

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

August 22, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at a regular meeting held on Tuesday, August 22, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:44 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Corporation Counsel Adam Mantzaris and Comptroller James Bowes were also present.

A Moment of Silence began the meeting. The Pledge of Allegiance was said and the Roll Call taken.

2. Correspondence

No correspondence.

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#49- #144) totaling \$24,365.30 Acct. # 001-1000-010-1170 - Tax Collector

3b. Consider and Approve Use of the Parade Grounds on Saturday, September 2, 2006, at 7:00 P.M. by the American Legion, Shaw-Sinon Post 73 for ceremonies commemorating the 62nd anniversary of the ending of World War II, VJ and VE Days - Chairman Robert F. Parisi

3c. Consider and Approve Use of the Parade Grounds in front of 9, 23 and 25 South Main Street and on the green in front of the American Legion Building on Sunday, September 10, 2006 from 8:00 A.M. to noon by the First Congregational Church in regard to the annual *Catch a Spirit Festival* - Chairman Robert F. Parisi

3d. Note for the Record Mayoral Transfers - Mayor

- 3e. Note for the Record Anniversary Increases - Mayor
- 3f. Approve Two Merit Reviews - Mayor
- 3g. Consider and Approve an Appropriation of Funds in the Amount of \$8,767 to Town Aid Revenue and Town Aid Road Expenditure Acct # 001-9000-900-7820 – Public Works
- 3h. Consider and Approve a Resolution Authorizing the Mayor to make application with the State of Connecticut Department of Social Services to provide such additional information as may be requested, to enter into and amend contractual instruments in the name and on behalf of the Town and to act as the Authorized representative in the Town
– Program Planning
- 3i. Consider and Approve a Resolution Authorizing the Mayor to make application to the State of Connecticut for a Community Service Grant to be used to contract with the Spanish Community of Wallingford for FY 2006-07 – Program Planning
- 3j. Consider and Approve an Agreement between the Town of Wallingford and the Community Action Agency of New Haven, Inc., October 1, 2006 to September 30, 2007 for Meals on Wheels Program for the Homebound
– Program Planning
- 3k. Consider and Approve an Agreement between the Town of Wallingford and the Comunidad Hispana, Inc. “SCOW”
- Program Planning
- 3l. Resolution to Authorize the Mayor to apply for and enter into a contract with the State of Connecticut Department of Public Health for a Preventive Health Block Management Program through the Wallingford VNA – Health Director
- 3m. Consider and Approve a Transfer in the Amount of \$2,300 for FY 2005-2006 to Office Expenses and Supplies Acct. # 001-1401-401-4000 from Regular Salaries and Wages Acct. # 001-1401-101-1000 - Comptroller
- 3n. Consider and Approve a Transfer in the Amount of \$1,000 for FY 2005-2006 to Outside Services Acct. # 431-8920-923 from Property Insurance Acct. # 431-8920-924 – Water Division
- 3o. Consider and Approve a Transfer in the Amount of \$16,000 for FY 2005-2006 to Pension & Benefits Acct. # 431-8920-926 from four various accounts – Water Division

- 3p. Consider and Approve a Transfer in the Amount of \$32,930 for FY 2005-2006 to Pension & Benefits Acct. # 461-8920-926 from four various accounts – Sewer Division
- 3q. Consider and Approve a Transfer in the Amount of \$1,500 for FY 2005-2006 to Outside Services Acct. # 461-8920-923 from Maintenance of Treatment Equipment Acct. 461-8640-652 – Sewer Division
- 3r. Consider and Approve a Transfer in the Amount of \$4,000 for FY 2005-2006 to Misc. Plant Expense Acct. # 461-8640-643 from Misc. General Expenses Acct. 461-8920-930 – Sewer Division
- 3s. Consider and Approve a Budget Amendment in the Amount of \$10,000 FY 2005-2006 to Source of Funds-Depreciation and to Depreciation Expense Acct. # 461-8930-403 - Sewer Division
- 3t. Set Public Hearing date for September 12, 2006, for three proposed Ordinances – Law Department
 - 1) 7:00 P.M. - *New*
An Ordinance Concerning Property Tax Exemption for Certain Farm Machinery and Farm Buildings
 - 2) 7:15 P.M. - *Amended*
Veterans Tax Exemption
 - 3) 7:30 P.M. - *Amended*
Alcoholic Beverages
- 3u. Approve Town Council minutes of July 25, 2006.
- 3v. Approve Town Council minutes of January 24, 2006.
- 3w. Approve Town Council minutes of March 10, 2006.
- 3x. Approve Town Council minutes from March 20, 2006
- 3y. Approve Town Council minutes May 24, 2005
- 3z. Approve Town Council minutes from February 8, 2005
- 3aa. Approve Town Council minutes from March 22, 2005

