

Town Clerk

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

February 22, 2005

6:30 P.M.

MINUTES

A regular meeting the Wallingford Town Council was held on Tuesday, February 22, 2005 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco Called the Meeting to Order at 6:38 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 Papale, Robert F. Parisi, Michael Spiteri, Vincent F. Testa, Jr., and James M. Vumbaco and Mayor William W. Dickinson, Jr., Janis Small, Town Attorney and James M. Bowes, Comptroller, were also present.

Moment of Silence

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds (# 579- #594) totaling \$5,838.85 Account #001-1000-010-1170 – Tax Collector.
 - 3b. Consider and Approve an Appropriation in the Amount of \$8,026 to Furniture (new) /Storage Acct. # 228-6030-999-9903 from Preserv – Town Share in the Amount of \$6,204 Acct. # 228-1010-020-2030 and from Prior Year Fund Balance Fund in the Amount of \$1,822 Acct # 228-1010-030-2032 – Town Clerk
 - 3c. Consider and Approve a Transfer in the Amount of \$2,872 to Furniture (new) /Storage Acct. # 228-6030-999-9903 from Shelving Vitals in the Amount of \$2,763 Acct. # 228-6030-999-9901 and from Tape Drive Backup in the Amount of \$109.00 Acct. # 228-6030-999-9902 – Town Clerk

- 3d. Consider and Approve a Transfer in the Amount of \$150.00 to Overtime Acct. # 001-6030-101-1400 from Maint. of Equipment Acct. # 001-6030-570-5200 – Town Clerk
- 3e. Consider and Approve a Transfer in the Amount of \$500.00 to Gas and Oil Acct. # 2035-300-3000 from Continuing Education and Training Expenses Acct. # 2035-501-5700 – Fire Marshal
- 3f. Acceptance of Donation from the Treasury Department Bureau of Alcohol, Tobacco and Firearms – Police Department
- 3g. Approval of two Merit Anniversary Increases - Personnel
- 3h. Acceptance of the Minutes of the March 23, 2004 Town Council meeting
- 3i. Approval of Re-Appointment of Raymond Long to Personnel and Pension Appeals Board – Mayor

Ms. Papale moved to accept Consent Agenda Items 3a. to 3i.

Chairman Vumbaco noted for the record in item 3h. that the Chapter 190 of the Code of the Town of Wallingford entitled "Solid Waste" will be appended to the 3/23/04 minutes and that Chapter 203 Article II of the Code of the Town of Wallingford entitled "Veterans Tax Exemption" will be appended to the 3/23/04 minutes.

Mr. Farrell seconded.

All nine councilors voted Aye and the motion passed..

- 4. Items Removed from the Consent Agenda –

None

- 5. PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville, asked about skating at Galko Pond.

Frank Wasilewski, 57 North Orchard Street, asked about the landfill in relation to CRRA and the recycling position.

Pasquale Melillo, 15 Haller Place, Yalesville, asked if the town is invested in derivatives and about the Wallingford Housing Authority.

WAIVE RULE V

Ms. Papale moved to Waive Rule V for the purpose of taking up a transfer from Public Works. Mr. Parisi seconded.

The vote was all ayes and the motion passed.

Ms. Papale read the item to Consider and Approve a Transfer in the amount of \$27,350.00 to Overtime Acct. from Class 8 Snow Plow Truck w/equipment & Access. Acct for \$12,500 and from Purchase Professional Services – Tree Contract Acct. for \$14,850 as asked for by Public Works.

Motion was made by Mr. DiNatale and seconded by Mr. Farrell.

Henry McCully, Director Public Works said that this was a not a mild winter and that yesterday was a holiday and the department incurred 16 hours of double-time for each employee plus storms since January 25 so that the overtime account is drained. He said that what would suffer as a result of this transfer is the tree planting program. He enumerated town events such as Celebrate Wallingford, Town fire works, etc. plus winter storms that incur overtime pay. In answer to a question regarding overtime budgeting, he said that he will be attending a FEMA workshop with the purpose of recapturing 75 % of overtime expenditures this year for snow removal for which he believes the town is eligible. He said that last year they recovered about \$66,000 that went into the general fund. Funds could be reallocated to the tree program if the request is made but timing with tree orders may be off this year.

