

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

NOVEMBER 27, 2007

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, November 27, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:39 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi and Rosemary Rascati. Town Attorney Janis Small and Comptroller James Bowes were also present. Councilor Vincent F. Testa arrived at the meeting at 6:40 P.M. Mayor William W. Dickinson, Jr. arrived at the meeting at 6:49 P.M.

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

2. Correspondence

Councilor Knight read an announcement from the American Lung Association congratulating the Town of Wallingford for becoming the first town in the state to ban smoking in local parks.

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#343-#353) totaling \$1,468.43
Acct. #001-1000-010-1170 – Tax Collector

3b. Consider and Approve a Transfer in the Amount of \$6,000 to
Council-Purchase Services, Secretarial, Acct. #001-1110-901-9000
from Contingency, Acct. #001-7060-800-3190 – Robert F. Parisi,
Council Chairman

3c. Consider and Approve a Transfer in the Amount of \$2,175 to Water
Treatment Equipment Acct. #433-9012-332 from WTP Structures
and Improvements, Acct. #433-9012-331-\$520; Tools, Shop and Garage
Equipment, #433-9012-394, \$850; Lab Equipment, Acct. #433-9012-
395, \$805 – Water Division

3d. Consider and Approve Amendment #1 to Sprint PCS Site
Agreement – Water Division

RECEIVED FOR RECORD 1-17-08

AT 10:40 A M AND RECORDED BY

Barbara Thompson TOWN CLERK

3e. Acceptance of Schedule for Regular Town Council Meetings for
Calendar Year 2008 – Robert F. Parisi, Council Chairman

Mr. Knight made a motion to accept the Consent Agenda, items 3a – 3e.
Mr. Farrell, Jr. seconded.

All Councilors present (9) voted aye.

The motion passed.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 9 Balsam Ridge Circle, asked whether the town can do anything about the traffic generated by the Redwood Flea Market on weekends. As a solution, Mr. Zandri suggested the town meet with the owner to try to resolve the situation, and would be willing to participate in a meeting between the owners and the town. Chairman Parisi said he would be willing to attend such a meeting with the owner of the flea market and Mr. Zandri.

Wes Lube, Montowese Trail, talked about trucks parking overnight at the flea market and how this presents a possible hazard to area residents.

6. Consider and Approve a Transfer in the Amount of \$14,000 to Outside Services Employed, Acct. # 431-8920-923 from Operating Labor & Expense, Acct. # 431-8640-642 – Water Division

Mr. Knight read a letter from Roger Dann to the PUC Director requesting additional funds to cover arbitration expenses.

In attendance: Roger Dann, General Manager, Water-Sewer Division.

Mr. Knight asked Mr. Dann if there is a way to quantify the difference between what the town is proposing and what the union is proposing. Mr. Dann said that he does not have that number but some issues have monetary components. Mr. Dann suggested that the personnel director might have this number.

Mr. Knight asked if there are issues other than monetary issues, such as work rule issues, which might be more difficult to quantify. Mr. Dann said that there are five issues, and at least three of the issues are monetary. The other two issues are likely not monetary.

Mr. Knight questioned whether it is economical to spend the money on arbitration if the process is not worth this amount. Mr. Dann said that there are potential monetary impacts in excess of the \$14,000, which would also impact some work practices.

Mr. Brodinsky asked whether Mr. Dann was unsure of the monetary value, which may be around the \$14,000 threshold, on those issues that are measurable in dollars. Mr. Dann reiterated that he does not know what the total monetary potential is, but he believes the potential to be well in excess of \$14,000.

Mr. Brodinsky asked if there is a potential that the monetary value is less than \$14,000. Mr. Dann said that it depends on how one measures the potential. There is an upper and lower limit on some of the issues, and it depends on how one measures the potential impact.

Mr. Brodinsky asked what the non-monetary issues are in this situation. Mr. Dann responded that one issue concerns a disciplinary agreement and whether or not such an agreement continues to exist, and the second refers to a deferred-compensation plan, which is being requested on the part of the union.

Mr. Brodinsky asked whether there is currently a deferred-compensation plan in place. Mr. Dann said that there is not a deferred-compensation plan for this bargaining unit. This plan is one of the non-monetary issues.

