

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT  
TOWN COUNCIL MEETING

SEPTEMBER 23, 2008

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, September 23, 2008, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Mike Brodinsky Called the Meeting to Order at 6:43 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, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were also present. Michael Spiteri was absent from the meeting due to family school activities.

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

2. Chairman's Report

Chairman Brodinsky announced that Consent Agenda Item 3h. and Item #12 have been withdrawn from the agenda. He said that there is an opening on the Housing Authority Board and that if anyone has an interest in the position to send a letter to the Town Council Office.

Gerry Klaverkamp presented a United States flag from his younger brother, Major David Klaverkamp, to the Town Council Chairman and to the Mayor for the Town of Wallingford with  
"...the hope that the Town of Wallingford could possibly find a special spot for it in any capacity in the 'halls' of our own Wallingford Town Hall, carrying the pride and love of Wallingford from one of our own 'Few and Proud Marines' fighting for freedom in a far away land."

He said that the flag was flown over a free Iraq on its inaugural combat mission July 4, 2008. He expressed his brother's love of Wallingford in the presentation of the flag. Mr. Klaverkamp also shared that on April 17<sup>th</sup>, the birth date of Lyman Hall, another flag, flown over another combat mission in Iraq, was presented to Lyman Hall High School in Memorial Day ceremonies of 2008.

- 3a. Consider and Approve Tax Refunds (#105 - #172) totaling \$8,502.60  
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve the Appointment of David Parent as an Alternate to the Inland Wetlands Commission for a three-year term expiring March 1, 2011 - Republican Town Committee
- 3c. Acceptance of Donation from Wallingford Rotary Foundation and Appropriation for Young Astronauts Club in the Amount of \$1,000 to Donations Acct # 226-1042-701-7010 and to Expenditures Acct # 226-3070-611-6500  
- Youth and Social Services

Town Council Chambers  
Wallingford Town Hall 45 South Main Street  
Wallingford, CT 06492

- 3d. Consider and Approve an Appropriation in the Amount of \$7,550 to Expenditures –Youth Services Acct # 001-3020-607-6600 and to Revenue- CT State Grant Acct #001-1040-050-5000 – Youth and Social Services
- 3e. Resolution authorizing the Mayor to sign agreement “Project Grant Agreement Between the State of Connecticut and the Town of Wallingford under local bridge program for West Dayton Hill Road over Muddy River, Bridge # 04834 - Engineering
- 3f. Approve Town Council Special Meeting Minutes for September 4, 2008
- 3g. Approve Town Council Special Meeting Minutes for September 9, 2008
- 3h. *Set a Public Hearing Pursuant to Section 7-163(e) of the Connecticut General Statutes for October 14, 2008 at 8:00 P.M to Consider whether the Town of Wallingford should accept a Conservation Easement on 135 Fawn Drive - Chairman Mike Brodinsky*  
  
*Withdrawn*
- 3i. Consider and Approve the Use of the Parade Grounds by the Wallingford Paraprofessional Union #75 on October 2, 2008 from 4:15 P.M. to 5:00 P.M. for informational purposes – Chairman Mike Brodinsky

#### MOTION

Mr. Testa made a motion to Approve the Consent Agenda 3a. to 3g. and 3i. Mr. Farrell seconded the motion. All Councilors present (8) voted Aye, and the motion carried. Mr. Spiteri was absent from the meeting.

#### 4. Items Removed from Consent Agenda

*None*

#### 5. PUBLIC QUESTION AND ANSWER PERIOD

Participants in the Public Question and Answer Period:

Jason Zandri, Lincoln Drive, spoke about the removal of a very old elm tree that was in front of the Parson House and suggested that the town mount a plaque on it stump, which has not been removed. He said that the tree was as important as the historic house.

Wes Lube, Montowese Trail, wanted to know the definition of a conservation easement. Chairman Brodinsky said that it is described in depth by Inland Wetlands and Watercourses, and basically, it is to protect land in an area of development.

