

TOWN COUNCIL MEETING

JANUARY 13, 2004

6:30 P.M.

AGENDA

Blessing – Rev. Sydney Parker (Retired)

1. Roll Call & Pledge of Allegiance
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#434-486) Totaling \$19,367.65 – Assistant to the Tax Collector
 - b. Consider and Approve Accepting a Title I Grant and Corresponding Appropriation of Funds in the Amount of \$116,729 to State Grant Revenues and to Program Expenditure Accts. of the Board of Education Budget
 - c. Consider and Approve Accepting a Title II Grant and Corresponding Appropriation of Funds in the Amount of \$15,676 to State Grant Revenues and to Program Expenditure Accts. of the Board of Education Budget
 - d. Consider and Approve Accepting a Title V Grant and Corresponding Appropriation of Funds in the Amount of \$1,539 to State Grant Revenues and to Program Expenditure Accts. of the Board of Education Budget
 - e. Consider and Approve Accepting an Arts Presentation Grant and Corresponding Appropriation of Funds in the Amount of \$1,254 to State Grant Revenues and Program Expenditures Accts. in the Arts Presentation Grant Program Budget of the Board of Education
 - f. Consider and Approve a Transfer of \$400 from Salaries & Wages Acct. #001-1110-101-1000 to Overtime Acct. #001-1110-101-1400 – Town Council

TOWN COUNCIL MEETING

JANUARY 13, 2004

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on January 13, 2004 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman James Vumbaco at 6:35 P.M. Answering present to the Roll called by Town Clerk Kathryn F. Zandri were Councilors DiNatale, Doherty, Farrell, Knight, Papale, Testa and Vumbaco. Councilor Parisi was absent due to illness and Councilor Spiteri arrived at 7:11 P.M. due to car trouble. Mayor William W. Dickinson, Jr., Town Attorney Janis M. Small and Comptroller Joseph Swetcky, Jr. were also in attendance.

BLESSING: A moment of silence was observed in place of the Blessing.

The Pledge of Allegiance was given to the Flag.

Council Chairman Jim Vumbaco welcomed the newly elected/re-elected Councilors.

ITEM #2 - No items of correspondence were presented for reading into the record.

ITEM #3 - Consent Agenda

- a. Consider and Approve Tax Refunds (#434-486) Totaling \$19,367.65 – Assistant to the Tax Collector
- b. Consider and Approve Accepting a Title I Grant and Corresponding Appropriation of Funds in the Amount of \$116,729 to State Grant Revenues and to Program Expenditure Accts. of the Board of Education Budget
- c. Consider and Approve Accepting a Title II Grant and Corresponding Appropriation of Funds in the Amount of \$15,676 to State Grant Revenues and to Program Expenditure Accts. of the Board of Education Budget
- d. Consider and Approve Accepting a Title V Grant and Corresponding Appropriation of Funds in the Amount of \$1,539 to State Grant Revenues and to Program Expenditure Accts. of the Board of Education Budget
- e. Consider and Approve Accepting an Arts Presentation Grant and Corresponding Appropriation of Funds in the Amount of \$1,254 to State Grant Revenues and Program Expenditures Accts. in the Arts Presentation Grant Program Budget of the Board of Education

- f. Consider and Approve a Transfer of \$400 from Salaries & Wages Acct. #001-1110-101-1000 to Overtime Acct. #001-1110-101-1400 – Town Council
- g. Consider and Approve Accepting a Supplemental Grant for Bioterrorism Planning & Prevention from the CT. Dept. of Public Health and Corresponding Appropriation of Funds in the Amount of \$79,708 to State Grant Acct. #200-1040-050-5000 and to Grant Expenditures Acct. #200-3010-605-6000 in the Dept. of Health Budget
- h. Approve and Accept the Minutes of the December 9, 2003 Town Council Meeting
- i. Consider and Approve Re-Appointing the Following Standing Committees of the Town Council:
 - Caplan Wooding Committee
 - Community Lake Restoration Committee
 - Golf Course Study Committee
 - Historic Properties Study Commission
 - Library Expansion Committee
 - Quinnipiac River Linear Trail Advisory Committee
- j. Consider and Approve Establishing a Flood & Erosion Control Board Pursuant to Ordinance #355, Chapter 8, Article VI of the code of the Town Of Wallingford Entitled, “Boards, Commissions & Committees”

Motion was made by Ms. Papale to move the Consent Agenda “a” to “j”
Seconded by Mr. Farrell.