Mayor Dickinson stated that deferred-compensation plans have monetary impacts based on the liability such a plan places on the town. It is difficult to quantify, but there is a monetary impact as a result of the liability. The town has been reluctant in extending deferred-compensation because the plan does have an impact in regards to the town's oversight of such plans, and should the plans go awry, the taxpayers face potential liability and repercussions. The Mayor would not agree that there is not a monetary impact.

Mr. Knight made a motion to approve a Transfer in the Amount of \$14,000 to Outside Services Employed, Acct. # 431-8920-923 from Operating Labor & Expense, Acct. # 431-8640-642 as requested by the Water Division. Mr. Farrell, Jr. seconded.

All nine (9) Councilors voted aye.

The motion passed.

7. Presentation regarding Proposed Fish Way at the Quinnipiac Street Dam on the Quinnipiac River – Mayor

Mr. Knight made a motion to move up Item #9. Mr. Farrell seconded.

All nine (9) Councilors voted aye.

The motion passed.

9. Discussion and Possible Action on the Future of the Wooding Caplan Development Area – Town Council

Mr. Brodinsky asked Mayor Dickinson about the feasibility study, and whether the town has any indication as to cost and timing.

Mayor Dickinson stated that the town has interviewed two candidates, and that envelopes will be opened with regards to finances. The timing depends on when the next meeting is scheduled, and at this point, the Mayor is unsure of the timing, but the meeting will likely take place within the next two weeks.

MOTION

Mr. Knight made a motion to withdraw Item #12 and replace the agenda item with Waive Rule V for the purpose of going into Executive Session pursuant to §1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Dibble Edge Partners v. Town of Wallingford. Mr. Farrell seconded.

Nine (9) Councilors voted aye.

The motion passed.

MOTION

Mr. Knight made a motion, seconded by Mr. Farrell, to go into Executive Session pursuant to §1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of

Dibble Edge Partners v. Town of Wallingford.

Nine Councilors (9) voted aye.

The motion passed.

The Council entered into Executive Session in the Council Office at 6:55 P.M.

Mr. Knight made a motion, seconded by Mr. Farrell, to exit Executive Session.

All nine (9) Councilors voted aye.

The motion passed.

The Council exited Executive Session at 7:20 P.M.

Attendance at Executive Session:

All nine (9) Councilors, Mayor Dickinson and Town Attorney Small.

7. Presentation regarding Proposed Fish Way at the Quinnipiac Street Dam on the Quinnipiac River – Mayor

In attendance:

Representative Mary Mushinsky

Steve Gephard, Fisheries Representative for the DEP

Ms. Mushinsky stated that the Quinnipiac Watershed is a 38-mile stretch, running between New Britain and New Haven, and all is potentially open to fish restoration. Ms. Mushinsky stated that Wallingford has the last barrier to fish passage on the entire river, and fishways would allow fish to navigate dams in order to move upstream to spawn.

Mr. Gephard stated that the fishway would be placed in the Wallace Pond Dam which is the official name of the Quinnipiac Street Dam. Mr. Gephard said that a Denile fishway has a long, angled trough that is filled with water and contains baffles every two feet to slow down the water-flow. The fish should be able to navigate the fishway in about 30 seconds. The fishway proposed for Wallace Dam would be covered by a protective, aluminum-grate cover in order to prevent anyone from falling into the fishway. A viewing house and camera would allow the counting of fish to track the progress of the program and to ensure that the fishway is successful. The viewing house also presents a great opportunity to educate the public about this natural resource. The

