

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

July 17, 2007

6:30 P.M.

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, July 17, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Vice-Chairman Stephen W. Knight Called the Meeting to Order at 6:35 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were also present. Chairman Robert F. Parisi arrived at the meeting at 7:21 P.M. following his attendance at another meeting. Councilor Lois Doherty was absent from the meeting due to vacation.

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

2. Correspondence

Ms. Rascati read a letter to the Council from the Quinnipiac Chamber of Commerce regarding their position on the Wooding Caplan property.
(The letter is part of the record of the meeting.)

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#1- #8) totaling \$10,644.96
Acct. #001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve a request for use the Parade Grounds by the First Congregational Church on Sunday, September 9, 2007 from 8:00 A.M. to approximately 12:30 P.M. for the Annual "Catch the Spirit Sunday" activities - Chairman Robert Parisi
- 3c. Consider and Approve a Budget Amendment in the Amount of \$1,738.17 to Expenditure Acct # 232-3070-608-9061 and to Revenue Acct # 232-1043-900-1001 - Youth and Social Services

- 3d. Consider and Approve a Bid Waiver for harvesting of hay on Town Property located at 200 Northford Road – Environmental Planner
- 3e. Acceptance of \$2,500 Donation from Super Stop and Shop – Parks and Recreation
- 3f. Consider and Approve an Appropriation of \$2,500 (FY 2007-08) to Professional Services – Entertainment Acct # 001-4001-901-9017 and to Miscellaneous Revenue Acct # 001-1075-070-7040 - Parks and Recreation
- 3g. Consider and Approve the Appointment of Jon-Paul Venoit as an Alternate to the Planning and Zoning Commission for a three-year term expiring 01-08-10 – Chairman Robert F. Parisi
- 3h. Consider and Approve a Transfer in the Amount of \$745 (FY 2006-07) to Utilities Acct # 2030-201-2010 from Ambulance Revenue Recovery Acct # 2030-901-9035 – Fire Department
- 3i. Consider and Approve a Resolution for a continuation grant from the State of Connecticut Department of Education for July 1, 2007 through June 30, 2008 – Youth and Social Services
- 3j. Consider and Approve Town Council minutes of June 26, 2007
- 3k. Consider and Approve Special Town Council Meeting minutes of April 13, 2007
- 3l. Consider and Approve Special Town Council Meeting minutes of April 16, 2007

Ms. Rascati made a motion to accept the Consent Agenda 3a. to 3l. Mr. Farrell seconded the motion.

Seven (7) Councilors present voted aye and the motion passed. Mr. Parisi and Ms. Doherty were not present at the meeting.

Town Clerk, Barbara Thompson, swore in Mr. Jon-Paul Venoit as an Alternate to the Planning and Zoning Commission.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Mr. Geno Zandri, 9 Balsam Ridge Circle, reported his experience at seeing and reporting an accident on the corner of South Colony Road and Toelles Road. There have been about 63 accidents over the past three years; the project of the intersection is about 10 years old, and the state will go out to bid in 2008 as it is a state road- interstate highway interchange location. Mr. Zandri urged the town to request of the state a high priority on this project.

David Barbarino asked about the property located at 928 North Colony Road that the Council has discussed in regard to the sale of tax liens. The Mayor said that there is not updated information.

6. Consider and Approve a Revised Job Description for Skilled Tradesman -HVAC Technician – Board of Education

Ms. Rascati made a motion to Approve a Revised Job Description for Skilled Tradesman -HVAC Technician as requested by the Board of Education. Mr. Farrell seconded the motion.

Darren Novak, Supervisor Maintenance, BOE, responding to Mr. Brodinsky's questions, explained that the position is an addition to present staff of a second technician and will not adversely affect the current technician. He said there is no contention over this new position and that it will be initially posted internally and is part of the BOE budget.

Seven (7) Councilors present voted aye and the motion passed. Mr. Parisi and Ms. Doherty were not present at the meeting.

7. Consider and Approve a new street name of Rainah Drive for subdivision located at 47 Grove Street requested by Maplewood Construction – Mayor

Ms. Rascati made a motion to Approve a new street name of Rainah Drive for a subdivision located at 47 Grove Street as requested by Maplewood Construction and presented by the Mayor. Mr. Farrell seconded.

Discussion centered on the use of names on a list approved by the Town Council that records names of Wallingford citizens no longer living but who either contributed to the town in a significant way, were founding families of the town or were Native Americans of Wallingford. Mr. Farrell said that only 13 of the founding families have streets and that 26 do not. He said that Wallingford has a rich history and that a list of street names was created as a way to honor those people of the past. Mrs.

Perretta introduced her daughter Rainah and explained why her family, the developers of the subdivision, would like to name the road Rainah Drive.

Ms. Papale and Mr. Testa spoke in favor of the motion as did Robert Sheehan, 11 Cooper Avenue. Mr. Farrell said that when a name is selected from the approved list that it has to do with the town's past, and Mr. Knight pointed out that the road ultimately becomes the responsibility of the town. Mayor Dickinson said that at the time the town accepts the road, if it isn't named, the Town Council has the authority to name the road and will draw from the accepted list.

