

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

~~March 8, 2005~~ rescheduled to
Wednesday, March 9, 2005

6:30 P.M.

This is a record of the minutes for the regular meeting of the Wallingford Town Council at its regular meeting held on Wednesday, March 9, 2005 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Vice-Chairwoman Iris Papale Called the Meeting to Order at 6:38 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris Papale, Michael Spiteri, Vincent F. Testa, Jr., and Mayor William W. Dickinson, Jr., Adam Mantzaris, Corporation Counsel, and James M. Bowes, Comptroller, were also present.

Moment of Silence and Pledge of Allegiance

2. Correspondence – There was no correspondence

Announcements - Ms. Papale announced that **Item #3e.** was withdrawn from tonight's agenda and will be scheduled on the March 22, 2005 agenda as a regular item.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#595 - #608) totaling \$5,156.68 Account #001-1000-010-1170 – Tax Collector.
- 3b. Consider and Approve a Transfer in the Amount of \$400.00 by increasing Misc. Expense - Pumping and decreasing Maintenance Structures & Improvement – Pump Stations – Sewer Division
- 3c. Consider and Approve Resolution Authorizing Mayor to Make, Execute and Approve on behalf of the Town of Wallingford and all contracts or amendments thereof with the State of Connecticut Department of Public Health to purchase Paramedic Training - Mayor

- 3d. Consider and Approve a Budget Amendment in the Amount of \$550.00 by increasing Interest On Long-Term Debt and increasing Source of Funds-Deferred Cost on Refin. - Sewer Division:
- 3e. *Withdrawn* -Consider and Approve that Article IV, Temporary Seasonal Outdoor Sidewalk Dining As an Accessory use to Restaurants, of Chapter 62 of the Code of the Town of Wallingford be and is hereby continued in effect until repealed – Councilor Stephen W. Knight
- 3f. Approve a motion to append to the minutes of the December 14, 2004 Town Council Meeting a full copy of the Ordinance appropriating \$500,000 for a synthetic Athletic field at Sheehan High School and authorizing the issue of \$500,000 bonds – Town Clerk
- 3g. Approve appending to the minutes of the December 14, 2004 Town Council Meeting a full copy of the Ordinance appropriating \$500,000 for a synthetic running track at Sheehan High School and authorizing the issue of \$500,000 bonds – Town Clerk

Ms. Papale moved to accept Consent Agenda items 3a. to 3d. and 3f. and 3g. **Mr. Farrell** seconded.

Ms. Papale: All in favor? The motion passes.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

Ms. Papale announced that **Item# 6**, Holiday for Giving, was withdrawn and will be scheduled for the April 12, 2005 meeting, and that **Item #7**, Habitat for Humanity of Greater New Haven, was withdrawn and will be scheduled for the March 22, 2005 meeting. She also noted that **Item #14** on some agendas may be incorrect. She said that the increase is to Injuries & Damages and the decrease is to various accounts listed for Item #14.

- 4. Items Removed from the Consent Agenda - None
- 5. PUBLIC QUESTION AND ANSWER PERIOD

Steve Rubin, Ward Street corner of Valley Street: Stated that he came tonight to have a parking ticket nulled and to be reimbursed for towing charges that he incurred when parked on the street during a snow storm

parking ban and for time lost for use of his rental car, that he does not think that the ban is fair and thinks the ordinance of 1962 with revisions made in 1975 and 1982, should be changed. He said that he spoke with Mr. Mantzaris who told him that the ticket will not be nulled. He referred to the ordinance and how and when a parking ban will be called.

Ms. Papale said she didn't know how the Council could be of help. She said that she has never thought of our Town Attorney as being closed-minded and that he listens but maybe gave you that impression in following the ordinance which is the law voted on by the Council. She pointed out that since Mr. Rubin said that he has no other place to park, so the amount of snow that fell the night of the storm would not have made any difference, even if it was ten inches, to moving his car. She asked Mr. McCully what happens to individuals that don't have a place to park their car where they live if their regular parking is in the street.