Wayne Gilbert, 44 South Cherry Street, UPSU union spokesperson, talked about points involved in binding arbitration. He invited the Council to look more closely at union negotiations and also mentioned the union’s FOI issues.

Phil Wright, Sr., spoke of his observations of the demise of 390 Center Street building.

Geno Zandri, 9 Balsam Ridge Circle, spoke about his concern of the blind curve and the school bus stops on Northfield Road. Speed is an issue and Chairman Brodinsky said that he would contact the Police Chief. Jason Zandri suggested a three-way stop sign to address the issue.

6. Acceptance of a gift of a "Wallingford" sign from the Yankee Silversmith Parlor Car from the Mesite family - Mayor

This gift was accepted by the Mayor with gratitude. He said that it is in storage until an appropriate location is found for it. He said that the town appreciates the gift of the sign.

7. Consider and Approve a Budget Amendment in the Amount of \$85,000 to Collection System and Appurtances Acct. # 463-9012-343 from Appropriation to Retained Earnings (Cash) – Use of Funds – Sewer Division

For Items 7, 8 and 20, George Adair, Director of Public Utilities, and Roger Dann, General Manager of the Water and Sewer Divisions were present. Mr. Adair and Mr. Dann said that the letters that were sent to the Mayor address the requests that were being made tonight. Mr. Dann added why they want to go forward with the project at this time is to have the sewers installed and the disruption to the road completed prior to road construction.

#### MOTION

Mr. Testa made a motion to Approve a Budget Amendment in the Amount of \$85,000 to Collection System and Appurtances Acct. # 463-9012-343 from Appropriation to Retained Earnings (Cash) – Use of Funds as requested by the Sewer Division. Mr. Farrell seconded the motion.

Mr. DiNatale asked if this was in the area of the Fieldstone Farm development. Mr. Dann replied that this is from the interse3ction of Grieb and Leigus Roads running approximately 650 feet going southwesterly so that is above the other project and is unrelated to that project.

Mr. Parisi acknowledged the fine work that was done by the water and sewer divisions last week on the water main break downtown and asked Mr. Dann to convey our thanks to his people for a job that was well-done. Mr. Dann said that they did a great job and that he would let them know of the Council's acknowledgement.

No further comments or questions were made by the Council or the public.

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

8. Consider and Approve a Budget Amendment in the Amount of \$11,600 to Outside Services Acct. # 463-8920-923 and to Source of Funds – Appropriation from Retained Earnings – Cash for Rate Stabilization Water Division

#### MOTION

Mr. Testa made a motion to Approve a Budget Amendment in the Amount of \$11,600 to Outside Services Acct. # 463-8920-923 and to Source of Funds – Appropriation from Retained Earnings – Cash for Rate Stabilization as requested by the Water Division. Mr. Farrell seconded the motion.

Mr. Dann said that they appropriated funds last year with the expectation that the arbitration process would be completed in the previous fiscal year but that the process did drag on longer than expected so in order to pay the invoices that are now arriving they need to appropriate funds in the current fiscal year. He said that for the most part they are appropriating funds that were left over at the end of last year although it is slightly higher than what the original estimate was.

There were no further comments or questions from the Council or the public.

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

Item 20. was moved up by Chairman Brodinsky.

20. Consider and Approve a Transfer in the Amount of \$6,000 to Operating Labor and Expense Acct # 431-8640-642 from Maintenance of Structures & Improvements Acct # 431-8640-651 – Water Division

#### MOTION

Mr. Testa moved to Approve a Transfer in the Amount of \$6,000 to Operating Labor and Expense Acct # 431-8640-642 from Maintenance of Structures & Improvements Acct # 431-8640-651 as requested by the Water Division. Mr. Farrell seconded.

Mr. Dann said there is a funded project to convert the communications that they utilize for the SCADA, supervisory acquisition system, from a leased phone line communication basis to a radio base system. As the development if this project proceeded, they were asked to consider the possibility of integrating their needs with those of the Electric Division. He said that they investigated that option and have concluded that they will proceed on their own and look at options for the future with their system.

