

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

March 14, 2006

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at a regular meeting held on Tuesday, March 14, 2006, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:35 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Corporation Counsel Adam Mantzaris and Comptroller James Bowes were also present. Councilor Vincenzo M. Di Natale arrived at 6:38 P.M.

Prayer Deacon Gene Riotte, Holy Trinity Church

1. Pledge of Allegiance and Roll Call

2. Correspondence

No correspondence.

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#500 - #528) totaling
\$16,643.20 Acct. # 001-1000-010-1170 - Tax Collector.

3b. Consider and Approve a Transfer in the Amount of \$8,000 to Counter Tops
and Cabinets (new line) Acct. # 6030-999-9913 from Regular Salaries and
Wages Acct. # 6030-101-1000 – Town Clerk

- 3c. Consider and Approve a Transfer in the Amount of \$40,000 to Overtime Acct. # 001-5015-101-1400 from Contingency – General Purpose Acct. # 001-7060-800-3190 – Public Works
- 3d. Consider and Approve a Transfer in the Amount of \$30,000 to Maintenance of Vehicles Acct. # 001-5015-550-5000 from Contingency – General Purpose Acct. # 001-7060-800-3190 – Public Works
- 3e. Consider and Approve a Transfer in the Amount of \$50,000 to Gas & Oil Acct. # 001-5015-300-3000 from five various accounts – Public Works
- 3f. Consider and Approve a Transfer to Fund Police Union Contract including retroactive wage increases – Police and Personnel Departments
- 3g. Consider and Approve an Appropriation in the Amount of \$2,805 to Expenditures Acct. # 213-3070-600-6000 and to Donations Acct. # 213-1042-070-7010 – Youth and Social Services
- 3h. Consider and Approve the Reappointment of Mr. David Gessert to the Public Utilities Commission effective March 1, 2006 to March 1, 2009 - Mayor
- 3i. Consider and Approve the Appointment Mr. Robert Beaumont to the Public Utilities Commission effective immediately and expiring on March 1, 2007
- 3j. Consider and Approve Authorizing the Mayor to sign a Resolution with the State of Connecticut for an Historic Preservation Grant in the Amount of \$12,000 – Program Planning
- 3k. Approve Minutes of the Town Council Meeting of November 29, 2005
- 3l. Approve an Excerpt of the Minutes of the Town Council Meeting of May 9, 2005
- 3m. Approve an Excerpt of the Minutes of the Town Council Meeting of May 24, 2005

Mr. Knight moved to accept the Consent agenda 3a through 3m. **Mr. Farrell** seconded the motion.

Chairman Parisi asked for all those in favor and those opposed. The vote was All ayes (9) and the motion passed.

4. Items Removed from the Consent Agenda

None.

10. Discussion and Possible action on scheduling meetings, presentations and votes with regard to the Wooding Caplan Project – Councilor Mike Brodinsky

Chairman Parisi announced that Item #10 has been removed from the Agenda by Councilor Brodinsky.

Mayor Dickinson said that he was pleased that Mr. Beaumont will serve on the Public Utilities Commission. He said that Mr. Beaumont has served in the past and his experience will serve the Commission well considering some of the issues that are coming up, including the replacement for Mr. Ray Smith. **Mayor Dickinson** added that Mr. Beaumont's father worked for the division for over 50 years.

The Town Clerk, Barbara Thompson, swore in Robert Beaumont to the Public Utilities Commission.

5. PUBLIC QUESTION AND ANSWER PERIOD

Brian McCarthy, Highland Avenue, Wallingford, asked about Item #18 and wanted to know if it would be open for public comment. **Chairman Parisi** said that it would and that it is a discussion item but that no vote would be taken.

Gary Lindsley, 520 Ward Street Extension, Wallingford, directed a question to **Chairman Parisi** regarding his taxes and said that he and his wife did a market study and he said that he checked it out and that the Town Attorney explained the law who said that the Assessor can see anyone who comes in with a question. He said that the assessor did some checking that he needed to do, found Mr. Parisi's observation was valid, and the result was that the assessment was lowered.

Mr. Mantzaris said that the assessor can see anyone in town up until the day he signs the grand list which he said was January 31st. Assessment notices went out in November and the assessor's office has seen 97 people since that time and the assessor himself saw 41 on them. There were reductions, increases and no changes. He said it's legal and has been done

since the town has had revaluations. Mr. Lindsley made more comments to the Chairman. Chairman Parisi called on Mr. Wright.

Phil Wright, Sr., 160 Cedar Street, Wallingford, asked about Item 3f., which is approval of a transfer without any dollars noted, and how the public can accept this without any dollar value attached.

Chairman Parisi said that the Council does receive a letter or memo explaining transfers but that this one was not ready when the agenda went out. He read the item.

3f. Consider and Approve a Transfer to Fund Police Union Contract including retroactive wage increases – Police and Personnel Departments

Chairman Parisi said that it was discussed and approved at the last meeting and that the amount is \$530, 030 and is the result of a contract negotiation by the Personnel Department.

Wes Lubee, 15 Montowese Trail, commented about the minutes that were on the agenda.