Mr. Knight made a motion to accept the Consent Agenda Items 3a through 3u. and 3w. **Mr. Farrell** seconded the motion. All Councilors voted aye by voice, and the motion passed.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

The following people spoke during the question and answer period.

John Rooney, 62 Williams Road, regarding residential construction issues.

David Barbarino, Yale Avenue, encouraged people to vote at the referendum.

Pasquale Melillo, 15 Haller Place, Yalesville, spoke about stock options.

Debbie Gross, 114 Long Hill Road, talked about the referendum post card mailing and asked when it will be mailed, and if there is a mechanism in place to refer people to the correct polling place.

Donald Altschuler, 1397 Whirlwind Hill Road, asked about Item 9.

Phil Wright, Sr., 160 Cedar Street, spoke about the referendum.

Bob Gross, 114 Long Hill Road, asked about signs at two doors. **Chet Miller, Registrar of Voters**, said that there is no plan to produce and post signs at polling places to direct people to other polling places since there is a post card that will be mailed tomorrow to each and every voter to tell them specifically where they will be voting. Mr. Gross asked why 5 Councilors were at Ashlar Village. **Chairman Parisi** said that they were asked for an informational session for those people. Mr. Gross asked if they were going to the Senior Center, and **Chairman Parisi** said that he was not. **Dianne Saunders 72 Northford Road, Committee on Aging Board member**, said that the Senior Center is a 501-3C organization and that cannot be involved in any political issues at the time of a referendum or an election.

6. Acceptance of a United States Flag requested by Major Eloise Hudd, Health Director, flown over Sather Air Base, Victory Base Complex, Baghdad, Iraq, on the Fourth of July 2006 from United States Air Force Colonel Ronald A. Rutland-Mayor

Mr. Knight read the Agenda Item. **Mayor Dickinson** introduced Major Hudd and acknowledged the pride that the community holds for her service and those of others in the community who have served in Iraq. **Major Hudd** expressed her gratitude and appreciation sincerely to the Mayor and the Town Council leadership for their support and that she would not have been so comfortable taking the deployment if she did not have the support of the Health Department staff or of the Council. She read the certificate that attended the flag.

Standing ovation for Major Hudd.

Mayor Dickinson said that the flag honors the entire community of Wallingford since everyone is very proud of members of the Armed Forces and that Major Hudd represents them. She said that she received directly from the community gifts of toys and medical supplies for the children of the Iraqi Civilian Clinic and they also received lots of coffee for the coffee fund. These things continue to be sent to Iraq.

WAIVE RULE V

Mr. Knight made a motion to *Waive Rule V* for the purpose of considering a transfer from the Registrar of Voters to allow for immediate funding for the postcard mailing regarding the referendum. **Mr. Farrell** seconded the motion.

By voice, all Councilors voted Aye.

The motion passed.

Mr. Knight made a motion to accept a transfer in the amount of \$5,842 to Registrar of Voters –Office Supplies & Expenses Acct. # 6010-401-4000 from Contingency – General Purpose Acct. 7060-800-3190 as presented by the Registrars of Voters. **Mr. Farrell** seconded the motion.

There was no discussion.

By voice, all Councilors voted Aye.

The motion passed.

7. Consider and Approve a Bid Waiver to Negotiate Sludge Disposal Agreement effective January 1, 2007 – Sewer Division

Mr. Knight made a motion to consider and approve a Bid Waiver to Negotiate Sludge Disposal Agreement effective January 1, 2007 as requested by the Sewer Division. **Mr. Farrell** seconded.

Mr. Knight read the letter from Mr. Dann to the Public Utilities Commission.