Mayor Dickinson said that there is a need to find a parking place that is off the street. Often municipal lots are used and other private property but there is a need to find a place off the street. He said that Town Hall lot is used.

Ms. Papale said that the property at George Cooke's might be available with permission.

Mayor Dickinson mentioned West Side Field municipal lot, which would be off-street parking on East Street. It's unfortunate that it is an inconvenience, and that's why the Town does not institute parking bans all the time. We do get complaints when there aren't parking bans because people don't like the snow that's left in the road. It's never an easy decision to make. During the storm other cars were also towed.

Ms. Papale said that she and the Council appreciate all the information and that the entire Council would be sympathetic to what he was saying, and asked Mr. Rubin if he realized why the Town has this parking ban.

Mr. Rubin responded that he understood but that logic needs to be applied and referred to experienced plow drivers who could be in contact with the Police, and about parking on private property.

Ms. Papale reinforced available parking at West Side field mentioned by the Mayor.

Mr. Rubin talked about the walking involved from the lot to his apartment.

Ms. Papale said but for the safety of the town, this is why we have a parking ban so the streets can be cleaned the way they have to be and if they can't get through these streets, it's for safety reasons.

Mr. Rubin asked about the Police giving notice regarding the parking ban.

Mr. Knight said that parking ban exists to make way for public safety equipment that needs to get through, and if you have ever been in a city where parking bans do not exist, it is chaos, following a snow storm. This is a way to ensure that emergency equipment can get through at all times. In a big storm with a cold snap, if you plow in cars that are in the street, you can't get those cars out of there, and then you could end up with an impassable street. Mr. Knight said he feels for the situation since he just moved to Wallingford but the ordinance is logical, if you understand the point of it.

Mr. Rubin said there should be some give and take in it, in the gray areas, to be fair to all people instead of being a politically driven motive that we need to keep the car owners who are going to vote for me.

Ms. Papale called for other comments and said that perhaps at the next ordinance committee meeting it can be brought up again.

WAIVE RULE V - #1

Ms. Papale asked for someone to make a motion for the purpose of taking up two (2) actions with respect to the approval of a certification regarding the February 22, 2005 Council Meeting and an excerpt of Minutes regarding the June 8, 2004 Council Minutes.

Mr. Testa made a motion to Waive Rule V of the meeting procedures.

Mr. Knight seconded.

Ms. Papale called for the vote to Waive Rule V.

All Aye (Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.) The Motion passed to Waive Rule V.

Action 1.

Ms. Papale: Is there a motion to approve a certificate to be signed by Chairman James M. Vumbaco and Town Clerk

Kathryn F. Zandri testifying to the fact that an attached excerpt from its meeting of February 22, 2005 accurately reflects the actions taken at said meeting by the Town Council with respect to the adoption of a Resolution pertaining to a \$9.5 million Refunding Bond authorization and to the adoption of a Resolution Repealing the Authorized and Unissued balance of \$6,500,000 Refunding Bond Resolution Approved November 12, 2003, and by a majority vote in the affirmative approving said certificate the Town Council acknowledges and ratified the action of the Town Council Chairman and Town Clerk signing said certificate.

Mr. Farrell: So moved.

Mr. Testa: Second.

Ms. Papale: We all received this packet, and we had the weekend to go over everything but this is an emergency, so I'm apologizing, and I'd like to know if there are any questions of the Council. Attorney Fasi is here to answer questions.

Mr. Knight: What is this about? What are we doing here?

Mayor Dickinson: It's basically certifying as to what happened at the meeting. I think that Joe (Fasi) can explain it very quickly.

Ms. Papale: It reflects the actions taken at the meeting of February 22, 2005.

Attorney Fasi: In lieu of minutes approved by the Town Council regarding the February 22, 2005 Council meeting at which funding bonds were authorized to be issued, this action fills in that place until such time as the minutes are approved. As of right now we have no minutes that I can rely on or that exist that anybody can rely (on) to say that there were funding bonds (that) were approved. This certificate fills the gap.

Mayor Dickinson: This is part of the paperwork that would be supplied at the closing for the sale of the bonds. For some reason, they want to be assured that you actually took action that it's a legal sale.