Watershed Association hired Malone and McBroom, a local engineering firm with expertise, to design the fishway. The fishway will not negatively impact the dam in any way, and will only be operated during fish migration season – it will not be operated during either the summer or the winter. There will not be an instantaneous increase in fish population, but the population will increase over a period of 10 years. Mr. Gephard reiterated that the organization is not asking for any money from the town for construction of the fishway and stated that even the long-term maintenance of the facility will be minor. Regardless of whoever actually owns the fishway, often times there are many parties who wish to partake in the operation of the fishway. The CT DEP will provide technical assistance in the planning, designing, construction and operation of the fishway, but the CT DEP is not prepared to own the fishway because local ownership is best for the community. The Quinnipiac River Watershed Association is sponsoring the planning and designing, and the organization has decided that they are not the best party to construct the fishway. The Watershed Association could potentially own and operate the fishway. Save the Sound has agreed to take on the administrative burden of sponsoring the construction of the fishway, but Save the Sound does not want to own or operate the fishway. The US Fish and Wildlife Services has been involved in planning and designing and technical construction. Malone & McBroom is the engineering firm hired to plan and design the fishway, and may have some role in construction oversight. Consultation and approval with the Town of Wallingford during planning and design is essential because the fishway would sit on land owned by the town, and the project must have approval of the town. There has been a suggestion that the Town of Wallingford might want to oversee the construction administratively, but Mr. Gephard is not suggesting at this point that this would be necessary.

Mayor Dickinson asked about costs associated with maintenance. Mr. Gephard stated that the costs would be strictly for the fishway based on the cost of the baffles. There is potential that, over time, the counting house might need to be rewired, but this is difficult to anticipate.

Mr. Brodinsky asked whether flooding is an issue. Mr. Gephard responded that flooding is possibly an issue, but the design takes flooding into account.

Mr. Brodinsky asked about operation of the fishway.

Mr. Gephard said that there are stop-logs inserted in the fishway during the winter so the fishway is dry. On April 1, a person or several people remove the stop-logs so water flows through the fishway. The DEP recommends that during the operation of the fishway, the fishway is

checked every few days to ensure that trash items or debris do not clog the fishway, and this job can easily be done by one person. The DEP proposes a computer-driven image-capturing system in the counting house, and the DEP staff would be committed to visiting the counting house once a week to review the data, as well as perform simple maintenance.

Mr. Knight asked what Ms. Mushiness envisions QRWA's role to be in the fishway. Ms. Mushiness stated that after construction, QRWA members would most likely be involved as monitors and workers. The group does not appear to be interested in owning the fishway, but would likely be interested in performing light maintenance.

Mr. Knight asked about the state's policy of removing dams. Mr. Gephard said that in this case, Allegheny Ludlum still uses the waterway. An additional party has water rights.

Mr. Testa asked why QRWA has no interest in owning the fishway. Ms. Mushinsky stated that QRWA does not own anything, so ownership would be a new idea for the organization.

Mr. Gephard stated that the town currently owns the land, so one possibility is that the town retains ownership of the fishway. Alternatively, the town could continue to own the land, but the town could grant an easement to another party to build and operate the fishway on the town's land. Either the easement or lease would need to be long-term. Another possibility would be to sub-divide the land so that the fishway, less than 1/10 of an acre, would be deeded, fee simple, to a different party. This third approach is the approach the CT DEP took with the previous landowner when the transaction with the town occurred. Mr. Gephard said that any of the 3 options would probably work, but is interested in hearing which option most interests the town.

Mr. Testa asked whether the dam removal would be the best overall option for the river. Mr. Gephard said that in almost every case, removing a dam is the best scenario for the river, but in this situation, the CT DEP feared a legal battle and delay based on the ownership and water rights of the dam.

Ms. Mushinsky said that there are also possible sediments behind the dam, and it is difficult to predict what might be in the sediment. This would all have to be checked and monitored prior to removing the dam, and this would be a large expense.

Ms. Doherty asked why the CT DEP chose the west side of the river for the construction of the fishway. Mr. Gephard said that the assessment of

river dynamics shows that fish most often travel up the west side of the river.

Mr. Farrell commented that he did not believe the dam should be breached based on potential litigation. In regards to ownership, Mr. Farrell would prefer that the town retains ownership for the town's best interest, with operation by the Watershed Association.

PUBLIC COMMENT

Phil Wright, Sr., 160 Cedar Street, stated that perhaps the long development process of the fishway is why the plan to restore the dam was opposed. Mr. Wright would have liked to have seen the restoration of Community Lake, and would also like to see the restoration of the facility for the Little League.

Wes Lube, Montowese Trail, favors maintaining the dam, especially because of the aesthetic quality of the dam. Mr. Lube asked if there are any reasons why the town might not want to take ownership of the fishway, and whether it would be feasible to accept ownership without accepting responsibility for operation of the fishway.

