

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

October 12, 2004

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council held on Tuesday, October 12, 2004, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco called the meeting to Order at 6:46 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Vincenzo DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa and James M. Vumbaco. Mayor William W. Dickinson, Jr., Adam Mantzaris, Corporation Counsel and Robert Ronstrom, Acting Comptroller were also present.

Deacon Gene Riotte, Most Holy Trinity Church, Wallingford, gave the blessing.

The Pledge of Allegiance was said and the Roll Call taken.

2. Correspondence

*There was no correspondence.*

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#326-371) totaling \$19,104.70  
Account #001-1000-010-1170- Tax Collector
- 3b. Consider and Approve a Transfer in the Amount of \$2,618 to Revenue Highway Safety Acct # 1050-050-5883 and to Police Overtime Acct # 001-2005-101-1400 - Police Department
- 3c. Consider and Approve a Transfer in the Amount of \$3,000 to Overtime Acct # 001-2020-101-1400-00 from Regular Salaries and Wages Acct # 001-2020-101-1000-00 - Animal Control

Ms. Papale made a motion to accept the Consent Agenda 3a - 3c.. Mr. Farrell seconded. All (9) Councilors voted aye. The motion passed.

4. Items Removed from the Consent Agenda

*None*

5. PUBLIC QUESTION AND ANSWER PERIOD

The following people made comments: Geno Zandri regarding the sidewalk along the cemetery wall on North Main Street Extension and ice on Cook Hill Road; Pasquale Melillo regarding pension investments and pot holes; David Berto regarding Housing Enterprises and the Simpson School project.

6. Public Hearing at 7:00 P.M. for an Ordinance Entitled

AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL ESTATE PROPERTY KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PUPOSE.

Chairman Vumbaco convened the public hearing at 7:03pm for the \$380,000 appropriation and bond authorization for the acquisition of approximately 10 acres of Real Property known as 1351 Scard Road. The ordinance which is the subject of this public hearing is available to the public and may be obtained at this meeting from the Town Clerk.

He asked if there was a motion and a second to read the Title and Section One of the following proposed Ordinance in their entirety and to waive the reading of the remainder of the Ordinance, incorporating its full text into the minutes of this meeting.

Ms. Papale made the motion, and Mr. Farrell seconded.

ROLL CALL VOTE:

DiNatale – yes; Doherty – yes; Farrell – yes; Knight – yes;  
Papale – yes; Spiteri – yes; Testa – yes; Vumbaco – yes.  
Mr. Parisi who was out of the room at the time of the vote.  
8 yes; 1 absent.

The motion passed.

The Title and Section 1. were read.

AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL ESTATE PROPERTY KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PUPOSE.

Section 1. Section 1. The sum of \$380,000 is appropriated for the acquisition of approximately 10 acres of real property in the Town of Wallingford commonly known as 1351 Scard Road, as more particularly described in Volume 917 Page 605 of the Wallingford Land Records, for open space purposes, and for engineering and consulting fees, appraisal, testing, commissions, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs, said appropriation to be in addition to all prior appropriations for said purpose and inclusive of any and all State and Federal grants-in-aid. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcel and to sign purchase contracts and documents necessary to transfer title to the Town of Wallingford.

Chairman Vumbaco asked for comments from the public,

Mayor Dickinson commented that this parcel's value is in water supply protection given the proximity to the reservoirs in the area. Pasquale Melillo asked about buildings on the property; Geno Zandri inquired about ball fields; Robert Sheehan asked about septic systems and zoning; Dianne Saunders said that the property should be kept pristine; Jim Pyskaty said that the Conservation Commission supports this acquisition; Phil Wright Sr. spoke; Charlie Urzanski supports the purchase.

With no more comments from the public, Chairman Vumbaco closed the public hearing at 7:25pm.

He asked for a motion and a second that the ordinance entitled:

“AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL ESTATE PROPERTY KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PUPOSE”,  
be adopted.

Mr. Farrell made the motion, and Ms. Papale seconded.

Councilors Spiteri and Papale made comments.

**ROLL CALL VOTE:**

DiNatale – yes; Doherty – yes; Farrell – yes; Knight – yes;

Papale – yes; Spiteri – yes; Testa – yes; Vumbaco – yes.

Mr. Parisi who was out of the room at the time of the vote.

8 yes; 1 absent. The motion passed.

Chairman Vumbaco declared the ordinance adopted.

*(The ordinance – Appendix I)*

Mr. Parisi returned to the Council Chambers at 8:56pm.

7. Discussion and Action on the Disposition of Simpson School  
– Chairman James M. Vumbaco

Mr. David Berto, Housing Enterprises, and Mr. Robert LaRosa, LaRosa Building Group, spoke with the Council regarding their proposal for the Simpson School property.

Mr. Parisi made a motion to accept the LaRosa Building Group as developer for the Simpson School Property. Ms. Papale seconded.

All Councilors (9) voted Aye. The motion passed.

Ms. Papale made a motion to move up Items 9, 10 and 11 on the agenda. Mr. Knight seconded. All Councilors (9) voted Aye. The motion passed.

9. Consider and Approve a Budget Amendment in the Amount of \$2,500 to increase Appropriation from Retained Earnings (Cash) for Rate Stabilization and to increase Property Insurance Acct # 461-8920-924 – Sewer Division

Ms. Papale made a motion to Approve a Budget Amendment in the Amount of \$2,500 to increase Appropriation from Retained Earnings (Cash) for Rate Stabilization and to increase Property Insurance as presented by the Sewer Division. Mr. Testa seconded.