Mr. Knight made a motion to move up **Item #18** (*from the Addendum*). **Mr. Farrell** seconded the motion. Mr. Knight asked all those in favor and all those opposed. **The vote was All ayes (9) and the motion passed.**

- 18.** Discussion and Update on the School Building Renovation Project, including the Sheehan Track and Field Project – School Building Renovation Committee

**Don Harwood, Chairman, School Building Renovation Project,
William Choti, Vice-Chairman, School Building Renovation Project**

Mr. Harwood said that he would like to talk about budget and timeline and get direction from the Council. He said that in July 2005 and December 2005 that they anticipated that they would be coming back to the Council for what they expect to be final request for funding on the project. He said that in the summer of 2006 there will be a fair amount of aggressive work at the Sheehan High School building. He spoke about items in Phase A & B, for instance, Highland School serious drainage issues about \$50,000; Lyman Hall sub-surface soil issues for the tennis courts that will run about \$70,000; and possibly the same issues at Sheehan near the track & field development where there are wetlands.

Mr. Harwood said that these are hidden conditions that they have run into. He said that Stevens School is asking for racks for student coats and belongings that will run about \$37,000. Phases A & B (Moses Y, Lyman Hall, Highland, Rock Hill, Cook Hill and Stevens) represents about \$40 million in just construction costs. He said that their projection to complete Phases A & B is about \$1.2 million of which \$600,000 is an overrun at Lyman Hall.

Chairman Parisi asked for a number for Phase A.

Mr. Harwood responded, "\$1.2 million," and said that a spreadsheet with the numbers would be provided to the Council, the Mayor and the Comptroller. He said that for Phase C they projected about \$1.8 million and he said that the number is tracking about \$1.6 million, so that's Phase A & B \$1.2 million and \$1.6 on Phase C. He spoke about the outstanding issue on the Sheehan Track and Field. He reported on the bids that came in on March 7, 2006. He recounted the \$1 million bonding from the state and that the renovation committee has been carrying a total line item of around \$800,000 and also added to that was a performance bond and fee and said that brought it up to \$1.975 million and that the available funding is reduced from the \$1.975 million since \$120,000 was spent of design and bidding costs.

Mr. Harwood spoke about the bids for the Sheehan track and field and current qualified bidders. He said that the bid number coming for the work to be done is \$2,147,309 and there is no contingency built into that number. He stressed that they need to provide contingency dollars because of the sub-surface soil conditions. He said that they are projecting 5.5% for contingency or \$118,000. He spoke about general liability insurance that needs to be carried on the additional value. He said that they are carrying about \$25,000 for testing services and construction administration. He said that the difference between their place holder in the budget plus the \$1 million coming from the state works out to about \$500,000, so for the Sheehan Track and Field, which he said he holds separate, that the general construction is part of Phase C request but the Sheehan Track and Field would need about \$500,000 additional allocation to deliver the track and field and complex that has been proposed by the sub-committee.

Chairman Parisi asked for clarification on the numbers.

Mr. Harwood said that Phase C is \$1.6 million, which is Sheehan, Pond Hill, Parker Farms, Moran and Dag, and the bottom line on the track and field is \$2.3 million total cost. He said that the total impact bottom lines

(Mr. Harwood con't) are - \$1.2 million Phase A & B; \$1.6 million Phase C; and \$500,000 Sheehan Track and Field – and that will complete the project. He said that the closing item is the timeline on the Sheehan Track and Field is projected in the bidding documents to start in April and to be delivered prior to the fall season. He said that their recommendation to the Council to move forward on the track and field. He said that they currently have budgeted basically \$1 million plus another \$800,000, or \$1.8 million, to move that project forward. He said that what they are asking is for an additional \$500,000; however, he said in the Sheehan project right now, there is enough money to move that project forward.

Mr. Harwood said that in the summer of 2006, when they begin to do the summer renovations, if approval for another \$500,000 did not come, then they would have to stop, since allocated funds that the town has authorized would be overspent. He said that if in fact the Council is of the mind set that odds are good that the Sheehan track and field will get another \$500,000 support to move it forward, they would like to release the contract document, the bid awards, as soon as the town purchasing department and Turner's purchasing department agree on the qualified bidder and that way they can stay on the timeline to finish it up this year.

Mr. Harwood said that if they wait 90 days, the bids expire; if they wait 60 days, it may not be complete for the fall sports season. He said that they recommend to the Council for consideration to move forward. He said that the other element is that they would like to be placed on the agenda for a bonding ordinance change.

Mayor Dickinson said that a title is needed and a meeting to set a hearing date.

Chairman Parisi asked the Mayor if they can move forward on their current monies?

Mr. Harwood said that no allocation or approval is being made for additional funding but that what they are saying that there is currently in the Sheehan budget enough money to cover that \$500,000.

Mayor Dickinson said that the Comptroller is telling him that that would be their choice to decide what you are going to go forward with and said that if there wasn't support for this then it would be at risk but that he doesn't think that is the case. He said that they could spend the money they have in the places that they feel is the most appropriate given the total project.

Mr. Harwood said, " Most importantly, for the committee's perspective we want to tell you what is going on, so it's endorsed by our boss, which is you.

Mr. Farrell commented that that might be dangerous turf and said that he would rather hold the public hearing and do the bonding ordinance and be real clear about it. He said that in the past there have been instances where the intention was questioned. He said that the Council could Waive Rule V tonight to set a public hearing and why not do that to be very clear rather than a wink and a nod.

Mayor Dickinson said that they have to be careful of the language in the amendment if we are already using funds that are already appropriated. He said that it would be better to go forward with all approvals, and that he would suggest something in writing regarding the total for the bond counsel, and then set a public hearing date with a Special Meeting at the end of the week, and that Mr. Fasi can supply a title, and that we move forward in that way.

