

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

May 22, 2007

6:30 P.M.

The following is a record of the minutes of the Wallingford Town Council at a regular meeting held on Thursday, May 22, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Assistant Town Clerk Mary Beth Trautman were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, and Vincent F. Testa, Jr. Rosemary Rascati was absent and out of state. 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

Mr. Knight read a memo into the record from the Economic Development Commission (EDC) regarding the Wooding Caplan development issue.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#690- #701) totaling \$17,811.06
Acct. #001-1000-010-1170 - Tax Collector
- 3b. Approve change in schedule of regular Town Council Meetings for July and August 2007.
- 3c. Consider and Approve Town Council Budget Public Hearing minutes of April 12, 2007
- 3d. Accept Donation in the amount of \$506 from Kiwanis Club of Wallingford to the Quinnipiac River Linear Trail Advisory Committee – Town Engineer
- 3e. Consider and Approve an Appropriation of Funds in the Amount of \$506 to Trail Enhancement Acct # 302-1403-816-3052 to Revenue Donations Acct. # 302-1045-040-4052 - Town Engineer

- 3f. Consider and Approve an Appropriation of Funds in the Amount of \$29,124 to Federal Grant Acct # 207-1050-050-5000 to Fire Homeland Security Grant \$13,657 Acct # 207-2030-999-9902 and to Police Homeland Security Grant \$15,467 Acct. # 207-2005-999-9901
– Fire Chief
- 3g. Consider and Approve Town Council minutes of May 8, 2007
- 3h. Set a Public Hearing for June 26, 2007 at 7:00 P.M. for the Neighborhood Assistance Program – Program Planning

Mr. Knight made a motion, seconded by Mr. Farrell, to accept the Consent Agenda, Items 3a. to 3h.

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

The motion passed.

4. Items Removed from the Consent Agenda

None.

Councilor Doherty acknowledged a donation given to the Quinnipiac River Linear Trail Advisory Committee by the Kiwanis Club of Wallingford. President-Elect Tim Gallogly presented a check for \$506 to Lynn Hoffman, Co-Chairwoman, of the Quinnipiac River Linear Trail Advisory Committee.

5. Presentation of Certificates of Recognition to Lyman Hall High School and Mark T. Sheehan High School Students, Faculty and Chaperones for Outstanding Volunteer Efforts in New Orleans, Louisiana during Spring Recess 2007
– Mayor and Town Council

Mayor Dickinson, Town Council Chairman, Robert Parisi and Town Council Vice Chairman Stephen Knight presented *Certificates of Recognition* to all of the students, teachers and chaperones who participated in the volunteer mission to Louisiana to assist victims of Hurricane Katrina *for their Outstanding Volunteer Efforts on behalf of Habitat for Humanities Projects in New Orleans, Louisiana, April 2007.*

Following the presentation, Mr. Knight announced that a slide show of the trip would be presented in the Town Council Chambers at 6:00 P.M. on June 8.

6. PUBLIC QUESTION AND ANSWER PERIOD

Robert Sheehan, 11 Cooper Avenue, commented on the Christian Street Bridge.

Bob Gross, 114 Long Hill Road, asked about the trash to energy plant. Mayor Dickinson said there is negotiation going on with CRRA and Covanta and the town's consultant is beginning that work with a report forthcoming. There is nothing new beyond that.

Kathryn Zandri, 9 Balsam Ridge Circle, suggested that a CD be made of the Town Council meetings and placed in the library.

Bob Hogan, Grieb Road, commented on veteran benefits.

John Lynch, Taylor Lane, read a prepared statement regarding working together on the Wooding Caplan property development issue.

Jason Zandri, Lincoln Drive, commented on the veterans benefits.

Pasquale Melillo, 15 Haller Place, asked about Community Lake and about the balance of the Town's portfolio investments between stocks and bonds.