Roll Call Vote:

Voting Aye- Brodinsky; Di Natale; Papale and Testa

Voting Nay – Farrell; Knight; Rascati

Mr. Parisi and Ms. Doherty were absent.

The motion failed. There were not enough affirmative votes (5) to carry the motion.

Mr. Perretta then asked the Council to approve a name on the list, *Preston*, as this is her son's name. Mayor Dickinson said that the name can be submitted as *Preston* and that there is no need to come to the Town Council since the name is already on the list.

8. Consider and Approve Acceptance of property located at 345 Quinnipiac Street from Hanover Wallingford Associates – Town Attorney

Ms. Rascati read the item.

Janis Small, Town Attorney, said that the Town owns the other half of the dam and that to accept this property would mean that the Town would own all of the dam. She said that her title search of the property revealed that in 1939 a sliver of property was deeded to the Town, which included up to the crest line of the dam, and when combined with the piece being considered from Hanover Associates, it would constitute the entire dam.

Mr. Farrell questioned the language of the contract. Attorney Small said that she would check with Hanover Wallingford to establish a price.

Mr. Knight the terms of the gift ownership of 345 Quinnipiac Street –

1. The Town of Wallingford accepts the property "as is"
2. The Town of Wallingford agrees that the property' value is established by the last re-valuation as \$292,100
3. The town agrees to pay the seller's attorney's fees up to a maximum of \$2,500

4. Neither party has hired a real estate broker in this transaction and shall hold each other harmless with respect to any claims made for a broker's fee
5. The Town of Wallingford assumes liability for the taxes due for the 2006 Grand List.

He said that these are the terms of the proposed agreement.

Ms. Rascati made a motion to accept of as a gift ownership of 345Quinnipiac Street, Wallingford, CT upon the following terms and conditions:

1. The Town of Wallingford accepts the property "as is".
2. The Town of Wallingford agrees that the property' value is established by the last re-valuation as \$292,100.
3. The Town agrees to pay the seller's attorney's fees up to a maximum of \$2,500.
4. Neither party has hired a real estate broker in this transaction and shall hold each other harmless with respect to any claims made for a broker's fee.
5. The Town of Wallingford assumes liability for the taxes due for the 2006 Grand List.

Mr. Farrell seconded.

Mr. Farrell asked if there wasn't a provision in the IRS Code that precludes the property recipient from establishing value and that the donor should have an appraisal performed since that is the deduction that they are taking. Attorney Small said that the town was asked to make a representation based upon the re-valuation, and we are accepting at that value and don't have a separate appraisal to establish a different value in this case. She said that she would take another look at the IRS form.

Mr. Testa asked about the extent of the property and liability of future maintenance. Attorney Small said that includes the parking lot and a small portion on the other side of the river. The actual property line will run through the dam and to the other side and the small sliver is on the other side. Mr. Testa referred to the letters that the Council received from the DEP and the Quinnipiac River Watershed Association regarding the fishway on the west bank of the river. He asked about the raceway. Attorney Small said she is not familiar with the requirements of the fishladder and that she only saw the letter today and that if it works and you are in agreement, then so be it. She said there is a headrace where there is an existing easement for Allegheny for the use of the water. She does not know if it is active but said that legally, it exists. She said that

this property is adjacent to the Garden Road property and from the west side to Garden Road is one continuous property.

Mr. Parisi arrived at 7:21 P.M.

Paul Roy, 1470 B Tuttle Avenue, Wallingford, Director of the Quinnipiac River Watershed Association (QRWA). He read a prepared letter to the Town Council. *(This letter is part of the record.)* The QRWA is in favor of the town acquiring the land so that a fishway can be established. He said that the Inland Fisheries Division is committed to restoring migratory fishes to the Quinnipiac River watershed and that Wallace Dam on the subject property is key to the success of this project. He urged the Council to approve the 345 Quinnipiac Avenue property acquisition for Wallingford and the future of the river.

Walter Hilla, 435 Brownstone Ridge, Meriden, spoke in favor of the purchase. He said that as an environmentalist he saw the great opportunity for this river and in 1970 he was the original founder of the Quinnipiac River Study Committee and that the first meeting was in the Oakdale Tavern. He said that the river has come a long way along with the National Clean Water Act in 1975 and is now fishable. He encouraged the Town to purchase this property as the Wallace Dam is the last impediment in the fishway.

Adam Blodgett said that he was one of the lucky ones to help Mary Mushinsky flip the fish over the waterfall. He talked about how labor intensive the process is. He said he foresees the fish ladder not just for shad and herring but for striped bass that are in the Quinnipiac. He said he caught an 18-inch striper this year at the dam. He introduced his little sister, who was with him and who is one of his fishing buddies. He said she has been fishing with him ever since she could walk.