Mr. Testa asked what would be the quickest that we can move to have the ordinance amended.

Mayor Dickinson said that the quickest would be to set a public hearing date, get the title, have the public hearing, and that the earliest would be the March 28 meeting and then there is an appeal period after that.

Mr. Testa said that with Council approval and setting a public hearing he is promoting allowing the project to get started because there is little risk that they will use all of the Sheehan budget of \$2.2 million before bonding is in place for the project. They figured that if there is a public hearing March 28 that the earliest they could get started is the end of April. He said that the sooner they get started, the better.

Chairman Parisi said that he would like them to get started right away but he thinks we will work right away to start the process beginning with a Special Meeting this week and aim for March 28.

Mr. Testa said that if we wait until the ordinance is passed that they can't do anything, so we could authorize that to go forward.

Chairman Parisi said that he agrees with that.

Mayor Dickinson said that to clarify a little bit that his concern, and that of the Comptroller, is that he isn't sure that the field is in the ordinance, it was not part of the original scope.

Mr. Choti said, "Yes, it was. The track was always part of the original and that area and the only thing that wasn't part of the original ordinance was the synthetic turf field. That was the only thing not in there so there is additional construction because we are using that product."

Mayor Dickinson said that his hesitation is that we shouldn't go and spend money on the field without clarification that it is indeed covered by the existing ordinance language. He said that the track that was part of the project is not a problem. He said he does not want to represent that everything is OK because later on, technical or not, that could be a violation of an ordinance. He said that he wants to talk to Joe Fasi. He said that part of this could certainly be initiated but we just need to not violate any language and have that become a procedural issue.

Mr. Harwood said that since they have \$1.8 million already sitting there ready to move on this project that they could also not release certain parts of the bids currently, so that they don't release over their numbers. We have 90 days from March 7 to award the bids so they would not release some of the elements. He said that there is \$500,000 in the separate fund for the field specifically that was under the DEP grant that was received for the field. He said that the field product was just under \$500,000. He appreciates the Mayor's caution but they could make sure that they don't get into the position where the overspent or that they hold back bids. He said that they did a similar thing related to furniture, fixtures and equipment related to the schools projects where they did not award the bids right away.

Mr. Brodinsky asked for clarification on what the Council can do tonight to move this ahead. He said that he is in favor of doing what the Council can do tonight to move this forward to save time for the project.

Mr. Choti said that the bidding process was delivered in three distinct packages 1) Site 2) Track and Field, meaning track surface, venue and field surface and venue and also bleachers, press box and lift. He continued that the bleachers, press box and lift will be awarded to a contractor that will have to wait until the site development has taken place along with the grass surface and the rubberized surface will have to wait for site. So he said if

(Mr. Choti con't) they can release site, they start the process moving, and there is time to catch up for the bleachers in the next 30 days as long as they don't fall out of that 60-90 day window.

Mr. Brodinsky asked that if they agree tonight to have a special meeting to be held later this week to set a date for a public hearing, and at the public hearing, the Council gets the extra \$500,000 that is needed, and then they are all set, and the Council has moved as fast as they can go. He asked if that was right.

Mr. Choti said yes but there is still a thirty-day waiting period, and because they already have money in place, they would like to be moving on a parallel path so that the Council amending the bond to get the extra \$500,000 for the track and field yet they already have available \$1.8 million that they would like to begin spending that \$1.8 million.

Mr. Brodinsky asked what else the Council can do in addition to setting the special meeting to set the public hearing.

Mr. Harwood said that they would like to release the site package and get going on it and hold all else in abeyance and that they will not overspend or be in conflict with the existing bonding ordinance or the state DEP grants. He said that the fastest is about 45 days.

Chairman Parisi said that he doesn't understand why they can't use if they have money in place and why can't they use that money as long as the Council is going to come up with the rest of the money anyway.

Mayor Dickinson said that whatever they have currently, they can go forward with. He said that there isn't a problem with that but to the extent that extra money is needed that isn't approved yet that is where it gets a little dicey because if that money is spent before there is the proper approval, then we aren't in sync with the appropriation, the authorization. He said that if they have money that they can legitimately spend ahead of time there isn't dissent on this so I don't think that's a problem. He said that we are talking about \$3.3 million and that is a sizable amount of money and we need the Committee's numbers so that he can talk with the bond counsel and get the thing properly orchestrated.

Chairman Parisi said that they will have to have a meeting this week to set a date and asked the Council about days to meet at 5:30 P.M.

By consensus, a quorum of the Town Council agreed to hold a Special Meeting on Thursday, March 16, 2006, to set a Public Hearing for March 28, 2006 to amend an ordinance for the funding of the School Building Renovation Project.

Ms. Doherty wanted to know about the change on size, and **Mr. Choti** responded that the track dimension is larger because of the inclusion of a football/soccer field on the inside. She asked if there would be bid figures and the add alternates for the Council. **Mr. Harwood** said that all bid information is posted in Town Hall but said that specifics could be provided along with the figures needed for the bonding ordinance, which he will get to the Comptroller's Office.

Mr. Testa asked about the options, specifically the bleachers and the lift, he asked about Alternate Bid #6 which adds \$400,000 and asked what is the alternate? **Mr. Choti** said that what they were looking for as the alternate regarded the home side bleachers with a new press box and because of ADA requirements that the press box had to have a lift and the value of that side of the field is about \$300,000. He also spoke about the visitors' bleachers, and said that they with the sub-committee, music parents and others, determined that the field would be used year-around so they looked at the project as a complete package.