7. Consider and Approve a Transfer in the Amount of \$23,000 to Replacement Pay Acct # 001-2030-101-1500 from Regular Salary and Wages Acct # 001-2030-101-1000
– Fire Chief

Mr. Knight read the memo from Chief Struble to the Mayor and made a motion, seconded by Mr. Farrell, to approve the transfer of \$23,000 to Replacement Pay Acct from Regular Salary and Wages Acct as requested by the Fire Chief.

Chief Peter Struble, who was in attendance, said that half of this is for training obligations and the other half takes them through the last five weeks of the fiscal year.

There were no comments from the Council or the public.

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

The motion passed.

8. Consider and Approve a Transfer in the Amount of \$12,800 to Wage Differentials Acct # 001-2030-101-1450 from Regular Salary and Wages Acct # 001-2030-101-1000
– Fire Chief

Mr. Knight read the memo from Chief Struble to the Mayor and made a motion, seconded by Mr. Farrell, to approve the transfer of \$12,800 to Wage Differentials Acct from Regular Salary and Wages Acct as requested by the Fire Chief.

Chief Peter Struble was in attendance.

There were no comments from the Council or the public.

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

The motion passed.

9. Consider and Approve a Transfer in the Amount of \$29,000 from Distribution-Maintenance-Overhead Lines Acct # 593 to Distribution- Operations – Load Dispatch \$14,800 Acct. # 581 and to Distribution- Operations – Meter Expense \$2,200 Acct # 586 and to Distribution- Maintenance-Station Equipment \$12,000 Acct # 592 and to Distribution-Maintenance-Meters \$ 900 Acct # 597 – Electric Division

Mr. Knight read the memo from Thomas Sullivan, Business Office Manager, Electric Division, to the Richard Hendershot, General Manager, Electric Division, and made a motion, seconded by Mr. Farrell, to approve the transfer of \$29,000 from Distribution-Maintenance-Overhead Lines account to Distribution- Operations – Load Dispatch \$14,800 Account to Distribution- Operations – Meter Expense \$2,200 Account to Distribution- Maintenance-Station Equipment \$12,000 Account to Distribution-Maintenance-Meters \$ 900 Account as requested by the Electric Division

Richard Hendershot, General Manager, Electric Division and Thomas Sullivan, Business Manager, Electric Division were in attendance.

There were no comments from the Council or the public.

All Councilors present (7) at the time of the vote voted aye. Mr. Testa was out of the room at the time of the vote, and Ms. Rascati was absent from the meeting.

The motion passed.

10. Consider and Approve a Transfer in the Amount of \$6,000 to Transmission-Maintenance of Overhead Lines Acct # 571 from Transmission-Maintenance of Station Equipment Acct # 570 – Electric Division

Mr. Knight read the memo from Thomas Sullivan to Richard Hendershot and made a motion, seconded by Mr. Farrell, to approve the transfer of \$6,000 to Transmission-Maintenance of Overhead Lines Acct from Transmission-Maintenance of Station Equipment Acct as requested by the Electric Division.

Richard Hendershot, General Manager, Electric Division and Thomas Sullivan, Business Manager, Electric Division were in attendance. Mr. Testa returned to the room.

There was brief discussion regarding switching activity. There were no other questions or comments from the Council or the public.

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

The motion passed.

11. *Consider and Approve Distribution Superintendent Job Description – Personnel*

Withdrawn.

Item 13 was taken next while waiting for the Environmental Planner to arrive from another meeting that she was attending.

13. *Consider and Approve Annual Bid Waiver Requests 2007-2008 – Mayor*

Mr. Knight made a motion to approve the Annual Bid Waiver for 2007-2008. Ms Doherty seconded.

Mayor Dickinson referred to the list of bid waivers by department that the Council has for reference and said that there is not much new on the list and that as a general rule these are items that are proprietary in nature, and they are not suitable for public bidding. He said that the Purchasing Agent, who was at the meeting when the list was reviewed, does not have a problem with any of these and that the bid waivers allow the departments to dispatch their work without having to constantly request bid waivers.