Mr. Gephard stated that the only obvious reason would be the burden of maintenance and the possible workload, but does not see any other possible issues. Mr. Gephard said that the town could take ownership of the fishway, but then delegate the operation to other parties.

John LeTourneau, 3 Regent Court, said that he would like the Council to talk to other towns regarding ownership and maintenance prior to making a decision.

Geno Zandri, 9 Balsam Ridge Circle, asked about the size and grade level of the concrete troughs.

Mr. Gephard said that the troughs are typically between 4 and 4.5 feet high and will slope at an angle. Often, the area can be backfilled right to the top of the wall so that the fishway does not sit on top of the land. If the trough is above the land, the architect will design rails to keep visitors out of harm's way. In addition, there is an aluminum cover on the trough that can be locked into place.

Mr. Zandri stated that he would like to see the area landscaped for both aesthetic and safety purposes.

Mr. Gephard said that it would be beneficial, should the Council feel the project is worthy of its support, to allow designated town employees to

review plans because Malone & McBroom must complete design of the fishway by December 31st because the funds will expire at that time.

Mr. Parisi asked whether there is any cost to the town, should the town assume ownership. Mr. Gephard cannot see any significant cost for the town.

Mr. Knight asked about the timeline for the fishway. Mr. Gephard responded that ideally, the fishway will be designed by the end of the year, and all funds are in place for design, and some funds are in place for construction. Fishways are only constructed in the summer, and must be built between July and September. Ideally, the fishway would be operational for the spring of 2010.

Mayor Dickinson asked whether the town would be committing itself to operating the fishway based on the language in the grants.

Mr. Gephard said that the grantors give grants with the understanding that there is a commitment by all parties to operate the fishway, and that agreements would be in place to ensure the fishway is operational. There is no commitment or enforceable clause that requires the town to operate the fishway.

Mayor Dickinson asked about the responsibility and liability issues on the municipality based on the longevity of the town. What would happen if the town has an agreement with an organization, and the organization dissolves? Does the town still have the obligation to maintain? Is there any recourse?

Ms. Mushinsky said that when working with the previous owner, there was a transfer clause in the event that QRWA ceased to exist.

Mr. Gephard stated that if the town decided to take ownership and entered into an agreement with QRWA to manage the facility, there would be nothing binding that only QRWA could maintain the facility, and the CT DEP would be committed to working with the town to identify other volunteers or organizations. Nothing absolutely binds the town and the town retains the option of not opening the fishway should there be a shortage of volunteers.

Mr. Parisi asked about the period of operation of the fishway within a calendar year. Mr. Gephard said that the fishway is only open when fish are actively migrating, so the fishway is open April 1 to June 30, and is then open October 1 to November 15.

Mr. Testa stated that he thinks building the fishway is a great idea and is thrilled that the town has the opportunity to partake in such a conservation effort.

Mr. Brodinsky said that he also thinks that this is a good idea and would like to move forward.

Mr. Gephard said that design plans could be presented at the next Town Council meeting. If the designs are presented before they are completed, the town has greater input into modifications. After January 1, the designs must be complete. Mr. Gephard confirmed that designs and cost estimates will be presented at the December 11, 2007 meeting.

8. a. Consider and approve a Resolution authorizing the Town of Wallingford to endorse the Regional Performance Incentive Program Proposal – Regional Solid Waste Disposal beyond Resource Recovery 20 year Contracts expiring within the next three years in most of the South Central CT Regional Council of Governments municipalities, planning for the future – Mayor

Mayor Dickinson said the Council of Governments has made an effort to take part in legislation that authorizes studies to be conducted, but the studies must be based on subjects with identifiable regional impacts. The act describes a number of facets that must be present to be fundable, and the first deals with trash disposal, and the second deals with economic development and the development of a regional website. One or both of these ideas may be eligible for funding based on the number of towns wishing to participate. The proposals require approval of the Council in order to be passed along to the state.

Mr. Knight asked whether such an effort can be completed prior to doors closing on alternatives. Mayor Dickinson stated that Wallingford is on a tighter timeframe than other towns, but would be unable to give an exact timeframe.

