

TOWN COUNCIL MEETING

JANUARY 28, 2003

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
  - a. Consider and Approve Tax Refunds (#435-459) Totaling \$10,266.43 – Tax Collector
  - b. Consider and Approve Acceptance of a Donation of One (1) Smoke Machine from Masonicare to the Wallingford Fire Department's Training Division
  - c. Consider and Approve Acceptance of a Donation of One (1) Epson LCD Projector to the Wallingford Fire Department's Training Division
  - d. Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Salaries & Wages Acct. #001-1600-101-1000 to Office Expenses and Supplies Acct. #001-1600-401-4000 – Personnel
  - e. Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Misc. General Expenses Acct. #431-8920-930 to Maintenance of Treatment Equipment Acct. #431-8640-652 – Water Division
  - f. Consider and Approve the Minutes of the August 20, 2002 Town Council Meeting
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve One(1) Appointment/Re-Appointment to the Board of Assessment Appeals for a Term of Three Years to Expire 1/8/2006

7. Consider and Approve One (1) Appointment/Re-Appointment to the Position of Alternate on the Zoning Board of Appeals for a Term of Three Years to Expire 1/8/2006
8. Consider and Approve One (1) Appointment/Re-Appointment to the Position of Alternate on the Planning & Zoning Commission for a Term of Three Years to Expire 1/8/2006
9. Consider and Approve a Transfer of Funds in the Amount of \$13,000 from Contingency – General Purpose Acct. #001-7060-800-3190-0 to Professional Services – Consultant Acct. #001-5010-901-9040-00 – Engineering
10. Consider and Approve a Waiver of Bid for the Purpose of Contracting Services with Joseph J. Marotti, Inc. for the Preservation of Historic Documents – Town Clerk
11. Consider and Approve a Transfer of Funds in the Amount of \$7,500 from Contingency – General Purpose Acct. #001-7060-800-3190 to Purchased Services – Negotiations Acct. #001-1300-901-9002 – Mayor
12. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Tax Appeal Matter of Connecticut Subacute LLC v. Town of Wallingford – Town Attorney
13. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes With Respect to the Purchase, Sale and/or Leasing of Property - Mayor
14. Consider and Approve the Settlement of Pending Litigation in the Tax Appeal Matter of Connecticut Subacute LLC v. Town of Wallingford – Town Attorney

TOWN COUNCIL MEETING

JANUARY 28, 2003

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, January 28, 2003 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:35 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Doherty, Farrell, Knight, Papale, Parisi, Rys, Toman and Vumbaco. Mayor Wm. W. Dickinson, Jr. and Comptroller Thomas A. Myers were also present. Atty. Janis M. Small arrived at 6:48 P.M.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence – No items to be read were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#435-459) Totaling \$10,266.43  
– Tax Collector

ITEM #3b Consider and Approve Acceptance of a Donation of One (1) Smoke Machine from Masonicare to the Wallingford Fire Department's Training Division

ITEM #3c Consider and Approve Acceptance of a Donation of One (1) Epson LCD Projector to the Wallingford Fire Department's Training Division

ITEM #3d Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Salaries & Wages Acct. #001-1600-101-1000 to Office Expenses and Supplies Acct. #001-1600-401-4000 – Personnel

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$5,000 from Misc. General Expenses Acct. #431-8920-930 to Maintenance of Treatment Equipment Acct. #431-8640-652 – Water Division

ITEM #3f Consider and Approve the Minutes of the August 20, 2002 Town Council Meeting

Motion was made by Mr. Knight to Approve the Consent Agenda as Presented, seconded by Mr. Farrell.

**VOTE: All ayes; motion duly carried.**

ITEM #4 Withdrawn**PUBLIC QUESTION AND ANSWER PERIOD**

Pasquale Melillo, 15 Haller Place, Yalesville read an excerpt from a Associated Press news article entitled, "Drug firms to pay states \$80 million" to the Councilors which, in part, stated how consumers in Connecticut and 27 other states and consumers will share in an \$80 million settlement with two drug companies accused of conspiring to keep a less expensive, generic version of a blood pressure medication off the market. He then handed the article to the Council's secretary asking that copies be made and passed along to all Councilors.

On a separate matter, Mr. Melillo asked if Wallingford's police cars have been checked to make sure that Town officers are safe and not in danger of being injured from malfunctioning fuel tanks as Ford Crown Victoria model police vehicles have been experiencing across the country, thereby injuring officers?

Mayor Dickinson answered, the department is having all of the cars taken for a retrofitting in order to eliminate the problem.

Ted Curran, 116 Knollwood Drive stated that the postponement of the Auditor Search Committee Meeting to January 30<sup>th</sup> has caused another delay in making a decision. At the last meeting that I attended, you (Mr. Toman) said that the meeting would be held on January 30<sup>th</sup> and the reason the meeting could not be held sooner was because your consultant would not be available until January 30<sup>th</sup>, is that correct?

Mr. Toman answered, we would have had an earlier meeting but one of our Councilmen had a death in the family and we had to postpone it for that reason. At the meeting that was postponed, we had arranged for Mr. Myers to speak with us from his Florida residence. Now we will have him right here. I have indicated to the members that we are probably going to have a longer than usual meeting to make up for it.

Mr. Curran stated, I remember when I discussed this matter with you before that, and Mr. Myers himself has stated at a meeting that it is the Council's decision as to who a new auditor will be if a new auditor were to be hired. I think Mr. Myers at that point, as Comptroller, stated that in front of the Council and I think that is appropriate. I guess I am just saying that I see no reason for the delay at his presence at a meeting, where your present committee should have started preliminarily to do some ground work and that the delay was not necessary. That's all I am saying.

Mr. Toman disagreed. He stated, we had ample time. I got him some paperwork, including the couple of pages that you gave us and I am assuming the members of the committee have read and done some research on it. We have a list of the major players in

the state that we can send out to him. I think this process can move along very quickly. I think your concerns are premature.

Mr. Curran stated, I don't really have a concern. I am just suggesting that it was just another question of delaying the procedure.

Chairman Parisi stated, you make your point. If you feel that it has been delayed, it is so noted, but we will follow the procedure as the Chairman sees fit and Thursday night, we will have our meeting and I am sure as the committee decides, it will proceed forward.

Mr. Curran replied, I would hope so.

Chairman Parisi replied, it may not be what you want but there will be an organized way.

Mr. Curran added, I am not saying that I want anything. I am suggesting that there has been a delay.

Chairman Parisi stated, we didn't have to cancel it. We cancelled it out of respect for our colleague; we didn't have to do that.

Mr. Curran replied, I understand that and I think I was noted as saying that to Mr. Toman at the time we had the meeting.

On a separate matter, at the last meeting I spoke about the transfer of funds and the manner in which that is handled at these meetings. There was approximately \$130,000 that was transferred and, going back to my financial background, maybe it is different in the municipalities but, I was always taught that you explain variances in a budget center. If there is a particular loss in a budget center, that is explained and I think Mr. Knight responded to me that each of these items are brought up individually and explained to each of the Council prior to funds being transferred in what I call a line to line budget where there is a difference between the budget and the actual. To me, it just does not appear that the explanations; for instance, \$25,000 transfer for demolition of a house on Whirlwind Hill Road does not appear in the budget as a line item. Maybe it was not in the budget but there were funds transferred from another line to be able to take care of that demolition. When the budget was prepared, if the Council was not aware of that, I can understand that. It then, to me, would become an unbudgeted item. You are taking funds from another line, using a line to line budget between actual and budget and you can transfer. Is that my understanding of the way our budget is prepared?

Mr. Myers explained, a transfer of funds does occur from an actual column to a budget column. It occurs from one budget line to another budget line item. The Wallingford Town Charter prohibits transfers between departments for the first nine months of the fiscal year; July 1 through March 30<sup>th</sup>. The department heads prepare a budget in January and February of the proceeding fiscal year. By the time the budget takes effect July 1,

their budget estimates are already five to six months old. As the fiscal year progresses, they become older. When a transfer occurs within a department, the bottom line budget for that department does not change. A line item might change...depending on where the money is being transferred to and from. But the total budget for that department does not change. I, myself, believe those items to be housekeeping items. They are just updating our cost centers. The expenses that we're incurring in the manner in which we are accounting for those expenses; the categorizing of those expenses. If the Town has an appropriation, if a department seeks an additional appropriation from outside the budget and the bottom line of the budget, total town budget, increases, that's not a transfer, that is an appropriation. That is new money being introduced into the budget. In the private sector, most Chief Executive Officers and Chief Fiscal Officers have the approval to manage the budget for each department in a corporation without going back to the Board of Governors or Directors who do not look at transfers that don't affect the bottom line of a department.

Mr. Curran responded, if a particular item was not budgeted, for instance the \$25,000., in effect, you took a favorable variance on another line and shifted it over to cover this expense. Am I correct?

