

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

May 25, 2004

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, May 25, 2004 in the Robert Earley Auditorium of the Wallingford Town Hall. The meeting was Called to Order by Council Chairman, James M. Vumbaco, at 7:37 P.M. Responding present to the Roll Call given by Betty Sprafke of the Town Clerk's Office, were Councilors Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa, James M. Vumbaco and Mayor William W. Dickinson, Jr.. Also present were Comptroller, Joseph Swetcky, Jr. and Town Attorney, Janis Small.

Pastor Terry Frizzell, Church of the Nazarene, gave a blessing and the Pledge of Allegiance was said. Roll Call was taken.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds totaling \$2,336.30
Account #001-1401-800-8910- Tax Collector
- 3b. Consider and Approve a Transfer of Funds in the Amount of \$5,000
from Office Supplies & Expenses Acct. #6030-401-4000 to
Purchased Services Computer Indexing Acct. #6030-901-9024 -
Town Clerk
- 3c. Consider and Approve a Transfer of Funds in the Amount of \$1,500
from Salaries and Wages Acct. #6010-101-1000 in the Registrar of
Voters Budget to Personal Computer - Voter Registration Acct.
#6030-999-9908 - Town Clerk
- 3d. Consider and Approve a Transfer of Funds in the Amount of \$5,200
from Maintenance of Equipment Acct.#6030-570-5200 - \$2,000
from Dog Tags & Supplies Acct. #6030-401-4010 - \$627.00
from Office Expenses & Supplies Acct. #6030-401-4000 - \$1,000
from Mail & Copy Center Expenses Acct. #1401-401-4100 - \$1,573

to Regular Salaries and Wages Acct. #6030-101-1000 – Town Clerk

- 3e. Consider and Approve the Title of Acct. 6030-999-9903 be changed to Desk/Filing Cabinets from Map Filing Cabinets to more accurately reflect the intended use of the funds for office efficiency. – Town Clerk
- 3f. Consider and Approve a Request from the First Congregational Church for use of the Parade Grounds in front of the church buildings at 9, 23 and 35 South Main Street on Sunday, June 13, 2004 between the hours of 11:30am and 1:30pm for the annual church picnic. – James M. Vumbaco
- 3g. Set a Public Hearing for Neighborhood Assistance Act for June 8, 2004 at 7:00pm – Program Planning
- 3h. Consider and Approve a Transfer of Funds in the Amount of \$9,000 from Outside Services Acct. #461-8920-923 to Power Purchased for Pumping Acct. #461-8620-623 – Sewer Division
- 3i. Consider and Approve a Transfer of Funds in the Amount of \$2,600 from Purchased Services Engineering Consultant Acct.001-5010-901-9040-00 to Overtime Acc. #001-5010-101-1400-00 – Engineering
- 3j. Consider and Approve a Transfer of Funds in the Amount of \$20,000 to increase Acct. #461-8640-643 from the following accounts:

Pumping Labor & Expense Acct.#461-8620-624 –	\$ 750
Operating labor & Expense Acct.#461-8640-642 -	\$6,850
Maint. Trans. & Collection Lines Acct.#461-8661-673-	\$3,100
Meter Reading Expense Acct. 33461-8900-902 -	\$ 800
Customer Records & Collection Acct. #461-8900-903 -	\$ 600
Administrative & General Salaries Acct.461-8920-920	\$6,800
Outside Services Acct. #461-8920-923 -	\$1,100
Sewer Division	
- 3k. Consider and Approve a Transfer of Funds in the Amount of \$174,787.58 from the 2000 Grand List and \$258,443.36 from the 2001 Grand List for a total of \$433,230.94 to the Suspense Tax Book to Comply with State Statute #12-165 –Tax Collector

Motion was made by Ms. Papale to accept the Consent Agenda 3a-3k as read. Mr. Farrell seconded.

The vote was all ayes. The motion passed.

5. Executive Session pursuant to Section 1-200 (6) (E) of the Connecticut General Statutes to discuss Arbitration Award regarding the IBEW Local 457 Electric Clerical Interest Arbitration Award - Personnel

Motion was made Ms. Papale to enter into Executive Session. Mr. Farrell seconded.

The vote was all ayes. The motion passed.

The Council entered into Executive Session at 6:45 P.M.

Motion was made by Ms. Papale to Exit the Executive Session. Mr. Parisi seconded.

The vote was all ayes. The motion passed.

The Council exited executive session at 7:06 P.M.