Charles Unanski, 15 Ridgeland Circle, spoke in favor of the acquisition. He visited the site and said that it is habitat to birds, animals – lizards to deer - and that it is a world of beauty and quiet right in the middle of town and surrounded by asphalt. He called the property a jewel in our midst. He said that if a fund drive is necessary that he will participate.

John LeTourneau, 3 Regent Court, said that he supports the restoration of the fishway, and he complimented the work of the QRWA. He expressed concerns about the raceway. Attorney Small said that the town owns the raceway and its part of our property, and we have liability but that Allegheny has the right to use it for water purposes, therefore, our responsibility is to maintain it to the extent that they can use the water. She said that if Allegheny is not using it that perhaps the town can get a

release of the easement. Mayor Dickinson said that the maintenance issue is under Public Works or assigned to a private contractor.

Wes Lube, Montowese Trail, made comments regarding the last time the dam was inspected and if the state has a dam inspection program. Attorney Small said that the state does have a program and does not know the last time it was inspected. Mr. Knight reminded him that the town has owned half of the dam since 1939. Mayor Dickinson said he thinks that the state actually would prefer to not have any dams on the Quinnipiac River, so if there was a problem with the dam, there is not duty to necessarily repair a dam. He said that once a dam is breached there is a process of approval including permits to repair a dam. He said that there are offices in the DEP that would not be in favor of repairing a dam, so that fish would have a clear way in the river. He said that it is not a clear case for the town to forever maintain a dam because there would be a variety of arguments that could be brought forth as to what is the best cost effective way of repairing a breached dam or not. Mr. Lube said that the report of the dam should be reviewed before notifying the donor of acceptance. He also suggested that if the town takes title of the property that the town perform a major clean up of the area, which is a gateway to Wallingford, and noted that maintenance to date has depended upon volunteers.

Phil Wright, Sr., 160 Cedar Street, compared the liability of the Wallace dam and property with the liability of Community Lake and its dam. Mayor Dickinson said that he does not see this as an unquantifiable liability. He acknowledged the structure and that there could be expenses associated with its repair; however, ownership of both sides of the river, and the environmental value that can come from us clearly owning the property as well as use of the property on both sides of the river for public access and for aesthetic reasons justify the liability that does exist. There is liability with any property that you own. He said at this point that the difference with the Community Lake project is its unquantified exposure and to what could be a large price tag attached to removal of contaminated soil, or other elements of contamination, in the lake bed. He said that at this point he has no reason to believe that what we see as a liability is the extent of it and that is the structure itself. Mr. Wright asked if one has to get permission to fish there and what if they fall in the water. Mayor Dickinson said there is always liability associated with water. He said that anyone fishing is obligated to have a fishing license and permission which is generally sought from the Water Department for the reservoirs. He said that licensing occurs through the State of Connecticut in the Town Clerk's Office. He said that rules that the town develops through Parks and Recreation and ordinances would be means to manage the property. He said that anytime someone uses town property, a review for safety of use is looked at, so that people are not at

risk. Owning the property comes first followed by the development of rules for that property.

Councilors individually called out their vote: Mr. Farrell – yes;
Ms. Rascati – yes; Mr. Knight – yes; Ms. Papale – yes;
Mr. DiNatale – yes; Mr. Testa – yes; Mr. Brodinsky – yes;
Mr. Parisi – yes. Ms. Doherty was absent from the meeting.
8- Aye; 1 – Absent

The motion passed.

9. Consider and Approve a Budget Amendment in the Amount of \$25,400 to Maintenance Treatment Plant Acct # 431-8640-652 and to Source of Funds-Appropriation from Retained Earnings- Cash for Rate Stabilization – Water Division

Mr. Farrell made a motion to Approve a Budget Amendment in the Amount of \$25,400 to Maintenance Treatment Plant Account and to Source of Funds-Appropriation from Retained Earnings- Cash for Rate Stabilization as requested by the Water Division. Mr. Farrell seconded.

George Adair, Director, Public Utilities and Roger Dann, General Manager, Water-Sewer Division, were in attendance.

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

Chairman Parisi asked if this was a contract job. Mr. Dann explained that it went out to bid and the schedule for completion was dependent on the town's ability to obtain filter media. Mr. Dann said that there was a bid price per filter and explained that the division is not asking for additional money. He said that the problem here was the ability to complete the work within the prior fiscal year, and that since the work could not have been fully completed in the prior fiscal year, they did not start a filter and then stop while they waited for the funds to complete the work in the next fiscal year to be appropriated, they did not authorize the start of work on the final filter. He said they are simply re-appropriating the money that they had in last year's budget to complete the work. He said that this does not reflect an increase in the total appropriation for the filter work. He said they are taking unexpended funds from last year and re-appropriating it into the current fiscal year. Mr. Dann said that the filter project came up after the budget for the current year was prepared. He recalled that earlier in the year after they discovered that the problems existed, the Water Division came to the Council to appropriate funds for that purpose.

There were no further comments.