Mr. Farrell asked whether the town would be spending any money. Mayor Dickinson said he is unaware of any financial commitment because this is a state grant made available to the Council of Governments.

Mr. Testa asked whether the provision of service concerns only a study. Mayor Dickinson confirmed that this is only a study.

Mr. Testa asked whether the fact that Wallingford may be making a decision to do things differently is something the Council of Governments should be made aware of in case this impacts the study. Mayor Dickinson

said the region is not being handled as a complete package that serves just the region. Mayor Dickinson commented that this study does not commit anyone to anything, but simply proposes some possible solutions to the regional problem.

Mr. Knight asked about the timeline for the completion of the study, which is due to be completed in December 2008. The Town of Wallingford's solid waste contract does not expire until 2010. Mayor Dickinson confirmed.

Mr. Knight asked about the third potential facility listed on Page 2, under "Proposed Shared Services." Is this referring to the CRRA transfer facility? Mayor Dickinson said that he believes CRRA likely refers to Bridgeport, and resource recovery facilities will typically be mass-burn plants.

PUBLIC COMMENT

Wes Lube, Montowese Trail, asked the Mayor to clarify the proposal the Council is being asked to endorse. Mayor Dickinson said that the proposal is a review of solutions and possible directions regarding waste disposal in the South-Central region. The money is provided by the state by OPM. Each municipality, or a number of municipalities, must agree that they are interested in the grant being spent in a specific way for the region. A number of towns identified trash removal as an area of interest for this region. This study encompasses 15 towns.

Bob Gross, 114 Long Hill Drive asked if CRRA is involved. Mayor Dickinson responded that CRRA is not involved in conducting the study, but will likely be contacted.

Mr. Knight made a motion to approve the resolution. Mr. Farrell seconded the motion.

Seven (7) Councilors voted aye. Mr. DiNatale and Ms. Papale were absent from the vote.

The motion passed.

- b. Consider and approve a Resolution authorizing the Town of Wallingford to Endorse the Regional Performance Incentive Program Proposal – A South Central CT Regional Website Portal: A One-Stop Service for Marketing, Economic and Business Development in the South Central Region - Mayor

Mr. Knight made a motion, seconded by Mr. Farrell, to adopt the resolution.

Seven (7) Councilors present voted aye. Mr. DiNatale and Ms. Papale were absent from the vote.

The motion passed.

Ms. Papale returned to the meeting at 8:53 P.M.

Mr. DiNatale returned to Council Chambers at 9:08 P.M.

10. Discussion and Possible Action Regarding Hiring of an Independent Auditor for the 2008 Fiscal Year and Beyond – Comptroller

Mr. Knight read a memo from Jim Bowes, Comptroller, which outlined the Council's options. The first option would be to bid the service for a 5-year period. Second, the Council could seek proposals through an RFP process. Third, the Council could extend the contract with the current firm, Blum Shapiro, with 3 years of pricing as follows: 2008 fiscal year end audit \$108,000; 2009 fiscal year end audit \$110,000; 2010 fiscal year end audit \$113,000. The Council may choose to extend for 1, 2 or 3 years, but a bid waiver will be necessary.

Ms. Papale said that it makes sense to continue with Blum Shapiro for an additional year, based on the 0% increase in fees. Mr. Bowes stated that the firm is among the best professional services firms he's dealt with, and the Council retains the discretion to continue working with the firm for 1, 2 or 3 years. However, if the Council chooses to continue with Blum Shapiro for only 1 year, it is unlikely the percent increases in the future will be as low as those currently offered.

Mr. Brodinsky asked whether the pricing is based on a 3-year package. Mr. Bowes confirmed that the pricing is based on a 3-year contract, but the Council retains discretion to continue the contract for only 1 year.

Mr. Knight asked about the process used to chose the firm. Mr. Bowes stated that 5 years ago, there was an RFP process and qualifications were evaluated, and then price was evaluated.

Mr. Parisi asked whether the contract can be extended for 1 year without a bid waiver. Mr. Bowes said that the Council must go through a bid waiver if extending for 2 or 3 years.

Mr. Parisi said that it seems reasonable to renew the 3-year contract,

but would recommend an RFP after 2010.

