

TOWN OF WALLINGFORD, CONNECTICUT
REGULAR TOWN COUNCIL MEETING

November 10, 2009

The following minutes are a record of the Regular Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, November 10, 2009. The Meeting was Called to Order at 6:38 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Vincenzo M. DiNatale, John LeTourneau, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Councilors Economopoulos, Farrell and Parisi were absent from the meeting. Also present for the meeting were Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes.

The meeting began with a Moment of Silence, the Pledge of Allegiance and the Roll Call.

2. Chairman's Report

Chairman Brodinsky announced that Councilor Economopoulos is being inducted into the Hall of Fame of a New Haven area basketball association, TAPIN; Councilor Farrell has a scheduling conflict associated with his other duties in Hartford; and Councilor Parisi is unwell.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#381 - #406) totaling \$5,902.36
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Consider and Approve a Resolution Authorizing the Mayor to enter into a Memorandum of Understanding with the Department of Public Safety for the FY 2006 STEAP grant in the amount of \$500,000 as part of the extension request – Fire Chief
- 3c.** Consider and Approve a Transfer in the amount of \$13,500 to Maintenance Structures & Improvements – Water Treatment Acct # 431-8640-651 from Power Purchased for Pumping Acct # 431-8620-623 – Water Division
- 3d.** Acceptance and Appropriation of Highway Safety Grant in the Amount of \$1,643 To Revenue Highway Safety Acct # 001-1050-050-5883 and to Police Overtime Acct # 001-2005-101-1400 – Police Chief
- 3e.** Acceptance and Appropriation to the Youth and Social Services Special Fund in the Amount of \$96 to Donations Acct # 213-1042-070-7010 and to Expenditures Acct # 213-3070-600-6000 – Youth and Social Services
- 3f.** Consider and Approve a Resolution Authorizing the Mayor to enter into and Amend Contractual instruments in the Name of and on Behalf of the Wallingford Community Day Care Center, Inc. with the Department of Social Services of the State of Connecticut for a Child Day Care Program - Mayor

- 3g. Consider and Approve an Agreement between the Town of Wallingford and the Wallingford Community Day Care Center, Inc. Recognizing that the Town had executed a Contract with the State of Connecticut Commissioner of Social Services for Funding Programs to be carried out by said Day Care Center Acting on Behalf of the Town - Mayor
- 3h. Consider and Approve a Resolution permitting the Wallingford Community Day Care Center, Inc. to borrow from the Town of Wallingford amounts necessary to meet the essential operation expenses of said Day Care Center prior to the time its program is approved for funding from the State of Connecticut - Mayor
- 3i. Acceptance and Appropriation of PPL Corporation Community Grant in the Amount of \$3,500 to Miscellaneous Revenue Acct # 001-1075-070-7040 and to Fire Department Continuing Education and Training Acct # 001-2030-501-5700
- Fire Chief
- 3j. Consider and Approve Amendment No. 4 to the CMEEC/WED Contract for the supply of Electric Power and Energy – Director of Public Utilities
- 3k. Consider and Approve Expanding use of a Federal Fire Act Grant to include purchase of fire education training props and materials in the amount of \$31,376 and to rename accounts as stated:
 - Radio Equipment and Fire Prevention Acct # 204-2030-999-9905
 - Base Station Radio and Fire Prevention Acct # 003-2030-999-9110- Fire Chief
- 3l. Approve Minutes of Regular Town Council Meeting of October 13, 2009
- 3m. Approve Minutes of Regular Town Council Meeting of October 27, 2009

MOTION

Mr. Testa made a motion to approve the Consent Agenda 3a. - 3m. Chairman Brodinsky seconded the motion. All Councilors present (6) voted Aye. Councilors Economopoulos, Farrell and Parisi were absent from the meeting. The motion carried.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION & ANSWER

Bob Hogan, Grieb road, asked that the Town Council consider changing the tax break for veterans. His implication was to lower veteran taxes.

Lucille Trzcinski, 25 Turnberry Road, asked about the status of the North Farms property and if the Fire Department will be restricted in their use of the property. Chairman Brodinsky said that everything to this point is hypothetical especially since the Town does not have a contract that it is not signed and is taking longer than expected.

6. Consider and Approve an Appropriation in the Amount of \$ 879,384 to C.R.R. A. Distribution Acct # 200-1050-050-5000 and to Aerial Truck Acct # 200-2030-999-9901
– Fire Chief

MOTION

Mr. Testa made a motion to Approve an Appropriation in the Amount of \$879,384 to C.R.R. A. Distribution Acct # 200-1050-050-5000 and to Aerial Truck Acct # 200-2030-999-9901 as requested by the Fire Chief. Ms. Rascati seconded.