There were no further comments or questions from the Council or the public.

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

9. Consider and Approve Acceptance of the Lease for the Wallingford School System Telephone System Upgrade – Superintendent of Schools Dale Wilson

In attendance for Item 9 were Superintendent of Schools, Dale Wilson, Board of Education Chairman Mike Votto and Randall Backus, Director of Information Technology.

#### MOTION

Mr. Testa moved to Approve Acceptance of the Lease for the Wallingford School System Telephone System Upgrade as requested by the Superintendent of Schools Dale Wilson. Mr. Farrell seconded.

Mr. Wilson referred to his letter and said that they are lease-purchasing a telephone system upgrade for the Wallingford School System per the charter and purchasing ordinances. He said that because it is a non-instructional system, it has to be approved by the Council. He said that this is something that is in the budget to lease-purchase over the next four years so that they can complete the project

now. He said that many of the school system phone systems are over 20 years old, and there have been a number of different problems at various schools. He explained the lease-purchase choice over four because the price is over \$300,000, and they couldn't absorb that in one year's budget so that is why they are phasing it over four years.

Mr. Farrell asked about school security and individual school issues. He wanted to know if the system would have the capability that can blast out a voice mail to all of the phone lines in that building or if it were a system-wide problem. Mr. Backus said that the system has the capability for group voice mail to recipients in that building. Mr. Farrell said that is a good reason to have a system like this. He said that he works in a building with several thousand people and their system allows for a voice mail to everyone.

Mr. LeTourneau asked about the lease-purchase arrangement for this system and wanted to know if they couldn't just be leased. Mr. Wilson said that they would want to own the system and that what they are doing up front is leasing to get the system over four years so they can own the system and pay over four years. Mr. LeTourneau pointed to the problems that would be covered under the lease but if you own the system then you own the problems. Mr. Backus said that there is a one-year warranty, and after that there is a maintenance contract to cover any problems. Mr. LeTourneau noted that this system was originally covered by the 11-school renovation project but was value-engineered out. He asked about the cost of the system at that time. Mr. Wilson said that he would get information to Mr. LeTourneau. Mr. Wilson said that the renovation project is now ten years old when these phones were only 10 years old. He said that it is in the last few years that problems have occurred.

Jason Zandri, Lincoln Drive, asked about the budget. Mr. Wilson said reviewed the budgets for each year and said that the price of the system is very competitive.

Wes Lube, Montowese Trail asked what is being accomplished with this system. Mr. Backus said that the current system is on central system at Sheehan and each of the other buildings have a stand-alone system of 10 to 20 years. The new system will upgrade the main phone system at Sheehan to be the central, district phone system with smaller units at each school that will communicate back to the central office thus having one, unified system with voice mail for all teachers and staff with other features, such as 4-digit dialing.

There were no further comments or questions from the Council or the public.

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

Because of the relationship between Items 10 and 11, they were discussed together.

10. Discussion and Possible Action on the implementation of P.A. 08-03, which may require the Town to post on its website minutes of the Town Council and the minutes of various other Town Boards and Commissions – Chairman Mike Brodinsky

*No action was taken.*

Chairman Brodinsky said that we were recently made aware of this Public Act 8-03 that would require the municipality to post minutes of the Town Council and boards and committees on the website of the municipality. He asked, if the statute does say that, how is it going to work.

Town Attorney Janis Small said that she has spoken with other town attorneys and commented that the end result is, if available, the posting of the minutes on the website. She said there is some debate as to how far it actually goes. She said that Don Roe can speak to getting us to a point where we can do all that. Chairman Brodinsky said that the act was approved in June 2008. Attorney Small said that the town is proceeding to comply with the act and that it is being treated as a requirement and that the town is looking to see how to comply with it. She said that all of the main boards would need to comply, including advisory committees. She said that she will speak with someone also at FOI.

Mayor Dickinson said that the town intends to comply with all of the boards, commissions, and committees posting and that the position is that at the point that this requires the town to hire additional people that we will not have a website.