The vote was all ayes and the motion passed.

6. Consider and Approve contract language for the purchase of the Simpson School property by the LaRosa Building Group – Chairman James M. Vumbaco

Ms. Papale moved to Consider and Approve contract language for the purchase of the Simpson School property by the LaRosa Building Group as presented by Chairman James M. Vumbaco. Mr. Testa seconded.

Ms. Papale read a letter from Karen Charest, Bonnie Court.

**Geno Marterelli, Attorney, LaRosa Building Group
Robert LaRosa, LaRosa Building Group**

Mr. DiNatale commented that the affordable housing section does not provide enough detail and asked if when this contract is approved, will the Council have any further options, and he asked what is next.

Janis Small, Town Attorney responded by saying that the applicant must supply the details of what they are proposing, what they are building, what the costs are going to be and how people are going to qualify for affordable units, and she said that the Council can require that information in the contract. She talked about the Connecticut statute regarding affordable housing.

There was lengthy discussion regarding affordable housing vs market rate units, specificity on the number of units and percentage overall of affordable units and about rental, sub-letting, ownership, deed restricted units. Conceptual design in relation to the front and rear of the project was discussed as well as a condominium owners association as required by the Common Interest Ownership Act and whether the developer will maintain an interest in the development through the owners association. Questions were posed for clarification about certain areas of the proposed contract. The Council wants the contract spelled out with details so that their concept of this development is being met.

At the Chairman's request, **Mr. Parisi moved to table** the item and to take it up as a workshop with the Council, the Town Attorney and the public to discuss specific details for inclusion in the contract at a date to be determined by the Chairman. **Mr. Farrell seconded.**

The vote to table the question was all ayes, and the motion passed.

7. Report from Public Utilities Commission and Director Ray Smith regarding Electric Rates - Mayor

Presentation was given by:

Ray Smith, P.U.C. Chairman

Richard Hendershot, Electric Division General Manager

Maurice Scully, Connecticut Municipalities Electric Energy Cooperative (CMEEC)

The slides of this presentation are part of the record.

No action was taken.

8. Presentation by Anthem/Blue Cross Representatives regarding cost for health insurance coverage – Mayor

Presentation was given by:

Terence Sullivan, Personnel Director

Steve May, The Segal Company

Michele O'Connor, Anthem/Blue Cross

No action was taken.

9. To Consider and Act on the following Resolution:

RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$9,500,000 TOWN OF WALLINGFORD GENERAL OBLIGATION REFUNDING BONDS, AUTHORIZING COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUED BONDS OF THE TOWN, AND AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM.

Ms. Papale read the following:

To Consider and Act on the following Resolution:

RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$9,500,000 TOWN OF WALLINGFORD GENERAL OBLIGATION REFUNDING BONDS, AUTHORIZING COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUED BONDS OF THE TOWN, AND AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM.

Chairman Vumbaco: The item on the agenda is the resolution authorizing the issuance and sale of not exceeding \$9,500,000 General Obligation Refunding Bonds. The resolution, which is the subject of this meeting, is available to the public and may be obtained at this meeting from the Town Clerk. Is there a motion and a second to read the title and section one of the following proposed resolution in their entirety and to waive the reading of the remainder of the resolution, incorporating its full text into the minutes of this meeting.

Mr. Parisi: So moved.

Mr. Knight: Second.

Chairman Vumbaco: Will the Clerk please call the roll call.

ROLL CALL VOTE:

DiNatale –yes; Doherty – yes; Farrell –absent;

Knight –yes; Papale-yes; Parisi-yes;

Spiteri- yes; Testa-yes; Vumbaco-yes

Chairman Vumbaco: The motion passes.

Ms. Papale read the resolution and Section 1.

RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$9,500,000 TOWN OF WALLINGFORD GENERAL OBLIGATION REFUNDING BONDS, AUTHORIZING COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUED BONDS OF THE TOWN, AND AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM.