Vote: Parisi and Spiteri were absent, all ayes; motion duly carried

ITEM #4 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville, read from an article in the newspaper. He read, "the Internal Revenue Service is investigating the use of derivatives to implement suspected yield earning schemes in the Municipal Bond Market. In addition the agency is seeing instances of apparent bid rigging of derivatives Sr. IRS municipal enforcement official said." Relative to the Meriden Markham Airport, how do we stand legally with Markham Airport. What I'm concerned about is specifically legally what our relationship is with them. Lets say you have an air-plane accident in that ball park and somebody dies or gets severely hurt - can we be held liable?

Council Chairman Vumbaco: I believe the Mayor has been having some conversation with the City of Meriden. Maybe the Mayor can answer your question.

Mayor Dickinson: I really haven't had conversations with the City of Meriden. It's been quite a while since they came in regarding some improvements they were interested in making to Meriden Markham Airport. Certainly nothing in the last year, but the Town of Wallingford does not own the airport. Some of the airport, most of the runway I believe is in the Town of Wallingford. But, the Town of Wallingford does not own, have any ownership rights in the airport or it's operation. So, if there were some negligent act or alleged improper conduct that caused an accident, an airplane that would fall and injure people, I don't see where the Town of Wallingford would have liability.

Mr. Melillo: I think I understand you pretty well. But isn't it true that there are specific legal instances, situations, that can happen in the future, I mean the laws are so tricky, the vast majority of laws, as you know, are so tricky and so many gray areas and loop holes in them. Aren't there some scenarios that we could be sued?

Mayor Dickinson: Well, once we get into all the tricky aspects of the law, I'm going to turn to the Town Attorney.

Attorney Small: I don't see any circumstance, I mean the only connection to the Town of Wallingford is that its property is located in the Town of Wallingford. It's no different than your property being located in the Town of Wallingford. If something happens on your property it's your liability, it's not the Town's, so I don't see a connection between any claims that someone could make if there is an accident involving the airport. I don't - as far fetched as some claims can go, I think that this one pretty - far fetched.

Mr. Melillo: Thank you.

Robert Sheehan, 11 Cooper Avenue: There was an interesting article in the paper about one of our favorite subjects – Simpson School and last week I noticed two fire engines and an ambulance parked in the yard up there. I have lost count of the times this has happened. I don't know if somebody is getting into the school. I don't think they're, the fire department, is conducting training exercises. Does this lead to liability if something happens to somebody in there and I don't know if we still own it, or does the Wallingford Housing Authority own it seeing we deeded it to them – gave it to them or whatever, but are we making a concerted effort to keep that building secure from the outside and make sure that nobody gets in and stubbles and falls through a floor or anything?

Chairman Vumbaco: It is my understanding that the Town still owns it, and it is also my understanding that Public Works keeps an eye on it as far as the entrances and keeps them well boarded-up. I did see the fire dept., I was there Saturday, I happen to be over at that side of Town on Saturday. I saw the three fire trucks and ambulances there, but I have no idea why they were there.

Mr. Sheehan: I don't know if it's homeless getting in there or something. But this is about the second or third time I've seen it in what we consider the wintertime here, since maybe November, October. I know during the summer time, I've seen the same thing. You know, it's always curious why are they there. I hate to see somebody get hurt.

Thank you. Anybody else? – Pat?

Mr. Melillo: The old K-Mart - I am sure that you've all most likely driven in that area; you must have noticed all these big pot holes. My question is – who's responsible? It seems that somebody should be responsible for filling up these pot holes so that a driver won't get his/her car ruined or cause an accident. And that's been going on for many years it seems. Why is it those pot holes are not fixed up.

Chairman Vumbaco: Pat you're really grasping for questions tonight – that's a privately owned development. The Town has no responsibility for that at all. It is my understanding, that the theatre has been approved there, and at some point and time construction will start, and the potholes will be fixed, but, it's not the Town of Wallingford's responsibility. Pat, you can have one more question

Mr. Melillo: My question is – Does the Town Council have legal jurisdiction over the Wallingford Housing Authority?

Chairman Vumbaco: I do not believe so -- Janice—

Attorney Small: No, it does not.

Mr. Melillo: Boy, it seems to me that should be -- everything should be reorganized or something, such a big situation involved in Wallingford -- Wallingford Housing Authority well relative to Senior Citizens, poor people which carry so much impact -- it seems to me Town Council -- we should get an ordinance going once and for all and get the Town Council legal jurisdiction.

Chairman Vumbaco: I believe it's a State Statute Pat, but we also have a committee that will be meeting next week, headed by Ms. Papale. Mr. Farrell will sit in on it discussing some of the Housing Authority issues. The Council is taking it serious and we will be moving forward with it.

