

TOWN OF WALLINGFORD, CONNECTICUT
TOWN COUNCIL MEETING

AUGUST 19, 2008

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, August 19, 2008, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Mike Brodinsky Called the Meeting to Order at 6:41 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Nick Economopoulos, Gerald E. Farrell, Jr., John LeTourneau, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Robert F. Parisi arrived at the meeting at 7:05 P.M. when he joined the Executive Session that was in progress (Item #2). Mayor William W. Dickinson, Jr. and Corporation Counsel Adam Mantzaris were also present.

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

2. Executive Session pursuant to Connecticut General Statutes 10-151d(a) with respect to collective bargaining between the Wallingford Board of Education and the Wallingford Education Association - Superintendent of Schools Dale A. Wilson

Mr. Testa made a motion to go into Executive Session pursuant to Connecticut General Statutes 10-151d(a) with respect to collective bargaining between the Wallingford Board of Education and the Wallingford Education Association as requested by Superintendent of Schools Dale A. Wilson. Mr. Farrell seconded.

All Councilors present (8) voted Aye, and the motion passed. The Council entered into Executive Session at 6:45 P.M.

Mr. Parisi arrived at the Executive Session at approximately 7:05 P.M.

Mr. Farrell made a motion, seconded by Mr. Parisi, to come out of Executive Session. All Councilors present (8) voted Aye, and the motion passed. The Council exited Executive Session at 7:15 P.M.

In attendance at the Executive Session were all (9) Councilors. (Mr. Parisi had arrived.) Mayor Dickinson, Corporation Counsel Adam Mantzaris, Superintendent of Schools Dale A. Wilson, Board of Education members Michael Votto and Valerie Ford.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#590 - #644) totaling \$26,511.79
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. *Removed due to a date change*
Consider and Approve a request for use the Parade Grounds by the First
Congregational Church on Sunday, September 7, 2008, from 8:00 A.M. to
approximately 12:00 P.M. for the Annual "Catch the Spirit Festival" activities -
Chairman Mike Brodinsky
- 3c. Approval of two (2) Merit Reviews – Mayor
- 3d. Approve Town Council Special Meeting Minutes for July 14, 2008
- 3e. Approve Town Council Special Meeting Minutes for July 15, 2008
- 3f. Approve Town Council Regular Meeting Minutes for July 15, 2008
- 3g. Approve Town Council Special Meeting Minutes for August 7, 2008
- 3h. Consider and Approve an Appropriation with regard to Project Graduation in the
amount of \$3,327.63 to Expenditures Acct # 232-3070-608-9061 from Revenue
Acct # 232-1043-900-1001- Youth and Social Services
- 3i. Consider and Approve a Transfer in the initial Amount of \$5,000 to cover the
expenses of the Charter Revision Commission to Charter Revision Expenses Acct
010-1110-400-4050 from Contingency Acct # 001-7060-800-3190
– Chairman Mike Brodinsky
- 3j. Consider and Approve a Transfer in the Amount of \$1,000 to Property Insurance
Acct # 461-8920-924 from Injuries and Damages Acct # 461-8920-925
– Water Division
- 3k. Consider and Approve a Transfer in the Amount of \$1,000 to Property Insurance
Acct # 431-8920-924 from Injuries and Damages Acct # 431-8920-925
– Sewer Division
- 3l. Consider and Approve a Transfer in the Amount of \$1,100 to Property Insurance
Acct # 924 from Injuries and Damages Acct # 925 – Electric Division
- 3m. Consider and Approve a Transfer in the Amount of \$49,000 to Distribution Plant
– Overhead Conductors Acct # 365 from Distribution Plant – Poles, Towers and
Fixtures Acct # 364 – Electric Division

- 3n. Consider and Approve a Transfer in the Amount of \$65,000 to Uncollectible Accounts Expense Acct # 904 from Customer Records and Collection Acct # 905 – Electric Division
- 3o. Schedule a Public Hearing for September 9, 2008 at 7:30 P.M. with regard to an amendment to Chapter 139 “LITTERING” of the code of the Town of Wallingford – Chairman Ordinance Committee Mike Brodinsky
- 3p. Consider and Approve Pension Cost of Living Adjustment of 3% - Personnel
- 3q. Resolution authorizing the Mayor to submit on behalf on the Town of Wallingford a Grant Application to the State of Connecticut for financial assistance to be used for the purpose of providing technical assistance in the planning of an incentive housing zone in accordance with P.A. 07-4 Section 38-48 to provide such additional information and to execute such other documents as may be required by the Commissioner and to act as the authorized representative of the Town of Wallingford – Town Planner (originally approved 4/22/08)