Present in Executive Session were all Councilors (9), Terence Sullivan, Atty. Dennis Ciccarillo, Ray Smith, Richard Hendershot and Mayor Dickinson.

6. Discussion and Possible Action regarding the IBEW Local 457 Electrical Clerical Interest Arbitration Award as discussed in Executive Session – Personnel

No action was taken.

7. PUBLIC QUESTION & ANSWER

Michael DelVecchio, 52 Copse Road, Madison, referred to a letter that he sent to the Council in regard to property he is trying to market.

Pasquale Melillo, 15 Haller Place, Yalesville, asked about town tree trimming.

Lucille Trzcinski, 25 Turnberry Road, made comments regarding the general appearance and trash on Garden Road and the Silversmith Park parking Lot. She also reported that the newel post is down and the stairs are in disrepair at Wallace Park.

Mr. Melillo asked about the ball parks in town.

Boy Scout, Chris Williams, Wallingford Troop 1, introduced himself and said that he is working on a Communications Merit Badge. He commented on a science project he is working on in school on the topic of light pollution.

8. Consider and Approve a Transfer of Funds in the Amount of \$9,000 to increase Purchase Services – Custodial Services Acct. #001-5015-901-9014 from:
- | | |
|--|---------|
| Leaf Blower Acct.#001-5015-999-9117 - | \$66 |
| Pressure Treated Fence Acct. #001-5015-999-9122 - | \$1,411 |
| Carpet RR Station Acct. #001-5015-999-9178 - | \$3139 |
| Snow Plow Truck /Equipment Acct #001-5015-999-9901 | \$4,384 |
| Public Works | |

Motion was made by Ms. Papale to Approve a Transfer of Funds in the Amount of \$9,000 to increase Purchase Services – Custodial Services Acct. #001-5015-901-9014 from above named accounts. Seconded by Mr. Farrell.

The vote was all ayes. The motion passed.

9. Consider and Approve a Budget Amendment Increasing by \$3,000,000 the Appropriation for Purchased Power Expenses Acct. #555 and by \$15,000 Taxes Acct. #408 and Increasing Revenue by \$545,000 Sales-Residential Acct. #440 and by \$440,000 Sales-Commercial Acct #442 and the Appropriation from Retained Earnings (Cash) by \$2,030,000 in the FY 2003-04 Budget of the Electric Division.

Motion was made by Ms. Papale to Approve a Budget Amendment Increasing by \$3,000,000 the Appropriation for Purchased Power Expenses Acct. #555 and by \$15,000 Taxes Acct. #408 and Increasing Revenue by \$545,000 Sales-Residential Acct. #440 and by \$440,000 Sales-Commercial Acct #442 and the Appropriation from Retained Earnings (Cash) by \$2,030,000 in the FY 2003-04 Budget of the Electric Division. The motion was seconded by Mr. Knight.

The vote was all ayes. The motion passed.

Mr. Smith: If I could just take a couple of minutes to talk about a couple of other items. I spoke to the young man about the lighting and it's obviously a good idea. I compliment him but we along with the Planning and Zoning Commission adopted a plan several years ago that all new units that are installed in Wallingford are cutoff type lights so we have gone forward with that. Obviously we're not changing out 3,000 or 4,000 of those but we don't buy any of the old style anymore, and all the new ones are the cutoff type fixtures so there is less light lost. We will have a system that will have very little light glare hopefully.

With respect to the matter before you earlier tonight, I just want to alert you, we will need a budget adjustment to cover the contractual adjustments that are needed in next year's budget. We're for this year retroactive pay but next we'll be back probably sometime after the new year starts.

And lastly at the next meeting, I'm going to be here before you discussing a lease agreement. We're in the process of working out the final details on the lease of property at the Electric Division to put two megawatt emergency generators in. These are being acquired by SEMAC and they will site back in the pole yard, kind of out of the way. It's expected that these units will probably run somewhere between 20 and 50 hours a year is all. This is in connection with the load response program being solicited by ISO New England to help meet the short-term demand situation. The details will be before you before then. If anyone has any questions over the next two weeks feel free to call me, and I'll give you some of the background on it.

Chairman Vumbaco: Thank you, Ray. Item #10.

10. Report out on the status of the IX Zone Expansion as requested by James M. Vumbaco

Ms. Papale: Item 10 is a report out on the status of the IX Zone Expansion as requested by James M. Vumbaco

Chairman Vumbaco: Mayor, I just put this on the agenda because I've gotten calls from people who live up on North Elm by where the

new expansion was being thought about. I'm just curious about where we stood on that. Maybe you can give us a brief run down.