Mr. Myers answered, that is a transfer, right. Money was identified as being available.

Mr. Curran asked, was that within the same department?

Mr. Myers answered, yes, unless it came from contingency. The contingency was still part of the total town budget available for transfer should it be necessary for any department.

Mr. Curran asked, is contingency defined as surplus?

Mr. Myers answered, a contingency is defined as an amount of money that we provide in the general town budget to be used for any unforeseen expenses, or emergency items or unbudgeted items.

Mr. Curran was dismayed to read in the newspaper over the weekend that the Mayor and head of the Little League Committee cannot...it is just too bad that we can't come to some agreement on how we can do something for this because I enjoy coaching the kids, too.

Pasquale Melillo, 15 Haller Place, Yalesville asked, why is it that we are having such a big problem with the ball fields? Too many of those involved don't want to seek a compromise with each other and their different ideas. Building ball fields for children should be fun. It should not be a matter of, this guy's gotta have his way or the other one has to have his or her way. It is supposed to be the kids' way. Those involved should get together and concertedly compromise and bear in mind that it is for the kids and no one else.

With regards to the pension situation, Mr. Melillo stated, we are in big trouble. The taxpayers are going to have to put up money to make up for the huge losses in the pension situation. It seems to me that our pension fund investments should be held in Treasury bills where they are guaranteed by the U.S. Government dominantly, at least 80% at the very least. Then, no matter what happens to the stock market, the taxpayers will not be rocked to a huge degree. I have read recently that the norm is to have a 60 to 40 ratio of stocks over other type of investments. That norm is wrong because you are dealing with taxpayers' money. We should have 80% of our money invested in treasury bills backed by the U.S. Government and the rest should be blue chip stocks.

The Public Question and Answer Period was closed at this time.

**ITEM #6** Consider and Approve One(1) Appointment/Re-Appointment to the Board of Assessment Appeals for a Term of Three Years to Expire 1/8/2006

Motion was made by Mr. Knight to Approve the Re-Appointment of William Pello to the Position, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

**ITEM #7** Consider and Approve One (1) Appointment/Re-Appointment to the Position of Alternate on the Zoning Board of Appeals for a Term of Three Years to Expire 1/8/2006

Motion was made by Mr. Knight to Approve the Re-Appointment of David Parent to the Position, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

**ITEM #8** Consider and Approve One (1) Appointment/Re-Appointment to the Position of Alternate on the Planning & Zoning Commission for a Term of Three Years to Expire 1/8/2006

Motion was made by Mr. Knight to Approve the Re-Appointment of Armend Menard to the Position, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

Town Clerk, Rosemary Rascati, performed the Swearing-In Ceremony for Mr. Pello and Mr. Parent.

(Applause)

**ITEM #9** Consider and Approve a Transfer of Funds in the Amount of \$13,000 from Contingency – General Purpose Acct. #001-7060-800-3190-0 to Professional Services – Consultant Acct. #001-5010-901-9040-00 – Engineering

Motion was made by Mr. Knight to Approve the Transfer, seconded by Ms. Doherty.

The transfer is necessary to contract the survey and wetlands flagging services of Juliano Associates for Public Bid No. 02-06 1 for work on the development of the Town's plans for the IX Zone.

VOTE: Brodinsky, Papale & Vumbaco, no; all others, aye; motion duly carried.

Mayor Dickinson reminded everyone, as he referred to maps on display, that in 1986 Planning & Zoning rezoned the are IX, industrial. It bounds Barnes Park North, Sterling Drive, Tower Drive and Fairfield Blvd. all come close to the boundary of the area. It is approximately 270 acres. Since 1986 it was zoned IX. In 2000 the Town approved the hiring of Milone and McBroom to do a study of this to determine what would be the best plan for a quality industrial park area. That plan came back; there were several meetings with property owners between 2000 and 2002. In February, 2002, there was a special meeting with the Council at which time we discussed this and we are now back looking for funds in order to continue our review of feasibility. I put up the additional (display) board that shows where the roads would go. This is for surveying and flagging of wetlands in the route that roads would follow as suggested by Milone and McBroom Report. The only thing the town would be looking to do is put in public roads and public utilities. We are not looking to purchase any property for any other purpose. Any property we purchase is for general government, local government purposes.

At this time Mayor Dickinson indicated on one of the display boards precisely where the proposed roads would be placed.

Mayor Dickinson stated, the lots that you see on the board are totally conceptual. It is only what is possible that's not what we would be purchasing or subdividing. All we are looking to do is survey and flag wetlands on the route of these suggested roads to determine if the topography are wetlands or if there are any problems associated with what is suggested here. It may turn out that it is not feasible for some reason but we are looking to see how feasible and practical this is.

John Thompson, Town Engineer further explained, as the Mayor indicated, the request before the Council this evening is for \$13,000 to engage Juliano Associates for the wetlands flagging and surveying of the proposed roadway alignments within the industrial zone. I had approached the Mayor several months back indicating that in order to quantify the viability of the industrial park, that we needed some additional work, work that was beyond the scope and capabilities of the department. We need to go out and get a certified soil scientist to do the wetlands flagging and we needed some extra unique surveying

capabilities done by GPS along the route of the wetlands flagging. We put out a competitive bid; we received two bids. Juliano Associates was low bidder on it and we are now before the Council looking for the money to continue that work. That work, as the Mayor indicated, would be the flagging of the wetlands along the route of the proposed roadways and the recovery of that data and the plotting of it onto the Town mapping system. As the Mayor indicated, back in 2000, the Town engaged Milone and McBroom to do a conceptual planning study. At the time they did this study, they utilized 1965 aerial mapping and Assessor map information that is now thirty-five years old. We have since flown the town and we know have some better topography of the area. We have also done some property line survey of the perimeter of this 270 acre IX zone, so we are beginning to put together a current 2003 picture of the property and the request for the wetlands flagging is just one more element that is necessary for us to have to make an intelligent recommendation as to whether this remains a viable concept for the industrial park.

Mr. Rys asked, when you want to flag the area that will be for the roads, what do you put in? How are the flags put out; on post; metal; wood?

A soil scientist physically goes out into the property and by doing soil samples... the scientist would do an augering of the soil and literally tie a flag onto an adjacent tree or branch or to some kind of ground cover. That flagging would then be recovered, hopefully very coincidental by a surveyor. As the wetlands scientist is going through the property, we are simultaneously recovering that data so we don't lose it. The flagging is not anything that should be viewed as a permanent type of activity. It is a yellow or blue ribbon flagging that is tied onto a branch, we cover it and then it could be taken off without any damage to the property.

Mr. Rys asked, by some chance, after the survey is done, maybe I am jumping the gun, and it is determined that this is viable, is there any plans on when roads can be built?

Mr. Thompson answered, that may be one step ahead of where we are. I think this exercise that we are going through right now would allow the Department of Engineering to go back to the Mayor and say, with a high degree of confidence, that the conceptual plan which was developed by Milone and McBroom is, in fact, a viable plan and buildable and it can be done within the financial resources or estimates that were previously developed for the roadway network.

Mr. Rys asked, do you need permission to go on this land to do this?

Mr. Thompson answered, we have an opinion from the Law Department that, and I don't have the statute in front of me, maybe Janis has it or I can dig it out from my files, that the Town does have the right to go onto the properties to perform surveys.

Mr. Rys asked, and if someone were to get hurt on this property the Town is liable and not the property owners?

Mr. Thompson answered, that is correct.

Ms. Papale stated, I think we are all maybe jumping the gun. There are many, many questions out there that have been brought to my attention and I am going to bring them forward now. I understand that Mr. Juliano has already been on some of the people's properties. Who gave him permission to go there?

Mr. Thompson answered, Juliano Associates was engaged by one of the property owners to do a survey of their property with the right to go onto their property. Private surveyors also have a legal right to go onto property as long as they don't cause damage to that property and that is covered, again, by statute. What you may be referring to is the Town's survey crew has been out there for perhaps a period of up to two months now, off and on. What they have been doing is a survey of the perimeter of this industrial park land, this 270 acres. In order for us to establish the alignments of the road within the park, we needed to know the boundary of the land within which we were building. We have been out there doing the perimeter survey. We have been putting in pins and flagging and such. Property owners would see physical evidence of the Town's crew having been out there.

Ms. Papale stated, I was told that one of the property owners asked Mr. Juliano to please get off their property. Maybe I am given the wrong information, but I am just carrying on to everyone what I was told, that they did ask him to leave and they seem to know who it was. Let's say these stakes are put into the property and somebody is farming, running their tractor and something happens there, who is responsible for the liability if there is any problem there with any of their farm machinery and such?

Mr. Thompson replied, I would have to defer to the Town Attorney. We are not talking about the installation of any permanent-type of...

Ms. Papale interrupted to ask, you mean, what ever is in the ground, if someone is running their tractor, there could never be any situation there that there might be a liability caused?