Mr. Harwood said that with the expansion of the field that the bleachers needed to be moved anyway.

Mr. Testa said that in the original scope there wasn't any recognition of the fact that press box would come down and be reinstalled.

Mr. Choti said that they weren't going to do anything with the bleachers on the original concept but going to the 8-lane track meant the visitor bleachers had to go but with the discussion of this type of facility, it was determined that it would get more use than before, and that it was necessary to re-install the visitor bleachers so the committee felt that it was necessary to include them.

Mr. Testa pointed out that most of the \$500,000 increase that is being asked for, as he understood it, was in unforeseen fieldwork, site work, moving things, etc. but if you look at this \$400,00 is in this item which wasn't there before. He asked about site improvement and if this is the company that will do all of the site work.

Mr. Choti said that yes it was, and **Mr. Testa** asked, "All of it?" **Mr. Choti** said that they will build the track, build the sub-field, and they will do all the work associated with that, including the concrete for the new bleachers, then you have the top layer of the track and field and the rubberized surface on the track and the third component, which are the bleachers.

Mr. Testa asked if the track and field contractor is simply putting on the topcoat. **Mr. Choti** said yes because they have found through their education of this (project) that this is a very specialized process, and that they want someone who has done this before.

Mr. Testa asked if the sub-surface work is being done by the site improvement contractor and that is all the drainage, etc. that they talked about. **Mr. Choti** said yes.

Mr. Brodinsky asked if this money take care of everything – lights, site work – that there are no more additional costs to get this track and field going, barring contingencies.

Mr. Testa said, "Lights." The answer was yes but both.

Mr. Harwood and **Mr. Choti** pointed out that lights are a concern.

Mr. Brodinsky said but you have accounted for lights in this?

Mr. Choti said that they have accounted for moving the lights on the original poles and that they have no idea what is going to happen when they try to move them. He added that the wooden poles are 80 feet.

Mr. Brodinsky said that the lighting is in the bid that someone bid on. He continued that he had spoken with Mary Fritz today and that she wanted to be here but she could not be. He said that she supports this project and is hopeful that the Council will move forward with the entire package tonight.

Mr. Testa asked for clarification that his understanding is that the Council will do what it has to do to amend the Ordinance and that when the committee leaves here tonight they are leaving with the understanding that you are going to work part of parts of these bids to get rolling.

Mr. Harwood responded, "Absolutely."

Chairman Parisi said that he thought that was made very clear. He asked for comments from the public.

Mark Goodfriend, Algonquin Drive, spoke about bleacher use and the petition that was presented in support of the project. He said that the total is almost 1,000 people. He asked if the meeting to set the public hearing is open to the public.

Tom Hennessey, 1 Laurel Drive, expressed his appreciation to the Council in moving forward on this project which will be used for many reasons by the Town of Wallingford.

Kenneth Henrici, Superintendent of Schools, thanked the Council for support of this project and said that it is a very important project. He said that the project in Phase C was scoped out in 1999, and since then there has been a tremendous cost escalation and unforeseen expenses. He expressed his support for the Sheehan Track and Field. He said it will make Sheehan a first class facility not only for the athletic teams but also for the entire community and that it is a great service to our athletes to replace one of only ten cinder tracks left in the State of Connecticut.

Robert Sheehan, 11 Cooper Avenue, asked about the amount of money in the amendment of the ordinance. **Chairman Parisi** said the amount will be \$3.3 million.

Wes Lube, 15 Montowese Trail, asked if the fireworks display will interfere with the project. **Mr. Harwood** said there will be no impact at all.

Chairman Parisi said the people who circulated the petitions should be thanked and they did a lot of work and they don't always get any credit. He said that he was impressed with the number on names. He thanked all those in attendance.

6. Consider and Approve a Budget Amendment in the Amount of \$10,500 to Maintenance Wells & Springs General Acct. # 431-8600-614 and to Appropriation from Retained Earnings-Cash – Water Division

Mr. Knight made a motion to Approve a Budget Amendment in the Amount of \$10,500 to Maintenance Wells & Springs General Acct. # 431-8600-614 and to Appropriation from Retained Earnings-Cash as requested by the Water Division.

Mr. Knight read a letter that accompanied the request dated March 6, 2006. Mr. Farrell seconded the motion.

Roger Dann, General Manager, Water & Sewer Divisions, brought the Council up-to-date on the repair of the well #3, which is about 35 years old. He said that this well pumps about 1 million gallons per day. He said the cost of the re-development of the well about \$13,000 and that this transfer for the repair is over and above that.

Mr. Knight asked for questions from the public and there were none. Mr. Knight called for the vote asking for all those in favor and those opposed. All ayes except for Chairman Parisi and Councilor Testa, who were not in the room at the time of the vote. The motion passed.

7. Consider and Approve a Bid Waiver concerning Repairs to Well #3
– Water Division

Mr. Knight made a motion to Approve a Bid Waiver concerning Repairs to Well #3 as requested by the Water Division. Mr. Farrell seconded the motion.

Roger Dann, General Manager, Water & Sewer Divisions, said that the problem was discovered during the re-development process and that they would like to stay with the contractor already involved in the re-development process.