Councilors individually called out their vote: Mr. Brodinsky – yes; Mr. Testa – yes; Mr. DiNatale – yes; Ms. Papale – yes; Mr. Knight – yes; Ms. Rascati – yes; Mr. Farrell – yes; Mr. Parisi – yes. Ms. Doherty was absent from the meeting. 8- Aye; 1 – Absent

The motion passed.

10. Consider and Approve Second Amendment to Intermunicipal Agreement –1070 North Farms Road, LLC – Water Division

Mr. Farrell made a motion to Approve the Second Amendment to Inter-municipal Agreement –1070 North Farms Road, LLC as requested by the Water Division. Mr. Farrell seconded.

George Adair, Director, Public Utilities, and Roger Dann, General Manager, Water-Sewer Division, were in attendance.

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

Mr. Testa stated that the Water Division is not in a position to offer service water and asked if that was correct. Mr. Dann said that was correct, and even with the water main that is proposed to be installed pursuant to this agreement He said that there is still a 2,000 foot gap between the end of the main to be installed for this project and the Water Division's existing service. He said that the original agreement is dated 2004, and there was an amendment later to add a little bit of service to one of the original two lots and that right now they can't service any of these lots without a main extension. He said that as it stands right now the main extension would be almost 4,000 feet to service all of these lots. He said that this project will install about 2,000 feet of pipe on Northrup Road but it still leaves the 2,000 foot gap between the end of this pipe and the start of the Water Division's system. Mr. Testa asked if this could be written that if and when the time comes, where you do have the extension, and are able to connect, then you will by necessity recapture these customers? Mr. Dann said that the way in which it reads is that if in our sole opinion the Water Division is able to provide adequate service, then the Water Division has the option to recover, if our system were to be extended to that point unless there was some reason why the Water Division did not want to make that recovery, then he believes they would.

Mr. Brodinsky asked where in the contract does it say just what he said - that the town has the right to re-capture. Mr. Dann said that it is in the original agreement but not repeated in the amendment tonight. Mr. Brodinsky said that he would have like to have seen a cross reference to that agreement and to that right to make sure there is not confusion. He

asked why Wallingford needs to sign the agreement at all, since it seems that there is no obligation to Wallingford under this agreement. Mr. Dann said that because these properties actually exist within Wallingford's exclusive service areas. Mr. Dann continued that almost 20 years ago there was a statutory process established by which all of the areas within the State of Connecticut were divided and assigned to a specific utility for service area purposes.

Ms. Rascati asked if there are plans to close that gap where it doesn't extend. Mr. Dann said that that is not part of the Water Division's long term capital plan; however, there are additional undeveloped parcels of land in that gap and should those parcels subsequently develop with the need for water, then they would in turn advance our system closer to a point where perhaps at some point either a project that was occurring, like a subdivision, would close the gap or perhaps the Water Division would make the final installation of pipe to close the gap. He said that there are no current plans. He said that the Water Division would not extend it solely for the purpose of recovering these customers. He said that in the event that other properties did develop with a need to water that would in turn at their expense advance the system in that direction, then at some point, either because of that it would close the gap, or perhaps bring it close enough that the Water Division might feel it was appropriate to put in a small amount of pipe in order to recover these customers.

There were no further comments or questions from the Council or the public.

Councilors individually called out their vote: Mr. Farrell – yes;
Ms. Rascati – yes; Mr. Knight – yes; Ms. Papale – yes;
Mr. DiNatale – yes; Mr. Testa – yes; Mr. Brodinsky – yes;
Mr. Parisi – yes. Ms. Doherty was absent from the meeting.
8- Aye; 1 – Absent

The motion passed.

11. Discussion and Action on increasing the cost of the Pierce Repowering project by \$2,000,000 – George Adair, Public Utilities, Electric

George Adair, Director, Public Utilities
Richard Hendershot, General Manager, Electric Division
Maurice Scully, Executive Director, CMEEC (Connecticut Municipal Electric Energy Cooperative), were in attendance.

Mr. Knight read a letter from George Adair, Director of Public Utilities, to Mayor Dickinson. Mr. Knight made a motion to approve an increase

of Wallingford's participation in the Pierce project by up to \$660,000.
Mr. Farrell seconded.

Mr. Brodinsky noted the July 11, 2007 letter to the Mayor from Mr. Adair, which is justification for the request, and said it seemed vague as to why now they need the money.

Mr. Scully said that in the commissioning process, the unit will generate electricity for about 300 hours, and during that time, it will consume a fair amount of fuel, which costs money. He said they would get some revenues from the sale of the electricity but not quite as much as the cost of the fuel. He said that there is a net cost of \$575,000 that is estimated as the cost of the fuel that will be consumed during the testing of the unit. He said that they didn't have a good estimate of the commissioning hours, and a year ago they didn't forecast what the cost of natural gas and oil would be. He said that there would be about \$100,000 of consumables that will be used in the commissioning process – filters, etc. Since they don't know what will happen during the commissioning process when they push the button, he said they estimated about \$200,000. He said this comes out to be about \$900,000. He said that they added \$1 million as a contingency for the gas pipeline that may or may not be expended, depending upon who actually owns the gas pipeline. He said that if it is the gas company, then the money will not be expended, and we would only pay for it as an annual lease, and this is what they have assumed all along. He said that if they don't come to mutually agreeable terms in terms of the ownership of the pipeline and the business arrangements surrounding that, then we might own that, and it would be a capital expense to the project of \$1.1 million. He said that when you add all those up that is where the \$2 million comes from.