Mayor Dickinson replied, given the type of stakes used and the nature of the flags, it is extremely unlikely that there would be any serious damage to equipment or even to a person. Is it possible? I suppose anything is possible but at least what I am familiar with that they use is pretty insubstantial in terms of its size and the nature of it. It would be extremely unlikely that the machinery would be damaged by anything they would be putting out there.

Ms. Papale stated, it must be concerning people enough that they are mentioning it and they are concerned about it. They are just really concerned about their property and maybe

what sounds like just a little thing to us is more of a concern to the people where this property is being involved.

Mayor Dickinson replied, I think anyone has a right to be concerned about what is going on on their property but survey work and their flags and the wooden sticks that are used as part of that have been used for a long time. We are not putting in concrete markers or anything of that nature at this point. Again, I can understand concerns but this type of work is done all the time and I am not aware of any claims against the Town as a result of surveyors putting out such signs and posts that they use in order to know where the boundaries are. I am not aware of any claim against the Town. We are not aware of that type of claim. We are not doing anything differently than what has been done for decades as far as survey work and how they indicate where a boundary lies.

Ms. Papale answered, maybe the people who live there are so concerned of what might happen to their property that they see people out there and they are just looking at the big picture. I think, in their minds, if I was there and I was concerned, I would be thinking the same thing. If this is feasible, it is just the beginning. To the people that live there, Mayor, it is just the beginning of what could happen there and they are leery about it and I could understand.

Mayor Dickinson stated, I should have mentioned that letters were sent to owners on whose property there would be survey work alerting them to the fact that a Town crew would be out there.

Ms. Papale replied, I was told that it was Mr. Juliano who was actually there. I couldn't understand if we didn't pass this low bid, how he could already be there, that what my question was.

Mayor Dickinson answered, he is not out there yet on our behalf.

Mr. Thompson replied, he is surveying but he is working for one of the private property owners directly. He could have been out there but not on behalf of the Town.

Mr. Brodinsky stated, John (Thompson), Mr. Rys asked you whether or not the Town's survey crew had permission of the property owners and the answer you gave indicated to me they did not have permission is that right?

Mr. Thompson answered, as the Mayor just indicated, we sent a letter to each of the property owners indicating that the Town crew would be out there conducting a survey and we cited the portion of the state statutes that gave the surveyors the right to go on there. To answer your questions directly, I did not hear from other than one of the property owners, that they either granted or denied permission. It wasn't a case where we asked for permission...

Mr. Brodinsky interrupted to say, you told them you were going on, cited a statute and, as far as you know, you received no expressed permission to go on?

Mr. Thompson answered, correct.

Mr. Brodinsky continued, and the statute that you or the Law Department is referring to says, what? That surveyors can go onto the property in connection with some public improvement? Is that the statute you are referring to?

Mr. Thompson answered, yes.

Mr. Brodinsky stated, I gather, therefore, there is somewhere out there a public improvement? Have you seen it?

Mr. Thompson answered, there is no physical public improvement yet.

Mr. Brodinsky asked, I am wondering when this became a public improvement and how it became a public improvement?

Mayor Dickinson answered, the Municipal Powers Act gives the authority to local government to do survey work for such purposes as roads, rights-of-way, etc. and that is what we are doing.

Mr. Brodinsky stated, I guess my question wasn't clear. The statute referred to surveyors being able to go on in connection with a public improvement and I just don't recall when we made that a public improvement. I am aware there is some thinking about putting roads there but my question was very specific. There is no public improvement out there yet.

Mayor Dickinson replied, I don't think the statute says that it has to be an existing public improvement. The purpose is for public improvements. I am not sure that it says that it has to be an existing public improvement. If there is already something existing there, there would be no reason to survey it.

Mr. Brodinsky responded, at least there was no act by this council which made it a public improvement. It was something you decided should be done and so surveyors are going out there and that constitutes the public improvement, is that correct?

Mayor Dickinson replied, I am not sure what your point is, Mike.

Mr. Brodinsky answered, I won't beat a dead horse. I'm going to move on. I just have my doubts that statute notwithstanding, the way that statute is worded, whether or not there is, in fact, any public improvement or whether the surveyors are working in connection with a public improvement because we haven't authorized anything yet. That is just my view and

I am just going to move on. John, as I understand what we are trying to do, some of this is a bit of review; there is 270 acres out there in the IX zone that we do not own, is that right so far?

Mr. Thompson answered, we believe there is approximately 270 acres of land that we do not own.

Mr. Brodinsky replied, the idea wasn't to pin down the exact number of acres. The idea is to put in roads and utilities and in order to do that there has been some discussion with the administration to take the land by eminent domain, is that correct?

Mr. Thompson answered, how the land is actually taken is, again, a discussion for future time periods.

Mr. Brodinsky replied, no, for me it is right now. There is no question that the Town has, as one of its strategies to accomplish this, taking the necessary land for the roads by eminent domain. It is not a trick question.

Mr. Thompson answered, I believe that option always exists.

Mr. Brodinsky stated, and that is the plan.

Mayor Dickinson commented, John cannot speak to the plan. John is dealing with a preliminary step. For the Town to take anything by eminent domain would require the Council to vote. We haven't recommended that; we aren't at a point that we would need to do that; we are well ahead of any action of that kind; we are ahead of any action to acquire property by any voluntary means. So there have not been any discussions over how we will acquire individual pieces at this point. We are looking at the feasibility of implementing the plan as outlined by Milone and McBroom. Is that one of the range of things the Town could utilize in order to acquire property? Yes, that is one of the range, but that is not a plan at this point. It is well known that is an authority of local government but it is not a plan at this point because we don't know that this road is feasible yet, that is why we are requesting the \$13,000.

Mr. Brodinsky replied, I am just hoping that what the administration is doing is looking at more than the first step is going to take and that it has sort of a longer range view as to what is going to happen after taking the first step. We are voting on the first step but if we don't like the second step, third step or the fourth step, there is no point in taking the first step. If I don't want to take a vacation in Yazoo City, Mississippi, a very nice place, but if I don't want to take a vacation there, why would I want to get in the car? I see this as reaching for the keys and getting in the car and it seems to me the only way this industrial park is to take shape is through the use of eminent domain. I don't think that is any secret and I don't think it should be any secret. The word is out, based on my information, that the property owners out there are not really enamored with this idea and

they are not really willing to sell. I think it is appropriate to discuss what that next step is going to be and if we don't like it then this is an appropriate time to raise it. My question though was very narrow and that was whether or not there was any discussion about eminent domain. I know there has been, I think everyone here knows there has been. My question now then is, has there been any negotiations with the property owners that have resulted in a willingness to sell to the Town the land it needs to put in roads?

Mayor Dickinson answered, we have had several meetings that involve property owners. There are some owners who are willing to sell, it is just a matter of price. There are some who indicated that they were not interested at all in any of the project. It is a very mixed review and there has been no negotiation with any property owners simply, in part, because we haven't reached a point that we know for certain that the plan can be a reality.

Mr. Brodinsky replied, the idea or the dream of having out there an industrial park that is going to be injecting gobs of money into the Town treasury and the dream of having a very stylish campus-style buildings with manicured lawns, all that I suppose is very palatable, but in the 1990s, dot-coms had dreams and their dreams failed because they didn't have a business plan, because it wasn't practical. I am not necessarily quarrelling with a dream, although I reserve my right to do that, my question is, if we can't get there from here, if it is too impractical, if there is too many obstacles, if it is too expensive, if we are not going to get our money back with a reasonable rate of return, then again, I am not sure I want to reach for the keys and start driving to Yazoo City, Mississippi to take my vacation. If I don't want to go there, I don't really want to take this first step. That's the point of the questions. About one year ago, tonight, we had a meeting and it was represented that the cost was about \$7 million. Has that changed since a year ago? That would be for the roads and the infrastructure.

Mr. Thompson replied, in a general sense, that is about the range of numbers.

Mr. Brodinsky stated, on that night we had some basic numbers presented to us by Don Roe and those numbers indicated that we would get our \$7 million back in about 21-25 years depending on which assumption you used. Has that been changed? Is that still the same analysis as far as anyone knows?

Mayor Dickinson replied, there has been no new analysis.

Mr. Brodinsky stated, and that analysis was done not by the Finance Department, it wasn't pro forma cash flow analysis, it was done by the Program Planner.

Mayor Dickinson answered, it was done based upon, he uses a model, the existing industrial parks.

Mr. Brodinsky stated, the concern at that time and the concern still is, would any businessman in the private sector invest \$7 million with all these risk factors and we

haven't even begun to list them yet, in the hopes of getting back \$7 million in about 20-25 years? Only a common fool would do that, because you could invest \$7 million in U.S. government bonds and in about 25 years would make about \$16 million if it was all invested today. In the absence of new financial analysis, that deal, financially, is as bad tonight as it was a year ago and that is why I asked if anything had changed and, apparently it hadn't. John, had you ever seen a map with the lots as drawn, as conceptualized by the engineer superimposed on a map that had the actual boundaries of the property owners?