Ms. Papale: Any other questions? Questions from the public? We will have a Roll Call Vote, please.

ROLL CALL VOTE: Doherty – yes, Farrell-yes, Knight-yes, Spiteri-yes, Testa-yes, Papale-yes.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

Action 2.

Ms. Papale: Is there a motion to approve an excerpt of the June 8, 2004 Town Council Meeting Item #11, entitled "To Conduct a Public Hearing and Consider and Act on an Ordinance Amending an Ordinance Appropriating \$44,531,377 for the Planning, Acquisition and Construction on Town-Wide School System Renovations and Authorizing the Issue of \$44,531,377 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose."

Mr. Farrell: So moved.

Mr. Knight: Second.

Ms. Papale: Questions from the Council? From the Public? We will have a Roll Call Vote , please.

ROLL CALL VOTE: Doherty – yes, Farrell-yes, Knight-yes, Spiteri-yes, Testa-yes, Papale-yes.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

(Note: Documentation for Action 1 and Action 2 are appended to the Minutes.)

6. *Withdrawn* Holiday for Giving Recognition of Yalesville Volunteer Fire

Department for their Outstanding Assistance during the Holiday for giving Campaign – Youth and Social Services

7. *Withdrawn* Discussion and Possible Action on conveying land at 299 Washington Street, Wallingford, to Habitat for Humanity of Greater New Haven – Chairman James M. Vumbaco
8. Consider and Approve a transfer in the Amount of \$6,000 to Contractual – Clothing & Other Expenses and from Regular Salaries & Wages – Public Works

Mr. Testa: I make a motion that we approve a transfer in the Amount of \$6,000 to Contractual – Clothing & Other Expenses and from Regular Salaries & Wages.

Mr. Farrell: Second.

Ms. Papale read the letter that accompanied the transfer and called on Mr. McCully.

Mr. Knight wanted to know about the contractual clothing and **Mr. McCully** replied that our employees by their contract receive a clothing allowance each year, including safety shoes, shirts, jackets, and pants. Then **Mr. Knight** asked if that wasn't already provided for in the budget. **Mr. McCully** said that clothing and meal allowances are all in the same account. This is to pay for the meal allowance.

Ms. Papale: Any other questions? Public? All in favor? Opposed?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

9. Consider and Approve a transfer in the Amount of \$25,000 to Overtime from Regular Salaries – Public Works

Mr. Testa moved to Approve a transfer in the Amount of \$25,000 to Overtime from Regular Salaries and **Mr. Farrell** seconded.

Ms. Papale called upon Mr. McCully.

Mr. McCully: The money that I was going to transfer last night has

already been used up. We used almost \$20,000 of this \$25,000 for the storm last night, so there are further transfers now under the Waive Rule V.

Ms. Papale: We'll vote on this one and then we are going to Waive Rule V for two items. Any questions? All in favor?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

WAIVE RULE V - #2

Mr. Testa made a **motion to Waive Rule V** of the Town Council meeting procedures for the purpose of taking up two transfers from the Public Works Department.

Mr. Farrell: **Second.**

Ms. Papale: All in favor of Waiving Rule V?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

Action 1. Consider and Approve a Transfer in the Amount of \$20,000 to Overtime and from Contingency – General Purpose – Public Works

Mr. Testa moved to Approve a transfer in the Amount of \$20,000 to Overtime from Contingency – General Purpose.

Mr. Farrell: **Second.**

Ms. Papale: So what you are asking for tonight is \$25,000 plus \$20,000.

Mr. McCully: Correct.

Ms. Papale: And that should, hopefully, last?

Mr. McCully: Well, it's supposed to snow on Friday. We are just drawing on everything that we can here depleting accounts, and if we get to April 1, we can transfer between departments if we run out of money. I'm just trying to get to April. I would be happy with 50 degrees in April to get over this.