Section 1. \$9,500,000 principal amount of refunding bonds of the Town of Wallingford, or so much thereof as shall be necessary, are hereby authorized to be issued for the purpose of refunding, including advance refunding, all or any portion of the aggregate principal amount of any issue of Town of Wallingford (hereinafter, the "Town") General Obligation Bonds now or hereafter outstanding or hereafter authorized, issued and outstanding, (the "Prior Bonds"), including but not limited to outstanding bonds of the Town's 1994 Lot B and 1996 issues and for the payment of all fees and expenses incurred in connection therewith, including redemption price, legal, fiscal advisor, underwriting, accounting, escrow verification, investment broker, printing, rating agencies, registrar, transfer and paying and escrow agents, printing, and other such costs and expenses, and those necessary, appropriate or customarily incurred in connection with the refunding of bonds.

Chairman Vumbaco: So moved.

Ms. Papale: Second.

Mr. Bowes: Mr. Chairman and members of the Council, we're going to be selling Bonds as I indicated in the letter to Mayor Dickinson and passed on to you for tonight's agenda. We are analyzing to determine whether or not we can save a few bucks on the 1994 and 1996 issue. To make a long story short, it looks like if rates remain the same we're going to be able to save a little bit of money. Not a tremendous amount. Rates did go up a little plus these issues in 1994 and 1996 were not issues with rates as high as they were previous to that so obviously the spreads are a little bit narrower. We're going to be in the market anyway. The state is reimbursing us anyway for approximately three quarters of the refunding costs so why not try even if the savings are only a couple of hundred thousand on the general government side and about \$150,000 on

the Water-Sewer, it's still worth doing. I'll entertain any questions and out bonding attorney Joe Fasi is here from Murtha Cullina.

Chairman Vumbaco: Jim, you say in your letter that you are going to save approximately \$350,000. Is that an aggregate amount over the life of what's left?

Mr. Bowes: That's correct. That's a net aggregate amount over the life of the Bonds.

Chairman Vumbaco: Any other questions? Public? Ok, we have a motion and a second. Will the Clerk call the roll call vote, please.

ROLL CALL VOTE:

**DiNatale –yes; Doherty – yes; Farrell –absent;
Knight –yes; Papale-yes; Parisi-yes;
Spiteri- yes; Testa-yes; Vumbaco-yes**

Chairman Vumbaco: I declare the refunding bond resolution adopted.

10. To Consider and Act on the following Resolution:

RESOLUTION REPEALING THE AUTHORIZED AND UNISSUED BALANCE OF THE \$6,500,000 REFUNDING BOND RESOLUTION APPROVED NOVEMBER 12, 2003.

WHEREAS the Town Council of the Town of Wallingford on November 12, 2003, adopted a resolution authorizing the issuance of \$6,500,000 refunding bonds (the "2003 Refunding Resolution") to refinance its then existing bonded indebtedness;

WHEREAS on December 30, 2003, the Town of Wallingford issued \$4,205,000 of Refunding Bonds pursuant to the 2003 Refunding Resolution, and there remains an authorized and unissued balance thereon of \$2,295,000.

NOW THEREFORE, be it hereby resolved by the Town Council that the \$2,295,000 authorized and unissued balance of the 2003 Refunding Resolution be and hereby is repealed.

Chairman Vumbaco read the next item on the agenda, a resolution entitled

"Resolution Repealing the Authorized and unissued Balance of the \$6,500,000 Refunding Bond Resolution Approved November 12, 2003.

He asked "Is there a motion and second that the repealing resolution be adopted?"

Ms. Papale: So moved

Mr. Knight: Second.

Chairman Vumbaco: Any Council discussion on this issue? All those in favor say "Aye", opposed. I declare the repealing resolution adopted.

(Note: Mr. Farrell was absent for vote on Item #11, departing the meeting at 10:23 P.M.)

11. Consider and Approve the purchase of 7.1+ acres known as 124 Constitution Street and owned by Louise and Esther Shortelle for Open Space purposes for the price of \$300,000 - Mayor

Ms. Papale said that Item #11 is to Consider and Approve the purchase of 7.1+ acres known as 124 Constitution Street and owned by Louise and Esther Shortelle for Open Space purposes for the price of \$300,000 as presented by the Mayor.

Mr. Knight: So moved.