ADDENDUM TO THE CONSENT AGENDA

- 3r. Consider and Approve the appointment of Mary Mushinsky and Chris Smith to the Wallingford Energy Conservation Commission - Chairman Mike Brodinsky

Mr. Testa made a motion to approve the Consent Agenda 3a. and 3c. to 3r. the motion was seconded by Mr. Farrell. All Councilors present (9) voted Aye, and the motion passed.

4. Items Removed from Consent Agenda

- 3b. *Removed due to a date change*
Consider and Approve a request for use the Parade Grounds by the First Congregational Church on Sunday, ~~September 7, 2008~~, September 14, 2008 from 8:00 A.M. to approximately 12:00 P.M. for the Annual “Catch the Spirit Festival” activities - Chairman Mike Brodinsky

Chairman Brodinsky made a motion to approve a request for use the Parade Grounds by the First Congregational Church on Sunday, September 14, 2008, from 8:00 A.M. to approximately 12:00 P.M. for the annual “Catch the Spirit Festival” activities. Mr. Farrell seconded. There were no comments from the Council or the public. All Councilors present (9) voted Aye, and the motion passed.

5. Chairman's Report

Chairman Brodinsky explained the added addendum items; read the Mayor's letter of congratulations to the Department of Finance for their achievement for Excellence in Financial Reporting (*Appendix I*); said that in regard to the Senior Tax Relief Ordinance being considered that the Mayor has announced the committee; and said that CRRA has passed a resolution regarding the enforcement of penalties with respect to the adherence of hauler truck routes.

6. PUBLIC QUESTION AND ANSWER PERIOD

Bob Hogan, Grieb Road, spoke about Veteran's Tax Exemption and read a prepared statement asking about the impact on taxes in Wallingford and his desire to see the "next" \$10,000 included in the Ordinance.

Robert Sheehan, 11 Cooper Avenue, inquired about the court case involving the American Legion Building and asked if the town has a court date. Chairman Brodinsky said that the status has not changed since that last time it was discussed. Mayor Dickinson said that the Town Attorney has indicated that she will be proceeding with the case and that he hasn't any further details as the Town Attorney is away.

Bob Gross, 114 Long Hill Drive, asked if the public can ask questions when the Council comes out of Executive Session regarding CRRA. Chairman Brodinsky said that questions can be asked but that they may reveal matters that can't be covered.

Robert Sheehan, 11 Cooper Avenue, wanted to know what is happening with the former Simpson School property. Mr. Parisi has spoken with the developer, Robert LaRosa, who said that the market is holding up the development of the property.

7. Report from the Water Division and PUC regarding the impact of lead bullets that land in and around the Ulbrich Reservoir, on the present and future water quality, and the plans of the PUC, if any, to address the situation. Councilor Vincenzo DiNatale

Appearing for the Public Utilities were George Adair, Director of Public Utilities, David Gessert and Richard Nunn of the Public Utilities Commission.

Mr. DiNatale referred to the letter dated July 21, 2008, that was sent to George Adair from Darrell B. Smith, Acting Section Chief, State of Connecticut, Department of Public Health, Drinking Water Section, which reviewed lead monitoring data provided by the Water and Sewer Divisions for samples collected in and around Ulbrich Reservoir and Pistapaug Pond on May 9 and 20 and June 6 and 26 of 2008. (*Appendix II*) Mr. DiNatale said that the letter expressed that the State was concerned about the data they received of the primary drinking water source for Wallingford. He asked about the background for this and does the

PUC share their concerns and how does the PUC intend to respond to their concerns. He read from the letter that the State strongly recommends further evaluation.

Mr. Gessert said that they have done testing of the waters in the town's reservoirs and the water is in excellent shape and there is no threat to the public. He said that in many cases the readings are below what can be picked up on the meter, and the meter goes to parts per billion.