Mr. Knight asked for questions from the Council and the public and heard none, and he called for the vote.

Chairman Parisi returned at 7:46 P.M.

All ayes except Councilor Testa who was not in the room at the time of the vote. The motion passed.

Mr. Testa returned at 7:47 P.M.

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

All voted aye and the motion passed.

9. Discussion and Possible Action regarding the P.U.C. Policy of Assessing hydrant fees – Councilor Jerry Farrell, Jr.

Mr. Farrell said the he had a conversation with Mr. Geno Zandri who asked that this item be put on the agenda. He said that Mr. Zandri wanted to bring to the Council's attention is that the hydrant fees which are part of our overall water system that there is a difference in how we go about assessing the fees and that if you live on a regular street, they hydrant fees are part of the overall rate structure but if you are in a condominium or certain types of business parks, its more directly assessed to just development. Mr. Farrell said that he agreed to put the item on the agenda and asked the P.U.C. to come and address it since Mr. Zandri thinks that there is an injustice in that He referred to the P.U.C. minutes the agenda packet that reference the P.U.C.'s prior discussion of this. Mr. Farrell invited Mr. Zandri to speak.

Geno Zandri, 9 Balsam Ridge Circle, thanked Mr. Farrell for presenting this item on the agenda. He read a prepared statement and made a request of the Council, provided the Council has oversight over the P.U.C., and if the Council agrees with his philosophy. He said that a motion would be in order to ask the P.U.C. to re-consider its policy on collecting revenues for the maintenance of fire hydrants and have all hydrants be considered as part of the water distribution system and that the cost of maintaining of the hydrants be shared by all water customers equally.

Mr. Knight called on Mr. Farrell.

Mr. Farrell said that his only comment was that there is a growing body of law that suggests (*emphasis on 'suggests'*) that condominium owners are as entitled to public services as other people. He said that he doesn't know what the status of that is in Connecticut. He said that there are lawsuits brought by condominium owners regarding the provision of public services and differential treatment. He said that he will not make the motion that Mr. Zandri suggests but that he thinks that it is something that should be considered and that you have to keep you eye on the ball, and there may be a growing consensus in the law that they can't be treated differently.

Roger Dann, General Manger, Water – Sewer Division said that Mr. Zandri is correct that in the current user charges of the Water Division there are fees which were adopted for the provision of private fire service, which is generally rendered in two ways, either through a hydrant or through a fire service which might go into a structure and be utilized for a sprinkler system. He said that the charges for private service have been in

existence in our system for a considerable period of time and when they researched it that got back to 1928. So it is an established part of our utility practice and it's established in utility rate making.

Mr. Dann said that when they investigated this several years ago that they contacted other utilities in the area to find out if they had private fire charges for hydrants and services and almost without exception that every utility does have charges of this type for private fire protection. He said that in Wallingford's system the way they distinguish ownership is that the town takes ownership of mains and appurtenances including hydrants that are located in approved town roads or on easement, which have been granted to the Water Division. He said that those are where the division would like to retain ownership of the main because it functions as part of its distribution system and so there are cases where we have pipes that cross private property that are in easements that the Water Division wants ownership of and if there are hydrants located within those easement areas then the Water Division retains ownership.

Mr. Dann said that hydrants that fall outside of that are by their definition private. He said that private hydrants typically occur on a private parcel, private property, and they are removed from the town road system. The private parcel still has access to the hydrants, the public hydrants, located on the road which it fronts upon so those properties are getting the benefit of a public hydrant for which they are paying through the general user charges the same as everyone else. He said they get access to the hydrants that are located on the public right-of-way. He said that where the service extends into the property, and typically, it's a main extension that goes into a property, there then hydrants which serve to benefit exclusively the owner of that private property and as such they view the benefits that are obtained for that service as being exclusive to those property owners and they did not provide a general benefit to the general public.

Mr. Dann said that is the distinction between why you would charge for the hydrants that are private where you spread the cost of the general public hydrants in fire protection amongst the entire rate base. He said that they have investigated this several years ago as Mr. Zandri has brought this matter forward on a number of occasions in the past. He said that they have consulted with the Town Attorney's Office previously with respect to their system of charging as well as what the options might be should there be any thought to alter the system of charges to do away with this type of service. He said in characterizing the responses that he has received that generally speaking the town Attorney's Office felt that the charges were appropriate and felt that condominiums could not be separated as being different for

(Mr. Dann con't) purposes of this type of charge from other types of private property such as commercial or industrial properties and that therefore you either charge for this type of service from all of the private parties that make use of it or you don't; however, the opinion was strongly in favor of charging for it for the purposes of assessing the cost of the service to those parties that are benefited and in particular where those services then did not benefit the general rate base.

In summary, **Mr. Dann** said that on that basis they have looked at this and consulted with the Town Attorney with respect to the legal aspects and they have consulted with consultants that have worked for us with respect to the system of charges we use and those rates have been reviewed and been acknowledged to be according to generally accepted practices. He said that at this point there is no reason to conclude that there is a flaw in their method of charging for private fire protection.