Mr. Thompson answered, yes.

Mr. Brodinsky asked, when was that done?

Mr. Thompson answered, some time after June, 2000. Sometime after we received the Milone and McBroom study, I created a composite map, the map that you see on display, overlapped onto the individual property owner maps.

Mr. Brodinsky asked, is there a map in existence, or have you ever seen a map where the actual conceptualized lots are on the same map as the boundary lines?

Mr. Thompson answered, yes.

Mr. Brodinsky asked, has that ever been shared with the council?

Mr. Thompson answered, I cannot answer that definitively, I just don't recall.

Mr. Brodinsky asked, it's not in their study.

Mr. Thompson answered, no.

Mr. Brodinsky stated, let's say we are successful in going through these little baby steps and we get to the point where lots are laid out according to plan A, B, or C, as conceptualized by Milone & McBroom and someone was interested under concept A and lot 2. How many property owners own Milone and McBroom's lot 2?

Mr. Thompson answered, it could fall on two properties.

Mr. Brodinsky stated, so two property owners would own one of the lots as laid out. What about lot 3 on concept A?

Mr. Thompson explained, the plan that we are talking about as the preferred concept is B.

Mr. Brodinsky pointed out lots #2,3,&9 as examples and asked, how many property owners own Milone & McBroom's lots #2,3 & 9?

Mr. Thompson answered, not to be evasive, but so that you can appreciate how this evolved, the preferred concept shows 22 lots on Plan B.

Mr. Brodinsky replied, not to not accept your answer, my question is, is it true that several of the lots, lots 1-22 or whatever it is, are owned by more than one property owner?

Mr. Thompson answered, correct.

Mr. Brodinsky asked, so if we lay out this industrial park and I'm just picking out lots #2,3 &9 because I didn't have the benefit of this map you are talking about, I just had to eyeball it and hold it up to the sunlight to get the boundaries superimposed, if a perspective purchaser comes into the industrial park and wants lots 2, 3 or 9 or probably several others, he would have to negotiate with two property owners, wouldn't he?

Mr. Thompson replied, I suppose that is a possibility.

Mr. Brodinsky asked, isn't that a foregone conclusion?

Mayor Dickinson explained, we are not imposing those lots on anyone. All we are doing is looking to build a road. We are not subdividing the property; we are not imposing a subdivision plan. All we are doing is building a road. Ultimately, those who want to locate there will buy the land they need. The plan shown is the optimum plan as believed by Milone & McBroom in terms of developing that area. Will it develop in exactly that form? No one knows. It is only a question of who sells what property and who wants to develop the property at a given time. All we are doing is building a road.

Mr. Brodinsky answered, all we are building a road and all we are doing is paying \$7 million, now I want to know what comes next and the answers I am getting back are, "gee, why even go that far?" I am saying, no, no, no. If it is the taxpayers' \$7 million, yes, we are going to go that far, we owe it to the taxpayers to go that far and if one of the consequences is that a perspective purchaser has to negotiate with two owners to buy a lot, I am wondering whether this is feasible. If the answer is that we are not imposing lots, then why did you pay for this study? Why are those lots up there? Why is it being trotted out as "this is the industrial park with twenty-two lots" if then you are pulling the twenty-two lots back and saying, "oh, no, we are not imposing lots." The fact of the matter is the whole point is to somehow lay out lots and I want to know how that is going to be done because I don't think we have authority to do that.

Mayor Dickinson replied, that is not our intent, nor the goal sought. We will not be laying out lots. We will not be purchasing all of that property. All we are doing is looking to put in municipal improvements in the form of road and utilities so that whatever develops there, the traffic is routed through the industrial park. It is IX zoned property. We did not want the traffic out on North Farms Road or Tankwood Road to the degree that we can

control it. We want a quality industrial park area and that is all we are doing, we are putting in roads. Ultimately, when the economy is right, when there is a developer that wants to accomplish something great, property will be acquired, it may not be in the exact form as the Milone & McBroom report, but the roads and the utilities will be there to support a quality industrial park. That is all we are doing. We are not imposing a subdivision. We are not trying to buy people's property so that they have to move away. All we are doing is putting in a road and putting in utilities.

Mr. Brodinsky stated, I am glad we are clarifying this because a lot of people thought we were laying out an industrial park and were planning an industrial park. A lot of people thought we were laying out lots and we're going to put them on a map and these roads would go through the industrial park and lead to these various lots and now at least we know that's not true because we can't impose lots on property we don't own and some of these conceptualized lots would be owned by, in some cases, two people and I'll bet you in some cases, three people. So the only way this industrial park is going to work, I guess, well, let's talk about that. After you flag the wetlands, what is going to happen next if you know?

Mr. Thompson answered, as part of the flagging of the wetlands, we'll also be having a survey done along the centerline of the proposed roadways that would serve the industrial park. We are doing that for the purpose of verifying the accuracy of the aerial mapping that we had done. We are also having the elevations of all the wetlands flag picked up so we can have the degree of confidence that when we lay this road out, we know what the impact on the adjacent properties would be. From that information, should the preliminary screening of that data give us an indication that the wetlands are not going to adversely affect the roads as they are currently depicted on the Milone & McBroom plan, we could then move forward with the Mayor's and Council's understanding that there is a roadway network that could be constructed in there and the decision would be made to go ahead and do that design. That could be done in several ways.

Mr. Brodinsky asked, supposing we build the roads and put in the infrastructure. How do we get our money back or are we getting ahead of ourselves; we're not interested in that part? Surely this must have been discussed?

Mayor Dickinson answered, the Planning & Zoning Regulations are looking, and recently I believe they have been amended, to as great a degree as possible, mirror the development that has occurred in Barnes Park North and South so that those who locate in that area will be quality development. I don't think that anyone would argue that Barnes North and South have been a real benefit to the Town. People could have looked at that in the late '60s and '70s and said, oh my word, it is going to take years to ever get that money back and that may be. I would hope that maybe thirty years from now, this is still an asset of the Town where a new business would be able to locate. We have limited industrial-zoned land left and now is the time to plan for that future. It will develop unless we change the zone to something else and I don't think we want to change it to residential or some other

zone. It will develop, it is only a question of how it will develop. We can either have a hodge-podge of development that exits over Tankwood Road and over North Farms Road with warehouses because of the lack of utilities. We can have that or, yes, we can invest and we can plan, and we can try to ensure that, in the future, and maybe the investment doesn't return for twenty years, maybe it is thirty years, but in the future, we will have a planned area that is a positive statement for the Town of Wallingford. The time for that to occur is now. Already there's pressures to develop in there in a way that I don't think anyone is supporting. We spent money on a plan, it is time to start implementing that plan otherwise we are going to sit back and then complain five years from now about what happened out there and why it happened.

Mr. Brodinsky stated, I am just trying to find out what the plan is. I think where we are at this point is, we are going to put in roads but we can forget about those lots because we can't impose them, we can't enforce them and they would be purely voluntary on behalf of the property owners. Putting up that chart was all very interesting and was certainly a concept but it is largely irrelevant unless the property owners individually don't want to lay out the land exactly that way. What I am trying to do is find out the plan and clearly that is not it because that depends upon all the property owners getting together and agreeing on the exact same plan. That is nice but that is a speculation that probably will never come true so I am back to my original problem and I am going to yield the microphone because I am not sure we are getting anywhere. We are putting in roads, we are going to do it by eminent domain, the Town will probably take the position that we have improved the value of the property and so the property owners now owe us, hasn't that been discussed? That was in the minutes of the last meeting, by the way, of 2002, but that could be one of the consequences.

Mr. Thompson deferred to the Mayor on the benefit...

Mr. Brodinsky asked, have you heard that discussion?

Mr. Thompson answered, I have been aware that the construction of public roads with municipal facilities does improve the value of a property and that is a very logical assumption.

Mr. Brodinsky asked, let's say one of the property owners and I could look at my map and take someone right in the middle, Mr. Werbiski, hypothetically, let's suppose he does not want to sell. How many lots does that take off the table? Does that sort of ruin the concept?

Mr. Thompson answered, I think the concept of getting lots and positive or negative impacts is being somewhat overstated because I believe there has been some misrepresentations. I think the perception is that, the fact that the Town is looking at a road through these properties is being viewed as something negative. I am not a farmer so I don't want to speak for our farmers' operations but some people out there operate their

farms on both sides of an existing road. The fact that the Town would have a right-of-way through their property, I don't know whether that would necessarily be a direct adverse impact on their ability to continue to do what they do today just because there is a different defined owner down the middle of their property. It is not necessarily taking away their ability to do something.