Roger Dann, General Manager, Water-Sewer Divisions
Ray Smith, Director, Public Utilities

Mr. Dann explained that there are currently four (4) sites that handle municipal sludge and that the terms and conditions are variable. He said that it is difficult to write a set of standards for a bid process and that waiving the bid allows the ability to work with and to negotiate with each vendor and to negotiate cost with

each vendor with a review of each one and then to award a contract and to enter into a long-term agreement.

Mr. Knight asked a number of questions – Will they explore all options with all of the vendors; about length of term; about capacity; and about volume. **Mr. Dann** responded that three vendors accept sludge cake and liquid sludge but one of them only handles liquid waste, that the term is ten years which does have advantages and that none of the vendors has indicate that capacity is a problem but that one of them may go out of the business and then materials would have to be redistributed among the remaining three so that a long term agreement becomes an advantage. **Mr. Dann** said that the volume is not constant and varies up and down but that there are about 16 tons of solid waste per week. Liquid loads are larger.

Mr. Brodinsky asked about yearly expenditure, and **Mr. Dann** responded about \$180,000 based on quantity. **Mr. Brodinsky** asked if the process 10 years ago to go out to bid or if it was an RFP. **Mr. Dann** said the process then was as he is describing tonight. **Mr. Brodinsky** asked how many responses did they receive. **Mr. Dann** said he believes there were three. **Mr. Brodinsky** suggested that they might want to research the contracts that other towns have with these same vendors to enhance their bargaining. **Mr. Dann** thought that was a good idea.

Phil Wright, Sr., 160 Cedar Street, came forward and asked to deviate from the subject for a moment to express his sympathy to all the Boston Red Sox fans in the town. **Chairman Parisi** asked if he would like a moment of silence. **Mr. Wright** said don't do anything rash and that there is life after complete humiliation.

Pasquale Melillo, 15 Haller Place, Yalesville, commented on bid waiving and said that he was not in favor of it.

Chairman Parisi called for the vote and all Councilors voted aye. None were opposed. The motion passed.

Mr. Knight made a motion to move up Item 9. **Mr. Farrell** seconded.

All Councilors vote Aye and none were opposed. The motion passed.

9. Consider and Approve Town Council Resolution to Department of Agriculture Requesting Rejection and / or Cancellation of Crop Protection Permit for South Branford Road – Chairman Robert F. Parisi

Mr. Knight read the item and the letter from Donald Altschuler.

Donald Altschuler, 1397 Whirlwind Hill Road, and who lives adjacent to the subject property, made a presentation describing the noise, which sounds like a cannon, that goes off every four minutes in the corn fields of property leased by

Edward Cella at 2 South Branford Road, to Nesar Cecarelli, Cecarelli Farms. He told the Council of his call to the Department of Agriculture where he learned that there was no permit on file, and it was only after his inquiry that they did so. He called Mr. Cecarelli and spoke with someone who would speak with Mr. Cecarelli and call him back, which he did but they did not get to talk. He said that the statute regulates and provides for certain noise levels, location of cannon, requires certain decibals levels, and requires inspection by the Department of Agriculture.

He said that along with the statute, which is §22-26 (G) entitled noise-making devices used in agriculture, states that the Commissioner may deny application if it creates an undue hardship on nearby residents. He said that that is the role of the Town Council is this approval process and that this Resolution covers only this location. In the past the crop was feed corn and that this year it is sweet corn. He said that he is not opposed altogether to this farming practice but rather with the frequency, every four minutes, and hours of operation, which currently begin before sunrise and end after sundown, and that this operation will continue until October. He said that he would like a reasonable solution. He also pointed out that the application itself does not indicate hours of operation. He asked the Council to reject the application that would allow this permit.

There was discussion regarding property lines and distance to the corn gun, that it is a hardship on the residents, especially the children who live close to the corn gun, what is the Council's role with regard to the Resolution and the Department of Agriculture and the suggestion that the parties talk and come to an agreement, which was in alignment to Mr. Altschuler's desire.

Mayor Dickinson indicated that it has to be an action by the legislative body as required by the statute otherwise the Department of Agriculture doesn't have to listen to anything. It's the statute that says the Commissioner will take into account the pronouncement by the legislative body and maybe something can come of that. **Chairman Parisi** expressed concerns about the application period and that the permit might be granted before the parties can meet.