Ms. Doherty: Second

Mayor Dickinson made a presentation using a displayed map of the property. He said that these are engineering drawings that depict the property known as 124 Constitution Street owned by Esther Leonard and Lee Shortelle. It is surrounded by residential property. It's zoned R-11, which requires lots of 11,250 square feet. There is a 300' long access off Constitution Street, and it's 50' wide. The property is hilly terrain and the topographic map shows that it slopes down to what is Caplan Brook, and then Caitlin Brook flows over to Silver Pond Apartments. He pointed out the location of Choate School. He said that there is a 15' wide sewer easement. The property is all wooded with primarily oak trees, and it backs up into Choate's open space and continues on across

Christian Street where Caitlin Brook crosses Christian Street, and the open space then continues on along Christian Street to the east along Durham Road so it creates a wild life habitat and corridor.

The asking price is \$300,000 and our appraiser indicates that the property is worth \$300,000. He said that he recommends that the town buy it for a number of reasons most important of which is our interest in open space and the role that this can play not only in the neighborhood but certainly 7 acres is large enough for hiking trails and things of that kind.

Mr. Knight said that he was glad to have had the opportunity to walk the property about one year ago and subsequent to that he sees that the Shortells have been willing to work with us to find a price that both parties could agree with. He said that he thinks that this is a property worth purchasing for several reasons and specifically there are very few places within a one mile radius of the center of town that are even available for purchase, and this has seven acres that are within ¼ mile to 1/3 mile of the center of town. He said that these properties don't come up very often. He said that we made a commitment years ago to purchase open space, and he said that he thinks that we've done a fairly decent job and that we've purchased properties that we felt were within reason, and they were close to the appraised value. He said we have found ourselves outbid by developers, and the properties that we did not buy now have houses on them.

He said that he looks at open space not just specifically property by property but that this is one of those purchases that despite the fact that money is tight, and we always are watching every dollar, that we cannot postpone. He said that earlier this year that we postponed buying a snowplow because of the increased costs in plowing and sanding. He said that we didn't save the money. He said that there is no postponement of open space purchases. He said that if the property is developable, and the town turns it down, history has show that it will be developed. He said that when the Conservation Commission says a property fits within our established perimeters and the price is at or near the appraised value, and we purchase the property that we are buying our legacy.

He said that it's well worth the investment and that every time we buy open space, we preserve the character that we so much want in Wallingford, and every time we don't buy the open space that is offered that we chip away at that legacy for future generations of the people in Wallingford. He said that he believes that the tax-

payers, as tight as money is, see that open space is a good investment, and this is one property that he supports.

Ms. Doherty said that she agrees with everything that Mr. Knight said and that she will vote for the purchase.

Mr. Spiteri said that he appreciates how strongly Mr. Knight feels about this property and hopes that he feels the same about the Wallingford Little League. He said that he has had a problem with this property from the start, and there are a number of reasons. He asked why this is even being brought out since there hasn't been a consensus on the Council to make this purchase. He said that he doesn't think this property fits any criteria for land purchases. He said he doesn't think that it's harmful for the town to not buy. He doesn't think that if it's developed that it will hurt the town. He said that it doesn't offer much building area for a contractor, and that it is surrounded by Choate, which is open space, and that they have said they have no interest in this property, so he doesn't see an advantage for the town in buying this property.

He said that he is concerned about the "lay of the land" and that because of accessibility for him, he has not been out there. He said that he looked at the maps and understands that the land drops off sharply into a brook, which is what he bases his opinion on about unusable land on this parcel. He sees that in purchasing this property that more money would need to be spent to add a footpath and that there is a safety issue in that it is hidden from all street views so it would have to be policed. He added a point about ambulance accessibility. He said that he is puzzled about making this purchase at this time in light of the fact that the administration says that we don't have the money and that we need to be cost conservative.

Ms. Papale said that she agrees with Mr. Spiteri and that even though she has an interest in open space that now is not the time, and she thinks that this would be a strain on the finances, and she said perhaps they could look at it at a later time, if it is still available, and that she is not in favor of the purchase.

Mr. Parisi said that he agrees with Mr. Knight that there is no postponement on open space land and that sums up this situation and that it behooves us to make that extra effort to continue what was started about eight years ago, which was the acquisition of open space land. He said that it is there one time for the taking, and that if we miss the boat, it is gone forever. He said that he would support the item.