Discussion focused on the Board of Education's bid waiver for the firm of Siegel, O'Connor et al as legal counsel to the Board of Education for the next fiscal year.

Linda Winters, Business Manager, Board of Education, responded to questions and attested to the services currently being provided by Siegel, O'Connor et al and that the bid waiver maintained continuity in a long standing relationship with the firm and the Board and Administrators. Mr. Farrell announced that if this item remains on the bid waiver list that he will not support it as he thinks that this is a time to bring in fresh new ideas and to take a different direction. Mr. Brodinsky expressed his views that the Board interview other law firms of which there are more than three, who specialize in education law for government, to get the process going. Ms. Winters added that Siegel O'Connor has negotiated successful contracts, saved the school system and the town considerable money. She said that has been a lot of cost saving provisions and that both the Board of Education and the Superintendent of Schools feel strongly that they would like to get a bid waiver and retain their services for one additional year. Chairman Parisi asked what would be next after the one year. Ms. Winters said that it could be reviewed.

Kathryn Zandri, 9 Balsam Ridge Circle, said that department heads should sign an ethics statement as a release.

Wes Lube, Montowese Trail, commented on Siegel, O'Connor's billing and its lack of documentation on billable hours or service. Ms. Winters said they do document all of their charges and that contact with the firm is only through the Superintendent's or the Assistant Superintendent's Office. She said that they have both a summary and detailed billing system and that everything is assigned a case number and is accounted for.

Pasquale Melillo, 15 Haller Place, stated his views on the bid waiver process saying that it discourages competition.

Robert Sheehan, 11 Cooper Avenue, suggested that the Board of Education not wait until next year to begin a new relationship with another law firm and that this item should be part of the budget of the Board of Education.

ROLL CALL VOTE

AYE: Doherty, Knight, Papale, Testa, Parisi.

NAY: Brodinsky, DiNatale, Farrell

ABSENT: Rascati

AYE-5; NO-3; ABSENT-1

The motion passed.

Following the vote, Chairman Parisi asked Ms. Winters to carry the message back that there is concern and this *(vote)* gives the Board another year to get ready.

12. Consider and Approve Farm Land Lease Program (Second Round of Bids) as presented – Environmental Planner

Mr. Knight made a motion, seconded by Mr. Farrell, to approve Farm Land Lease Program (Second Round of Bids) as presented by the Environmental Planner.

Erin O'Hare, Environmental Planner, said that this is the second round considering eight pieces of property that were not bid on in the first round. She said of the eight properties out for bid in the second round that only four bids were received and that there were four properties that received no bids. The Conservation Commission considered the bid proposals and have recommended approval of the four bids. She said that these fields were bid out for hay. Mr. Testa asked why the installation of a gate at Tyler Mill Road is necessary. Ms. O'Hare said that the bidder asked for this as an exception to prevent ATVs from the premises, and the Conservation Commission approved it.

Pasquale Melillo, 15 Haller Place, asked for clarification of the lease program and said that he likes it.

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

The motion passed.

14. Discussion and possible action on the future of the Wooding-Caplan development area – Town Council

Police Chief Douglas Dortenzio was present to respond to questions from the Town Council in regard the report that he submitted about the future needs of the Police Department and with consideration to the Wooding Caplan property.

Discussions included:

Square footage- mechanical vs office space on the various levels of the police facility,

Staffing – sufficiency for population and population growth of Wallingford; the report shows a ratio of police officers per thousand residents and that for ten years Wallingford is consistent with the state average; staffing levels may change as town grows but average per capita ratio remains consistent; growth in population is only one of the things that impact the demands on a police department; Wallingford's growth in the development of box stores on Route 5 causes hundreds of calls, as example, and due to Wallingford's attractiveness that residential, industrial and commercial growth in Wallingford will continue over the next decade and in order to maintain the same level of police services and the same level of safety and sense security, the infrastructure of the police department needs to grow to meet those challenges. Wallingford has maintained a lean organization but that can only go so far and that as the community grows, the difference between what the town needs in terms of staffing to adequately provide the same level of service will continue to be eroded if the organization doesn't grow. The ratio will decrease. The Chief gave an example of adding one radio patrol car in town and said that this equates to 21 different work shifts in the course of one 7-day workweek, considering three shifts in a 24-hour period or adding 4 plus employees to put one more car on the road.