Mr. Testa asked if there is a reference actually to municipalities. He said that what he sees are references to public agencies of the state, and where does it say that towns have to do this. Attorney Small said that is part of the debate between town attorneys, and they concluded that the definition of a "public agency" in the public act is about us too. She said that it is not well written and that is why there was a debate. She said that you have to back to the statute, which wasn't amended, includes municipalities in the definition of Public Agency. She said Public Act 8-03 was put into a Special Session and that the town attorneys she has spoken with did not know about it. She said that the section that this replaces is a section that applies to municipalities.

11. Consider and Approve a Bid Waiver for Internet Consultant Services, Web Solutions  
- Program Planning

#### MOTION

Mr. Testa made a motion to Approve a Bid Waiver for Internet Consultant Services, Web Solutions, as requested by Program Planning. The motion was seconded by Mr. Farrell.

Don Roe, Director of Program Planning and Laurie O'Brien of Web Solutions discussed plans that are currently underway for compliance with Public Act 8-03. Mr. Roe said that funds for new content management software and other site enhancements were requested to the Mayor in the 2008-09 budget. He refers to it as a major tune-up of the town's website related the town's interest in being able to bring more in-house site maintenance and to improve the site's ease of navigation to users as well as site content. He said he asking for a bid waiver to use the current consultant in part because of the state statute being reviewed along with its deadline and the need to expedite the website's upgrade. He said that they anticipate the project to cost approximately \$4,000 and that these funds were budgeted for the project. Mr. Roe said the project might take about two months for compliance. Ms. O'Brien said it could be down to six weeks and in the interim they support managing the existing site. She said that it can be as expeditious as the client needs it. There was technical discussion of how minutes could be posted to the website among the various boards and commissions. Mr. Roe said that there are 3 people (Mr. Roe, Mr. Hanley and Ms. Wolf), who work in the website in his office and his expectation would be that they would continue to operate in that regard and that they would need to receive minutes by disk or floppy or email and that Program Planning would post it.

Mr. Farrell noted what might be a mixed message when looking at Mr. Roe's letter which refers to purchasing content management software. He said that Department of Consumer Protection has about 16 boards and commissions and that he has five people working full-time of this kind of thing. He said the process is difficult and then he referred to what Mr. Roe said in purchasing

content management software and that he assumes that people in Mr. Roe's office will have to be trained on that software and then Mr. Dickinson saying if this requires more employees, then we aren't going to have a website anymore. Mr. Farrell asked if Mr. Roe wasn't going down a path that might mean no website, and then asked if there was a simpler way of doing this then what he was suggesting. Ms. O'Brien described the process to upload a file to the site and discussed file protection. Mr. Farrell asked for clarification regarding personnel needed to accomplish this. Mr. Roe said that they will continue to chip away at it within the staffing resources that they currently have available and allocate to it. Mr. Farrell said that six months from now, he doesn't want the result, based on what the Council does tonight, to be that there will not be a town website.

Mr. Testa compared the posting of documents in compliance with the law to be a simple process on a basic site v. what it might be on a sophisticated website where it could be expensive. He doesn't see why minutes can't be prepared in a format that can be used to post the document on the website, like a .pdf file, and email them to Program Planning for website posting. He asked why with the authority to do so, someone wouldn't be able to the website and upload a file, the idea being to diversify the workload in posting to the website.

Chairman Brodinsky asked what the philosophical reasoning in having the process of posting to the website be from the Program Planning Department, and not directly from the office generating the document. Mr. Roe said that his experience has been crawling before walking, to take it a step at a time, and if, in fact, there is the need for assistance elsewhere, then it would be broached with the Mayor and those departments. He reminded everyone that they had already planned to do a website upgrade and that P.A. 08-03 has pushed forward the planned upgrade to the website.

Jason Zandri, Lincoln Drive, offered his expertise in the project of posting minutes to the website. He said that it could be easy and fast.