Mr. Zandri, referring to Mr. Dann's comments about hydrants located in his condominium (area) and that they are strictly for the use of the condominium owners and that the condominium have access to the ones on the public roads, said that this is mandated by zoning regulations and that the condominium had no choice because they have to be there. He said that any hydrant located on any road is for the use of the people who live on that road. He said that Mettler Drive is directly across the street from his complex and they have three hydrants and that his complex is off Cook Hill Road and that the complex has three hydrants. Mettler Drive residents do not have to pay for their hydrants but he said that they do in the complex. He said that what happens is that they end up paying twice – in their bill for all the hydrants in town and on top of that they have to pay for the ones that are in their complex and that is where he sees the policy is unfair. He said it makes more sense to him to see it as a distribution system for all water customers and that the cost for maintaining the hydrants on the system should be borne by everyone who uses them. He talked about how he does not benefit from hydrants across town and he said that if there is a fire in his neighborhood the hydrants in front of our houses will take care of it just like any other road in town and that is where the inequity is. He said that it is an injustice and he said to think about the people in town who live in condos. He said there are a lot of them.

Chairman Parisi asked for other comments or questions.

Mr. Brodinsky asked if the distinction made was private property vs public property, and not condominium or other private hydrant. **Mr. Smith** said that yes that it was. He said that he understands that the charge is not related to maintenance costs because that is rolled into the general water rate, that they are not charging them \$350 for maintenance of hydrants is rolled into the general rate. **Mr. Dann** said that there is a small component of the hydrant charge which is maintenance related and there are some maintenance functions that are actually performed for the private hydrants but the bulk of the cost for fire protection relates to the construction of the facilities. **Mr. Brodinsky** asked of the \$350 is to recover the cost of the hydrant.

Mr. Dann said that it is a reflection of the cost that the water system has put forward in the interest of fire protection for example, when you construct a water storage tank, a large component of that facility, and therefore, its cost is dedicated to providing fire protection.

Mr. Brodinsky recapped saying and receiving confirmation from **Mr. Smith** that the \$350 is not to recover costs for the hydrant, or that private hydrants cost \$350 more to maintain, and that as he understands this the hydrant that sits way back from the public road on private property and providing the benefit that is the basis for the \$350. **Mr. Dann** said that it is providing a benefit that is specific to that private property.

Mr. Brodinsky said that if the hydrant wasn't way back, for instance, just one inch on private property that the Water Division would still charge \$350. **Mr. Dann** said yes that there is a transition between public and private. **Mr. Brodinsky** said that it comes down to the benefit that you talked about and he gave an example of two raging fires, hypothetical, one on public property and one on private property, and the fire department responds to the fires successfully and lives are saved only because the fire department could hook up to hydrants yet one pays \$350 for the benefit.

Mr. Dann responded that the difference is that the benefit from hydrants on the private property was the same as it was for those on the public right-of-way but that the outcome for those on private property would not have been the same without the hydrants on the private property. He said that if the fire department had to hook into hydrants on the public right-of-way into the private property the outcome would not have been as good.

Mr. Brodinsky went on to talk about the "location" of the hydrants. He said it seems to him that what they have is a tax not related to maintenance cost and not related to recovery of the cost of the hydrant.

Mr. Brodinsky said, "It's a tax," and that it's a municipal tax and that under statutes, a specific ordinance, a specific state statute, authorizing a tax on fire hydrants. He said that there is a state statute that talks about recovering fees for water distribution system but what is here is something that is clearly a surcharge on hydrants. He asked what gave them the authority to tax a fire hydrant, what state statute is it? He asked if they said the policy has been in existence since the 1920s and **Mr. Dann** said, yes.

Mr. Brodinsky read from the state statute and asked whether they can tax a private hydrant.

Mr. Dann responded that **Mr. Brodinsky** had characterized it as a tax and that is in fact not a tax. He said that it is a user fee, a fee which is by design intended to recover costs associated with the provision of a particular type of service, in this case fire protection. It is not a tax, he said, and not intended to be a tax.

Mr. Brodinsky said that he is not going to make a motion but that he recommends that P.U.C. go back and see if they have statutory authority to charge for fire hydrants. He said that he appreciates the candor of the P.U.C. and that **Mr. Zandri** brought up this interesting matter.

Mr. Farrell talked about the benefit fairness issue in this 9-11 world and gave as example the hydrants on Woodhouse Avenue to the Towers, which he said is hundreds of feet from the public road. He said that the rationale for doing it this way is a private benefit and for him that does not resonate and that we all benefit from property and lives being protected. He said that is a public good not just a private benefit

Mr. Testa asked if this started by putting hydrants on business properties.

Mr. Dann said that private fire protection is provided to any type of property.

Mr. Testa asked about before condominiums even existed there were factories and businesses, and they all had hydrants, and he said that he could see how that could be considered private. He commented that he didn't like the fairness of this either and went on to talk about the safety perspective both for homeowners, business owners as well as the fire fighters themselves. He asked if there are any condominium complexes where the roads going through them are public roads.

Mr. Dann said that there may be some where the units front the public roads.

Mr. Smith said that they treat streetlights this way also, public streetlights on public roads are paid through the taxes that everyone pays. Private streetlights in condominium areas are paid for by those users in those areas.

Mr. Testa said that he thinks that this is something that has developed just because of the way things are moving along as in condominium which he thinks got piggybacked on the fact that prior to that they were only putting them on business private land. He said that he thinks that if it's a matter of public safety for residents that he has a problem with the fairness of it as well and doesn't think that they should be paying extra for fire protection just because they live in a condominium.