Mr. Adair said that this is a pertinent conversation given the recent articles and discussions that have surrounded the quality of the water that is provided to their customers and of the presence to absence of lead in Ulbrich Reservoir spoke about. He said that water in Ulbrich Reservoir is pumped to Pistapaug Pond where it is withdrawn for treatment at the Paug Water Treatment Plant, and then delivered to customers. From the sampling done in May and June of 2008 and in 1992 and in 1993, information that was supplied to the Town Council and to the Department of Public Health, that the most significant finding from that sampling is that the raw water that is delivered from Ulbrich Reservoir shows no detectable lead. He said that this point cannot be overstressed because this is the mission of the Water Division of the Department of Public Utilities to ensure that safe, reliable water supplies is provided for the Town of Wallingford and that lead concentration fall below state requirements of 50 parts per billion. Currently, he said there is no detectable lead. He spoke about steps for protection of the water supply and that town staff in the future will have more to report as to whether and actions or steps are forthcoming but no specific calendar has been developed yet. He read from Mr. Smith's letter.

Mr. Farrell asked about the water treatment process that includes the removal of certain things from the water and wouldn't lead be one of them. Mr. Adair said that he is not aware that that in an integral part of the treatment process. He said that Mr. Dann is on vacation at this time but that he would report in the future of the efficacy of the treatment process relative to lead either in particulate or in solution. Mr. Farrell recalled that there were modifications to the water treatment plant and asked Mr. Gessert to address that. Mr. Gessert added that there is no detectable lead before the water goes into the treatment plant. He talked about houses painted with lead paint and the runoff from those houses. He also mentioned naturally occurring lead in the ground. Mr. Farrell said it would be helpful to know the information from a technical standpoint if lead can be removed from the water and some idea of the cost involved.

Mr. Testa asked about the impact of lead bullets around Ulbrich Reservoir, which was part of the request of the report out. He asked if they were saying that there is no impact of lead bullets on the water quality, that all indications and testing show that there is no impact. Mr. Gessert said that is correct. Mr. Adair said that relative to the water quality of Ulbrich Reservoir as a source of raw water, that is correct.

Mr. Economopoulos said he assumed that if an independent lab did the same testing, they would have the same results and asked if that was correct. Mr. Adair said that standard of methods of testing water is used throughout and answered yes.

Mr. DiNatale asked about the watersheds. Mr. Adair said that he has no data with which to comment on soils. He recalled Mr. Smith's letter, which said there is

detectable levels of lead in some of the streams entering Ulbrich Reservoir, including one from the south end that runs through areas that are not impacted. There is no rifle range or anything there. He said that there is lead measurable in the streams entering from the direction of the Blue Trail Range and the Rod and Gun Club and that it is shown in the data. Mr. DiNatale said it would be premature to say that conclusions cannot be drawn as to impact given what the state is suggesting, and that it would be premature to say that we have the confidence that there no impact in the water and in the watershed. Mr. Adair said that with all of their testing that he can state with full confidence that they are not delivering measurable levels of lead, that is the threshold for detection of one part per billion, to their customers. He added that the measurable level at which action is required is 50 parts per billion. The discussion was concluded with the Mayor stating that the whole subject is being looked at to understand and to learn as much as possible to whatever standards there are that apply to the situation. Jason Zandri, Lincoln Drive, asked that the town be active and aggressive regarding this and Community Lake.

8. A *brief* update from the PUC regarding the status of:

8a. The McKenzie Reservoir dredging project

Mr. Adair said that they would be going out for bid this fall and work will begin during the 2009 construction season. The change-of-use permit from the State Department of Public Health for use stockpile area is in process, and all other permits have been received. The terms of the bid specs are clearly stated and that several town departments are assisting in the review. He said that the bid would go out with or without the stockpile, as alternate approaches.

8b. The status of CMEEC power investments.

Mr. Adair said that the power supply projects that they have talked about most recently are still under discussion. He said that the Risk Management Committee, of which Mr. Adair sits, will be meeting tomorrow with CMEEC to have an update and a board meeting next week will put together an updated schedule and intended actions.

Dianne Saunders, 72 North ford Road, asked if the public will be able to see the bid document (McKenzie Reservoir dredging project) draft before it's released to see that all of the promises are indeed in the bid specs. Mr.

Adair said that they don't have a formal process for that but that it could be arranged.

