

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

December 2, 2008

The following is a record of the minutes of the Regular Meeting of the Wallingford Town Council held Tuesday, December 2, 2008, Robert Earley Auditorium of the Wallingford Town Hall. The Meeting was Called to Order at 6:40 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr. and Corporation Counsel Adam Mantzaris were also present. Councilor Robert F. Parisi arrived at the meeting at 6:50 P.M. and Councilor Vincenzo M. DiNatale arrived at the meeting at 7:43 P.M.

Chairman Brodinsky began the meeting with a Moment of Silence and asked those present to remember Pasquale Mellilo, who passed away on November 19. He said that Pat was a frequent visitor to the Town Council meetings and that a frequent contributor to the Council's proceedings and that everyone will remember him fondly.

The Pledge of Allegiance and the Roll Call was taken.

2. Chairman's Report

Chairman Brodinsky reported that the following items have been withdrawn from the agenda- #6 and #7 Habitat for Humanity; and also #11 CRRA and Covanta. No business will be conducted on those items tonight.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#358- #376) totaling \$1,729.44
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Consider and Approve an Appropriation in the Amount of \$10,463 to Preservation -
Town Share-Revenue Acct # 228-1010-030- 2032 and to Preservation – Expenditures
Acct. # 228-6030-999-9906
– Town Clerk
- 3c.** Approve the Minutes of Special Joint Meeting with the Planning
and Zoning Commission and the Town Council on October 27, 2008
- 3d.** Approve Town Council Regular Meeting Minutes of October 28, 2008

MOTION

Mr. Testa made a motion to approve the Consent Agenda Items 3a. to 3d.

All those present (7) voted Aye. Councilors DiNatale and Parisi were absent. The motion passed.

4. Items Removed from Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, expressed his appreciation for having the pot holes on the John Street bridge filled. He asked that the parking lights that are out in the Town Hall parking lot be replaced.

Bob Gross, 114 Long Hill Road, asked if a 3rd attorney would be reviewing the Covanta and CRRA proposals. Chairman Brodinsky reminded Mr. Gross that the proposals were being reviewed by the five Town Attorneys from the 5-town partners that Wallingford currently has. Mr. Gross said that other towns would not be reviewing the Pilot Program and to recall where we were 20 years ago and where we will be in 20 years. Chairman Brodinsky said that the proposals have been reviewed and he does not foresee any problems with them. He added that this item would be on the agenda for the Dec. 16th Town Council meeting.

6. *Presentation by Habitat for Humanity concerning a possible gift of real estate from the Town of Wallingford – Mayor*

Withdrawn

7. *Discussion on and Possible Action to set a Public Hearing to consider the conveyance of said Real Estate to Habitat for Humanity – Mayor*

Withdrawn

8. Discussion and Possible Action to Amend 2008-2009 Town Budget personnel pages to increase Police Department personnel by one to include previously approved Police Network Administrator position - Police Chief

In attendance were Chief Douglas Dortenzio and Mr. James Hutt, Assistant Personnel Director.

MOTION

Mr. Testa made a motion, seconded by Mr. Farrell, to Amend 2008-2009 Town Budget personnel pages to increase Police Department personnel by one to include previously approved Police Network Administrator position as requested by the Police Chief.

In response to Mr. Sheehan's question, the salary and benefits of the position would be about \$100,000.

There were no questions from the Council.

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

Due to the early time, the Council moved onto Item 10.

10. Discussion and Possible Action on Marketing 1300 Barnes Road – Chairman Mike Brodinsky

Chairman Brodinsky said that 1300 Barnes Road is town-owned property that was acquired in the 1940s via foreclosure, and it has been sitting in our ownership since that time and that it came to the Council's attention in 2007 when Habitat for Humanity expressed an interest in the lot. He said that he asked the Engineering Department for a map of the property, not an A-2 survey, but an unofficial map that is pretty accurate except for a possible encroachment by a neighbor on this town-owned property in the form of a driveway. He said that it would be difficult to sell with the encroachment, if there is one, until that is resolved. He said that he is suggesting to the Council if there is any interest in referring this to the Law Department to find out if there is an encroachment, and, if so, what it is and what action is necessary and appropriate to give some options to resolve the problem so that it can be sold without any complications. He said that Attorney Small is aware that this referral might be coming to the Law Department. He said that if we are not interested in selling the property then the Council would draw her into it.