Mr. Dann responded that the number of fire service customers that they serve, private fire service customers, those that we are charging represents about 3% on the average of their total customer base. He said that what is being talked about here is whether or not the entire customer base should carry a cost associated with a benefit that accrues only to such a small percentage of the customer base, the 3% that actually get the beneficial use of those hydrants located on private property. He said that there needs to be an equity not only for the condominiums or the private businesses in their use of it be there need to be equity for the rest of the rate base, and it's not as simple as spreading it across the rest of the base because if that creates an inequitable circumstance for the rest of the rate base, that's no fair and he said that he would argue that a fee spread across the entire rate base that only deals with a benefit that is provided to a small fraction of the rate base is not equitable and that supports the reason to have a private charge.

Mr. Testa said that in a condominium there is more unit protection from one hydrant than there is for residences that are 70 to 80 feet apart. It's more efficient, and he said that the whole point of having condominiums is to avoid using large pieces of land to build houses and more houses. Look at the bigger perspective as to what is good for the town.

Mr. DiNatale (Vincenzo) said that most of the discussion has been about the hydrant and how it relates to fire protection and asked doesn't the hydrant also serve to address engineering or technical issues as far as when there is a private development and you are looking at the layout of the water main, the hydrants may be placed strategically for water pressure or cleaning the lines and maybe in a private development there is a dead-end

(Mr. DiNatale con't) for the water main so it has to be done, and it's not necessarily for fire protection.

Mr. Dann said that, yes, he was correct that there is an element of that even if there were no hydrants provided for the purpose of fire protection there would be a need for routine maintenance purposes of the distribution system or of that private main that happens to be in that property. He said it could be in the form of a hydrant but not necessarily.

Mr. DiNatale He said that he realizes that this is an involved issue and stated that he agrees with the points by the Councilors who have spoken.

Mrs. Rascati asked of the need arose in a large fire to use a hydrant on private property, could the fire department do that.

Mr. Dann said that he thinks as a strict legal question that the answer would likely be, no, that it's a private hydrant on private party does not have to grant utilization of that private hydrant. As a practical matter, he said that as a practical matter they would probably hook up and worry about that after the fact.

Mr. Mantzaris said that Mr. Dann is probably correct and that they could say no.

Mr. Brodinsky said that Mr. Dann indicated that it wasn't fair to spread costs but that they agreed early on in this discussion that this \$350 was not to defray costs that it was a revenue measure. He said that he asked very early on if this was to recover maintenance charges, and it really wasn't, and was this to recover the cost of the hydrant, and it really wasn't. He went to say that there are no costs that they are trying to cover with the \$350 because he thinks that they established earlier that private hydrants do not cost \$350 more than those on public streets. He said it's a revenue measure not a cost recovery measure. He said that the difference is that they just don't get that revenue from the private people, then they have to recover it somewhere else.

Mr. Dann said that he respectfully disagrees with Mr. Brodinsky's characterization and that he thinks that at the end of Mr. Brodinsky's question he asked if it dealt with maintenance and that he (Mr. Dann) indicated that it really didn't have a lot to do with maintenance, and what I began to indicate was that the cost of fire protection is in fact calculated largely on the basis of components of the water system that are constructed, sized and constructed, for the availability of fire protection....tanks, pump stations, water mains – many of the components of their infrastructure are

(*Mr. Dann con't*) sized, not for the domestic load that is put on them, but for fire protection purposes and the purpose of the fire charges is to recover that part of investment that is made for the purpose of fire protection, and that's a different category of cost than is used for the provision of general domestic service to properties so there are costs associated with providing fire protection and the way in which a fire charge is developed is going through a process of allocating the costs that are attributable to fire protection and they sum up all of the costs and then they divide that by the number of units of fire protection that it provides to get a unit cost per equivalently sized hydrant or six inch fire service and then we scale that up or down to reflect higher or lower cost imposed by a smaller or larger service. He said that he wants to be very clear in responding that there are specifically costs associated with providing fire protection and they are trying to recover those and only those costs through the calculated charges for fire service.

Chairman Parisi said that he thinks that everyone has pretty much made his or her point. He said it was a good and informative debate. He asked Mr. Zandri if he would like to say anything.

Mr. Zandri said that actual fire headquarters has a hydrant that is considered private and in his budget to the town he has allocated dollars to pay this same charge that the condominiums pay. He said that this is how ridiculous this is that our own fire department has to pay for a hydrant.

Wes Lube, 15 Montowese Trail, talked about the legality, which he thinks is moot, but that it's a question of equitable and he remembered about assessments on sewers and that it was later changed to units. He said that he thinks that there is a ridiculous, obvious, sincere inequity here. He asked if private property does not pay the hydrant fee. He asked what is the recourse.

Mr. Dann said that the charges are rendered to the association and if the charges go unpaid then a lien would be placed on the property that the association owns. He said that as a consequence of that at some point in time they would recover that cost and that the most likely as the units are sold and their proportionate share of the outstanding charges.

Mr. Lube said that the liens would not be on the units but would be on the association property which is the open space, and asked Mr. Dann if he wanted to take the open space.

Mr. Dann clarified that it would be the entire parcel not just to open space.

No action taken.

8. Consider and Approve Job Descriptions for the Positions of Superintendent of Public Works, Recreation Superintendent and Recreation Programs Specialist – Personnel Department

Mr. Knight made a motion to Approve Job Descriptions for the Positions of Superintendent of Public Works, Recreation Superintendent and Recreation Programs Specialist. **Mr. Farrell** seconded the motion.