Mr. Melillo: Thank you.

ITEM #6 Consider and Approve One (1) appointment/Re-Appointment to the Board of Assessment Appeals for a Term of Three (3) years to Expire 1/8/2007

Motion made by Mrs. Papale to Consider and Approve a Re-appointment of David Baxter to the Board of Assessment Appeals for a Term of Three (3) years to Expire 1/8/2007.

Seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri were absent, all ayes, Motion duly carried.

Town Clerk Kathryn F. Zandri administered the Oath

Chairman Vumbaco congratulated David Baxter. (Applause)

ITEM #7 Consider and Approve One Appointment to the Position of Commissioner on the Wallingford Housing Authority for a Term of Five (5) years to expire 10/31/2008

Motion made by Mrs. Papale to appoint Thomas Mezei to the position, seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri were absent, all ayes, motion duly carried.

Town Clerk Kathryn F. Zandri administered the Oath

Chairman Vumbaco congratulated Mr. Mezei. (Applause)

ITEM #8 Consider and Approve one Re-Appointment to the Position of Commissioner on the Planning and Zoning Commission for a Term of Five (5) years to expire 1/8/2009.

Motion by Mrs. Papale to Approve Re-Appointment of James Fitzsimmons to the Position of Commissioner on the Planning and Zoning Commission for a Term of Five (5) years to expire 1/8/2009. Seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri were absent, all ayes, Motion duly carried

Town Clerk Kathryn F. Zandri administered the Oath.

Chairman Vumbaco congratulated Mr. Fitzsimmons. (Applause)

ITEM #9 Consider and Approve One Appointment to the Position of Alternate on the Planning and Zoning Commission for a Term of Three (3) years to expire 1/8/2007.

Motion by Mrs. Papale to Approve Mr. David Fritz to the Position of Alternate on the Planning and Zoning Commission for a Term of Three (3) years to expire 1/8/2007, seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri were absent, all ayes, Motion duly carried

Kathryn F. Zandri administered the Oath.

Council Chairman Vumbaco congratulated Mr. Fritz. (Applause)

ITEM #10 Consider and Approve for Re-Appointment to the Position of Commissioner on the Zoning Board of Appeals for a Term of Five (5) years to expire 1/8/2009.

Motion was made by Ms. Papale to Re-Appoint Mr. George Lane to the Position of Commissioner on the Zoning Board of Appeals for a Term of Five (5) years to expire 1/8/2009, seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri were absent. All ayes, Motion duly carried.

Town Clerk Kathryn F. Zandri administered the Oath.

Chairman Vumbaco congratulated Mr. Lane. (Applause)

ITEM #11 Consider and Approve One Appointment to the Position of Alternate on the Zoning Board of Appeals for a Term of Three (3) years to expire 1/8/2007.

Motion made by Mrs. Papale to Appoint Robin Hettrick to the Position of alternate on the Zoning Board of Appeals for a Term of Three (3) years to expire 1/8/2007, seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri absent, all ayes, motion duly carried.

Town Clerk Kathryn F. Zandri administered Oath.

Chairman Vumbaco congratulated Ms. Hettrick. (Applause)

Chairman Vumbaco acknowledged all the appointees again for their hard work. (Applause.)

Ms. Papale stated: I want to congratulate again the new appointees, and because we have been involved in the Democratic Party for so long, that we realize the diversity we have which are on these Commissions as of tonight and I think it's wonderful. I look at my friend George Lane who's been involved longer than I have and I see Robin who's brand new to our Committee. Also, Dave Fritz – the young people and Jim who has been a wonderful Commissioner for all these years. I would like people to notice that we do have a lot of diversity and I think that it's going to work out fine and again – Congratulations to everyone.

ITEM #12 Consider and Approve a Resolution authorizing the Mayor to sign an agreement entitled "Agreement between the State of Connecticut and the Town of Wallingford for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Wall Street Bridge (Bridge No 04419) over Wharton Brook Utilizing Federal Funds and a Project Grant Under the States Local Bridge Program" – Town Engineer. (Appendix I)

The Resolution: The Resolution was read into the record by Ms. Papale at this time.

Motion was made by Ms. Papale to Approve the Resolution, seconded by Mr. DiNatale.

VOTE: Parisi and Spiteri were absent. All ayes, motion duly carried.

Chairman Vumbaco asked: Mayor, is there anything else that needs to be added to this.