Ms. Papale: Any questions from the Council? Public? All in favor?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

Action 2. Consider and Approve a Transfer in the Amount of \$20,000 to Materials & Supplies from Contingency – General Purpose – Public Works

Mr. Testa moved to Approve a transfer in the Amount of \$20,000 to Materials & Supplies from Contingency – General Purpose. **Mr. Farrell seconded.**

Ms. Papale: Are there any questions?

Mr. Knight asked if sand and salt were still readily available, noting that supplies must be almost depleted.

Mr. McCully said the plan was to empty the barn by the end of winter but in the last storm, lots of sand-salt mix was used. He said that there were some deliveries today, and the amount is about 110 tons of salt and 1,000 yards of sand, and we're hoping that will take us to the end of the season.

Mr. Knight said he was curious about the logistics of getting that much this late in the season, and **Mr. McCully** acknowledged that they have a very good supplier this year and that they keep sand off site as a backup.

Ms. Papale: Any other questions? Public? I was concerned about how much money may be left in that account, in the contingency account.

Mayor Dickinson said that there are two accounts that are being accessed tonight. One is this transfer, and the second is from the town attorney. If both of those are approved, we'd have around \$99,000 left.

Ms. Papale: All in favor?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

(Note: Backup documentation for the two Public Works transfers are attached to the Minutes.)

10. Consider and Approve a Transfer in the Amount of \$27,785 to Gasoline and Oil from Regular Wages – Police Department

Mr. Testa moved to Approve a transfer in the Amount of \$27,785 to Gasoline and Oil from Regular Wages.

Mr. Farrell seconded.

Mr. Testa asked about idling of Police cars in light of trying to cut back on fuel consumption.

Chief Dortenzio: The warmth of the car is not the factor. We do have longstanding instructions not to leave them idling when it's not necessary but there is a considerable amount of equipment in them, the emergency lights need power, computers in the car, the cameras, the defrosters all need power. Internal camera lens frost up. Radios, external speakers so that radio calls can be heard if you are out on foot, doing traffic for instance. It's a variety of factors. If those aren't necessary there is a standing instruction that the cars are to be turned off.

Ms. Papale: Any other questions? Public? We'll vote. All in favor.

Motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

11. Consider and Approve a Budget Amendment in the Amount of \$11,400 by increasing and decreasing various accounts - Water Division

Mr. Testa moved to Approve a Budget Amendment in the Amount of \$11,400 by increasing and decreasing various accounts.

Mr. Farrell seconded.

Ms. Papale: Any questions? Any questions from the public? All in favor of Item #11.

Motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

12. Consider and Approve a Budget Amendment in the Amount of \$6,350 by increasing Interest On Long-Term Debt and increasing Source of Funds-Deferred Cost on Refin. - Water Division

Mr. Testa moved to Approve a Budget Amendment in the Amount of \$6,350 by increasing Interest On Long-Term Debt and increasing Source of Funds-Deferred Cost on Refin.

Mr. Farrell seconded.

Ms. Papale: Questions? Public? All in favor.

Motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

13. Consider and Approve a Budget Amendment in the Amount of \$4,600 by increasing Misc. Expenses – Pumping, Misc. Expenses – Sewer Treatment, Maint. Trans. & Collection Line and Office Supplies & Expense and decreasing Transportation Equipment - Sewer Division

Mr. Testa moved to Approve a Budget Amendment in the Amount of \$4,600 by increasing Misc. Expenses – Pumping, Misc. Expenses – Sewer Treatment, Maint. Transmission. & Collection Line and Office Supplies & Expense and decreasing Transportation Equipment **Mr. Farrell seconded.**

Ms. Papale: Questions anyone?

Mr. Knight addressed the Mayor asking if there was any way to keep track of all this money, all this extra money that we're spending for fuel just so we have an idea of the impact on this community of the run up of the fuel costs.

Mayor Dickinson: Yes, it's all accounted for.

Mr. Knight: I just think it's important for the public to understand that eventually the big picture, the lump sum, that this town has had to fork over because it's not just their cars that are getting more expensive to run. Fuel is having an impact on their taxes as well.

Mayor Dickinson: There's no question. I think we budgeted at \$.90, and it's a \$1.36 that we're paying. We can determine what we're expending over what we budgeted.