Mr. Brodinsky stated, I wasn't clear with my concern. My concern is, we spend \$7 million on roads and at the end of 25 years we have exactly what we have now, except we are \$7 million poorer, yet we have roads and we have no businesses coming in because of all the practical problems and we look back to today and ask, "why did we do that, why did we speculate on roads, why didn't we take the \$7 million and invest it in the safest investment and even at 3.5% we get \$16 million at the end of it? I am trying to find out if we have a business plan. I know now that we really don't. Finally, the Law Department is aware; I have discussed this with the Mayor; there is a CT. Supreme Court Case awaiting decision which may impact our ability to take land by eminent domain. I know we can argue until the cows come home, if I may coin the phrase, whether this will be pertinent or not but the decision will probably be done in four or five months and, in my opinion, it would be prudent to wait until we see what that decision says. One of the issues that is going to be argued is whether or not the municipality has the legal authority to take land when plans are indefinite or for commercial purposes. I know that the facts are widely different but some general principals may be put out. I just think that we should wait.

Mayor Dickinson stated, I just want to state that certainly in the late '60s and '70s anyone could have said that the efforts of F.I.P. in developing the industrial parks was very speculative, would it ever work? If they didn't have the success they had, I would be very reluctant to be recommending this for the Town. I think the industrial parks in town have been very successful and anytime we have visited them and the companies; we just had a new company locate here, Winchester Electronics, they are very pleased with the location in Wallingford. I expect that kind of situation will continue because of the Town's location in the state and the transportation on the interstate highways and other facilities that serves the community. I think we have a lot of reason to believe that this will continue to be an attractive place to locate. It is on that strength that I think this is an IX zone, I think we need to see that it develops properly.

Mr. Parisi stated, I remember a fairly similar discussion on the development of North Plains Industrial Road and there was much in trepidation at that time as to the amount of money to be spent and what the benefits would be in the future. If you look down there now I guess we were very lucky to have supported that effort because it is a very active area and is well-developed and certainly provides income to the Town. As far as the future goes, there is no crystal ball, so, who knows.

Mr. Vumbaco stated, regarding the issue of the Barnes Park North and South, it has to be remembered that that was private development/private developer and a single and a single owner willing to sell his property. It is not even close to the situation that we have now,

with multiple property owners and the Town trying to become the developer, at least through the land side. As far as addressing North Plains (Industrial Park), it is a very similar situation (to Barnes Park); very few owners; if not one or two different kind of zoning down there; commercial retail; industrial, which was more conducive to development at that time. Again, I don't believe either one of those issues compares to this one. To get back to this concept, it is being raised tonight and it was raised on February 2<sup>nd</sup> (2002) from which I have about thirty-nine pages of minutes here from that meeting that lasted about three hours, that this concept, Plan B, is the proposed concept; the optimum plan for this property as laid out by Milone & McBroom. Yet there was really three plans that were presented by Milone & McBroom. From my questioning of not only Mr. (Don) Roe, the Mayor, but also Mr. Wolfe of the Economic Development Commission (EDC) as to why Plan B was picked over Plans A & C, I never got an answer. Mr. Wolfe basically said, when I questioned since I was miffed over why we picked Plan B or Plans C or A, Mr. Wolfe answered, that those are questions they don't have answers to. Now hear we are, a year later, still pushing Plan B down the Council's and down the Town's throats. Yes, you can refer to the study, Mr. Thompson, where it says that that was their recommendation, but, they are bringing the roads in through many wetlands that other plans did not bring them in through wetlands. There was a lot of discussion on that during that meeting and I am still not sure why we are going with this plan and not with Plan C where the roads come off of different roads and don't impact the wetlands as much. My concern is, Plan B, with this flagging is just the next step of a \$1.4 million Phase I that was stated in the Mayor's statements, "the estimate for Phase I is \$1.4 million." We need the surveying, engineering, appraisal services and the acquisition of the rights-of-way which is fine. Property owners will be asked to sell their right-of-way, however condemnation may be necessary, since it is obviously necessary to complete the first phase to be any second or third phase. My questions still are, why is Plan B the most important of the three plans that are being presented? Why are we not looking at all three plans? We paid for it. If you are going to flag, maybe you should flag all of the roads and see what is the easiest, cheapest, and the most efficient way to lay out this part, since obviously none of the lots are up for grabs this evening. It was asked over and over again, and I still haven't gotten the answer. I can't support dollar one towards this plan until we start getting some answers on why we have chosen this particular plan. The big concern I have is, yes, tonight the Council may pass \$13,000 and then next we will be here again and then it is going to be \$150,000., and then \$300,000., and before we know it, we will be into \$1.4 million of the taxpayers' money without really having any plan going for it.

Mayor Dickinson replied, my memory on it tells me that Plan A was not selected because that provides outlet onto North Farms Road. We did not want traffic onto North Farms Road. Plan C was not chosen, in part, because the lots that resulted we smaller. Lots along the connection with Fairfield Blvd. provide much smaller lots in that area. Plan B provided the largest series of lots for development. I know those were factors, I don't know if there were others. Don Roe was here and he may be going to come back with further information. Plan A was not chosen because that provides connection to North

Farms and Plan C was not chosen because the lots were not of a uniformity of size that looked like it would as attractive as Plan B.

Mr. Vumbaco commented, I find that interesting then that the EDC that was pushing for this whole project didn't even have an answer for that, nor did Mr. Thompson, nor did you, Mayor, at the last meeting when this was asked repeatedly by myself. But now we are back to lots again. Five minutes ago you told Mr. Brodinsky that lots had nothing to do with it, we were just looking for roads. Now you are saying that Plan B is better because the lots are more uniform, so are we going to have our cake and eat it too? You can't use the lots because you want one plan and then turn around and say that we should go forward but the lots don't mean anything.

Mayor Dickinson answered, we asked Milone & McBroom of a conceptual view of what would be optimal development in the area with view toward the Town taking action. The best view in our collective judgment was that Plan B was the best. Will it develop specifically that way? Probably not because we are not proposing that we buy all of that area. You would be opposed to that because we would have to force people to sell their properties and move away. We are not trying to force anyone to move away or sell their complete property. We've chosen a compromised route of looking to place roads in the position and location as shown on the map. We are not trying to force anyone out but we want a long range plan so if the area does develop, my belief is that, given the zone and given the amount of money that will continually escalate in the search for good location for business, this area will develop. We are in a position then to say, "there's a place you are able to locate in an IX zone. You will have to negotiate the deal that is best for you with the property owners but the road is there and the utilities are there."

Mr. Vumbaco commented, I can't help but feel, Mayor, that these nice, convenient excuses and reasons are just popping up tonight because of some of the questions that are going forth. The exact same questions were presented almost twelve months ago and there was actually no answers and half of the answers were, "we are not sure", "we can't answer that yet", "we have to look into it, we don't have the information." Now all of a sudden, a miracle, the exact same concept is being presented and we want to go forward with it. Plan B impacts a lot less wetlands when you read the report and look at the maps. Obviously, I would assume and, correct me if I am wrong, John, that building over wetlands v. non-wetlands is probably a more costly situation if you go over wetlands than if you go over non-wetland area?

Mr. Thompson answered, that is absolutely correct.

Mr. Vumbaco continued, so now we are talking about maybe spending more money to go over a majority of wetlands which Plan B does, which decreases our returns. If we have to spend less money following a different route, maybe these second lots, even though lots aren't important according to the Mayor, but maybe the lots in Plan C might be more conducive to us with less amount of taxes required because we are spending less money on

the roads. This whole concept to me is one individual or group of people decided that Plan B was the way to go and that is what we are going to do and that is what is being jammed down this Council's throat. I particularly don't agree. I particularly don't like it and won't support the \$13,000.

Mayor Dickinson replied, I think the wetland concern is a rightful concern which is why we are looking for \$13,000 to determine exactly where the wetlands are. What is shown on the map is based upon some very generalized mapping. It is not specific and we need to know specifically where wetlands, where the topographical problems and issues might be. At that point we may have to change what the concept calls for. We may arrive at a conclusion that the whole thing is too expensive and can't be implemented. But the concerns about what it will cost to put the actual roads in, is a concern of ours and that is why we are here tonight; we want to know where the wetlands are and what features are out there that will cause problems.

Mr. Vumbaco stated, if that is the case, then we should also be doing the mapping on Plan C, Mayor so that we have full knowledge when we go forward with this plan. What has happened is, you have picked Plan B and that is the one you are going with and that is the only one you agree with and that is the only one you want to do, so that's what we are going forward with, come heck or high water, and that is just the way it is. If we were really serious about this, we would be looking at Plan C also, seeing what the cost is and what type of wetlands have to be crossed there, develop a cost analysis of doing Plan B and Plan C and then we could go forward. But, no, we have chosen Plan B and that's the way it is going to be and that is the way we are going; at least the proposal is that we are going for it. I don't agree with that.