Mayor Dickinson answered: I don't believe so, Rob Baltramitis is here if there are questions. Design has been completed. It's awaiting for bidding, we spent approximately Ninety Eight Thousand Dollars (\$98,000.00) in design. We will not be reimbursed on that. All of the construction is a Reimbursement Program through the State with Federal money. But it's waiting for authorization from the State to go out to bid. We're putting this in place purpatory to having action take place. But right now I don't think there's any estimate on when that might occur – is that right? No.

Chairman Vumbaco asked: Are there any comments or questions from the Council?
Public?

Mr. Melillo asked: Who is responsible for the maintenance of the bridge.

Mayor Dickinson answered: If you are referring to the maintenance of the bridge once it is constructed, the Town of Wallingford would be responsible for the bridge maintenance. The bridge is one that a local road uses so there is no state highway.

Mr. Melillo asked: If there were a lawsuit, we are the ones that are going to get sued – right?

Mayor Dickinson answered: On this one you're absolutely correct.

Mr. Melillo stated: Thank you.

Chairman Vumbaco asked: Are there any other questions?

Robert Sheehan, 11 Cooper Avenue – I am interested to know whether the State Grant and Federal Grant cover the full reimbursement to the Town for construction costs or are we liable for a percentage of the cost.

Mayor Dickinson answered: Under this program, we are responsible for design. But, all construction is to be handled by State and Federal. We get reimbursed, we'll have to

appropriate the money once we have the bid prices, but we would be reimbursed for all construction. If they change that plan, obviously, I would come back here because we are planning to get reimbursed on all construction.

Mr. Sheehan asked: There's no dollar limitation on what a bridge costs according to the State or Federal Government?

Mayor Dickinson replied: Well, the State over sees this process, so they authorize the public bids, the advertising of the bids, and my guess is they would have to approve awarding to the lowest responsible bidder – if the amount of money is in excess of what they are prepared to pay. I would think they would not give us approval. Is that correct Rob? Rob indicates that that is the way it works.

Mr. Sheehan asked: Does the Town over-see through our Engineering Department – all phases of construction of the bridge.

Mayor Dickinson stated: Rob, why don't you take that question.

Asst. Town Engineer, Robert Baltramaitis stated: With this type of reimbursement there are different types of eligibility that the State of Connecticut gives us. This one is 100%. It is 80% Federally; 20% State funded or reimbursed. Because it is 100%, the State will actually over-see the inspection process. They will do all their material testing and all their inspections to make sure that it is done in compliance with the Plans and Specifications.

Gerry Farrell asked: Mayor, did I understand correctly your answer that the State does this bidding rather than the Town?

Mayor Dickinson stated: I believe the State has to authorize the bidding, but I think we actually physically, mechanically put the bids out through the Purchasing Department. Is that right, Rob?

Asst. Town Engineer, Mr. Baltramaitis answered: We do put the bids together, they are put out through our Purchasing Department, but the D.O.T. does (can't decipher tape) our documents to make sure that they conform to their own format as well as ours but it is done through our Dept. of Purchasing.

Mr. Farrell asked: Do we need to be careful of who the potential bidders are that I know that the State itself is now in the process of revoking contracts that it gave out because its rationale was that some of the entities that got contracts will now be very distracted by the various probes and I mean you're talking about companies that do bridge work that's what I'm asking.

Mr. Baltramaitis replied: No, absolutely and the Mayor used a very important word earlier when he said "lowest responsible bidder" because we do our own checking before we award a bid - that that contractor is suitable for this type of project that he has done this kind of work before. So we essentially qualify that contractor before we award it to him.

Mr. Farrell asked: And that's sort of a present day consideration, that you're going to look at in effect who may have too much on their plate be it construction investigation.

Mr. Baltramaitis explained: And there's also a checks and balance with that. A contractor, if a contractor - a contractor is only bonded for so much work. In other words he can only get a bid bond and submit if his surety company says, you know what, you have the resources, you can take on this project. So that they're really is another check and balance for us, that we don't get somebody who's too overworked.

Mr. Farrell stated: My concern only is that we make sure if there is a bid from a variety of people that we take all those things into consideration. I'd hate to get this bridge partly under construction and find that other things have priority for that bidder. Thank you.

Chairman Vumbaco asked: If there were any other Comments/Questions from the Council?

Lois Doherty asked: One quick question Rob, On Page 3, under #5, it says disadvantaged business enterprises - what is that?

Mr. Baltramaitis answered: That is, perhaps somebody can better answer than I. But I'll give you my answer. There are some companies, based on the owner of that company, if they are a minority or if it's a woman owned business, they may be a certified disadvantaged business in the eyes of the State of Connecticut. In a contract such as this, ten percent (10%) of the contract needs to be awarded or given to a certified DBE. That becomes the general contractor's responsibility. So when he is selecting his subcontractors to do certain elements of the work, he's going to want to make sure that one of them is a qualified DBE and that they have at least ten percent (10%) of the value of the project.