Wes Lube, Montowese Trail, asked for a definition of "minutes" in regard to PA 08-03, clarification on the timing of filing minutes, and about the Housing Authority's minutes. Attorney Small said that minutes are a record of a meeting, and technically, the motions of the meeting can be called minutes. She said that the 48 hour requirement is the deadline for filing of the motions and that 7 days is the requirement for filing of the minutes of a meeting. The Housing Authority is a separate legal entity.

Bob Gross, 114 Long Hill Drive, Asked about non-compliance and the other towns that are clients of Web Solutions.

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

Chairman Brodinsky announced that Item # 15 was withdrawn from the meeting.

12. *Conduct a Public Hearing at 8:00 P.M. and, thereafter, Possible Action on the Sale of the American Legion Building, including a possible reference to the Planning and Zoning Commission pursuant to Section 8-24 of the Connecticut General Statutes*  
- Chairman Mike Brodinsky

*Withdrawn*

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

a. The sale of tax liens to Fulton Forbes

Attorney Small said that we are down to a couple of paragraphs that should be resolved and that the town will give them the town's final comments tomorrow.

b. The status of the appeal from the action of Meriden's ZBA approving development of a used car business

Attorney Small said that the appeal is in the works and is in draft form presently that she expects to have it served probably by Friday.

c. The status of the sale of and plans for closing Dudley Ave., Carlton Street and Nichols Street

Attorney Small said that the status of sale and plans of Dudley is being worked on by Adam (Mantzaris) and that she understands that the closing will be this week. She said that he has been working on a daily basis with Attorney Molloy getting the documents finalized.

d. The long-anticipated demolition of 390 Center Street

Mayor Dickinson said that the demolition of 390 is in process.

e. The status of the vacancies in the Conservation Commission

Mayor Dickinson said that he will be holding interviews for the Conservation Commission vacancies in the next several weeks.

There were no comments or questions from the Council or from the public.

- Chairman Mike Brodinsky

*No action was taken.*

Reports were given by Town Attorney Janis Small and Mayor Dickinson. There were no comments or questions from the Council or the Public.

14. The status of AT & T's plans for carrying Channels 18, 19 and 20 on its U-Verse System, and the status and impact, if any, of the requirement that AT & T seek retroactive approval from nearby residents for the installation of the U-Verse utility boxes – Chairman Mike Brodinsky

Mayor Dickinson discussed the cost to the town for broadcasting Channels 18, 19 and 20 and said that Scott Hanley, Manager of Government Television, is in the process of identifying a system for the town. He thought that AT & T might be in attendance but they were not. Mr. Parisi suggested that AT & A be issued a specific invitation when the item comes up again after decisions from the DPUC.

15. *Discussion and Possible Action of the Wallingford Trash Facility/Covanta/CRRA*  
- Chairman Mike Brodinsky

*Withdrawn*

Chairman Brodinsky provided the public an opportunity to speak to Item #15.



Bob Gross, 114 Long Hill Road, asked the Council if they have a timeline of when they might have a decision on what the town might want to do with the plant. Chairman Brodinsky said that the went over the timeline with Mr. Kirk of CRRA and that he said that he would like to have a decision from the town the first week of October and that October 2 is a potential meeting time for a vote on this. Chairman Brodinsky said that this is dated information right now because it is more than 48 hours on this issue. Mr. Gross referred to a newspaper article and asked the Mayor to elaborate the quote in the paper. Mayor Dickinson said that Wallingford does not want to purchase the plant at this time. Mr. Gross asked if the town wanted to be part of a group that will purchase the plant. Mayor Dickinson said that is what is under discussion. Mr. Gross continued asking if Wallingford does not participate or CRRA does not purchase the plant, what can happen to the old Barbarino property. Mayor Dickinson said that CRRA owns the old Barbarino property and whether or not the project continues and whether or not some other operator is involved with the plant, the Barbarino property is owned by CRRA, so it's a completely separate asset of CRRA. Mr. Gross next asked about a transfer station of that property. Mayor Dickinson said that the discussion of a transfer station was an option assuming that the facility, the Resource Recovery plant, would not be operating. He said that he does not think that anyone saw the need or the potential for the transfer station and the resource recovery plant to both be operating. He said that there isn't a strong likelihood of the transfer station project going forward given that there appears to be some economic viability for the resource recovery plant to continue operation.