Mayor Dickinson: I don't want anyone to misinterpret. It's not an expansion. It is all IX Zone property. The issue is whether the town would be putting roads into the property that is IX Zone and allowing a larger area for Barnes North as well as Centrac Park. It's connected to both of those, or it annexes both of those. It's a matter of --we were doing surveys for location of roads and utilities. We had a conceptual plan that we paid for. It was put together by the firm in Cheshire, Malone and McBrough, and we are in the process of looking to have to route surveyed and the wetlands mapped. Two property owners objected to the surveys and the Town Attorney can indicate to you the status.

Town Attorney, Janis Small: We've tried for months to get an agreement with two of the property owners that own about 67 percent of the land, to access the property for the surveying and wetlands mapping. It finally led to my going to court seeking an injunction order. One of the property owners is going to consent and the other action is still pending. The other property is owned by three individuals, two apparently object, and one wishes to consent, so hopefully next month that will be resolved one way or another. The other property owner is going to consent, so that's where we stand.

Chairman Vumbaco: What happens if it's not ruled in the Town's favor?

Town Attorney, Janis Small: If the judge rules that we're not allowed to do it, and given the amount of land, you would have to ask the surveyor given the amount of land, if it's worth doing the remaining piece. The agreement I have with the other property owners that it would be done in conjunction that property depending on the timing if the court orders it. So we'll take it from there.

Chairman Vumbaco: How much of the property, Janis, is the one that you are suing over?

Town Attorney, Janis Small: I know the two combined is 67 percent because I asked --well, can you not do those two pieces and it be meaningful and the answer was no. I do have a map, I didn't

bring it with me. I'm not sure of the proportions between the two. It's more than one piece.

Chairman Vumbaco: OK. We're at a stand still until we hear?

Town Attorney, Janis Small: Yes, hopefully. It's scheduled for the middle of next month, so I think it's a hearing that should take less than two hours and the judge...we have statutory authority and the judge will either say yes or no.

Chairman Vumbaco: You'll let us know?

Town Attorney, Janis Small: Yes. I let you know either way but certainly if the judge rules that we're not allowed you don't have the authority without their permission then we would have to take a look at what we've got left.

Chairman Vumbaco: OK, good. Thank you. Any Councilors have any questions?

Mr. Spiteri: Janis, is what you are talking about for a right of way easement for a road?

Town Attorney, Janis Small: The last time this was discussed with the Council there was in the engineers report several different options of where to put in the infrastructure roads and utilities. That's really what it's about, and in order for the Council to make a decision, you needed to evaluate the real cost of the project and the only real way to do that is to evaluate where the utilities and the roads would go so what these surveyors were going to do was map it out, the road and put in all the wetlands to make sure that when it's viable what the engineers, based on the information we had to date, it gets you closer to a more realistic estimate of cost. That was the purpose of it. Either there is a statute that allows us to do that evaluation, and it will be up to a judge as to whether we're right or wrong.

Mr. Testa: Do I understand that we're looking to map to potentially use some infrastructure development on private property; and therefore, the people who own that property are objecting to the surveying? I'm a little lost here.

Town Attorney, Janis Small: This is the entire IX Zone in this area. It has no infrastructure. There is no road system. There's no utilities, so it was being looked at as to whether or not we should in fact create a Barnes Park type situation given the fact that the development in that area is pretty much limited to warehousing which a lot of people object to. The only way to develop it to a park like atmosphere would be to put in the infrastructure. Yes, it would involve at this point in time this privately owned land so you would have to –one, do the evaluation, I know the Mayor and the Town engineers had meetings with the various property owners, some interested, some not interested, some of them are on the fence. The whole purpose of this is to evaluate what's feasible and what it would cost and then it would come back to the Council and you'd have to look at it see do you have any interest in going forward with it from this point on. Certainly it's a concern with it being zoned IX with such limited uses because there is no infrastructure. Legally, think there is a concern. I have a concern that as to why it would be zoned IX, if you can't in fact develop it except to a very limited extent. That's why it's all being looked at. It has to do with future planning for the Town.

Mayor Dickinson: I think the major issue is that it's really the last remaining large area that's IX zoned and Economic Development Commission was certainly very interested in what we could do to maximize that as an attractive place for major businesses to locate over the future decades. It's not looked at to immediately develop but as a place to attract businesses and to have a park that would a boon to our tax base and provide employment, etc.