Mr. Brodinsky, referring to the \$1.1 million said that the letter said \$1.1 million for contingent ownership arrangements for the gas pipeline. He asked what is a contingent ownership arrangement and why would a contingent ownership arrangement cost an extra \$1.1 million.

Mr. Scully said that piece of the gas pipeline will cost about \$1.1 million.

Mr. Brodinsky said that we knew this, so why the extra \$1.1 million.

Mr. Scully said that original plan was that the gas company would own the line and that we would spend the money to build the gas pipeline, and we would turn it over to the gas company, and they would reimburse us for everything that was spent, and then they would own it and maintain it, and they would charge it out over the life of the project, 20 years. He said that basically it's similar to a lease arrangement where they would pay us all the money that we spent, so effectively, there is no capital cost associated with that pipeline. He said that it would be realized as an operating expense each and every year and that is assuming that the gas company owns it. If they don't own it, and we own it because we don't

come to mutually agreeable terms, then the \$1.1 million would be a capital cost to us. He said we would actually own the pipeline, and that's a capital cost to the project, and that is the contingent. He said that it's not an additional cost. It is simple a matter of who is going to own that piece of pipeline, the gas company or us. Mr. Brodinsky asked if there was a letter of understanding before this to work out that \$1.1 million detail. Mr. Scully said that they have been working on this for about 5 months, and we continue to work on it but at this point our attorneys are telling us that we need to ensure that we make the best business arrangements for the project on a long-term basis. Mr. Scully said that they are hopeful that we will come to mutually agreeable arrangements but he doesn't want to hold this project hostage to that and that it is not going quite the way they expected, and said there are different perspectives on what good business arrangements are.

Mr. Testa asked about the motion that was made and asked if aren't we really being asked as a Council to approve the cost authorization of \$2 million and that the discussion of the \$660,000 is really just a function of the contract and not something we should be voting on as a motion.

Mr. Adair said that his understanding of the action in June 2006 in approving the contract for the project with CMEEC that there was an added part of that motion not to exceed \$47 million for the entire project. He said that it was his understanding that in order to preserve our 33% share in the project benefits that it would be necessary for the Town Council to acknowledge through tonight's action an increase in that maximum in the cost authorization and that is the basis for the motion.

Mr. Testa said that the motion as it is currently been proposed is to increase Wallingford's cost share by \$660,000. He said that he thinks that the Council should not be voting on this motion but we should make a motion to increase the overall cost authorization by \$2 million.

Mayor Dickinson said that the better motion is to be increasing the total cost from \$47 million to \$49 million.

Mr. Knight withdrew his motion. Mr. Farrell withdrew his second.

Mr. Adair said that his letter of July 11 asked for the \$2 million increase in the cost authorization. He went on to clarify the request.

Mr. Testa made a motion that the Council approve increasing the CMEEC-Wallingford Pierce Plant project cost authorization by \$2 million from \$47 million to \$49 million. Mr. Knight seconded.

Mr. Testa wanted to know about the revenue to the Electric Division and said that from what he read the forecasted average net cash flow over 15 years will be about \$3 million per year, and that's for the whole project, and that they said the estimate includes the debt service on the additional \$2 million. He asked what the real net effect of this increase in cost is.

Mr. Scully said that at the end of 15 years, after the debt is paid off and all the expenses, the estimates for net benefits were to be \$47.6 million for the whole project. He said that they have updated their assessment, including the additional \$2 million, and that same number is \$46.5 million, so there is not a substantial difference. Mr. Testa said that over the first 15 years when the project is being financed, that they were estimating that average revenues would be about \$3 million per year overall. He asked if the Council could assume that Wallingford would realize 33% of that. Mr. Scully said yes, that is correct, and that in Wallingford, 33% of \$46.5 million over 15 years is \$15.5 million and said that the annual effect isn't really very dramatic.