16. 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
17. Executive Session pursuant to Connecticut General Statutes §1-225(f), §1-210(b)(5)(B), (7), (10) and §1-200(6)(E), regarding the confidential financial and legal aspects of the CRRA/Covanta trash project and legal advice relating thereto - Mayor
18. Executive Session pursuant to §1-200(6)(E) of the Connecticut General Statutes regarding strategy and/or negotiations with respect to Collective Bargaining – Personnel

#### MOTION

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

16. §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.
17. Connecticut General Statutes §1-225(f), §1-210(b)(5)(B), (7), (10) and §1-200(6)(E), regarding the confidential financial and legal aspects of the CRRA/Covanta trash project and legal advice relating thereto as requested by the Mayor.
18. §1-200(6)(E) of the Connecticut General Statutes regarding strategy and/or negotiations with respect to Collective Bargaining as requested by Personnel.

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

The Council entered into Executive Session at 8:27 P.M.

**MOTION**

Mr. Testa made a motion to come out of Executive Session. Mr. Farrell seconded.

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

The Council exited Executive Session at 9:27 P.M.

**EXECUTIVE SESSION ATTENDANCE, SESSIONS IN ORDER LISTED:**

**Item 18: 8:28P.m. to 8:44 P.M.**

Eight (8) Councilors. Mayor Dickinson, Town Attorney Janis Small, George Adair, Roger Dann, Terrence Sullivan and Attorney Dennis Ciccarillo. Mr. Spiteri was absent from the meeting.

**Item 16: 8:45P.m. to 8:20 P.M.**

Eight (8) Councilors. Mayor Dickinson, Town Attorney Janis Small, Fire Chief Peter Struble until 9:10 P.M. Don Roe from 9:10 P.M. to 9:20 P.M. Mr. Spiteri was absent from the meeting.

**Item 17: 9:20P.m. to 9:23 P.M.**

Eight (8) Councilors. Mayor Dickinson, Town Attorney Janis Small and Don Roe Mr. Spiteri was absent from the meeting.

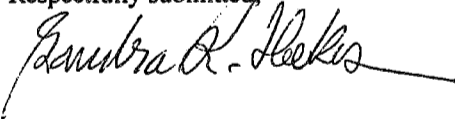
19. *Possible Action regarding Water Unit Interest Arbitration Award as discussed in Executive Session – Personnel*

*No action taken.*

**MOTION**

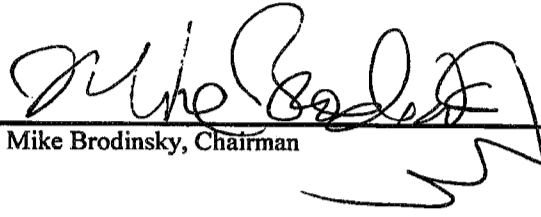
Mr. Testa made a motion, seconded by Mr. Farrell, to adjourn. All Councilors present (8) voted Aye, and the motion passed. Mr. Spiteri was absent from the meeting. With no further business to conduct, the Council adjourned at 9:28 P.M.

Respectfully submitted,



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

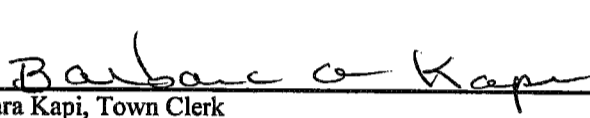
RECEIVED FOR RECORD 9/30/08  
AT 3 H 55 M P M AND RECORDED BY  
Barbara a Kapi TOWN CLERK



Mike Brodinsky, Chairman

11/24/08

Date



Barbara Kapi, Town Clerk

11/24/08

Date