In attendance:

Fire Chief Peter Struble

Deputy Chief Richard Heidgerd

Captain Joseph Czentnar

Chief Struble said that Captain Czentnar, shift commander and team leader for specification and bidding process on this truck.

Chief Struble said that in the Fire Department there are two aerial apparatus, Truck 1, which has the bucket on the front is located at Fire Headquarters and has a full crew, and the other one, called Ladder 8, which is older, has a straight ladder and is stationed at the Kondracki Lane Fire House. He said that they established a 12-year replacement program for apparatus in 2000. He said that general life is 20-25 years but that in 2007 conditions caused the second truck to be moved up in the cycle. He said that this year Ladder 8 will be 36 years old. He added that Truck 1 will be 15 years old this year. He said that the national fire protection standards recommend that any well-maintained truck that is 15 years old be placed in a reserve status. He said that his 2008-09 budget year request to fund an aerial truck was not funded. He said that this request was approved in the 2009-2010 budget year with the recommendation of using the CRRRA funds. For three years he said he has also applied for national firefighters grant money and is currently waiting to hear the results on this year's application. He said that Captain Czentnar with a team of officers tested over ten different aerial trucks. He said that at this time it is the bottom of the market and that steel prices are low as are factory orders. He wants his department to stay mission-ready by having a new truck so that Truck 1 can have the maintenance that it needs. He added that the oldest truck needs to be retired from service and would be sold.

There were no questions from the Council. Chairman Brodinsky recognized the public.

Ben Martin, Ward Street, asked for an explanation of the wording in the agenda item.

Mr. Bowes explained that the wording is such when one account in the appropriation is a revenue account and the other one is an expense account.

In response to Mr. LeTourneau, Chief Struble said that the \$879,384 is for the truck and that the fire Department will return to the Town Council for the cost of outfitting the truck. They estimate that cost to be about \$90,000 and that they by choice do this separately from the truck purchase.

All Councilors present (6) voted Aye. Councilors Economopoulos, Farrell and Parisi were absent from the meeting.

The motion carried.

7. A Resolution that the Town of Wallingford, through its Town Council, does acknowledge that a Public Information Meeting was conducted on Wednesday, October 28, 2009 and does support the advancement of the design and subsequent construction of the Town's Quinnipiac River Linear Trail Project –Phase III – Town Engineer

In Attendance:

John Thompson, Town engineer

State Rep Mary Mushinsky, Co-Chair, Quinnipiac River Linear Trail Advisory Committee

Lynn Hoffman, Co-Chair, Quinnipiac River Linear Trail Advisory Committee

Mr. Thompson said that as part of the process, they have to follow a certain procedure, since they are using state and federal money in advancing the design and future construction of Phase Three of the Quinnipiac River Trail. He said that one of the steps in the procedure was a public information meeting on October 28, 2009. The State of Connecticut has asked that this be brought to the Town Council to seek a Resolution from the Town Council to advance the design of the trail. He said that they have been working on Phase Three for the past four years. Nine years ago, Phase One was constructed. Phase Two was the bridge and the tunnel and was constructed about four years ago.

Mr. Thompson displayed a map of the river-trail area highlighting the parkway; the Phase Three project area on the west side of the tunnel on the parkway; the route along the river; the 210 foot long bridge running across Fireworks Island; and finally the area across the raceway onto the Main Street side of Route 150 and up through the Yalesville on the green property. He said that the property is approximately 6,000 feet long and double the length of the trail. He said that there is about 1.1 mile of train currently and this will be up to the total of 2.2 miles. He said construction estimate costs are about \$2.1 million. He said that they are in a favorable position and not here tonight to ask for money. He said that through the efforts of the Advisory Committee and our federal legislators that the committee has received a commitment of about \$2.6 million for the construction of this project and for trail related activities. He said they are in a position of having committed monies for project construction for going through the design and permitting phases and that their goal is to advance this project as quickly as possible and to take advantage of the very competitive construction pricing that they are seeing in the market today. He said that everything that is being bid in coming in lower than estimated and that the competition for projects is very intense. He said that this is a requirement to come before the Town Council and to let the Town Council know that there was a Public Information Meeting and to ask for the Resolution that acknowledges that there was such a meeting and to endorse the project so that they can move ahead.