Mr. Knight: I would like to have that information. It's certainly worthy at the end of the budget year to have this discussion.

Mr. Bowes: Do you want the amounts above the budgeted amount?

Mr. Knight: Yes, the extra money that we are spending, like we are tonight.

Ms. Papale: Any other questions or comments from the Council? Public? All in favor? Against?

Motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

14. Consider and Approve a Transfer in the Amount of \$30,000 by increasing Injuries & Damages and decreasing Pumping Labor & Expense, Operation
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Labor & Expense, Maint. Trans. & Collection Lines, Meter Reading Exp., Customer Records & Collection, Administration & General Salaries and Outside Services Employed - Sewer Division

Mr. Testa moved to Approve a Transfer in the Amount of \$30,000 by increasing Injuries & Damages and decreasing Pumping Labor & Expense, Operation Labor & Expense, Maint. Transmission. & Collection Lines, Meter Reading Exp., Customer Records & Collection, Administration & General Salaries and Outside Services Employed.

Mr. Farrell seconded.

Ms. Papale: Questions from the Council? Public? All in favor?
Passes.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

15. Consider and Approve a Transfer in the amount of \$45,000 to Professional Services/Lawyers from Contingency/General Purpose – Law Department

Mr. Testa moved to Approve a Transfer in the Amount of \$45,000 to Professional Services/Lawyers from Contingency/General Purpose.

Mr. Farrell seconded.

Ms. Papale: This letter came from the Town Attorney's Office to Mayor Dickinson that this office is requesting a transfer of funds in the amount of \$45,000 for the 2004-2005 budget for legal services involving the transmission line case before the Siting Council. Questions from the Council? This estimate may bring us through the closure of the proceedings but it is at this point only an estimate. The estimate, however, does include any post decision action. A motion has been made and seconded. Questions?

Mr. Knight: Are we working with other towns through the same attorney?

Mr. Mantzaris: With Durham. We pay more of the bill, but Durham is with the same attorney.

Mr. Knight: How much is the total amount that the two towns have spent to date?

Mr. Mantzaris: From 2003 to the present we've expended \$177,000. I'm not sure if that includes Durham's share, or it's just our money. I think it's just our money.

Mayor Dickinson: I believe that's just our money. We wouldn't reflect Durham's.

Mr. Knight: If we are sharing this attorney's costs, what are the total costs?

Mr. Mantzaris: What are they paying 25%? One third?

Mayor Dickinson: I'm not going to guess at what the breakdown was. We could get it.

Mr. Knight: All I'm suggesting is that we have another town involved, and we've spend \$177,000, and it sounds like we shouldering the burden, and I wanted to know if it was equitable.

Mayor Dickinson: We are paying the lion's share and some of that analysis was based upon the length of line in each of the communities, and Wallingford has by far the longest length of lines of any of the towns that are involved in the process. We have almost ten miles, I believe.

Mr. Knight: It was just Wallingford and Durham that seemed willing to hire attorneys?

Mr. Mantzaris: Other towns have hired attorneys as well, not just Wallingford and Durham.

Mr. Knight: OK, for the same purpose?

Mayor Dickinson: That's correct.

Mr. Mantzaris: Same line.

Mr. Knight: Same line, same purpose.

Mr. Mantzaris: Right.

Mr. Knight: Doesn't this seem like duplicate effort?

Mr. Mantzaris: Each town feels it needs representation. I imagine that an attorney would be happy to get as many towns as he can under his belt but it wouldn't make the fees any less, I don't believe. There might be a price if he had more towns to represent but towns selected their own attorneys, they may have their own people doing it. I am not familiar with the particular attorneys representing the other towns but I know other towns are involved in this particular litigation involving the power lines and other attorneys are involved.

Mayor Dickinson: Not every town has necessarily the same interest. For instance, the towns that have received underground (lines) won't necessarily have the same interest as those who don't. There isn't a uniformity of interest along the length of the right of way.

Mr. Knight: So when this proposal was first made, then the only two towns that had similar enough interests that they could pool their resources and only hire one attorney were Wallingford and Durham.