9. A *brief* report from the Mayor and Town Attorney on the status of:

9a. Third-Party Administrator for the Self-Insured Health Plan

Mayor Dickinson said that no contract has been signed and that they are endeavoring to make sure that there are not issues or problems with any

contract. He said in addition a bargaining unit (teachers union) has asked for arbitration with regard to the self-insurance.

9b. Demolition of 390 Center Street

Mayor Dickinson said that the contractor worked on abating asbestos or other hazardous issues last week and they are returning this week to complete it. He said that when that is done, the demolition will proceed.

9c. Mayoral appointments of taxpayers to look into the tax impact of the proposed ordinance giving additional tax relief to seniors

The appointment of the committee is complete and will meet at the end of August and they have 60 days to produce a report.

Wes Lube, Montowese Trail asked about the arbitration (self-insurance). Mayor Dickinson said that he is not directly involved in the negotiation process but according to what he understands, a union has filed for arbitration with regard to some form of objection to the town's moving to self-insurance. He said that it is the teachers' union. Mr. Lube asked if it meant that as long as there is unresolved arbitration, that we would continue to operate without an administrator. Mayor Dickinson said that at the current time Anthem has been administering as if there were a contract. He said that the town will evaluate what concerns there are regarding the arbitration, and that it's not impossible for the town to move back to fully insured depending on the issues.

- Chairman Mike Brodinsky

10. Executive Session pursuant to Connecticut General Statutes §1-200 (6)(E), §1-210(b)(1) and (5)(B) and (7), 7-232a relative to the discussion of commercially sensitive elements - Public Utilities Commission
11. Executive Session pursuant to Section 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation in the matter of the Town of Wallingford v. Peter Dunabeitia – Town Attorney
12. Executive Session pursuant to Section 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation in the matter of the Town of Wallingford v. Michael Parsons, et al – Town Attorney

13. *Executive Session pursuant to Section 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation in the matter of the Town of Wallingford v. S. Kasowitz & Sons – Town Attorney*

Withdrawn

14. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor
15. Executive Session pursuant to Section 1-210(h)(5) of the Connecticut General Statutes with respect to Trade secrets and feasibility analysis regarding CRRA negotiations – Mayor

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

10. Connecticut General Statutes §1-200 (6)(E), §1-210(b)(1) and (5)(B) and (7), 7-232a relative to the discussion of commercially sensitive elements as requested by the Public Utilities Commission.
11. § 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation in the matter of the Town of Wallingford v. Peter Dunabeitia as requested by the Town Attorney
12. § 1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending litigation in the matter of the Town of Wallingford v. Michael Parsons, et al as requested by the Town Attorney
14. §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as requested by the Mayor.
15. § 1-210(h)(5) of the Connecticut General Statutes with respect to Trade secrets and feasibility analysis regarding CRRA negotiations as requested by the Mayor.

Mr. Farrell seconded. All Councilors present (9) voted Aye and the motion passed. The Council entered into Executive Sessions at 8:00 P.M.

Mr. Testa made a motion to come out of Executive Sessions. Mr. Farrell seconded. The Council exited Executive Sessions at 10:18 P.M.

Attendance at Executive Sessions:

Item # 10 - Nine (9) Councilors, Mayor Dickinson, Corporation Counsel Adam Mantzaris, George Adair, David Gessert, Richard Nunn, Rick Hendershot and the attorney for CMEEC. 8:00 P.M. to 8:45 P.M.

Item # 11 - Nine (9) Councilors, Mayor Dickinson, Corporation Counsel Adam Mantzaris. 8:45 P.M. to 8:50 P.M.

Item # 12 - Nine (9) Councilors, Mayor Dickinson, Corporation Counsel Adam Mantzaris. 8:50 P.M. to 9:00 P.M.

Item # 14 - Nine (9) Councilors, Mayor Dickinson, Corporation Counsel Adam Mantzaris. 9:00 P.M. to 9:20 P.M.

Mr. Spiteri left the meeting.

Item # 15 - Eight (8) Councilors, Mayor Dickinson, Corporation Counsel Adam Mantzaris. 9:20 P.M. to 10:18 P.M.