Mr. Knight asked if their original estimates for cash flow projected on interest rates of 4.5%, or did they figure in the financing that they did get at 3.97% because that's a significant difference over the length of the project. Mr. Scully said that the financing they got was a very good deal. Mr. Knight said that it sounds like even with the additional \$2 million that it will be offset by the significantly lower interest rates. Mr. Scully agreed. Mr. Knight commented on the soil under the heavy equipment and asked if the contingency took care of that overrun. Mr. Scully said that they had not anticipated that soil remediation in the project and that it cost approximately \$375,000 extra, which was in part the contingency that they had. He said that this project has gone along phenomenally well given that it is a massive construction project and that there haven't been that many glitches. He said that they are about 92% complete. Mr. Knight said that the additional \$2 million has been modeled at 6% and did they anticipate that is where they are at right now. Mr. Scully said that it will be no higher than 6% and possibly less than that. He said that these are bond funds that they secured from a different project that were in reserves, so that was the interest rate. He said they won't even go out and finance it and that this is money that was in some bond reserves that can be replaced with an insurance policy and charge the interest rates that was on the bonds and keep it simple, so they won't have to go out to finance it.

Dave Gessert, Public Utilities Commissioner, made comments on the power of the \$47 million project budget, and that it has been a very strong incentive at numerous CMEEC meetings that he has attended during the last year. He said that he applauds the Council as the \$47 million dollar budget has kept everybody on their toes and working hard to come in

under that number. It has done a good job in keeping the costs under control.

There were no further comments or questions from the Council or the public.

Councilors individually called out their vote: Mr. Farrell – yes;
Ms. Rascati – yes; Mr. Knight – yes; Ms. Papale – yes;
Mr. DiNatale – yes; Mr. Testa – yes; Mr. Brodinsky – yes;
Mr. Parisi – yes. Ms. Doherty was absent from the meeting.
8- Aye; 1 – Absent

The motion passed.

With the Council and the PUC present, Chairman Parisi set a date of July 20, 2007 at 6:15 P.M. for a Special Meeting with respect to the Interconnection Agreement that is required for this project.

12. Discussion and Possible Action on the Future of the Wooding-Caplan development area – Town Council
 - 390 Center Street
 - Becker & Becker Report
 - Konover Construction Report
 - St. Paul's Episcopal Church letter from Robert Mansfield
 - Quinnipiac Chamber of Commerce letter

Mr. Brodinsky said it was understood by the Council that we would be discussing 390 Center Street tonight but not voting on it until August. He continued by saying that 390 Center Street is a complex issue, and he said what is on the table is what the issues may be, what the courses of action may be, and what facts there are. He said that the Wallingford Town Council does not have any authority to take the building down or renovate the building or move the building. He said that rests with the Mayor. He said that the Council could recommend to the Mayor on the disposition of the building. He talked about the condition of the building at 390 Center. In view of the lack of maintenance over a long period of time, he asked the Council if it was time for the Council to make a recommendation. He thinks it is time for the Council to make a recommendation and that can be to do something or to do nothing. He said that there are many opinions, if the Council makes a decision, or do we let the building just sit and allow further deterioration. He expressed his opinion that the Council make a decision in August. With respect to the status of the building, he said that the Council received a letter from the Town Attorney that said that the building was on the list of federal historic places, and that if the building was going to be demolished that any citizen could go to court to stop the demolition of the building, and

then there would be an issue as to whether or not demolition would be the only reasonable alternative. Recently the Council received a letter regarding the access that the town thought existed from the Wooding Caplan property out to North Main Street. It no longer exists. Attorney Small sent a letter that said that AT & T wasn't interested in giving the town that access. He said that changes the factual background. He said that Wallace Avenue is the only way in and out of the property and that the 390 building chokes that access. He thinks that the building qualifies as a blighted building. He discussed the Becker and Becker Report and Konover Construction Report in regard to 390 Center Street and that both reports said that the building is structurally sound and gave renovation quotes in their respective reports, Konover estimated \$1,660,000 and Becker and Becker quoted \$1,700,000. He said that both companies were asked if the building could be a commercial success, either as part of a larger project or as a stand-alone project. He said that the reports addressed moving the building. He said that it seems to him that because the cost of renovation is so large that there is a risk that the building isn't worth renovating to anybody; however, Becker outlined a plan in their report in accomplishing a renovation. Mr. Brodinsky said that the building devalues the Wooding Caplan property. He said that he is interested in the arguments for keeping the building.

Mr. Farrell asked about the 'Roadmap' and where it will lead us and if there is a conclusion of it. He thinks that until we get past the Police Station issue that there isn't a necessity for resolving that building. He said that we may come up with some configuration of how the property that we own gets used that may negate every use but the Police Station. He said that there is a possibility that someone might buy it assuming that the town doesn't need it. He said that those are conclusions that we may or may not get to, depending on where the 'Roadmap' takes us. He thinks that there has to be a better rationale by those who want to demolish the building. With regard to access, he said that if a park is developed there, then the question arises as to how much vehicular access is really needed. He said that he would rather spend his time with the draft of the police RFP that the Mayor just distributed tonight rather than spending time talking about 390 Center Street.