Mayor Dickinson: For a variety of other reasons other communities hired other attorneys. We've contacted others with regard to hiring an attorney and only Durham and Wallingford ended up hiring Attorney Boucher.

Mr. Testa: When we talked about this a meeting or two ago with Janis (Small), I was under the impression that we were one of a group of communities that was a part of this legal action, and this was our share of it. This is the first time I've heard that it's just us and Durham. I share what is your concern or question, Steve. I thought this was all the towns that are against the overhead line who have pulled together, and at that time, it was \$188,000 when we talked to Janis. It's an awful lot of money for our share of what amounts to a class action lawsuit when you think about it. I thought

we were one of many, more than just two. I'm surprised that we weren't able to negotiate with these other communities and leaders and come to some agreement that we had to do this more as a team.

Mayor Dickinson: There is and was participation with regard to hiring an expert. That was a completely separate contract and Synapse was hired and most of the towns participated in funding the Synapse contract in order to provide expert testimony for the lawyers. That was a component. There was also a facilitator that was hired at one point and all of the towns participated in that together. At any given time when this was discussed, it wasn't all the same subject matter. There is money spent over and above this for Synapse, not nearly this amount of money, but there is additional money that was spent for Synapse to provide expert testimony. It's not easily simplified. There are other contracts. There is the attorney, the facilitator and there's also the expert. Synapse is the consultant to be able to provide information for cross-examination of the witnesses of the utility companies and to provide other expertise.

Mr. Spiteri asked where we now stand with this lawsuit. He wanted to know why at this point we are putting up another \$50,000 if what's done is done. He asked what our plan is, what our attorney's plan is. He said he thought that this was a plan and now he hears that this is just us and Durham. He would like to know who is managing this and have we gotten the most bang for our buck. He asked, "Do we just have a lawsuit going on with this?"

Mr. Mantzaris: Janis would be better able to answer your question but my understanding is that Attorney Boucher has not been paid for all of his work so far and is continuing to do some work, and this is needed to cover him until the decision is made. Then whatever the decision is, the town and Durham will decide what to do.

Mr. Spiteri, addressing the Mayor, asked if it would be possible to get a report from this attorney over the next month or two.

Mayor Dickinson: We will be planning another public meeting when the

attorney is here. He explains what the status of things is. That's probably the best opportunity and we invite all of the people who are along the right of way. We just had one last week. When he's here, he explains it. He is now looking to file a motion with regard to findings of fact so it's not a lawsuit at this point. We are being represented in the course of an administrative, regulatory hearing. The Siting Council is holding a hearing, and the attorney is representing our interests and Durham's interests with regard to what happens during that hearing. When ultimately there is a decision made, then the question will be, should the town appeal that decision. He's the eyes and ears for us at these hearings which are quasi-judicial and require the filing of motions the arguing of positions and the attorney general has been a request to become more a part of that by the legislators. They've requested him to take a court injunction for a variety of reasons. Our attorney is advancing the arguments on behalf of Wallingford. He has been active in that regard and without him being there, we would have no voice in the proceedings. He's made sure that we have standing to be able to appeal. Without someone putting something into the record that you are a party, and you have rights and have a legal right to an appeal, which is called standing, you can be dismissed. If you go to appeal it later on and the court could say, oh, sorry, you have no standing in this matter. That's why you need an attorney ahead of time to protect those kinds of interests. It is a lot of money and that's the unfortunate side of it. On the other hand there are many people in town who are concerned about what this project means to them, to their families, their neighborhoods, etc. and that's why we originally thought it was important that the town enter the proceedings as a party but is it expensive? It's extremely expensive.

Mr. Spiteri wanted to know if it would have been possible to hire a think tank or a consulting firm to do the same thing to just represent our interests as opposed to doing a lawsuit.

Mayor Dickinson: We are represented as a party in the proceedings. A

consultant could provide information to us but the consultant probably would not have the expertise to see that the information became part of the record of the Siting Council. There are procedures. There are methods. There are cross-examination issues. There's putting things into the record, entering them as exhibits and then evidence. All of those things have to be accomplished. A consultant would not have that expertise and would look to an attorney to do that for them. So the hearings are long; they've been going on for months and that's what adds up, all that time is being paid for by the town because our attorney is doing what we've asked him to do.