Other issues discussed included parking, new location for a new station that would need real estate and town utility services, homeland security and technical aspects of police services, viability of renovation (physical aspects) – new roof, new burners, specialized HVAC and IT systems and current site expansion

Annex - splitting of police service location; older juvenile function; youth officer; off-sight, evidence storage, including biological materials. The Chief did not rule out using another building in addition to the main facility but that it couldn't be done easily. He discussed the many phases of handling evidence, including transportation, and the retrieval of evidence. This could be done but not with present labor since an annex includes more steps in the process. With respect to an off-sight, juvenile operation, it would require dedicated, on-site staff for immediate response situations. When this operation is located at the main police facility, staff in an adjacent office conducting other business can respond as they are in an immediate proximity to the juvenile area. The Chief said that the Wooding Building near to the Police facility might be used for police storage but not for juveniles.

Wes Lube, Montowese Trail, recited a list of services provided by the police department. The Police Chief said that the basic concepts of parking, staffing and the long range prospects of the police facility have been going on since 1991, which is in his report, and has been discussed with a large number of groups and that the use of the

facility is now at 23 years with perhaps five to go unless the juvenile legislation passes. If the legislation passes then it will accelerate and exacerbate the facility conditions.

Lucille Trzcinski, 25 Turnberry Road, reviewed the history of the Wooding Caplan Study Committee in relation to the Police Station.

Robert Avery, North Elm Street, commented on the need for more staff, facility expansion, space and center of town location of the police station.

The Chief said that the next ten years must include homeland security and emergency services, that police business does not have to be in the center of town. Also discussed was a comprehensive 1993 plan that was turned down by the Planning and Zoning Commission that barred improvements to the parking area because of the impact to the Wooding Caplan property. The discussion returned again to staffing.

Bob Hogan, Grieb Road, asked about the committee who is looking at expansion. Mayor Dickinson said that it was an administrative directive for the Mayor, the Purchasing Agent and the Law Department to develop specifications to hire a specialist to look at the Wooding Caplan site and to quantify what the Chief needs for a future station on the Wooding Caplan site and that a bid would be developed for the specialist with a subsequent bid for an architectural firm. He said that this should happen quickly. There was discussion of the evolution and the ideas that have been considered over the years for the use of the Wooding Caplan property.

John Bradley, 49 Academy Street, made comments regarding the impound lot.

Robert Sheehan, 11 Cooper Ave, asked when this area became known as the 'downtown.'

Jan Lyon, 4 Simpson Avenue, favored an architect who is not from Wallingford.

Mr. Brodinsky reviewed items for the next Town Council meeting of this subject that included the reports from Becker and Becker and Konover Construction with respect to 390 Center Street; Parks and Recreation Commission; and the Town Engineer in relation to the traffic flow issues and Wallace Avenue traffic. He summarized the memo from the Town Attorney dated May 22, 2007 regarding the access way and AT & T, and said that she needed Council direction. Chairman Parisi said the Town Engineer could give other suggestions, which was agreed upon. The Traffic Safety Officer should attend also and look at the configuration and alternate configurations of the access way between the church and the SNET Building and comment on that and whether or not Wallace Avenue can be moved closer to 390 Center Street as well as discussion on 390 Center Street. Mr. Brodinsky also said that, if ready, an update on the title search issue could also be presented. It was suggested that requests of department heads be made in writing.