Mr. Knight said that after a long time studying this parcel, four developers commented on 390 Center Street through a proposal process and that each developer came up with a way to salvage this building and absorb the cost. He said that he would like to hear from the public who think that this building is so important. He said where are those people who really care about 390 Center Street. He is not hearing from anybody that want to keep this building, when a year ago it was a primary objection to the proposal that was accepted by the Town Council, which was to move the building into the interior of the property, so that Wallace

Avenue could be widened. He said that it is a political irony now that people seem to think it should be removed. We are no closer to what to do with the property today than we have been in the last several months, and we have the additional large question as to the police department expansion and whether it is viable on this property or not. He said that we are a long way from committing ourselves to destroying the building.

Mr. Brodinsky addressed the issue of developers renovating the building and thinks that developers will offer less for the property if the building must be renovated. He thinks that the cost to renovate the building is why so little was offered for the property. He said that is one of the reasons for taking the building down. He posed the question that we are keeping the building up because . . . He said that question needs to be completed. He said that this is a defining moment to do something with a blighted building that is limiting access.

Mr. Knight said that we are doing it because we haven't exhausted, or even begun to exhaust, the possibilities for development of this parcel. He thinks private development is one of the possibilities and also developers who are willing to absorb the redevelopment of that building. He said that as the 'Roadmap' suggests that we are still developing alternatives, one of which was the recent presentation of a park.

Ms. Papale said that a decision needs to be made in August or September about the building, which she thinks is an eyesore. She said that she doesn't think that the disposition of the building has anything to do with the future of the property.

Ms. Rascati asked if we should pursue offering the building for one dollar to a developer to renovate.

Mr. Testa said that even if we are talking about was 390 Center Street that what we are really talking about is the entire parcel. He discussed developer's suggestions of access.

Ms. Rascati asked about the cost of demolition. Mr. Brodinsky said that Mr. McCully had two quotes, one at \$38,500 and on a t \$67,000.

Chairman Parisi called on the public for comments.

Ken Daly, 594 North Elm Street, made comments regarding 390 Center Street and offered his opinion on the building's maintenance. He also asked that motions be listed on the agenda.

John LeTourneau, 3 Regent Court, speaking as a preservationist, said to save the building, that it is sound. He spoke about the cost of renovation

for 390 Center Street building and that all of the Wooding Caplan developers wanted to rehab the building. He said that the Yale Urban Design Group, who worked with the Jonathan Rose Company, was very interested in the rehabilitation of the building. He said he thinks that the police station issue needs to be addressed first, and then look to the possibilities for 390 Center Street.

Chairman Parisi attested to the two reports regarding the building from Becker and Becker and Konover Construction.

Bob Hogan, Grieb Road, agreed with Ms. Papale, and said that we have a building that is in the middle of the road for access to the property.

Bob Gross, 114 Long Hill Road, asked that the Council look at an interim solution for the building by providing maintenance suggested by the two reports in the way of plywood over the roof and windows.

Mayor Dickinson said that Mr. McCully said that it doesn't pay to use plywood on the roof and windows.

Robert Sheehan, 11 Cooper Avenue, said that he does not see the historic value of the building and that it is not an asset to the Wooding Caplan property. He said the parcel needs two-way traffic and that the parcel should be made into a park until the police issue is resolved.

Richard Krombel, 38 North Elm Street, handed out photos of the 390 Center Street building as it appeared in the late 19th C. and another photo of the Cook house before and after restoration. Using the photos, he made a presentation on the possibilities available when restoring an old building and what could be from that. *(The photos are part of the record of this meeting.)*

Bob Avery, 42 North Elm Street, asked that the building be saved and to not make a decision until we know what will be done with the property.

Kathy Avery, 42 North Elm Street, said that the 390 Center Street decision should come at the end of the process. She asked why the town is spending money to refurbish a parking lot on private property.

Lucille Trzcinski, 25 Turnberry Road, pointed to the professionals who said to patch the roof and that we paid \$1,900 for the reports and that she advocates covering the holes in the roof and covering the windows. She talked about the problems with the American Legion building.

13. 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

Withdrawn

14. 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 Plaza 15-5, LLC v. Town of Wallingford – Law Department

Mr. Knight made a motion to go into 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 Plaza 15-5, LLC v. Town of Wallingford as requested by the Law Department.

Mr. Farrell seconded.

All Councilors present (8) voted Aye. Ms. Doherty was absent from the meeting. The motion passed.

The Council entered into Executive Session at 9:47 P.M.

Mr. Knight made a motion to come out of Executive Session.

Mr. Farrell seconded.

All Councilors present (8) voted Aye. Ms. Doherty was absent from the meeting.

The motion passed.

The Council exited Executive Session at 10:00 P.M.

Attendance at Executive Session:

Councilors (8), Mayor Dickinson, Town Attorney, Janis Small

15. Motion to Consider and approve the settlement of the Plaza 15-5, LLC v. Town of Wallingford tax appeal matter as discussed in Executive Session - Law Department

Mr. Knight made a motion to approve the settlement of the Plaza 15-5, LLC v. Town of Wallingford tax appeal matter as discussed in Executive Session. Mr. Farrell seconded.