Mr. Spiteri thanked the Mayor for clearing that up.

Mr. Farrell:

I think that it's inaccurate to characterize to Town Council as not having been informed about this. I can think back to when it was explained to us that Wallingford to some degree needed to be out on its own because every municipality is going to have a slightly different interest that depending upon where the root of this eventually led. Our own Mayor has proposed alternative routes, and apparently the only municipality we have an identical interest with is Durham. That was always explained to the Council that that was what was going to occur on the legal end. It effects literally thousands of people in our town, and I can't see doing a half-baked job on this. The Mayor correctly points out that if this ends up in court, we need to have preserved our rights on the record or we're not going to have any rights in front of a court. In the grand scheme of things, yes, it's a lot of money but given that it directly effects thousands of people in this town, I hope it is money well spent. There is no guarantee but we should pursue it diligently so I am in favor of this. Thank you.

Ms. Papale:

Any other questions?

Ms. Zandri:

I just wanted to let all the Councilors know that the minutes from the Siting Council regarding any of the

testimony on this are on file on the Town Clerks' Office.

Ms. Papale: Public? There is a motion to approve a transfer in the amount of \$45,000. All in favor? Against? None.

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

16. Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor
17. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Town of Wallingford v. K.C. Metals, LLC - Law Department
18. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Kmart Corporation v. Town of Wallingford - Law Department

Mr. Testa moved that the Council enter into Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property (Item #16)

and pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Town of Wallingford v. K.C. Metals, LLC (Item #17)

and Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Kmart Corporation v. Town of Wallingford (Item # 18) as requested by the Law Department.

Mr. Farrell seconded.

Ms. Papale: All in favor?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

Ms. Papale: We are now in Executive Session

The Town Council entered into Executive Session at 7:32 P.M.

Mr. Testa moved that the Council exit from Executive Session.

Mr. Farrell seconded.

Ms. Papale: All in favor?

The motion passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

The Town Council exited from Executive Session at 8:05 P.M.

Attendance at the Executive Sessions:

Item #16: Councilors Doherty, Farrell, Knight, Papale, Spiteri and Testa. Adam Mantzaris and Mayor Dickinson.

Item #17: Councilors Doherty, Farrell, Knight, Papale, Spiteri and Testa. Adam Mantzaris, Mayor Dickinson and Roger Dann.

Item #18: Councilors Doherty, Farrell, Knight, Papale, Spiteri and Testa. Adam Mantzaris and Mayor Dickinson.

19. Motion of consider and approve the settlement of the pending matter of Town of Wallingford v. K.C. Metals, LLC as discussed in Executive Session - Law Department

No Action Taken

20. Motion of consider and approve the settlement of the pending matter of Kmart Corporation v. Town of Wallingford as discussed in Executive Session - Law Department

Mr. Testa moved to Approve the settlement of the pending matter of Kmart Corporation v. Town of Wallingford as discussed in Executive Session as requested by the Law Department

Mr. Knight seconded.

Ms. Papale: All in favor? It's passed.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

Mr. Testa moved to adjourn the meeting. **Mr. Farrell seconded.**

Ms. Papale: All in favor? Have a nice evening.

(Mr. DiNatale, Mr. Parisi and Mr. Vumbaco were absent from the meeting.)

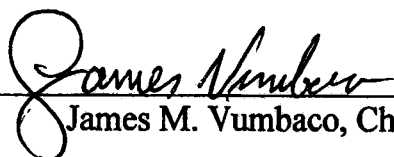
There being no further business to consider, the meeting adjourned at 8:06 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Approved by:



James M. Vumbaco, Chairman

Date: 4/12/05

Kathryn F. Zandri

Kathryn F. Zandri, Town Clerk

Date:

March 22, 2005

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3/21/05

AT 2 H 35 M P M AND RECORDED BY

Kathryn F. Zandri TOWN CLERK