15. Discussion and possible action on changes to the Wallingford Town Council *Meeting Procedures*, including but not limited to changes in procedures concerning (1) the consent agenda; and (2) public comments (sometimes called public question and answer) – Councilor Mike Brodinsky

Mr. Brodinsky said that there seems to be some question about whether the public can ask questions about the Consent Agenda during the Public Question and Answer period and whether they should be able to ask questions about the Consent Agenda during Public Question and Answer. He said that some people receive the agenda at a time when it is not convenient to reach a Councilor before the deadline to remove an item from the Consent Agenda so there can be discussion. He said that rather than get bogged down in what the procedures say or don't say, the question is what does the Council want, to re-interpret or to change the rules. He stated that during the Public Question and Answer period, a member of the public can ask anything at all having to do with general government and that it seems arbitrary to say to someone that they can ask anything they want about the town except what is on the Consent Agenda. He said to avoid some of the problems and to have a better rationale in the way the rules are administered would be for the Council to re-interpret the rules to say that anything goes as long as it pertains to Wallingford during the Public Question and Answer period or the rule should be amended.

Chairman Parisi said that this has been in existence for 20 plus years and that the reasoning, when it was presented, was to put housekeeping items (on the consent agenda) so that each item would not have to be dealt with individually and that it has served the Council well in the past. He discussed the agenda and its methods of delivery. Mr. Brodinsky said that he was talking the Public Question and Answer period and that what he is suggesting is that, if a member of the public has a question about something that appears on the Consent Agenda, that the question ought to be allowed from the public during Public Question and Answer period, not during the Consent Agenda period. He said that it is easier and more direct.

Ms. Papale made statements regarding the amount of time of the Public Question and Answer period and that department heads may not be present to address questions and that Wallingford, unlike other towns, offers the public time to speak in the general agenda.

Mr. Farrell recalled discussions when the *Meeting Procedures* were designed when the Town Attorney advised the Council that once the Council allows someone to speak that the Council cannot regulate the content the person's speech, so when someone gets up and they want to talk during Public Question and Answer about something that was on the Consent Agenda, they have in effect a First Amendment right to do that. He said that in parallel to that the Chairman tries to keep the meeting on target, that it's a balance in conducting the business of the Council, and the Chairman tries to get to as many people with questions as possible without squelching people.

Mr. Testa said it doesn't say that during the Public Question and Answer period that you can't ask about the Consent Agenda but that it says you can't talk about it while the Council is on that agenda item and asked why does the Council needs clarification.

Mr. Brodinsky said that the Council's business during Public Questions and Answer is to answer questions and to not shut people down as was done to a couple of people who asked about the Consent Agenda. Public Question and Answer period is twenty minutes

and this would not lengthen anything. He continued that to clarify this perfects the procedure and does not undermine it.

Mr. Knight referenced Item XV of the *Meeting Procedures* and spoke about the efficiency of conducting the Council meetings over the years under these procedures.

Chairman Parisi said that the effort is made to be inclusive when the public has a sincere request and that there are many ways to ask a question.

Mr. Brodinsky made a motion to add to that instead of a period a comma "and may include items on the Consent Agenda" to the *Meeting Procedures*, Page 1, Rule III, so that the entire sentence reads,

"The Public Question and Answer Period will be limited to policy and operation of town government, and may include items on the Consent Agenda."

Mr. Testa seconded the motion.

Geno Zandri, 9 Balsam Ridge Circle, spoke about the history of the Consent Agenda and said that he was in favor of the motion.

Jason Zandri, Lincoln Drive, commented on the motion and asked for some flexibility.

Mayor Dickinson expressed concern about an item being removed from the agenda when the department head is not present, and there may be a time issue and that subsequently that business could be held up.

Robert Avery, 42 North Elm Street, commented about knowing the rules, about the Council being informed about items on the Consent Agenda and about speaking to the Council on an issue.

Wes Lube, Montowese Trail, commented on comments being phrased as a question, about issues that are important to the speaker and about newcomers to the Council meeting.