Roger Dann, General Manager, Water-Sewer Divisions, was present.

Eight (8) Councilors present voted aye. Mr. Farrell was out of the room at the time of the vote. 8 – yes; 1 absent. The motion passed.

10. Consider and Approve a Budget Amendment in the Amount of \$1,500 to increase Appropriation from Retained Earnings (Cash) for Rate Stabilization and to increase Property Insurance Acct # 431-8920-924 - Water Division

Ms. Papale made a motion to Approve a Budget Amendment in the Amount \$1,500 to increase Appropriation from Retained Earnings (Cash) for Rate Stabilization and to increase Property Insurance as presented by the Water Division . Mr. Testa seconded.

Mr. Farrell returned to the Council Chambers.

All Councilors (9) voted Aye. The motion passed.

11. Consider and Approve a Transfer in the Amount of \$12,240 to Property Insurance Acct # 924 from Outside Services Acct # 923 – Electric Division

Ms. Papale made a motion to Approve a Transfer in the Amount of \$12,240 to Property Insurance from Outside Services as presented by the Electric Division. Mr. Testa seconded. All Councilors (9) voted Aye. The motion passed.

Ms. Papale made a motion to move up Item 12 on the agenda. Mr. Parisi seconded. All Councilors (9) voted Aye. The motion passed.

12. Consider and Approve a Transfer in the Amount of \$26,000 with \$13,000 to Property Casualty – Gen Gov't Acct # 001-1603-800-8250 and \$13,000 to Property Casualty – BOE Acct # 001-1603-800-8260 from Self Insurance Worker's Comp Acct # 001-1602-800-8310 – Personnel

Ms. Papale to Approve a Transfer in the Amount of \$26,000 with \$13,000 to Property Casualty – Gen Gov't and \$13,000 to Property Casualty from Self Insurance Worker's Comp as presented by the Personnel Department. Mr. Parisi seconded. All Councilors (9) voted Aye. The motion passed.

Kurt Treiber, Risk Management, was present.

8. Hearing at 8:00 P.M. to Discuss and Make Possible Recommendations regarding the Town Plan of Conservation and Development.– Gerald E. Farrell, Jr.

No action was taken. Councilors will write their own recommendations to the Planning and Zoning Commission.

13. 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

Ms. Papale made a motion to 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. Mr. Farrell seconded. All Councilors (9) voted Aye. The motion passed.

**WAIVE RULE 5**

Mr. Farrell made a motion to Waive Rule V to allow for a second Executive Session. Ms. Papale seconded. All Councilors (9) voted Aye. The motion passed.

- 13A. Executive Session pursuant to Section 1-200 (6) (A) of the Connecticut General Statutes with respect to Personnel Issues – James Vumbaco

The Town Council entered into Executive Session at 9:00pm

Ms. Papale made a motion to exit from Executive Session. Mr. Knight seconded. All Councilors (9) voted Aye. The motion passed.

The Town Council exited Executive Session at 9:37pm

Attendance:

Item 13 Town Councilors (9), Mayor Dickinson and Adam Mantzaris,  
Corporation Counsel.

Item 13A Town Councilors (9).

Mr. Farrell to adjourn the meeting. Ms. Papale seconded. All Councilors (9) voted Aye. The motion passed.

There was no further business to consider, the meeting adjourned at 9:38 P.M.

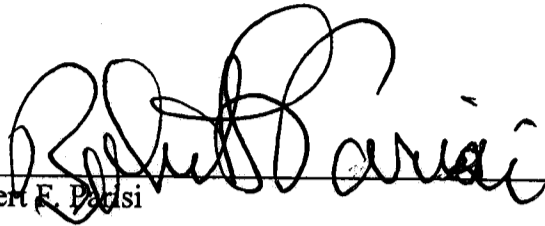
Respectfully submitted,



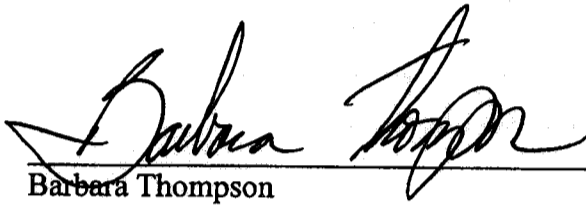
Sandra R. Weekes  
Town Council Secretary

Meeting recorded by Sandra Weekes

RECEIVED FOR RECORD 10-17-06  
AT 3:50 PM AND RECORDED BY  
Debra Thompson TOWN CLERK

  
Robert F. Parisi

10/24/04  
Date

  
Barbara Thompson

10/24/04  
Date

ITEM FOR AGENDA OF MEETING OF TOWN COUNCIL

[Item No.] To conduct a public hearing and consider and act on the following ordinance entitled:

AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE



AN ORDINANCE APPROPRIATING \$380,000 FOR THE ACQUISITION OF APPROXIMATELY 10 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 1351 SCARD ROAD AND AUTHORIZING THE ISSUE OF \$380,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$380,000 is appropriated for the acquisition of approximately 10 acres of real property in the Town of Wallingford commonly known as 1351 Scard Road, as more particularly described in Volume 917 Page 605 of the Wallingford Land Records, for open space purposes, and for engineering and consulting fees, appraisal, testing, commissions, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs, said appropriation to be in addition to all prior appropriations for said purpose and inclusive of any and all State and Federal grants-in-aid. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcel and to sign purchase contracts and documents necessary to transfer title to the Town of Wallingford.

Section 2. To meet said appropriation \$380,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and the amount of bonds of each series to be issued shall be fixed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The

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bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of the purchase agreement shall be subject to approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for

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the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.