PUBLIC COMMENT

Robert Sheehan, 11 Cooper Avenue, thinks this should go to an RFP.

Ms. Doherty asked whether the same prices would be offered by Blum Shapiro if an RFP were issued. Mr. Bowes confirmed that the price increases are effective only if the Council extends the contract for the three year period.

Ms. Rascati asked whether this firm was the lowest bidder 5 years ago. Mr. Bowes said that the firm was not the lowest bidder, but was chosen based on the selection process. Mr. Parisi stated that the applications were graded based on a 2-step process – price and qualifications. Mayor Dickinson said that there was a professional public bid process when this firm was chosen, which is different from an RFP.

Jason Zandri, Lincoln Drive, stated that if this was put to a bid, all bids might come back higher than the current offer from Blum Shapiro and asked what the current market rate is for such a service. Mr. Bowes stated that it is difficult to compare rates between towns, but this appears to be in line with other rates.

Nick Econompolous, 3 Woodman's Hill Road, said that it seems that the Town should continue working with Blum Shapiro.

Bob Gross, 114 Long Hill Road, stated that efficiency in auditing is not always a positive thing in order to catch errors. Mr. Bowes said that the firm works with incredible due diligence and objectivity.

Wes Lube, Montowese Trail asked whether recommendations from the Mangement Letter have been implemented. Mr. Bowes stated that several recommendations have been implemented.

Robert Sheehan, 11 Cooper Avenue, asked when Blum Shapiro's contract expires. Mr. Bowes stated that the contract ends upon delivery of the June 2007 audit report. Mr. Sheehan said that he believes the new Council should vote on this issue.

Mr. Parisi asked if this issue has come up too late for the Council's consideration. Mr. Bowes stated that most towns begin looking for municipal audit services in the spring.

Mr. Knight said that the Town was pleased with the previous firm's work, but the Council decided to put the issue to a bid.

Mr. Knight made a motion to extend the accounting contract with Blum Shapiro for a period of three years, pursuant to pricing noted in the memo, and, therefore, to waive the bid services. Mr. Farrell, Jr. seconded

Nine (9) Councilors voted aye.

The motion passed.

11. Discussion and possible action regarding 41 South Main Street (American Legion) involving, but not limited to, the possibility of the following:
 - a. Discussion and possible action on selling the property;
 - b. Discussion and possible action on waiving the bidding process to sell the property by use of a Request for Proposal;
 - c. Discussion and possible action on putting out a Professional services bid to hire a realtor to market the property for sale; and
 - d. Discussion and possible action on any other alternatives
- Town Attorney

Mr. Farrell complimented Town Attorney Small for the preparation of the draft RFP to obtain the services of a realtor. Mr. Farrell stated that he felt that the Council should authorize the Request for Proposals in order to obtain a fair look at the market.

Mr. Knight questioned Attorney Small regarding the 10% deposit as outlined on page 3 of the RFP. Attorney Small stated the normal practice is to require a deposit check with a bid document, and if not awarded, the deposit is returned.

Mr. Brodinsky asked about the prohibition on the financing contingency. Attorney Small responded that the Council will make such a decision and stated that if the contract is breached, the deposit is not returned to the breaching party.

Mr. Brodinsky stated that selling real estate via RFP is not a good idea, and to obtain a better result, a realtor should be used. Because of this, Mr. Brodinsky will vote against the RFP. However, should the Council decide to proceed with an RFP, Mr. Brodinsky would like to allow a financing contingency.

Mr. Farrell said that the cable-access provider stated that they would be interested in putting a porch back on the house should the provider be chosen, but the provider was concerned because the RFP precludes this action. Mr. Farrell thinks that this is negotiable and each proposal should be examined on its merits. Further, Mr. Farrell does not think that the response to a proposal should specifically prohibit financing.

Mr. Knight stated that he thinks it is responsible to insist that the Town is looking for serious developers who have a serious commitment to pledge the resources to make this a habitable building. The language of the RFP should be maintained.

Mr. Testa stated his concerns regarding deed restrictions as possibly unfair to those submitting proposals. Mr. Testa said he does not favor any residential use of the property, either single-family or a multi-family apartment building.