Mayor Dickinson asked, are you saying you would support this if it were Plan C?

Mr. Vumbaco replied, no I am not. I am saying, I would be more conducive to spending the money if we were doing both Plan B and Plan C to see what is best for this community.

Lou Maglione, 977 North Farms Road stated that he was opposed to the transfer for the concern of what can and probably will happen to his neighborhood. He stated, everyone is losing sight of the impact this is going to have on the neighborhood, financially, and what kind of havoc it will raise in the lives of the people who live there. I heard the Mayor say at another meeting that, if we don't do anything with this piece of property, people are going to say, "why don't we do anything?" First of all, you don't own it. There are no willing participants, and if there are, there are very few. This is altogether different than Barnes Park and the simple reason on Barnes Park is, there were probably seven houses. Even still, it was an impact. On North Farms Road you are talking about seventy houses and on Tankwood Road you are talking about another twenty-five or thirty houses. This has a tremendous impact on the neighborhood and you have to understand that. We have been coming here time and time again and now you know what the real reason is and you need to look at it. There are some new members on the Council and the older members

have supported us in the past and we have supported them. Now we are looking for your support tonight. If the Mayor is worried about hap-hazard development there, re-write the book. It is time we took a look at it. I know we have the Plan of Development; things change, it is time we take a look at it again. If we don't want particular things in that area, let's do it over again. Let's get it right. I think it is time to leave the residents of that area alone.

Joe Ruscek, 983 North Farms Road stated, no one should have the authority to take another person's land by the so-called abused legality of eminent domain. This country of ours was founded on a principal of four freedoms. Do you, Mr. Mayor, the people on the Council realize what you are doing to we, the people? We voted you into office to protect our rights. The Mayor gets what he wants, what about us? Don't we have any rights? We don't want to live in an industrial park. Would you people like this in your backyards? We don't either. We are the people who own this land, not the Mayor or the EDC. The people will fight to keep it as it is. We have a number of senior citizens living on North Farms Road, most were WWII veterans who chose to settle in the area, build their homes, raise their families, because of the quiet, peaceful spot. Now these same veterans who are senior citizens, plus the younger one, which so much is owed to them, have to face the possible reality of losing all of their dreams. We live on a small fixed income, we can't afford to move. Besides, we lifetime residents of North Farms Road have been fighting City Hall, the developers and the Mayor for over seven years. This is very upsetting. No resident should have to go through this. The developers always win out and get their way and we get the finger. One of the area's last dairy farms is here and you are trying to put them out of business. The road will go right through his hay field. Also, a three hundred year old house will be destroyed. The Town is spending millions of dollars to acquire open space and right here, our area, the Town is getting free open space plus tax revenue. The Mayor wants another industrial park, why? Where is all this business coming from? Maybe they will move back from China. Why doesn't the EDC look throughout the town to see all the empty buildings; a twenty-seven bay warehouse near the dog pound; countless empty buildings in the PNA Park area, plus at least seventy acres in the F.I.P. Centract Park abutting this proposed park. Stars and Kmart, on and on, plus the new Kmart. We, the veterans, we willing to give up everything plus our lives to preserve the peace and freedom that we are now enjoying. Mr. Mayor, give up pushing this industrial park plan and we ask that you graciously accept our decision. This is the people's property, not the Mayor's or the Town's. Now we know how the American Indians felt.

Shay Atluru, 1096 North Colony Road stated, I am here for the Chamber of Commerce. We wrote a letter on behalf of the Board of Directors. While we are not in the position of taking a stand in defense of development, we do feel that to transfer this \$13,000 is a necessary step in terms of the due diligence process it requires to make an informed decision, therefore we feel as a Chamber of Commerce representing 950+ companies in the region, that this is a legitimate use of money and a good idea.

Joyce Werbiski, 1001-1077 North Farms Road stated, this business of the Town coming in and putting the infrastructure in for roads would put our farm out of business. We have a four-generation dairy farm there and if we wanted to go out of business, we would have sold a long time ago. Dairy farming is not a prosperous thing but we make do with what we have. We don't want this baloney to come through with roads and industrial parks. Our land is not for sale; it hasn't been for sale nor will be in the future. It has been in our family for four generations and we don't want to give it up. If we wanted to go out of business, we would have done it a long time ago. I have a lot of questions to ask about responsibilities and who is responsible for this. Mayor, you were saying that you don't see how these stakes could come through and do damage to our equipment. It is very easy. For this flagging, you are going to be coming in and digging holes in the ground; post holes. If one of our tractors hits that post hole and the tractor flips over on a hill and something happens to a member of our family? Our family is out there 365 days a year. Farming is not an eight hour a day job. It goes on forever. We don't get days off because we are sick. The ones that we have are just; other people take over on our farm when we are sick. If you were to come through and put roads in, you want to divide our property into thirds. How can we farm with our property divided into thirds? How can we make hay? How can we plant corn? On roads? I don't think so. Who is responsible for any damage that is done? Who is responsible for any crop damage that the surveyors have already done? They have come in and gone trampling through our alfalfa fields. If you walk through an alfalfa field you will ruin it. It is totally destroyed. Alfalfa does not grow back once it has been crushed. It has to be plowed, harrowed, re-planted. Seeds are not cheap. Who is responsible for all the damage they have already done just walking through the fields. And you want to open it up and put roads through there so we can have more kids with mini bikes and dirt bikes and motorcycles and people trampling through the fields doing damage, having their keg parties and their booze parties and everything else. That is what is going to happen if you open it up and put roads through there. Squash it now. We don't want an industrial park. You already have five or six industrial parks now. They are only half-opened. You have so much available land that is not being utilized in these industrial parks. You have empty buildings, fill them up first. Why bother us farmers when we are trying to make a living? You are going to take our livelihood away by putting roads through our property. We don't want that.

Vicky Ambro, 1093 North Farms Road stated, I am opposed to spending the \$13,000 for what he has in mind. I think you can spend the money towards filling a lot of the empty buildings we already have in town. I have been up here many times and I have already been told that I have no rights as a citizen in this town; a taxpayer. If your flagging on my property is any indication of what will happen, I pity anybody. Juliano was out measuring for Kogut and DiNatale. I found out they have a few extra feet as opposed to where my marker was. The Town was already on my property and the marker is moved back. If that is any indication of what is going to happen; I am going to have property, and then not have it and then have it and not have it, I don't know. I am opposed to the transfer. Why not leave everyone alone. I am tired and I know they are.

Pasquale Melillo, 15 Haller Place, Yalesville stated, I think we are all much better off with the farmers. I agree with the previous speakers, leave them alone. They have worked hard all their lives. They had long-range plans and have done a lot of good for the people in Wallingford keeping traffic away. That is a major accomplishment all by itself. It should be left alone. If we had an urgent need for an industrial park where the vast majority of the citizens in Wallingford would have more at stake to have the proposed industrial park, that would be a different story. That is not the case. According to the latest economic statistics and even more so now than previously, more and more industry is moving out of this country. We do not have a need for an industrial park. The facts are there; no need whatsoever. Leave the farmers alone, let everything stay just the way it is. As far as wetlands are concerned, the U.S. Government, Congress, is working on changing a lot of the wetlands laws. It would be a good idea to get in touch with our congressional representatives to see what most likely will happen relative to changing the laws affecting all of our wetlands.

Karen Letourneau, North Farms Road stated, I have been to several of these meetings for Planning & Zoning and I have had to listen to a lot of discussion about one tree and I have been down on the North Plains (Industrial Road) and I have seen some of the places that the Council has approved that wiped out an entire forest. I have seen people come up here and tell the Council, "we don't want it." We don't want the industrial park, we don't want the tractors, we don't want the roads, we don't want anything. Mr. Mayor, if you allow this road to go through, you will be like a hacker because you do not build a road that no one wants. You do not build a road that you want and put it anywhere you want unless you are willing to develop the whole property. Let Mr. Kogut sell his property. Let the new developer build their roads and then those people can come here and have a discussion whether they want that type of place. But you don't even know what you are talking about. You don't even know what kind of people are going to be buying this property later on and you already sold a piece of property and allowed that idiot across the street from North Farms Road to put those three buildings that are eye sores that he promised to develop as if they were Barnes Industrial Road. You people allowed it. They are eyesores. What are you going to do, put in a stupid road that you have no plans on what kind of needs these people are going to have because you don't have anyone to buy it, for God sakes and, Mr. Brodinsky, just because you think you have run out your time, don't stop talking.