Mr. Farrell said that this discussion serves as a reminder to the Chair of the discussion with the Town Attorney when the *Meeting Procedures* were put together that the content of what someone is speaking really can't be regulated, and that if it was done in the past, that it was an error, and that in the future the Chair will be mindful of that. He said therefore the motion isn't necessary because the law already states that you can't regulate the content of what someone's speech is.

Mr. Brodinsky said that the motion is necessary. In response to comments from the public, he said that the Council receives backup information to the items on the Consent Agenda, usually in the form of a letter, which explain/justifies why the action or the transfer is being requested and that the backup usually answers/satisfies the questions that might arise.

Chairman Parisi expressed an observation that answering questions regarding the Consent Agenda could use up the time of the Public Question and Answer period and not give people who have other questions an opportunity to ask them.

ROLL CALL VOTE

AYE: Brodinsky, DiNatale, Testa,

NAY: Doherty, Farrell, Knight, Papale, Parisi

ABSENT: Rascati

The motion failed.

16. Discussion and action with regard to the sale of tax liens in connection with the property located at 928 North Colony Road – Corporation Counsel

E. James Loughlin, Esq. was present representing his client, C.M. Merriam and Fulton Forbes, Inc., on the issue of purchasing the tax liens on the property at the Yalesville Silver Company between Stop and Shop and Route 5. He said that the taxes on 928 North Colony Road have been outstanding and not paid since 1989. Foreclosure action was started in 1997, and we are at the point where it could be brought to judgment in a short period of time. The amount of outstanding principal is \$92,000 as of May 31, 2007 and principal, interest and penalties as May 31, 2007 is \$238,000. He said that the appraisal of the property on December 4, 2006 indicated that the value of the property was \$200,000, which took into account the cost of the property clean up, which was estimated to be about \$46,000. December 11, 2006 a second appraisal was generated indicating what the value of the property would be to Mr. Merriam and that is where they came up with the value of \$264,000. He said that Mr. Merriam initially proposed to purchase the tax liens and the offer has now evolved into the purchase of the property after the foreclosure was carried out by the town and the amount that he would pay would be \$200,000. He continued saying that in addition because there are concerns over the cost of the cleanup and the town having to carry out the clean up. He said that Mr. Merriam has proposed a bond of \$100,000 as surety to make sure that the clean up is carried out properly and that this is in addition to the \$200,000 to purchase the property in accordance with the December 4 appraisal. He said that the reason he is before the Council is that Mr. Merriam is frustrated with the process and is no longer considering the purchase of the tax liens of the property. He asked where will this go now with this new offer.

Mr. Farrell said that he does not think that the Council is going to take title to a property that has environmental damage, the extent of which is unknown, and you don't know where it's going once it starts, so the minute the town touches it, even if they transfer it to Fulton Forbes, there is the potential that because the town is in the chain of title that it's going to come back to roost at the town's doorstep. He said that he is willing to sell the tax liens because therefore the town doesn't touch title to the property. He said that it is a total non-starter for the town finishing the foreclosure, taking title, and then selling to Mr.

Merriam. Mr. Farrell said that he protects the taxpayers from the kind of exposure that environmental damage could cost.

There was discussion regarding cost of the property and its clean up considering the method involved for the town to take title and the exposure for the town. Mr. Loughlin said that he could take back to Mr. Merriam for discussion the cost of the tax liens. Mr. Loughlin said that Mr. Merriam would merge the two, now non-conforming, properties and make them more attractive and to be in conformity with the zoning regulations.

There was discussion about the cost of foreclosure. Corporation Counsel Mantzaris said that the town has a judgment, July 6, 1999, to foreclose the liens that existed before that date against whomever was the owner and that's been clear. He said that the town would sell the judgment and the tax liens subsequent to that date and that is clear title. There was talk of cost for ejecting the tenant that was in the property and that the total would be less than \$5,000.

Mayor Dickinson asked about the tenant, and Mr. Loughlin said that it is currently under a lease. Mayor Dickinson said that would be another reason why the town would not want to take title.