Jeffrey Borne, Chairman, Conservation Commission, 20 Sylvan Avenue, said that he is in favor of the purchase of the property and pointed out the merits of the property. He said that it consists of seven handsomely wooded acres, is part of the brook wildlife corridor, including over 500' of the brook itself, that it abuts open space at Choate School to the west and the cemetery to the north, and that it has good access potential and parking, which can be developed at the Constitution Street entrance. He said that it is a lovely secluded in-town location. He said sometimes people ask how would a parcel such as this be used and the Conservation Commission would recommend passive use and that they envision a loop trail from Constitution Street down to the brook and north along the brook to the north property line and then easterly around and back to Constitution Street. He said that it would be an opportunity for the public in general to experience spring wild flowers and birds, summer shade and autumn color and wildlife observation. He said it would be a great place for children to catch crayfish, float boats and chase minnows on town public property. He said that for those reasons, the Conservation Commission strongly urges the Council to consider the purchase of this property, and they appreciate the Council's foresight in the past on other property considerations that the Council has considered.

Jack Agosta, Yalesville, asked about a house located between 120 and 126 on Constitution Street, and if it was a problem, or if it was on this property.

Mayor Dickinson pointed out a spot on the map and said that no homes were being purchased.

Mr. Agosta asked about the appraiser's report and if the Council had it.

Chairman Vumbaco said that it was shared with the Council in Executive Session.

Mr. Agosta referred to a field card for 124 Constitution Street noting one acre of land and questioned the acreage and the property assessment. The Mayor said that perhaps there is confusion about the address but that this property is known as 124 Constitution Street. Mr. Agosta asked about all the wetlands on this property and accessibility.

Mr. Knight said that they have had the property appraiser, that it's been mapped out, and it's 7.1 acres, speaking to Mr. Agosta, and said that he doesn't think there is a question about whether the Council is buying 7.1 acres or one acre. That is not the issue here.

Chairman Vumbaco said that the card says that the field card says "126" Constitution Street.

Mr. Agosta said that his opinion is that the property will never be developed and will stay open space and that the town should not buy it.

Mr. Shortelle, said that 124 abuts the property that gentleman was talking about. That it's a 70' by 150' piece of property and was quite rundown by a prior owner. It has been renovated it. He said, "Is that was he is referring to 124?"

Chairman Vumbaco said that he was referring to 126 Constitution and that the card says 126.

Mr. Shortelle said that 126 Constitution Street is his residence and the land on which it is resting and the subject property is a completely separate piece of property, is primarily wooded, and it belongs to Mrs. Robert Leonard (indecipherable name) and my wife. He said that he has no ownership although it is known as the Shortelle property. He said that the reason it was presented to the town in the first place was the fact that two seminars were conducted on open space at the Wallingford Library, and it was sponsored by the Wallingford Democrat Town Committee and the Chair was former Councilman Mike Brodinsky, and he had as the primary speaker Jim Gibbons, who is recognized as a primary authority in the State of Connecticut on open space, and this is why Mike brought him to speak. He stated that at both of those seminars it was recommended that if space is available anywhere from seven to ten acres close in to any municipality that these were jewels that should not be ignored, that the acreage should be considered. He said that he has no interest as ownership in that property and that he is just a spokesman. He said that he would have pursued it in a more lucrative manner and that he disagreed with the appraisal in several different phases. The appraisals used comparables that were three or four miles outside of the city of Wallingford, and this property is less than a mile from center.

Pasquale Melillo, 15 Haller Place, Yalesville, asked about the percentage of wetlands on the property. **Chairman Vumbaco** said a little over two acres. Mr. Melillo said that he thinks that the town has to put an end to taxes for the residents and that we can't buy everything.

Chairman Vumbaco said that he thought about this for a long, long time. He said that he walked it with Mr. Shortelle and that he wishes that the town was able to purchase every piece of property that becomes available to preserve the rural character of this community. He said that after thinking about this property, he doesn't believe that this is possible. The town is facing increasing costs, and we have been warned and told over and over of the ever-increasing costs of government and the decreasing awards of state aid since the state is in a major deficit, he doesn't think that the town should be spending dollars on discretionary land and that it is the charge and responsibility of the Council to spend our resources wisely and for the betterment of the entire community. He commended the Councilors who spoke in favor of it because he believes that they are strongly committed to open space. He said that he was glad that Mr. Shortell brought up the seminars eight years ago because he was part of that when open space was something that this town didn't even talk about, and he is glad that the credit is finally being put where the credit belongs and to the two individuals who actually brought Mr. Gibbons to Wallingford.