Mr. Farrell stated, I tend to agree with most of the comments that were made by the North Farms residents that, I have said before, that I guess I just don't understand how we are in the business of developing an industrial park that the people that own the property do not want. I think down the road that ultimately I am going to vote against this. For tonight, however, I am mindful of what happened with the Cooke property, that we bought that with some of those up here thinking that it was going to be developable as a golf course and, indeed, the inland wetland mapping has been the large undoing of the golf course on the Cooke property. I am not minimizing the amount of money that is involved, \$13,000, but perhaps the flip side of the coin here is that that \$13,000 may be the nail in the coffin

of this whole IX industrial park. We don't know until that's done. We don't know how the wetlands mapping is going to turn out, but I would rather have the information and know that perhaps that tells us that we need to back away from a whole series of positions that the Town has taken, that the Planning & Zoning Commission took in enacting the Plan of Development, that the EDC has taken in pushing for this industrial park. Maybe there needs to be a large re-thinking of what happened out there and certainly having the inland wetlands mapping is not a bad piece of information to come to some conclusion there. Perhaps an industrial park does not work there and re-zoning needs to take place or a change in the Town Plan of Development needs to take place and that the EDC and other bodies need to think of where Wallingford's industrial tax dollars are coming from somewhere else. For that very, very limited reason, I am going to vote for this tonight, to get the information and see where that takes us. I understand 100% the concerns that have been expressed and I share most of them. I don't want it misinterpreted why I am voting for this this evening; it is for that limited reason.

Mr. Rys asked, if you get the money to do this flagging, how long is a survey on this property good for? Is this something that is good for 50 or 100 years?

Mr. Thompson answered, wetlands don't change. The wetlands are based on a soil type. I think Mr. Farrell indicated the experience with the Cooke property. If you can think back, the fields were cultivated, the character of the material was moved around but the underlying characteristics of being a wetland soil never changed. The information we would be gathering as part of this exercise is going to be there forever. It is going to be recovered, it is going to be recorded, electronically filed and added to our mapping so it will be there forever, as long as the files exist.

Mr. Rys asked, do you know when North and South Barnes Park was in the process of being developed, did the developers pay for the utilities and roads through there?

Mr. Thompson deferred the question to the Mayor.

Mayor Dickinson replied, I think there was a shared arrangement between private and local government. Don Roe is nodding in the back; there was a shared cost as was true for Research Parkway.

Mr. Rys stated, there was a lot of debate on the matter and some of the residents were not particularly happy with the amounts of money being expended by the Town to develop Ashlar Park. Getting away from that, that's just the past. In the past, one of the things I remembered correctly is, this administration had been attacked on a couple of occasions for not planning. This is the beginning of a plan. This is not something that is going to happen, folks. This is the beginning of a plan for the future. I do not agree with condemnation. I don't care if it is for roads, property; I do not agree with it and I'll never vote for it but I do think it is a good idea to have this property flagged. I am looking out in the audience because there are some people out there who I know personally and I do

understand your situations and, believe me, I have no; sincerely, I don't want to take anybody's farms or properties if they don't want it and I don't believe in condemnation, I say that again. I will support the flagging. I think \$13,000., maybe it'll just come back and say, "no, you can't do it." Again, I am going to support the flagging. I know some of you people out there, personally, and I have no will to want to take your properties.

Mr. Knight stated, I think it is important to explain each one of us taking the time to explain our positions with regard to this mapping. Tonight, earlier, some travel analogies were used. If we wanted to go to Yazoo City, Mississippi why wouldn't we just go to Yazoo City Mississippi. I am going to make a different analogy; different locale which I think is more germane. I hope someday to go to the island of Dominica somewhere in the Caribbean. I like the more remote islands but I have a very limited amount of time off. It takes me three days to get to this island and three days to get home and I have only got a week, I ain't going. What we need to do, in order to find out if I can get to there in a reasonable amount of time so the trip is worthwhile, I've got to do some planning. I've got to do some research. All the Mayor is asking for tonight is to do the necessary research. Now, if it turns out that you can't get there from here, then that's the end of the discussion, but you should, we owe the community and as Ray Rys referred to is, we owe the Town planning and research. The operative word tonight is feasibility. This is one small step to determine whether or not this is even remotely feasible. I think it is money well spent and I will vote to support the transfer.

Mr. Toman stated, I can't see into the future like Mr. Brodinsky has about whether or not we are going to get our money back in a certain period of time, maybe it is a hunch on his part. But I walked that piece of land when I was on the Planning and Zoning Commission in the '80s. I wasn't so sure then, it should be IX zone. I walked it again when this matter came up before the Council and I still have my doubts. I know that Wallingford is a very attractive place to live, people want to live here. We have surpassed towns in central Connecticut in our real estate value and it doesn't seem to be any stop to it. I know that that piece of land is going to be developed that day and maybe residential development is a better use for it. Maybe we will have 350 or 450 homes back there someday. I agree with my fellow members of the Council said, that we don't have the information and until we get that information, we can't make as good a decision about the future so I will also support it for informational purposes at this time.

Ms. Doherty stated, it is my belief that any land that the Town of Wallingford is considering getting involved with for whatever reason, that it needs to have wetland flagging done before anything else is pursued. I will be voting for this.

Mr. Farrell asked, Mayor, can you please look into the issue of compensating the people on the crop damage. I have negotiated several deals for farmers that crop damage is always a negotiated piece because there is a recognition that where you are out mapping, that you are unintentionally destroying some of the crops.

Mayor Dickinson replied, at this point it would not be anything done by Town forces. We are not surveying the interior at this point. That would have been done by private parties working for private parties. At the point we hire anyone, we can take up the issue.

Mr. Farrell responded, but Mr. Juliano is going to be going on to all of these people's land. He could be causing crop damage.

Mayor Dickinson answered, at the point he goes onto property. He is not on the property at our behalf. I would have to know, frankly, that for someone walking would be sufficient to cause damage of any lasting or permanent nature. Certainly we can look into it but at this point, certainly no damage that has occurred has been as a result of the Town's forces that I am aware of.

Mr. Thompson stated, the Mayor is exactly correct. All of our work has been around the outside boundaries so any internal damage; we have been extremely, extremely sensitive every day when the crew goes out, I direct them and instruct them to be sensitive to where they are going. We know their work is not the most favored in the Town and we have been extremely sensitive about doing that. Mrs. Werbiski also asked a question about the holes in the ground from the soils testing. We are not going to be going out auguring post holes. The soil samples are 2-3" diameter holes in the ground that the soil is removed, it's taken and sampled and the hole is basically filled back in. Any potential damage as a result of a vehicle driving over that, I can't picture a tractor tipping over, for example. If any one of the residents have any concerns, the letter that was sent to them has the Mayor's number and my number and I would encourage them to contact us directly if anything, at any time, as a result of our surveyors or anybody working for the Town causes an impact to their property that they are not happy with. We don't want to see that happen.

Mr. Farrell stated, I am talking about the future, not the past. Maybe it is worth, whoever it is, your office or someone else, talking to the people in question and understanding what their crop is. I know nothing about alfalfa but apparently it is a very fragile thing and that before Mr. Juliano goes out there and unintentionally causes havoc out there, it makes some sense to do a little research and try to work in good faith with the people.

Mr. Parisi asked, what type of sticks are used for the flags? Are there sticks or steel rods or what?

Mr. Thompson answered, no, there are no steel rods being installed on the interior of the properties. The stakes are  $\frac{3}{4}$ " X  $\frac{3}{4}$ " wooden stake that is driven into the ground at periodic intervals along the centerline of the road.

Mr. Parisi asked, how high? How long? How far does it stick up from the curb?

Mr. Thompson answered, it could be 1-2' high. It is a stake that you could see and actually recover by survey. The wetlands flagging, as I indicated, wetlands scientists typically do not install stakes. The only stakes we be installed as part of this job would be for the road. Once we recover the information the stakes could be removed.

Mr. Parisi asked, how long of a time period could that be? How long would they be there?

Mr. Thompson answered, I would suspect that this whole exercise that we are talking about for the flagging would be done in approximately 30-45 days, tops.

Mr. Parisi asked, when would it start if it was approved?

Mr. Thompson answered, as soon as the frost was out of the ground.

Mr. Parisi asked, could the pick up of the stakes be any sooner than thirty days. Could it be stressed that they be picked up as soon as possible, as feasible? As soon as the work is done, can we get them out immediately?

Mr. Thompson answered, as long as it did not affect the integrity of their work, yes we could do that.

Mr. Parisi stated, whether the Town is in there or not, Mr. Juliano is an honorable person. I would expect that you might call him tomorrow and just tell him what you heard tonight and you could ask him if he could be more careful and a little bit aware of the situations that exist as far as crops out there. Maybe there is different ways to do things instead of trooping all the way through everything. It is like trying to get the postman to stay off your lawn and use the sidewalk, it is almost impossible. Maybe you could achieve the impossible.