Mr. Farrell asked how extensive would the action regarding the encroachment be. He said that you couldn't gain adverse possession against the sovereign, so seemingly it is a matter of telling the people to remove the encroachment, and that if that is not done then to take court action. He said that it wouldn't seem that complicated. Chairman Brodinsky said that there may be some amicable options. Chairman Brodinsky said that it is more serious than 10 or 15 feet.

Mr. Farrell said now that we have knowledge that there is an encroachment that the town should not allow the encroachment to continue no matter what the town ultimately does with the property. He said that he would be in favor of referring it to the Town Attorney to get some action on it.

Mr. Testa and LeTourneau confirmed the location of the property in relation to Rt. I-91 and on the map.

MOTION

Chairman Brodinsky made a motion to refer the matter to the Law Department for resolution of the encroachment and to make recommendations on other reasonable and appropriate action that the Council may take up. Mr. Farrell seconded. All Councilors present (8) voted Aye. Mr. DiNatale was absent. The motion carried.

Mr. Testa announced that the Council must wait until 7:45 P.M. for the Public Hearing and the Council will at this time move onto the Executive Sessions.

12. Executive Session pursuant to §1-200 (6)(E) of the Connecticut General Statutes with respect to strategy and/or negotiations with respect to Collective Bargaining – Personnel

13. *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*

Withdrawn

14. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes with regarding strategy and negotiations with respect to a claim filed by Center Town Automotive, LLC – Law Department

MOTION

Mr. Testa made a motion, which was seconded by Mr. Farrell, to go into Executive Session pursuant to:

Item 12, §1-200 (6)(E) of the Connecticut General Statutes with respect to strategy and/or negotiations with respect to Collective Bargaining as requested by the Personnel Department.

Item 14, §1-200 (6)(B) of the Connecticut General Statutes with regarding strategy and negotiations with respect to a claim filed by Center Town Automotive, LLC as requested by the Law Department.

All Councilors present (8) voted Aye, and the motion passed. Mr. DiNatale was not present at the time the Council entered into Executive Session in the Town Council Office at 7:05 P.M.

Councilor DiNatale arrived at the meeting during Executive Session.

MOTION

Mr. Testa made a motion, which was seconded by Mr. Farrell, to come out of Executive Session.

All Councilors present (9) voted Aye, and the motion passed. The Council exited Executive Session at 8:01 P.M.

Attendance at Executive Sessions for Item 12:

Eight (8) Councilors. Mr. DiNatale was absent. Mayor Dickinson, Corporation Counsel Adam Mantzaris

Attendance at Executive Sessions for Item 14:

Nine (9) Councilors, Mayor Dickinson, Corporation Counsel Adam Mantzaris

15. Motion to Consider and Approve a Settlement of a pending claim of Center Town Automotive, LLC as discussed in Executive Session - Law Department

MOTION

Mr. Testa made a motion to approve a settlement of a pending claim of Center Town Automotive, LLC as discussed in Executive Session. Mr. Farrell seconded. Eight (8) Councilors voted Aye. Mr. Parisi voted no. 8-Aye; 1-No

The motion passed.

9. Conduct a Public Hearing at 7:45P.M. for Consideration and Possible Action on adding to Chapter 203, Article III of the Code of the Town of Wallingford an additional Real Estate Tax Deferral Program for Eligible Senior and Disabled Persons – Chairman Mike Brodinsky

Chairman Brodinsky opened the Public hearing at 8:05 P.M. and briefly reviewed the Ordinance that the Ordinance Committee discussed before referring it to the Council for action and enactment. He reviewed the eligibility, how one qualifies, for application to the program and talked about the amount of deferral, the interest rate, the lien that is placed on the property and payment of taxes should the party die or the property be sold.

Chairman Brodinsky declared the Public Hearing closed at 8:07 P.M.

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

MOTION

Mr. Parisi made a motion, seconded by Mr. Farrell, to adopt an additional Real Estate Tax Deferral Program for Eligible Senior and Disabled Persons of Chapter 203, Article III of the Code of the Town of Wallingford.

All Councilors present (9) voted Aye, and the motion passed

11. *Discussion on the CRRA and Covanta Proposals*
– *Chairman Mike Brodinsky*

Withdrawn

MOTION

Mr. Farrell made a motion, seconded by Mr. Parisi, to adjourn the meeting. All Councilors present (9) voted Aye. The meeting adjourned at 8:10 P.M. with no further business to conduct.

Respectfully submitted.

Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra Weekes

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date