Unfortunately, he said, decisions still need to be made regarding the best allocation of the town's resources and that if there is a choice, which he said he believes there is, that we should concentrate on fulfilling the goals that were presented to us by the Conservation Commission and the Open Space Plan of Development. He said that he had distributed to the Council the latest version of the plan, which identified six major areas and that this property does not fall in that area. He said that there are other parcels that are being considered by the Council that he believes fits better in the Open Space purchase plan because it is attached to land already owned by the Town of Wallingford. He said that those properties would provide a better wildlife corridor than this piece of property because this dead-ends at Center Street.

He said that to claim that this is going to provide a wildlife corridor besides a fish corridor down the brook that he finds it difficult to see where deer are going to cross Center Street to continue on down towards Wharton Brook. He said that he also sees community safety issues. He said that he read the Open Space Plan of Development as it was presented, and he said that there are other areas where this \$300,000 can be used. He asked for other comments from the Council, and there were none so he called for a roll call vote.

ROLL CALL VOTE

**DiNatale –no; Doherty – yes; Farrell –absent;
Knight –yes; Papale-no; Parisi-yes;
Spiteri- no; Testa-no; Vumbaco-no**

Chairman Vumbaco said, "The motion fails."

12. Executive Session pursuant to Section 1-200 (6) (E) of the Connecticut General Statutes with regard to strategy and/or negotiations with respect to collective bargaining - Personnel
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
14. Executive Session pursuant to Section 1-200 (6) (B) regarding strategy and negotiations with respect to the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford – Town Attorney
15. Executive Session pursuant to Section 1-200 (6) (B) regarding strategy and negotiations with respect to the pending tax appeal matters of PF & CF, LLC v. Town of Wallingford and Donald C. Lunt v. Town of Wallingford – Town Attorney

Ms. Papale moved to enter into Executive Session to consider Items 12, 13, 14, and 15. **Mr. Parisi** seconded.

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

The Council entered into Executive Session at 11:05pm.

Ms. Papale moved to exit from Executive Session and **Mr. Parisi** seconded.

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

The Council exited from Executive Session at 11:35pm.

Attendance at Executive Session for Item #12:

All Councilors (8), Mr. Farrell was absent.
Mayor Dickinson
Attorney Small
Terence Sullivan and James Hutt

Attendance at Executive Session for Items #13, 14 and 15:

All Councilors (8), Mr. Farrell was absent.
Mayor Dickinson
Attorney Small

WAIVE RULE V

Ms. Papale moved to Waive Rule V for the purpose of appending ordinances to minutes. **Mr. Knight seconded.**

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

Ms. Papale moved to append a copy of the ordinance appropriating \$125,000 for the purchase and installation of outdoor recreational lighting adopted by the Town Council at its meeting on January 11, 2005 to the minutes of that meeting. **Mr. Knight seconded.**

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

Ms. Papale moved to append a copy of the ordinance amending an ordinance appropriating \$22,842,000 for the planning, acquisition and construction of town-wide school system renovations adopted by the Town Council at its meeting of February 24, 2004 be appended to the minutes of that meeting. **Mr. Parisi seconded.**

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

Ms. Papale moved to append Chapter 62 "Alcoholic Beverages" to the minutes of the February 24, 2004 meeting. **Mr. Knight seconded.**

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

16. Motion to waive the bid to hire an expert for the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford as discussed in Executive Session – Town Attorney

Ms. Papale moved to waive the bid to hire an expert for the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford as discussed in Executive Session. **Mr. Parisi seconded.**

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

17. Motion to Consider and Approve the settlement of the pending matter of PF & CF, LLC v. Town of Wallingford as discussed in Executive Session – Town Attorney

Ms. Papale moved to approve the settlement of the pending matter of PF & CF, LLC v. Town of Wallingford as discussed in Executive Session. **Mr. Knight seconded.**

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

18. Motion to Consider and Approve the settlement of the pending matter of Donald C. Lunt, et al v. Town of Wallingford as discussed in Executive Session – Town Attorney

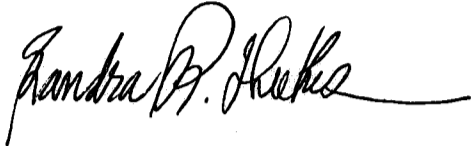
No action taken.