Chairman Brodinsky asked about the project in that the grant is greater than the cost of the project. Mr. Thompson said that every time that we go the federal legislators, we say that we have a project and that we seek their support financially for the project. He said that they received \$800,000 of federal funds about four years ago and that this past year it was \$1.4 million in an omnibus funding package and that Mary Mushinsky was successful in getting \$675,000 in state bond commission money. He said that when you add all of those up that it exceeds the estimated construction costs. He said that they can use now federal money designated for trail purposes like land acquisition, design purposes or planning studies. He said he thinks that it is always better to have more monies appropriated than less. It is something that he will be putting into the capital budget request.

In response to Chairman Brodinsky's question, Mr. Thompson said that we have either cash or a written commitment that totals \$2.6 million. He said that they have already begun to spend down the first \$800,000 and the second \$1.4 million was committed this year and the bonding money is put into a Reich and Tang account and they then spend against that. Chairman Brodinsky asked if Mr. Thompson was saying that there is no possibility of any local money having to be used. Mr. Thompson said that they have already used local money when they appropriated \$200,000 in FY 2005-06 for design purposes. Chairman Brodinsky going forward is there any possibility of using local tax dollars. Mr. Thompson said that he does not believe so for construction of Phase Three in that they have all outside funding.

Mr. Spiteri asked how the trail is designed to deal with possible flooding given its proximity to the river. Mr. Thompson said that much like the first phase of the trail is on grade and all of it in a flood plain area. It was designed so that if water rises, it will overtop the trail and then recede down. He added that this has not happened for ten years. For the bridge and tunnel, Mr. Thompson said that in next phase, the second, the bridge is high enough and outside the reaches of flood levels. It is the same elevation as the parkway bridge. He continued that the tunnel was designed specifically to accommodate flooding conditions, so it offers some additional relief. In Phase Three us primarily on grade with several sections of it on boardwalk so that the water can migrate back and forth underneath without washing across the trail. He said that the big bridges are set high enough and far enough from the river that should there be a flooding or river course shifting event, it shouldn't have any impact on the structures.

Mr. Spiteri asked about the trail's end near the condominiums, and if we are now building a second bridge. He also asked about the financial impact, and if there are plans to have a trail on the island.

Mr. Thompson said that was correct and that the Town owns the island except for the middle of Fireworks Island which is still under private ownership. He said that the north end of the island is the trail portion which currently has a parking lot to give people access and there is a second parking lot on the island. There is discussion about a canoe launch area. He said that the island is a very attractive resource area, and off the main trail, there could be future development of soft trails with benches and viewing areas. He talked about the by-right routing. He said that they explored routing with Yalesville on the Green Condominium Association that did not work out. He said that it would have saved some money but a consensus could not be reached so the Advisory Committee decided to go with the by-route routing. This is accessible to the public.

Mr. Spiteri asked about maintenance and if Mr. Thompson has any concerns especially with Phase One which is ten years old.

Mr. Thompson said the general issue has not been the trail itself, the pavement, excepting a couple of areas where tree roots have disturbed the pavement. He said that the biggest issue has been and is the vegetation which is closing in on the trail. He said that it is an annual trimming and is a regularly scheduled maintenance. The general maintenance of the trail is not a high maintenance activity. He said they are minimizing plantings in Phase Three.

Mr. Spiteri reiterated his concern for maintenance.

Mr. LeTourneau expressed concerns with maintenance with the upper end trail after the bridges are get put in. He sees that two bridges and a boardwalk could become a cost-center for the Town. He said that we might get grant money now but the maintenance is on the shoulders of the Town. He talked about the \$2.3 million stating that the Linear Trail is a wonderful project for wonderful times but right now we are in tough financial straits. He said that even with the bond, somebody has to re-pay the bonds with interest, and it's going to be the state. He said that he doesn't understand how that happens when the state is in the red. He doesn't know where the money is going to come from. He said that as a Councilor he knows that Town money can only come from one place, and that is tax money, the same for the state and the federal government. He said that he is troubled by the amount money being spent on this. He said that down the road that's OK but for a few years we need to temper our spending.