Chairman Vumbaco asked: Are there any other Comments or Questions?

ITEM #13 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes pertaining to the Purchase, Sale and/or Leasing of Property.

Ms. Papale made a Motion to go into Executive Session pursuant to Section 1-200(6)(D) of the Connecticut General Statutes Pertaining to the Purchase, Sale and/or Leasing of Property. Seconded by Mr. Testa

VOTE: Parisi absent; all ayes, motion duly carried.

ITEM #14 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Following Matters:

- Correia v. Town of Wallingford Workers' Compensation Matter
- Dommel v. Town of Wallingford Workers' Compensation Matter

Ms. Papale made a Motion to go into Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes to Discuss Pending Litigation in the Matters of:

- Correia v. Town of Wallingford Workers' Compensation Matter
- Dommel v. Town of Wallingford Workers' Compensation Matter

Seconded by Mr. Farrell

VOTE: Parisi absent; all ayes, motion duly carried.

Motion made by Ms. Papale to come out of Executive Session, seconded by Mr. Farrell.

VOTE: Parisi absent; all ayes, motion carried.

ITEM #15 Motion made by Ms. Papale to approve the full and final settlement of the Correia Workers' Compensation Claim as discussed in Executive Session, Seconded by Mr. Farrell.

VOTE: Parisi was absent, all ayes, duly carried.

ITEM #16 Motion made by Ms. Papale to Approve the full and final settlement of the Dommel Workers' Compensation Claim as discussed in Executive Session; Seconded by Mr. Knight.

VOTE: Parisi was absent, all ayes, motion duly carried.

Motion made by Mr. Farrell to Adjourn the Meeting, seconded by Ms. Papale.

VOTE: Parisi was absent. All ayes, motion duly carried.

There being no further business the meeting adjourned at 8:12 P.M.

Meeting Recorded by:

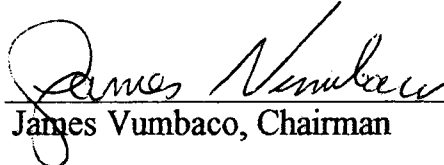
Kathryn F. Zandri
Town Clerk

Meeting Transcribed by

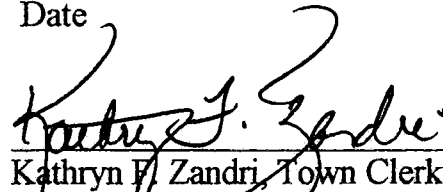


Anna Nolan, Interim Council Secretary

Approved by:


James Vumbaco, Chairman

2-10-04
Date


Kathryn F. Zandri, Town Clerk

2-10-04
Date

State Project No.: 148-169

Federal Aid Project No.: BRZ-6148(6)

Description: Agreement Between the State of Connecticut and the Town of Wallingford for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Wall Street Bridge (Bridge No. 04419) over Wharton Brook utilizing Federal funds and a project grant under the State's Local Bridge Program.

RESOLUTION

Resolved, that William W. Dickinson, Jr., Mayor, be, and hereby is, authorized to sign the agreement entitled "Agreement Between the State of Connecticut and the Town of Wallingford for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Wall Street Bridge (Bridge No. 04419) over Wharton Brook Utilizing Federal Funds and a Project Grant Under the State's Local Bridge Program."

ADOPTED BY THE _____ of the Town of Wallingford,
Connecticut, this _____ Day of _____, 2004.

Clerk (Seal)

Date

State Project No.: 148-169

Federal Aid Project No.: BRZ-6148(6)

Description: Agreement Between the State of Connecticut and the Town of Wallingford for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Wall Street Bridge (Bridge No. 04419) over Wharton Brook utilizing Federal funds and a project grant under the State's Local Bridge Program.

RESOLUTION

Resolved, that William W. Dickinson, Jr., Mayor, be, and hereby is, authorized to sign the agreement entitled "Agreement Between the State of Connecticut and the Town of Wallingford for the Construction, Inspection and Maintenance Required in Conjunction with the Replacement of the Wall Street Bridge (Bridge No. 04419) over Wharton Brook Utilizing Federal Funds and a Project Grant Under the State's Local Bridge Program."

ADOPTED BY THE Town Council of the Town of Wallingford, Connecticut, this 13th Day of January, 2004.

Clerk

(Seal)

Date

Kathryn J. Zander
January 14, 2004

RECORDED
13 JAN 2004