Ms. Papale moved to adjourn the meeting. Mr. Parisi seconded.

The vote was all ayes, except Mr. Farrell who was absent, and the motion passed.

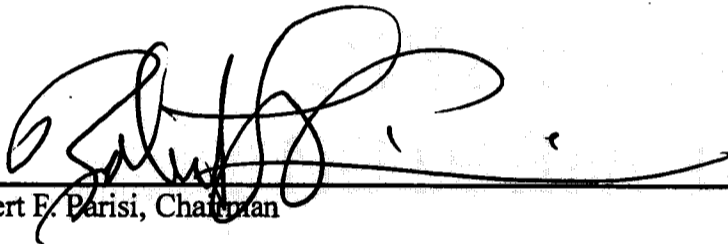
There being no further business to consider, the meeting adjourned at 11:20 PM.

Respectfully submitted,



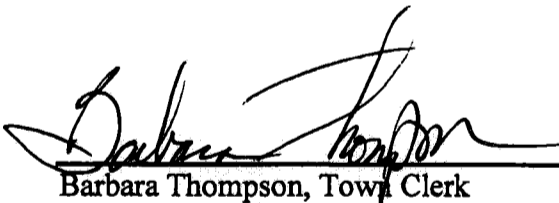
Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra R. Weekes



Robert F. Parisi, Chairman

9/12/06
Date



Barbara Thompson, Town Clerk

9/12/06
Date

RECEIVED FOR RECORD 9/6/06
AT 10:21 M A M AND RECORDED BY
Barbara Thompson TOWN CLERK

RESOLUTION WITH RESPECT TO THE AUTHORIZATION,
ISSUANCE AND SALE OF NOT EXCEEDING \$9,500,000
TOWN OF WALLINGFORD GENERAL OBLIGATION
REFUNDING BONDS, AUTHORIZING COMBINING INTO
ONE ISSUE AND MAKING DETERMINATIONS WITH THE
REFUNDING BONDS ANY OTHER AUTHORIZED BUT
UNISSUED BONDS OF THE TOWN, AND AUTHORIZING
AGREEMENTS FOR THE INVESTMENT OF REFUNDING
ESCROW AND ITS REINVESTMENT OVER ITS TERM

RESOLVED:

Section 1. \$9,500,000 principal amount of refunding bonds of the Town of Wallingford, or so much thereof as shall be necessary, are hereby authorized to be issued for the purpose of refunding, including advance refunding, all or any portion of the aggregate principal amount of any issue of Town of Wallingford (hereinafter, the "Town") General Obligation Bonds now or hereafter outstanding or hereafter authorized, issued and outstanding, (the "Prior Bonds"), including but not limited to outstanding bonds of the Town's 1994 Lot B and 1996 issues and for the payment of all fees and expenses incurred in connection therewith, including redemption price, legal, fiscal advisor, underwriting, accounting, escrow verification, investment broker, printing, rating agencies, registrar, transfer and paying and escrow agents, printing, and such other costs and expenses, and those necessary, appropriate or customarily incurred in connection with the refunding of bonds.

Section 2. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, and be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, Comptroller and the Town Treasurer, or any two of them. They shall bear such rate or rates of interest or sold at such price or prices, including discount or premium, as shall be determined by the Mayor, Comptroller and the Town Treasurer, or any two of them, pursuant to Section 7-370 of the General Statutes. The 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 interest thereon. The aggregate principal amount of refunding bonds to be issued, the particular issue or portion thereof they shall refund, the annual installments of principal, redemption provisions, if any, the date, time and manner of issue and sale, interest rate on the bonds, designation of registration transfer and paying agent, underwriter, verification agent or other service providers to facilitate the issuance of the bonds and the transactions herein authorized, and other terms, details and particulars of such bonds, and their issuance and the use and investment of proceeds, including issuance premium, if any, shall be determined by the Mayor, Comptroller and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended, including but not limited to 7-370 et. seq. The refunding bonds authorized herein may be issued in one or more series, at one or

more times and from time to time, provided that, the aggregate principal amount of all such refunding bonds issued shall not exceed \$9,500,000.