Mr. Thompson said that they make a request to the federal government and that it is competitive and that there is only so much available for this type of project. He said that he is constantly asking anyone from Rosa DeLauro's Office for good news. He said that you have to be out there aggressively asking for this money and it's being appropriated and we need to get our fair share of it. He said that he does not disagree with Mr. LeTourneau about the current reality and tax money in one shape or another. He said that our project is looked at as being viable and we have received the money. He said in terms of maintenance we have not focused on this and this is being looked at in Phase Three and that there is a need to inspect the bridges and to maintain over a longer term. He said that these are long-term facilities and they are going to be there and are going to need maintenance. He said the design will include weathering steel, with false wood a composite that has a long life. He said that the Mayor has asked that we develop a program that these be evaluated so that we know what these costs are over the longer term. It is a very key issue.

Mr. LeTourneau said he does not have any of these costs in front of him tonight. Mr. Thompson acknowledged that he didn't have them either. Mr. LeTourneau said that we are saying yes to the project without knowing what the cost is going to be down the road. He said that he understands that if we don't ask for it that someone else will ask for it. He said that he understands that philosophy and that troubles him even more. He said that somebody has got to say "No." And it has to start someplace, and it has to start on the local level that you have to say no, you can't be spending money on this type of project. If someone else get it and they are fine with it and they have a clear conscience, then fine but he can't. He said that he is going to vote no. He is not against the trail but he is against spending the money at this time and he feels that is somebody has to say no, then he is the one to say no.

Representative Mushinsky said that they already have the money and that there is a special fund in Washington for alternative transportation and that is where the federal allotment for this project comes from. It is a highly competitive grant for non-vehicular trails to move people by foot or bicycle in order to get out of their cars, reduce congestion and have another way to get across town without having to use a vehicle. This is a dedicated fund. She said that there is also a dedicated state fund for the same purposes for alternative transportation. She continued saying that if we don't compete for the money, then Southington gets it or New Have, etc. She said that someone will win that grant if it isn't us. The fund exists. It's for alternative transportation and we would be crazy if we didn't pursue this type of funding. She said that it is also a desirable goal to try to get Wallingford folks out of their cars. It's healthier and it reduces traffic congestion. She said that with the senior center part that seniors will be able to reach the trail without using their vehicles.

Mr. LeTourneau said that alternate transportation troubles him even more. He said that he sees this a recreation and that he can't see someone walking from Wallingford to Meriden to go to work or to take their bike. This will not be a major thoroughfare and that his wish list for alternate transportation to use that money is to upgrade the rail line where it is mass transit, not a handful of bicycles. He said he can't go along with that thinking. He argued that more people will take the train to Hartford than ride their bicycles.

Ms. Hoffman said that this money is in place. It's already been allotted to Wallingford for Phase Three.

Mr. LeTourneau said but we don't have to take it.

Ms. Hoffman said that the Mayor endorsed the pursuit of this money for the trail.

Ms. Rascati said, "We either say yes we want it," or "No, we don't want it." She asked if this is where it now stands. Mr. Thompson said that we have already said yes. He said we asked for it and that we have already begun to spend it for Phase Three. He said while appreciating Mr. LeTourneau's position with which he respectfully disagrees, that the money is appropriated based on the Town of Wallingford making a request for it. The Council could say that this isn't a viable project and it should be stopped although Mr. Thompson does not encourage this course be followed. He said that at some point, the money would lapse like a local appropriation. Ms Rascati asked if we take the money to go ahead with the trail, do we have a certain amount of time that it has to be used? Or could we do a little at a time? Mr. Thompson said that the money has been appropriated, and there is no time limit and he has asked this question. He said that if the Council says no to this phase he suspects that there will be ramifications in terms of funding in that they would not hold it for the Town. Ms. Rascati stated there are no matching funds that the Town has to put up. Mr. Thompson said no matching funds; this is 100% state and federal monies for the construction. Ms. Rascati said that we aren't going to have to worry about putting up any money towards the trail in the budget. Mr. Thompson said that you will see a budget item for the construction as an expenditure and then a reimbursement.

Mayor Dickinson said that typically that these are reimbursement grants so the local government has to front the money. He said that we aren't doing that here. Here we will wait until the project receives public bids and the award of a bid will necessitate the ability to spend money and at that point there will have to be an approval of expenditure and then it comes back for those approvals. He said that we don't have a construction contract now so this is a conceptual issue. A few grants are actual cash but for the most part it's a reimbursement grant which means that you receive somewhat less money than what the dollar figure is. Mr. Thompson said that they will take out 6-8% of the total grant for administrative costs which still leaves excess funds for the construction. Mayor Dickinson said that this is still conceptual in that the Town has not bid the project at this time. He said that we can all have differing opinions over whether there should be such a federal program for this type of expenditure given other needs but the fact is there is this federal program and the money is not available to use for anything else. The questions is do we not apply for the funds in these categories? We applied for the funds and received the funding. There certainly is a philosophical issue on this but the people in Washington thought that this was a legitimate expense.