Mr. Brodinsky stated, I guess it is o.k. to have positions shift from time to time. One or more people on the Council said tonight they are against eminent domain. If you are against eminent domain and you intend to vote that way consistently in the future spending \$13,000 tonight is a pure waste of money, they are inconsistent positions. You cannot be against eminent domain and spend \$13,000 on this. If you spend \$13,000 on this, you have a flagging study and you put it in the vault for 25, or 30, or 40 or 50 years or maybe forever. You don't need to do this kind of a study now, if you are not in favor of eminent domain. As far as the return on investment, I had a kindred spirit back on February 28<sup>th</sup> last year when this issue was debated and it was Councilor Toman who said that he wanted a little more analysis as a return on investment on these 270 acres and it was important enough for him to mention it twice because about 20 pages later, he mentioned it again. He said, the return on investment is really not that good, "is not that good" is a direct quote from the minutes. This is not planning in my view. Reasonable minds can differ over it but this is not planning in my view. This is the preparation for a hail Mary pass for those that follow football. We are going to put in some roads without a plan,

without really a business plan and hope that one day, in 25 or 30 years, everything will work out alright. That is not how I deal with the public's money or the public's lives or their neighborhood. I am voting against this.

Mr. Parisi stated, I want to make one correction; you are constantly beating on eminent domain and I don't know where you are getting your information but I don't want you to imply that I am even considering that until you have at least given me the courtesy of a discussion.

Mr. Brodinsky replied, well, let's have it now, where do you stand on it?

Mr. Parisi answered, I am against it, how's that.

Mr. Brodinsky asked, and you won't be voting for it in this case?

Mr. Parisi answered, I said that I am against eminent domain.

Mr. Brodinsky stated, well let's nail it down.

Mr. Parisi replied, I am not in the courtroom, so I don't think that you have to try to examine me or cross examine me. Don't make statements that are inflammatory when, in fact, you don't know where people stand on a specific turn. That is all I am saying.

Mr. Brodinsky replied, maybe I was misunderstood. What I am saying is, if you said that you are against eminent domain, it is inconsistent to vote for the \$13,000. That is what I said.

Mr. Parisi answered, that's your opinion.

Mr. Brodinsky replied, of course it is my opinion, everything I say is my opinion.

Mr. Parisi commented, alright, but you keep beating on the eminent domain issue and that is not true at this point. I am saying, don't represent my vote unless you know what I am going to do. Now when you make your eminent domain statements, you can say, Bob is against it. Then I will feel better.

Mr. Brodinsky replied, we will remember this discussion.

Mr. Vumbaco stated, I guess I am speechless because I don't expect the Council Chairman to take on a councilor when a councilor has his opinion, but apparently he must have raised up some heckles because I remember in the past when we were trying to buy some property up on or when a development was going on off of Route 68 (Yalesville) and the development already started and the Town was thinking about taking it on eminent domain, I believe all of the majority council members voted in favor of it, so. Anyway, I

am drifting. Planning to me is one thing if you have willing partners, especially in the land owners. It is obvious by the statements tonight that we don't have willing partners that are willing to sell their land. They have made those comments; they have made that perfectly clear, especially the young lady who has fourth generation farming and dairy farming up there has made it specifically clear that she is not willing to sell the property and, in the future doesn't look like the family wants to sell the property. To me, if you want to go through as planned, there has got to be another way to get the property without saying the bad word that would be a taking. If you go forward with this you are just wasting \$13,000 of the taxpayers' money if everybody or most of the majority of the councilors are not in favor of the taking. We are facing major budget problems and \$13,000 to me is not trivial, \$1.00 of the taxpayers' money is not trivial. If you don't have a willing partner in selling your property, there's no way this is going to go forward if we don't take it. I hear that we are not interested in taking, therefore it doesn't make any sense at all for us to spend \$13,000 to have a map that is going to sit in a vault as Mr. Brodinsky said, for fifty years.

Ms. Papale stated, all my life I always wanted to live up on North Farms Road. I had friends on there when I was in school and I said, "boy, would I love to be up there on that Novak's property." Well, I've changed my mind. It seems like I have met and seen you people and it's been a long time with different problems; one problem ends and the other one begins. I think it was so clear, and it was so clear to me, that your property is everything to you, to the young people and to the elderly, or as I call us, we seasoned people. This is where our homes are and I can understand why nobody would like to see a change. I am just surprised that nobody here, tonight, is talking about the problems that we have with the economy in our country, state and our town. I am one to always look at the future and I always try to think ahead and I am always one to say, c'mon guys, we have to look at the big picture. But I am sure tonight the President talked about the economy of our country. Governor Rowland has talked about the economy of our state. The Mayor spoke as of last week at the State of the Town Address through the Chamber of Commerce about the economy here, in the town. Whoever you talk to from the federal, state to the town, it is not a good thing right now. I would not want to invest a dime. I would like to save every penny in our budget or that we could get from anywhere and take care of the problems and the things that we have to take care of that are in front of us right now. I am not ready to vote for \$13,000 to begin with, because I really believe things go as people hope it is going to go a lot more than that. I think we should sit back and wait. I am not going to vote for the \$13,000 either.

VOTE: Brodinsky, Papale and Vumbaco, no; Doherty, Knight, Farrell, Rys, Toman and Parisi, aye; motion duly carried.

ITEM #10 Consider and Approve a Waiver of Bid for the Purpose of Contracting Services with Joseph J. Marotti, Inc. for the Preservation of Historic Documents – Town Clerk

Correspondence from Town Clerk, Rosemary Rascati, explains that in July 2002 her office received a state grant to preserve historic documents. When making the application for the

grant, Mrs. Rascati was required to tell the state which company she would be using. She forwarded the name of Joseph J. Marotti Conservation Lab which was approved by the State. I did this because, in the past when I have gone out to bid for restoration work, Marotti has always been the lowest bidder. He does excellent work and is state-approved. There are only three companies approved by the State; Joseph Marotti Company, Brown's River Bindery and Northeast Document Center. The second reason was, being a state grant, I was under the impression that it was not money that came out of the Town budget. I was advised to ask for a bid waiver since part of the work has already been done and there was a bill for \$4,818 to pay. We had gone out to bid twice before. I have attached a copy of the tabulation sheet from the last bid.

Motion was made by Mr. Knight to Approve Waiving the Bid and Awarding a Contract to Joseph J. Marotti, Inc., seconded by Mr. Farrell.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he is opposed to waiving the bid.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$7,500 from Contingency – General Purpose Acct. #001-7060-800-3190 to Purchased Services – Negotiations Acct. #001-1300-901-9002 – Mayor

Motion was made by Mr. Knight to Approve the Transfer, seconded by Ms. Papale.

Correspondence from the Mayor to the Town Councilors explains how the transfer is needed to cover the balance of an existing invoice and to leave the account with an additional \$7,000 in a Purchased Services – Negotiations Acct. for future bills. It is not known at this time if this amount will be enough to cover expenses to the end of the fiscal year.

Mr. Farrell asked, which negotiations are we talking about?

Mayor Dickinson replied, I believe it may be fire but I am not absolutely certain. There were five dates and we pay for a date even if the arbitrators don't meet on that date.

Mr. Farrell asked, the arbitrators as opposed to paying Dennis (Atty. Ciccarillo)?

Mayor Dickinson replied, no, it is arbitrators. We pay ours and half of the neutral. I think there were five dates and the way they can bill for a date even if they never meet. If you don't give them notice within two weeks you can still be billed and I believe the rate is something like \$750-\$800 per day.

VOTE: All ayes; motion duly carried.

ITEM #12 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Tax Appeal Matter of Connecticut Subacute LLC v. Town of Wallingford – Town Attorney

ITEM #13 Withdrawn

Motion was made by Mr. Knight to Enter Into Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council entered into executive session at 8:45 P.M.

Present in Executive Session were all Councilors, Mayor Dickinson and Atty. Small.

Motion was made by Mr. Knight to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council exited executive session at 9:52 P.M.

ITEM #14 Consider and Approve the Settlement of Pending Litigation in the Tax Appeal Matter of Connecticut Subacute LLC v. Town of Wallingford – Town Attorney

Motion was made by Mr. Knight to Approve the Settlement of CT. Subacute LLC v. Town of Wallingford as Discussed in Executive Session, seconded by Mr. Farrell.

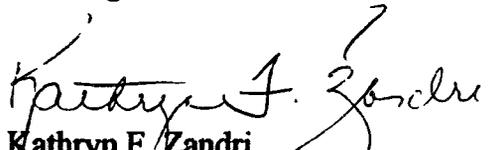
VOTE: All ayes; motion duly carried.

Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Ms. Doherty.

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 9:49 P.M.

Meeting recorded and transcribed by:

  
Kathryn F. Zandri  
Town Council Secretary

Approved: Robert F. Parisi (by RR)  
Robert F. Parisi, Chairman

3-12-03  
Date

Rosemary A. Rascati  
Rosemary A. Rascati, Town Clerk

3-12-03  
Date

RECEIVED FOR RECORD 2-11-03  
AT 6:30 P M AND RECORDED BY  
Rosemary A. Rascati TOWN CLERK