out.

Item 6. con't

Chairman Parisi said that the Town will actually save money on this and that the price will increase, and Mr. McCully concurred and said that it is to our advantage to do this.

Mr. Testa asked if it is the intention to continue using Tilcon after the new bids are awarded, and Mr. McCully said that they would if they are the low bidder. They will select the lowest qualified bidder. They discussed that it can change in the middle of the project, and the Town could pay higher prices in the new bid when it takes effect.

Chairman Parisi asked if there were questions from the public.

Pasquale Melillo, 15 Haller Place, Yalesville, asked about other bids that the state has and that it seemed like a very complicated process, and Mr. McCully said that the state sends out thousands of bids from trucks to chain link, and said that next year instead of waiting for the State of Connecticut that he will put out a bid that will be just for the Town of Wallingford. Chairman Parisi added that what Public Works is doing is writing on a state contract and that the Town has the option of using their pricing, which is based on a volume, and the town does it because it's usually to our benefit because of the better pricing.

Mr. Farrell said that his perspective is that the value of going through DAS portal is that they get information out to hundreds of potential contractors, and he commented that he didn't think that Mr. McCully would get to as many contractors as the state will and also that the state maintains an electronic record of the bid. He said that maybe the town shouldn't back away from how the town has done this in the past because of the benefits through DAS. Mr. McCully said that they can always reject a bid and still go with the state bid and that because of delayed timing on the part of the state that he doesn't want his hands tied. Mr. Farrell said that it was his understanding that municipalities can use the state's portal to bid and that DAS will handle it it for the municipality so that there is a record.

Chairman Parisi asked for any more comments and there were none. He took the vote calling for all those in favor and all those opposed. The vote was all ayes and the motion passed.

WAIVE RULE V.

Mr. Knight made a motion to Waive Rule V for the purpose of a transfer in the amount of \$250,000 from Hall Avenue Streetscape account to the Mansion Road – Blue Hills Road to Town Line account as presented by Public Works. Ms. Papale seconded.

Chairman Parisi said that they were voting to Waive Rule V and asked for discussion. There was none. The vote was called and all voted aye. The motion passed.

Mr. Knight made a motion to Approve a transfer in the amount of \$250,000 to Mansion Road – Blue Hills Road to Town Line Acct. # 300-1403-527-0001-06 and from Hall Avenue Streetscape IV Acct # 300-1403-527-0007-06. Ms. Papale seconded.

Chairman Parisi asked for discussion.

Mr. Testa asked why \$250,000 was available from the Hall Avenue Streetscape account. Mayor Dickinson said that the town is not ready to go with that project and that he really doesn't want to transfer money out of that because he thinks that is a very worthwhile program and to not fund the work on Mansion Road would mean the town can't complete the job on Mansion Road, so balancing that out, the immediacy of the work for Mansion Road at this point has a higher priority but it was only done today after a meeting with the Town Engineer, and it is a reluctant OK. He said that they don't want to see Mansion Road sit there unfinished. Mr. Testa asked why the town is \$250,000 short in the Mansion Road account. Mr. McCully said that it is not short the whole \$250,000 and said that this project was under funded to begin with. He thought that it could be done for \$300,000, and then there are increased costs for paving and for pipe for extensive drainage to consider. He said that the budget was made two years out. He said there was almost \$9,000 in dead trees in this project. Mr. Testa asked if this would finish the project, and Mr. McCully said that it would and unused funds would be returned to the Hall Avenue Streetscape IV account.

Mr. Testa asked when the town would be ready to do the Hall Avenue Streetscape, and Mayor Dickinson said that they did not have an estimate on that right now, and that they are hoping for state or federal funding but that is not in place right now, and that all of the design and planning at this point is not complete.

WAIVE RULE V con't

Mr. Brodinsky asked when the project would be completed. Mr. McCully said that Tilcon would begin this week and be ready to pave in three weeks and be done by the end of May.

Chairman Parisi asked for questions from the public.

Kathy Avery, 42 North Elm Street, asked who was doing the planning and designing. Mr. McCully said their engineering department.

Chairman Parisi asked for those in favor of the motion and those opposed. All voted Aye and the motion passed.

- 7. Consider and Approve Three Transfers totaling the Amount of \$12,250 Program Planning
 - a) \$4,450 to Program Planning Office Renovation Acct. # 1302-999-9901 from Contingency-General Purpose Acct. # 7060-800-3190
 - b) \$2,800 to Program Planning Office Renovation Acct. # 1302-999-9901 from Maintenance Equipment for \$1,000 Acct. # 1303-570-5200 and from Production Monitor for \$1,260 Acct. # 1303-999-9908 and from Upholstered Chair—Wood Frame for \$540 Acct. # 1303-999-9913
 - c) \$5,000 to Program Planning Office Renovation Acct. # 1302-999-9901 from Regular Salaries and Wages Acct. # 1302-101-1000

Mr. Knight made a motion to Approve Three Transfers totaling the Amount of \$12,250 as presented from Program Planning. Mr. Knight read a memo from Don Roe. Ms. Papale seconded.

Don Roe, Director Program Planning, explained the plan for rearranging the planning office.

Mr. Brodinsky said that as far as he was concerned this type of item could go on the Consent Agenda in the future.

Chairman Parisi asked for discussion.

Item 7 con't

Robert Avery, 42 North Elm Street, asked who was getting a \$540 chair and Mr. Roe said that he doesn't know if it is a specific chair but that it was studio furniture, and he could get back to Mr. Avery.

Chairman Parisi asked for further questions.

Mayor Dickinson said that the Comptroller indicated that he believes that account was for several studio chairs, not just one chair but several and that was the money that was left over.

Chairman Parisi asked for further questions and there were none. He called for the vote and all voted aye and the motion passed.

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

- Mayor

Withdrawn

Mr. Knight made a motion to adjourn the meeting. Mr. Farrell seconded.

Mr. Parisi asked for all those in favor and opposed, and all said aye. The motion passed.

The meeting adjourned at 8:55 P.M.

Respectfully submitted,

Sandra R. Weekes

Town Council Secretary

Meeting recorded and transcribed by Sandra R. Weekes

Town of Wallingford, CT Town Council

15

April 25, 2006 Minutes

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Robert F. Parisi, Chairman	7	Date

Barbara-Phompson, Town Clerk }