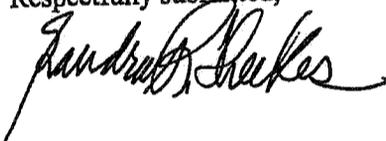
Mr. Farrell moved to adjourn the meeting. Mr. Knight seconded.

All Councilors present (8) voted aye. Ms. Doherty was absent from the meeting.

The motion passed.

The meeting adjourned at 10:00 P.M.

Respectfully submitted,

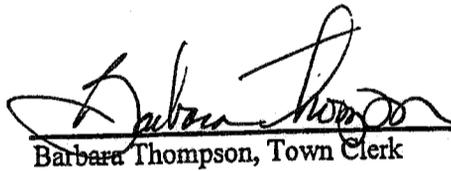


Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra R. Weekes


Robert F. Parisi, Chairman

8-17-07
Date


Barbara Thompson, Town Clerk

8-17-07
Date

RECEIVED FOR RECORD 7/26/07
AT 2 H 40 M P M AND RECORDED BY
Barbara Thompson TOWN CLERK

32.

TOWN OF WALLINGFORD, CONNECTICUT

SPECIAL TOWN COUNCIL MEETING

JULY 20, 2007

The following is a record of the minutes of the Wallingford Town Council at its Special Town Council meeting held on Friday, July 20, 2007, at 6:15 P.M. in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert Parisi Called the Meeting to Order at 6:20 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were also present. Councilor Lois Doherty and Councilor Gerald E. Farrell, Jr. were absent from the meeting.

Moment of Silence

The Pledge of Allegiance was said and the Roll Call was taken.

2. Approve the Standard Large Generator Interconnection Agreement ("LGIA") for the A. L. Pierce Project with ISO-New England, CMEEC and the Wallingford Electric Division for providing interconnection Service to the CMEEC Pierce Project – George Adair, Public Utilities Director

Mr. Knight made a motion to approve the Approve the Standard Large Generator Interconnection Agreement ("LGIA") for the A. L. Pierce Project with ISO-New England, CMEEC and the Wallingford Electric Division for providing interconnection Service to the CMEEC Pierce Project as presented by George Adair, Public Utilities Director. Ms. Rascati seconded.

In attendance were the following:

George Adair, Public Utilities Director
Richard Hendershot, General Manager, Wallingford Electric Division
David Gessert, Chairman, Public Utilities Commission
Richard Nunn, Public Utilities Commissioner

Mr. Gessert made an introductory statement and Mr. Adair commented on the insurance.

Seven (7) Councilors present voted Aye. Councilor Lois Doherty and Councilor Gerald E. Farrell, Jr. were absent from the meeting. 7 Ayes; 2 Absent

The motion passed.

3. Approve Budget Amendment to Increase the Appropriations to the General Fund Miscellaneous Revenue Acct # 001-1075-070-7040 and to the General Fund

Property and Casualty Insurance-General Government Acct 001-1603-800-8250
by \$100,000 each - George Adair, Public Utilities Director

In attendance were the following:
George Adair, Public Utilities Director
Richard Hendershot, General Manager, Wallingford Electric Division
David Gessert, Chairman, Public Utilities Commission
Richard Nunn, Public Utilities Commissioner

Mr. Knight read the item.

Ms. Rascati made a motion to Approve Budget Amendment to Increase the Appropriations to the General Fund Miscellaneous Revenue Account and to the General Fund Property and Casualty Insurance-General Government Account by \$100,000 each as requested by George Adair, Public Utilities Director. Mr. Knight seconded.

ROLL CALL VOTE

Brodinsky – yes; DiNatale – yes; Doherty – Absent; Farrell – Absent;
Knight – yes; Papale – yes; Rascati – yes; Testa- yes; Parisi- yes.
7 Ayes; 2 Absent

The motion passed.

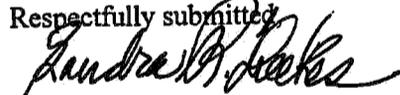
Mr. Knight moved to adjourn the meeting. Ms. Rascati seconded.

All Councilors present (7) voted aye. Councilor Lois Doherty and Councilor Gerald E. Farrell, Jr. were absent from the meeting.

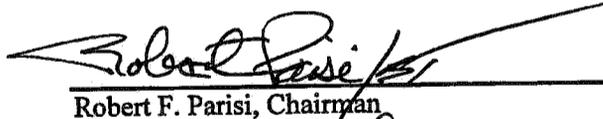
The motion passed.

The meeting adjourned at 6:25 P.M.

Respectfully submitted,

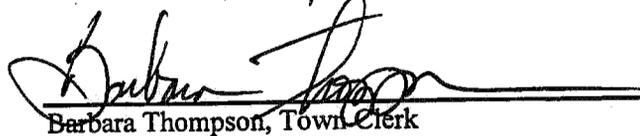


Sandra R. Weekes
Town Council Secretary
Meeting recorded by Sandra R. Weekes



Robert F. Parisi, Chairman

8-17-07
Date



Barbara Thompson, Town Clerk

8-17-07
Date