Mr. Farrell said that in the RFP, the Town maintains the right to reject any proposal, and it might be difficult to articulate all precluded options in an RFP. Mr. Testa stated that these prohibitions might narrow the scope of those submitting RFPs.

Mr. Testa stated that he also favors hiring a realtor.

Mr. Brodinsky said that the RFP should highlight the potential tax credits because of the historic nature of the building.

Mr. Brodinsky stated that the statement in Section III, Paragraph 2 in the RFP that rejected any proposal with a financial contingency should be removed. Ms. Rascati asked why this item should be removed. Mr. Brodinsky said that some people who might be qualified to submit proposals might not have the equity without seeking a mortgage.

Mr. Farrell stated that the developer would likely sell the tax credit to a third party to provide an infusion of extra cash. The prohibition in #2 could possibly prohibit this because this could be seen as financing, and this should not be precluded in the RFP.

Mr. DiNatale clarified that any and all proposals can be rejected by the Council.

PUBLIC COMMENTS

Lucille Trycinski, 25 Turnberry Road, asked when it was decided that the Town should sell the property. She believes the property should remain under ownership of the town. Attorney Small stated that the Council has

not officially decided to sell the property. Discussion ensued between Ms. Trycinski, Mr. Farrell and Mr. Parisi regarding the potential sale of the property. Mr. Farrell said the town is not committed to sell the property.

Mr. DiNatale stated that he sees no viable way for the property to be developed based on the restrictions.

Mr. Brodinsky stated that the Council voted 5-4 to market the property, and the Councilors who voted to market the property had a good-faith intention to vote to sell the property if an acceptable proposal were to be submitted. Mr. Brodinsky said he voted no to market the property, but not because he did not support the sale of the property, but because he supported hiring a realtor instead of issuing an RFP.

Wes Lube, Montowese Trail, asked the length of time the RFP would be active. Attorney Small stated that the RFP would be out for 3 months.

Jason Zandri, Lincoln Drive suggested that the Council examine Option D to consider other alternatives due to the sluggish property market. Leasing the property might pose a better option at this point.

Robert Sheehan, 11 Cooper Avenue, asked about a potential court case regarding this property.

Ms. Papale talked about the October vote on the issue. Ms. Papale stated that when she voted to purchase the property, she believed that the town would someday need the property. This is the reason she voted no during the October meeting, and why she will be voting no on the motion to proceed with the RFP.

Mr. Knight said he thought Mr. Lube's point regarding the financing contingency was a good point, and suggested that Mr. Brodinsky make a motion regarding the public financing contingencies.

Mr. Brodinsky made a motion that the sentence regarding the financing contingency be removed from the RFP. Mr. Farrell seconded.

VOTE:

Brodinsky – yes; DiNatale – yes; Doherty – yes; Farrell – yes;
Knight – yes; Papale – yes; Rascati – yes; Testa – yes; Parisi – yes

9 – aye; 0 – no

The motion passed.

Mr. Farrell made a motion to proceed with the RFP as amended. Mr. Knight seconded.

Chairman Parisi stated that the Council is under no obligation to accept any proposal.

ROLL CALL VOTE:

Brodinsky – no; DiNatale – no; Doherty – yes; Farrell – yes;
Knight – yes; Papale – no; Rascati – yes; Testa – no; Parisi – yes;

5 – aye; 4 – no

The motion passed.

Ms. Rascati said that she voted yes, but has not yet made up her mind to sell the property.

12. Executive Session pursuant to §1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Town of Wallingford v. State of Connecticut Department of Environmental Protection – Town Attorney

Withdrawn

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

Chairman Parisi wished everyone a Happy Hanukah.

Mr. Knight made a motion to adjourn, seconded by Mr. Farrell.

All nine (9) Councilors voted aye.

The motion passed.

The meeting adjourned at 10:26 P.M.

Respectfully submitted,



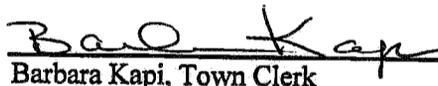
Erin R. Occhiogrosso
Temporary Town Council Secretary

Meeting recorded by Sandra R. Weekes



Mike Brodinsky, Chairman

Date



Barbara Kapi, Town Clerk

1/22/08
Date