Modification of the Resolution was discussed, and the fact that it was at the discretion of the Commissioner. Mr. Altschuler said the statute specifically allows the Council to either deny or cancel the right to use. It was brought out that it is the applicant who can modify the application, and the Department of Agriculture's authority is to accept or deny, or it could issue a modified permit.

It was suggested that the Council vote to approve the Resolution that objects to the issuance of a Crop Protection to Nesar T. Cecarelli of Cecarelli Farms, LLC for property owned by Edward Cella at 2 South Branford Road and that the Resolution be sent to the State of Connecticut, Commissioner of Agriculture, with a cover letter that explains the Council's intent to strongly encourage that the parties meet and that there is interest on the part of the residents to have the application modified to 8:00 A.M to 6:00 P.M. and the frequency to 8 times an

hour and that there be active follow through with the Commissioner regarding the intent of the Council for the parties to come to an agreement so that both parties are satisfied and that can be accomplished through the Town Attorney's Office.

Mr. Mantzaris added that he thinks that the Resolution should be passed in its present form because that is all that the statute provides for and that it is a good idea to accompany it with a letter but that the Commissioner does not have to grant the Resolution, the application, and that the power of the Commissioner is that he can negotiate, discuss and meet and that he will with the letter from the Town Council.

Rich Howard, 76 Anderson Road, also voiced his experience as a neighbor to the corn gun stating that he lives two miles away and that it is a problem for him also.

Mr. Knight made a motion to approve the following Resolution.

Be it resolved by the Wallingford Town Council at its meeting on August 22, 2006 that the Town of Wallingford objects to the issuance of a Crop Protection Permit to Nesar T. Ccarelli, LLC for property owned by Edward Cella at 2 South Branford Road.

The Town of Wallingford is in receipt of complaints by residents living adjacent to the agricultural fields in question who express concerns regarding the noise produced by the crop cannon going off fifteen times per hour, i.e. every four minutes, all day long.

The noise produced every four minutes throughout the day up until October creates an undue hardship on the residents in the area. Residential neighborhoods with approximately 50+ homes will be burdened by this repetitive noise.

The Council directs that this Resolution be sent to the Department of Agriculture and requests that the application be rejected and/or the cancellation of the permit.

Mr. Brodinsky seconded the motion.

Roll Call Vote:

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

The motion passed.

8. Consider and Approve a Bid Waiver for Evaluation and Selection of replacement software for the Gemini Software currently used – Mayor

Mr. Knight read the agenda item and the letter to the Town Council from the Mayor. He made the motion to approve the bid waiver. **Ms. Rascati**

Chris Lucht, Network Administrator
Ray Smith, Director, Public Utilities

Mr. Smith introduced **Mr. Lucht** and said that he is responsible for the network that serves the financial and billing for utility departments

Mr. Lucht reviewed the current status of the software used by the finance department for tax and utility billing is being 'end-of-lived' December 31, 2007. which give them 16 months to implement not only a new system but to also select a good system. He said to justify the bid waiver that they have good in-house staff expertise to do the site visits and software evaluation they can determine the quality and functionality of software versus a check list on a bid specification. He said that the members of their staff are familiar with the software companies and their respective fields and they can use this knowledge to review the RFP responses so that a short list can be developed. He reviewed the limitations of the general bid process saying that the 1999 process only drew 5 bids and of those 5 only two had a presence in the utility billing arena and those are Gemini and Munis which are not one company. He said that using an RFP process ensures large players in the software market are included which is particularly important with highly specialized utility and tax billing. He said they would like to make site visits to current users in towns similar to Wallingford to determine quality and functionality and how quickly a system can be employed including importing data from previous systems and how well a particular vendor responds to requests. He said it is also important to visit the software companies themselves to verify that they have staff and resources available to support and maintain their products. He said that they only have 16 months from today to get the job done and that the typical time to deploy after selection is about 12 months.

Mr. Knight asked how many 'apps' might be relevant as far as vendors are concerned. **Mr. Lucht** said that they have spoken with Groton and Norwich who selected different packages and a combination of packages and that they are aware of companies in Massachusetts.