Mr. Testa: It just seems a little confusing. What was the rational for the objections to doing this from the property owners?

Mayor Dickinson: They just don't want a highway coming across their property and are not interested in cooperating.

Town Attorney, Janis Small: That's their right. We tried for months to avoid having to go to court but from a property owners perspective, I certainly understand that if you don't want to do that, I don't have a problem asking a judge for a court order, and if the judge agrees, then fine and if not ...I think some people have mixed feeling about it because if their using it for a certain use now the idea of the potential value is there on their property they have misgivings about going forward or agreeing. Part of it is the unknown.

Chairman Vumbaco called for item #11.

11. Report out by Police Department on efforts to enforce Ordinance #144-2, "Noise" - James M. Vumbaco

Ms. Papale read a memo from Deputy Chief Curran stating that he will give a report to the Town Council at the June 8, 2004 meeting.

12. Discussion and Action to Approve a Resolution authorizing the Mayor to Execute an Open Space Grant Agreement between the Town of Wallingford and the State of Connecticut for Financial Assistance in the Amount of \$500,000 for the Sheehan High School Running Track – Mayor

Motion was made by Ms. Papale to Approve a Resolution authorizing the Mayor to Execute an Open Space Grant Agreement between the Town of Wallingford and the State of Connecticut for Financial Assistance in the Amount of \$500,000 for the Sheehan High School Running Track. Mr. Knight seconded.

The vote was all ayes. The motion passed.

13. Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes to discuss pending litigation in the Town of Wallingford v. Michelle Mattox small claims matter– Corporation Counsel
14. 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
15. Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes to discuss pending litigation in the Town of Wallingford v. Department of Environmental Protection - Town Attorney

Motion was made by Ms. Papale to enter into Executive Sessions pursuant to Items 13, 14, and 15. Mr. Farrell seconded.

The vote was all ayes. The motion passed.

The Council entered into Executive Session at 8:18 P.M.

Motion was made by Ms. Papale moved to Exit the Executive Sessions. Mr. Farrell seconded.

The vote was all ayes. The motion passed.

The Council exited executive session at 9:10 P.M.

Present in Executive Session for Item 13 were all Councilors (9),
Mayor Dickinson and Town Attorney Janis Small.

Present in Executive Session for Item 14 were all Councilors (9),
Jeffrey Borne, Mayor Dickinson and Town Attorney Janis Small.

Present in Executive Session for Item 15 were all Councilors (9),
Mayor Dickinson and Town Attorney Janis Small.

Ms. Papale moved to adjourn. Mr. Farrell seconded. **The vote was
all ayes. The motion passed.**

There being no further business to consider, the meeting adjourned at
9:15 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra Weekes

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date

The vote was all ayes. The motion passed.

The Council exited executive session at 9:10 P.M.

Present in Executive Session for Item 13 were all Councilors (9), Mayor Dickinson and Town Attorney Janis Small.

Present in Executive Session for Item 14 were all Councilors (9), Jeffrey Borne, Mayor Dickinson and Town Attorney Janis Small.

Present in Executive Session for Item 15 were all Councilors (9), Mayor Dickinson and Town Attorney Janis Small.

Ms. Papale moved to adjourn. Mr. Farrell seconded. **The vote was all ayes. The motion passed.**

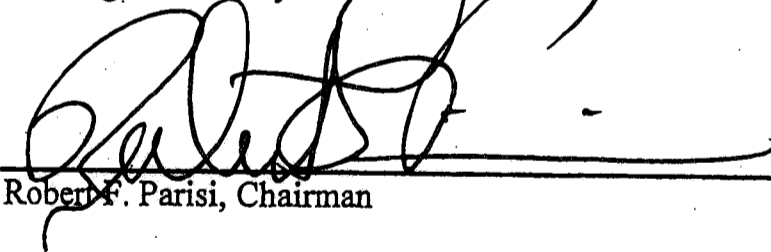
There being no further business to consider, the meeting adjourned at 9:15 P.M.

Respectfully submitted,



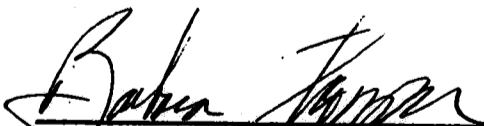
Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra Weekes



Robert F. Parisi, Chairman

10-10-06
Date


Barbara Thompson, Town Clerk

10-10-06
Date