There was discussion about the town taking title, about disclosure and about the obligations upon owners for the contamination of the property. Mr. Mantzaris agreed that the town should not take title to this property but rather to sell the liens, even at a discount, to Mr. Merriam and be done with the property and to eventually get it back on the tax roles.

Mr. Loughlin said Fulton Forbes would take responsibility for filing with the DEP, the clean up and would pay for the clean up. There was discussion of the town's liability. Mr. Loughlin said in the discussion over the last year, Mr. Merriam said that he would pay the town \$125,000, which is \$30,000 more than the outstanding principal, and now he is saying that he is going to pay the town \$200,000 plus guarantee it with another \$100,000.

Mr. Mantzaris asked the Council to begin talking figures, which is what Mr. Loughlin is asking, if the town is not ready to take title then what kind of price would the town be asking of Mr. Merriam to buy the liens, stating that \$125,000 was the last figure mentioned. Mr. Loughlin said that the process is faster if the town carries out the foreclosure because introducing Mr. Merriam to the litigation takes more time. He also said that he hopes that the Council recognizes that the \$125,000 to purchase the tax liens is a good one. To respond to the question regarding the tenant, Mr. Loughlin said that he saw a lease that expired in March of 2007 and doesn't know if it was held over or not, and Mr. Mantzaris said that other than automobiles inside the building there was no one in possession when the appraiser was there. Mr. Loughlin said that he and Mr. Mantzaris talked about going up from \$125,000 to \$150,000 but he did not have authority for \$150,000 since it was a talk between lawyers. There was no offer other than the \$125,000 to purchase the tax liens, and then Mr. Merriam went ahead and said the town should take title of the property and that is the only way he would go for a deal. Mr.

Loughlin said that usually when an offer is made, there is something coming back, and there is no counter-offer.

Mr. DiNatale recounted the history and said that he left the last meeting with the Council wanting a number that was higher than the \$125,000 offered, and that was where it was left, and nothing seems to have changed since then, and there is no authority to go beyond the initial \$125,000. So at this point, the Council has at stake here \$240,000 total for liens, penalties and interest, and Mr. Merriam is offering \$125,000 now so the Council can come up with a counteroffer or can accept or reject his offer and that is all the Council has to work with tonight.

Mr. Mantzaris said that Mr. Loughlin invited a counter earlier tonight. At the first meeting of the Council, the Mayor thought it was worth at least \$200,000 based upon the appraiser's report, and the Council thought that \$125,000 was not enough, and Chairman Parisi asked Mr. Loughlin to go back to his client to see if he could get some more money offered other than the \$125,000. The Town hasn't told Mr. Merriam what the town will take for the tax liens and the judgment. He said that is what Mr. Loughlin is asking for tonight.

Mr. Farrell said that last time it was that it should come in somewhere between \$170,000 and \$190,000, and that he would place it at about \$180,000. He said the original amount of taxes was \$190,000, and there is interest that has brought it up to \$240,000. It's attractive to Mr. Merriam in that he owns the adjoining piece and not attractive to anyone else because they don't own the adjoining piece. He said he doesn't think that selling the tax liens gives the town any liability because the town doesn't own the property.

Mr. Testa said his number was \$175,000 and agrees with Mr. Farrell's suggestion.

Mr. Loughlin said if it was just one person, here is where we are at, and 1) you can't count someone else's money, and you can't say that this is worth a lot of money to Mr. Merriam and expect him to pay because of that 2) the value of the property is what anyone coming in from the street would pay, and right now the tax liens are worthless 3) if Mr. Merriam buys the tax liens he will make this a conforming property with zoning regulations and a tax-paying entity. He said that those three reasons are why we are where we are right now. He said that he doesn't think that \$180,000 is going to work.

Mr. Brodinsky said here is the number and that this is the counter offer, and that Mr. Merriam can walk away, he can mention another figure or he can bluff.