Mr. Testa expressed his concern for future maintenance and the existing bridge. He asked about using maintenance free materials and recycled materials. He talked about the discussions with the condominium owners and the fact that it didn't work out meant that the Town lost an opportunity to save some money. Mr. Thompson said that the bridge deck is a composite material and that they recognize using maintenance free materials and recycled materials in line with a future-looking maintenance program for the trail. Mr. Testa said that he would like to see them upgrade types of materials in light of the excess funding.

They talked about the garbage pail materials, trail and tunnel lighting, trail hours and the fact that this is the time to bid the construction work in deference to the economic climate. Mr. Thompson said that they are doing everything that they can to advance this project to the point where they can bid. He said that they are a number of months away from having a final design and having permitting and construction late 200 or into 2011. Southington went to bid and received 15 bids. In discussing phases of this trail, Mr. Thompson said that there are two more phases north of Phase Three and that to the south where they are going next from Community Lake south towards North Haven. He said that this is a troublesome area with two street crossings and it will go toward the landfill area and then to North Haven. He said there are four major phases of the main Quinnipiac River Linear Trail to be designed and constructed yet, plus the senior center connection which with the Hall Avenue Streetscape could be ready in 2010 but this project needs additional funding.

Ben Martin, Ward Street, said that this is a great project and said thank you for the great work. He said in these times where people are looking to save money that they can take this different route other than using their car. We need to do this for people. Construction people are looking for work. He said that saying "no" to this project is also saying "no" to construction people who would have this job. He addressed bicycles. He said he has ridden his bike to work for eight years on a regular basis. Since he began doing this, he has seen an increase of three people on his route and on a different route he sees three more people. Bicycle use is increasing this will help it increase more. The main reason that people don't take their bikes is because they don't have a safe route and are afraid of cars. This trail is safe to ride, and it can get you to Yalesville which will increase business. He said this is a great thing for businesses; it's a great thing for construction; it's a great thing for alternate transportation; it's a great thing for the town. He said it brings people here and people bring businesses here. This is a great thing and the Town doesn't have to spend any money. Saying no is counterproductive. He really hopes this goes through because traffic on the trail will triple if not quadruple. He asked that for the bicyclists, for the runners, for the walkers for the people walking their dogs, for the construction workers doing the job, and just for general safety, this is a great thing to support.

ROLL CALL VOTE:

Brodinsky -Yes, DiNatale -Yes, Economopoulos – Absent; Farrell -Absent,
LeTourneau -No, Parisi -Absent, Rascati -Yes, Spiteri -Yes, Testa -Yes
5 Aye; 1 Nay; 3 Absent

The motion passed.

8. 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

AGENDA ADDENDUM ITEM

9. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation matter of Dibble Edge Partners v. Town of Wallingford– Town Attorney

MOTION

Mr. Testa made a motion to go into Executive Session pursuant to:

(Item 8.)

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

(Addendum Item 9)

§1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation matter of Dibble Edge Partners v. Town of Wallingford as requested by the Town Attorney.

Ms. Rascati seconded the motion. All Councilors present (6) by voice voted Aye. Councilors Economopoulos, Farrell and Parisi were absent from the meeting.

The motion carried.

Executive Session commenced at 7:40 P.M.

At 8:24 P.M., Chairman Brodinsky announced that the Council was back in session.

Attendance at Executive Session included nine (6) Councilors, Mayor Dickinson and Town Attorney.

AGENDA ADDENDUM ITEM

10. Possible action on Dibble Edge Partners v Town of Wallingford as discussed in Executive Session - Town Attorney

MOTION

Mr. Testa made a motion for approve a possible settlement as discussed in Executive Session. Ms. Rascati seconded. All Councilors present (6) by voice voted Aye. Councilors Economopoulos, Farrell and Parisi were absent from the meeting.

The motion carried.

Mr. Testa made a motion to Adjourn from the meeting. Chairman Brodinsky seconded. All Councilors present (6) by voice said Aye. Councilors Economopoulos, Farrell and Parisi were absent from the meeting.

The motion passed

The Town Council meeting adjourned at 8:12 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary

Meeting digitally recorded by Sandra Weekes

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date