16. Consider and Approve Budget Amendment in the Amount of \$179, 110 from Retained Earnings for Wallingford Electric Division (WED) participation in Sustainable Energy Analytics LLC SEA – Electric Division

Mr. Testa made a motion to Approve a Budget Amendment in the Amount of \$179, 110 from Retained Earnings for Wallingford Electric Division (WED) participation in Sustainable Energy Analytics LLC SEA as requested by the Electric Division. Mr. Farrell seconded. Chairman Brodinsky said that he is supporting this motion.

No further comments from the Council or the public.

All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

17. Consider and Approve Resolution authorizing the Town of Wallingford, acting through the PUC, to become a member of the Connecticut Transmission - Municipal Electric Cooperative - Public Utilities Commission

Mr. Testa made a motion to Approve Resolution authorizing the Town of Wallingford, acting through the PUC, to become a member of the Connecticut Transmission - Municipal Electric Cooperative as requested by the Public Utilities Commission.

Mr. Farrell seconded. There were no comments from the Council or the public. All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

18. Motion to consider and approve the settlement of the Town of Wallingford v. Peter Dunabeitia as discussed in Executive Session – Town Attorney

Mr. Testa made a motion to approve the settlement of the Town of Wallingford v. Peter Dunabeitia as discussed in Executive Session and as requested by the Town Attorney.

Mr. Farrell seconded. There were no comments from the Council or the public. All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

19. Motion to consider and approve the settlement of the Town of Wallingford v. Michael Parsons, et al as discussed in Executive Session – Town Attorney

Mr. Testa made a motion to approve the settlement of the Town of Wallingford v. Michael Parsons, et al as discussed in Executive Session and as requested by the Town Attorney.

Mr. Farrell seconded. There were no comments from the Council or the public. All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

20. *Motion to consider and approve the settlement of the Town of Wallingford v. S. Kasowitz & Sons as discussed in Executive Session – Town Attorney*

Withdrawn

21. Acceptance of State of Connecticut DECD Grant in the Amount of \$50,000 for the Historic Preservation Trust and Authorize pass through of the funds to the Historic Preservation Trust in accordance with terms of the Grant – Mayor

Mr. Testa made a motion to accept of State of Connecticut DECD Grant in the Amount of \$50,000 for the Historic Preservation Trust and Authorize pass through of the funds to the Historic Preservation Trust in accordance with terms of the Grant as requested by the Mayor.

Mr. Farrell seconded. There were no comments from the Council or the public. Six (6) Councilors voted Aye, and the motion passed. Mr. Farrell and Mr. LeTourneau abstained from the vote, and Mr. Spiteri was absent.

ADDENDUM TO THE AGENDA

22. Discussion and possible action regarding bid waiver and transfer of funds to hire a consultant to assist the Town in negotiations regarding municipal waste disposal as discussed in Executive Session. – Mayor

In attendance Don Roe, Director Program Planning and Doreen Zaback,
Coordinator Resource Recovery Project.

There were no comments from the Council. Bob Gross, 114 Long Hill Drive, asked what the funds were for and would like to have seen more communication. Mayor Dickinson responded that the consultant would be reviewing the municipal services agreement, the details of the business deal and the financial assumptions and budgets. He said that those are the first two work assignments. Mr. Gross stated that he wished that the town had moved forward on this in a more proactive way earlier and that there was more communication between the Policy Board and the Town Council with this information over the past two years that the Policy Board has been discussing this subject.

- 22a. Chairman Brodinsky made a motion to transfer (*Appendix III*) \$33,000 to Municipal waste Disposal Consultant Acct # 001-1302-901-9001 from Contingency – General Purpose Acct # 001-7060-800-3190. Mr. Farrell seconded.

All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

- 22b. Chairman Brodinsky made a motion for a bid waiver to allow the town to continue the service of R.S. Lynch & Company in evaluating the solid waste options for the Town of Wallingford. (*Appendix IV*)

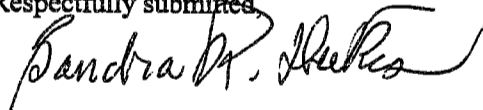
No further comments were made on this item.

All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

Mr. Parisi made a motion to adjourn. Seconded by Mr. Farrell. All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent.

The meeting was adjourned at 10:37 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandy Weekes

Mike Brodinsky, Chairman

Date

Barbara Kapi, Town Clerk

Date

RECEIVED FOR RECORD 8/22/2008
AT 3 H 48 M P M AND RECORDED BY
Barbara Kapi TOWN CLERK