Mr. Brodinsky asked who comprised the The Computer Supervisory Committee, or Pyramid Committee. **Mayor Dickinson** listed the Director of Utilities, Manager of Water-Sewer, Network Administrator, Comptroller, Internal Auditor and the Tax Collector. **Mr. Brodinsky** asked how does the request for an upgrade of the software relate to other software needs that the town might have in the

future and was there an assessment for other software and is a bigger picture being considered. **Mayor Dickinson** said that everything would come down to what is feasible and what the costs are. He said that will be looked at will be in Purchasing, Accounting, connections to major departments which may include Police, Fire, Public Works. He said that what the reality is that it would be dependent on the cost. He added that they are not looking for an upgrade in the software but a replacement software package. **Mr. Brodinsky** asked if other software products that a company might have could be included in the RFP. **Mr. Lucht** said that it could be included as an option to add, possibly departments, communications, links. **Mr. Smith** said that all the department heads have discussed that also since they have different purchasing arrangements for each area and that they are trying to consolidate that and that one of the issues is that Police, Fire and Public Works are not on a network to make a uniform purchasing.

Chairman Parisi said that he liked the process that was outlined in the letter in that it seems specific and concise. **Mr. Smith** said that compared to seven years ago that the town is much better positioned today. **Mayor Dickinson** said that the first time they went out, they tried to have one vendor for all systems, general government accounting, tax billing and the enterprise funding and the utility billing and that they really found no one who could do all of them but chose one who was best as a single source and **Mr. Lucht** is telling us that interface capabilities have improved to the extent that it is possible that we could have different vendors for different areas and be able to interface to have the system work. **Mr. Lucht** said that would be part of the RFP.

Mr. Testa suggested that given the recommendations for various improvements in the town's systems that this is a perfect time to do a complete top-down review of all of the town's technology needs, everything.

Mr. Parisi asked if they have an idea of the cost of this venture.

Mayor Dickinson said that it is significantly over \$100,000.

Pasquale Melillo, 15 Haller Place, Yalesville, commented that there is no emergency and that the Council should refuse the request to a bid waiver.

Mr. Parisi called for the vote and each Councilor, individually, said yes. The motion passed.

Mr. Knight made a motion to enter into Executive Session pursuant to:

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

11. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of Michael E. Cassello v. Town of Wallingford – Law Department

Mr. Knight made a motion to enter into Executive Session pursuant to:

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

11. §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of Michael E. Cassello v. Town of Wallingford

as requested by the Law Department. **Ms. Rascati** seconded.

The Council entered into Executive Session at 8:37 P.M.

Mr. Knight made a motion to exit from Executive Session. **Mr. Testa** seconded the motion.

The Council exited from Executive Session at 8:47 P.M.

Attendance at both Executive Sessions:

Council (9); Mayor Dickinson, Corporation Counsel.

12. Motion to Consider and Approve the Settlement of the Michael E. Cassello v. Town of Wallingford tax appeal matter as discussed in Executive Session – Law Department

Mr. Knight made a motion to Consider and Approve the Settlement of the Michael E. Cassello v. Town of Wallingford tax appeal matter as discussed in Executive Session. **Mr. Testa** seconded.

There was no discussion.

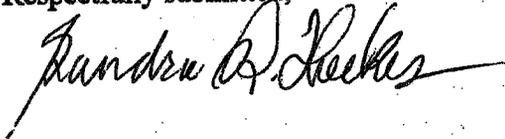
Chairman Parisi called for the vote and **Chairman Parisi** called for the vote and all Councilors voted aye. None were opposed. The motion passed.

Mr. Testa made a motion to adjourn. **Ms. Papale** seconded.

Chairman Parisi asked if there was any discussion on the motion and then he called for the vote. All Councilors voted aye. None were opposed. The motion passed.

The meeting adjourned at 8:48 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

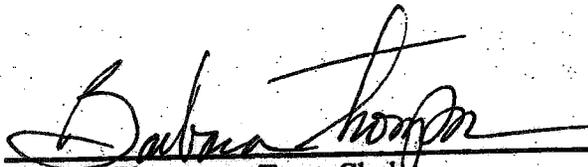
Meeting recorded and transcribed by Sandra R. Weekes



Robert F. Parisi, Chairman

9/12/06

Date



Barbara Thompson, Town Clerk

9/12/06

Date

RECEIVED FOR RECORD 8/24/06
AT 3:25 P.M. AND RECORDED BY
Barbara Thompson TOWN CLERK