Section 3. The Mayor, Comptroller and the Town Treasurer, or any two of them, are hereby authorized on behalf of the Town of Wallingford to enter into bond purchase contracts for the sale of the bonds, insurance or other credit enhancement contracts, escrow agreements, investment contracts to invest the proceeds of the bonds pending their use for the purposes of the issue, including purchasing open market treasury securities, State and Local Government Series, or any investment permitted by law, to enter into interest rate swap agreements or other agreements and determinations authorized by Section 7-370b and 7-370c, and to execute and deliver such other contracts or certificates necessary or appropriate to consummate the issuance of bonds and transactions herein contemplated, to contract with agents to act on behalf of the Town with respect to any of the foregoing and to apply the proceeds of such bonds for the purposes herein authorized. In connection with agreements to invest the proceeds of the bonds, the Mayor, Comptroller and Town Treasurer, or any two of them are specifically authorized to enter into contracts to provide for the investment or reinvestment of amounts held in an advance refunding escrow, including but not limited to agreements to deliver, provide, or receive securities to fund the refunding escrow, or to otherwise facilitate refunding purposes, to purchase securities during the term of the escrow from proceeds derived from maturing escrow securities, including agreements committing to purchase or allow for the purchase of such securities over the term of the escrow, in exchange for payment, and which agreements may be described or are commonly known as escrow float contracts, escrow reinvestment agreements or generally, guaranteed investment contracts. Such agreements and any contract agreement authorized hereunder, may include agreements with and instructions to an escrow agent, or consist of agreements with multiple parties to accomplish its objectives, provisions for delivery and payment of securities or exchanges of cash flow, provisions identifying the type of securities to be delivered, the date, principal amount, maturity date and maturity amount of delivered securities, the timing and amount of exchanged cash flows, if any, default provisions, the preconditions to entering into such agreements, including opinions of counsel, including reasoned opinions addressing the effect of bankruptcy, insolvency, appointment of a conservator or other similar proceedings with respect to any party to such contract, including, but not limited to a party agreeing to provide such securities to the escrow in exchange for payment therefore, or any party to an interest rate swap agreement. The agreements contemplated by this section may consist of more than one agreement entered into with more than one party. Any portion of the payment derived from such contracts may be deposited to the refunding escrow or expended to reduce, directly or indirectly, the amount of bonds required to be issued to refund the Town's Prior Bonds.

Section 4. The Mayor, 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 resolution.

Section 5. The Mayor, Comptroller and Town Treasurer, or any two of them are authorized to combine with the issue of refunding bonds herein authorized, bonds for any other purpose which the Town has authorized but, as of the issue date of the applicable series of refunding bonds, are unissued, including any bonds authorized subsequent to the date of adoption of this resolution. Solely in connection with such combined issue, the Mayor, Comptroller and Town Treasurer, or any two of them, in addition to the authority conferred upon them by any bond ordinance authorizing the issue of the bonds to be combined into one issue with the refunding bonds, are hereby delegated the authority to enter into contracts of purchase for such bonds and to determine their interest rate, and to exercise with respect to such combined issue of bonds the authority herein conferred.

Section 6. The Mayor, Comptroller and Town Treasurer, or any two of them are hereby authorized on behalf of the Town to enter into contracts and to execute and deliver certificates necessary, appropriate or advisable in their determination to consummate the issuance of the bonds and the transactions authorized herein.

Section 7. This Resolution shall remain in full force and effect until repealed by the Council.

RESOLUTION REPEALING THE AUTHORIZED AND
UNISSUED BALANCE OF THE \$6,500,000 REFUNDING
BOND RESOLUTION APPROVED NOVEMBER 12, 2003

WHEREAS the Town Council of the Town of Wallingford on November 12, 2003, adopted a resolution authorizing the issuance of \$6,500,000 refunding bonds (the "2003 Refunding Resolution") to refinance its then existing bonded indebtedness;

WHEREAS on December 30, 2003, the Town issued \$4,205,000 of Refunding Bonds pursuant to the 2003 Refunding Resolution, and there remains an authorized and unissued balance thereon of \$2,295,000.

NOW THEREFORE, be it hereby resolved by the Town Council that the \$2,295,000 authorized and unissued balance of the 2003 Refunding Resolution be and hereby is repealed.