Mr. Farrell made a motion that the Town (*of Wallingford*) counter Fulton Forbes' offer for the purchase of the tax liens and the judgment that the town holds for \$180,000.

Mr. Knight seconded.

Lucille Trzcinski, 25 Turnberry Road, reviewed the offers from Mr. Merriam. She recalled that the last time this was discussed and someone on the Council said 'go back and see if Mr. Merriam will give us more money'. She said that this property is worthless to anyone but Mr. Merriam. She recalled that the town sold Simpson School

and 3 acres for \$100,000 because the developer would do the clean up, and she said that now there is quibbling over a piece of property that is less than $\frac{3}{4}$ of an acre that is totally non-conforming and of use to no one. She said to take Mr. Merriam's offer and get rid of it and get it back on the tax roles or the town will be left with it, and it won't be on the tax roles.

Jason Zandri, Lincoln Drive, asked questions and offered his opinion.

Mr. Brodinsky said that the impression that the Council has is that Mr. Merriam is willing to talk from the \$125,000, and if Mr. Loughlin doesn't mean that, then the Council needs to be straightened out right away.

Mr. Loughlin said that yesterday Mr. Merriam said the deal is off and that he was walking, and Mr. Loughlin said he realized that this is too good an offer for the town to let go so he called Mr. Merriam back and they agreed finally that Mr. Loughlin could come to the Council tonight. Mr. Loughlin said that he is willing to go back to Mr. Merriam and to push him again, and he said that he doesn't know how his client is going to respond.

Chairman Parisi asked what is the offer.

Mr. Loughlin responded \$200,000 to buy the land plus the \$100,000 bond but the Council has rejected that offer.

Chairman Parisi said rejected because the town would be liable and that he wanted to make that clear.

Mr. Loughlin said yes and that \$125,000 is worth it because of the dirty land. He asked the Council to take the \$125,000 or \$130,000.

Mr. Farrell said that there is a fairness issue to people to consider as the town is the taxing authority and that the town has foreclosed on other properties and collected all that was owed, and that this is being discounted in view of the issues.

Mr. Loughlin asked that the Council to acknowledge that the town is taking a risk of ending up with nothing because the town won't get \$180,000 for the tax liens.

Mr. Farrell said that he understands there is a risk but that he has to look at the fairness issue.

Chairman Parisi said that with the number Mr. Loughlin asked for, that maybe it will go back and forth, and that maybe it won't.

AYE: DiNatale, Doherty, Farrell, Knight, Parisi

NAY: Brodinsky, Papale, Testa

ABSENT: Rascati

The motion passed.

17. 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

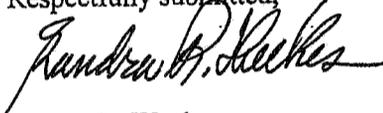
Mr. Farrell moved to adjourn. Ms. Doherty seconded.

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

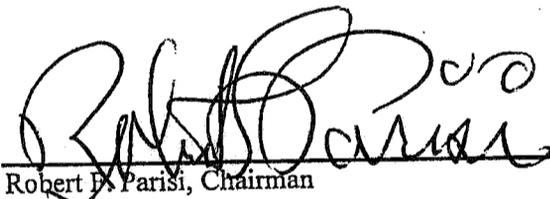
The motion passed.

The meeting adjourned at 11:36 P.M.

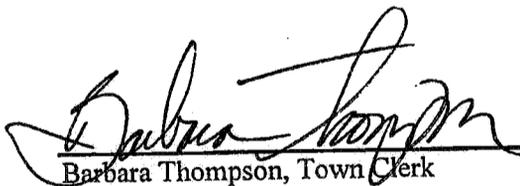
Respectfully submitted,



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


Robert P. Parisi, Chairman

6/12/07
Date


Barbara Thompson, Town Clerk

6-13-07
Date

RECEIVED FOR RECORD JUN 06 2007

AT 3:50 P M AND RECORDED BY
Barbara Thompson TOWN CLERK