Terence Sullivan, Director of Personnel
James Hutt, Assistant Personnel Director
Henry McCully, Public Works Director
John Gawlak, Parks and Recreation Director

Mr. Sullivan said that the job description for the Superintendent of Public Works shows the changes, and that the Town's Charter says that the Council has the authority to approve the changes. He asked for questions.

Chairman Parisi asked if these were being downgraded.

Mr. Sullivan said that two of them are being reclassified higher and has little to do with the job description but that it has more to do with the fact that the employees are working in a higher classification and the upgrades are warranted. He said that the third job of Recreation Programs Specialist is new.

Chairman Parisi asked what is the higher – what type of work are they involved in that they would not have been in the past for the two that are working at a higher level.

Mr. Sullivan said that they have actually been doing the higher level of work all along so that they basically took a look at the request and studied the work that they are performing and he was convinced and so was the Mayor that these two positions should be upgraded. He said that these job descriptions really are separate and are meant to be reflective of actual duties. They were originally written some 17 or 18 years ago, so they needed revision, and these are more accurate.

Mr. Brodinsky asked if these changes were controversial in any way. **Mr. Sullivan** said, "No." **Mr. Brodinsky** asked if they were tailored to a particular individual. **Mr. Sullivan** said that they don't tailor job descriptions to people. He said that individuals in two of these jobs had requested a job evaluation and look at their positions and that it just so happens that there are people in those jobs. We

tailor job descriptions to the work. **Mr. Brodinsky** asked if the union was aware of this, have they signed off on this and asked if there was an issue. **Mr. Sullivan** said that the union has been involved and they agree with everything.

Mr. Testa asked if there were any financial implications in this. **Mr. Sullivan** said that there was not to the job descriptions themselves but the reclassification requests will net an increase in two salaries, they are the Superintendent of Public Works, going up one pay grade, and the Recreation Superintendent going up two pay grades. The third position which is new is a downgraded from a current position that they don't plan on filling, which is the Recreation Program Specialist. He said that currently in the budget they have an Assistant Superintendent of Programs, pay Grade 4, which will not be filled, and the new job which is a pay Grade 3, so that if they fill that position there is a savings. **Mr. Testa** said that he was saying that one position going up a pay grade and one position going up two pay grades due solely to the reclassification of the position. **Mr. Sullivan** said, "Yes." **Mr. Testa** asked if these pay grade increases were something that someone wanted to give these individuals. He said that by reclassifying a position it puts someone in a different pay grade to do the same job.

Mr. Sullivan said that from time to time they have an opportunity on request to look at positions, and it's a very thorough review taking three or four months to complete and what they sometimes find, and they don't look at the employee, they look at the work, and they see that when they compare that position internally and externally, and they look at all the things that make up a job, the knowledge and skill sets required by the position, decision making, etc. there are times when positions need to be upgraded because over several years, and in this case many years, positions have grown in terms of responsibility. There are other times when they receive requests for reclassification where after a thorough review there is maybe a new job description but no change in compensation and that has happened. He said that he would be before the Council soon to talk about two positions in the Health Department and neither one will require an upgrade in compensation but both require a change in job descriptions.

Ms. Papale asked if this is something that he, **Mr. Sullivan**, came up with. She asked if he sat down with department heads and decided it was time to change and did he discuss it with them.

Mr. Sullivan said that generally reclassification requests are made by the employees through their department heads to him, and when we get them, we review them. He said that there is a lot of dialogue with the employee and the supervisors. He said that it's important when an employee indicates that they do certain things, there has to be a reality check, which is when he goes to the supervisor. He said sometimes he goes up two or three levels to check that what they said is accurate, that the frequency they say they do these tasks is accurate, and everything they think should be in the job is truly there and belongs there because it's work that is required by the town.

Ms. Papale said that she thinks that it is important that the employee did have a say in what is going on.

Mr. Sullivan said that department heads help in having an important say on the job descriptions only after the job descriptions are finalized does he do a pay analysis so they do them in isolation. He said they approach it saying they will to the Town Council with a job description that they say is accurate, which is the goal from the classification management standpoint, so that might mean a pay raise because there was an upgrade, it might mean no compensation change because the duties really haven't changed, then everyone will know that.

Mayor Dickinson said that they are encouraging reclassification requests should not be in any way supported or denied, that is endorsed, by departments prior to the personnel department reviewing it. He said that the personnel department has the matrix against which they have to be compared so it is not wise for a department to endorse something prior to the expert technical and professional review by the personnel department because it encourages the employee that something will become reality when in fact the facts are not there to justify that encouragement. The personnel department that has to use that matrix and apply it in a professional way and in a consistent way from department to department so that there aren't unfair situations.

Chairman Parisi asked about examples of duties on the second page wanting to know what they mean, and **Henry McCully** said that it is the understanding of the blueprints from engineering and being able to apply them in the field. There was some discussion between Mr. McCully and Mr. Parisi using examples of projects in the field. Looking at the job description, Mr. Parisi asked about maintenance of open space. Mr. McCully said that that includes mowing, emergency road construction, and maintenance to the properties.

Phil Wright, Sr., 160 Cedar Street, asked when other jobs were going to be reviewed, specifically those of the Corporation Counsel and the Town Engineer.

Mr. Sullivan said that they commissioned a study in 2000, and the consultant never completed his work. So he said that what they have done is on a case-by-case basis they have reviewed them and when they want to make a change, they review them. He said that they don't get a lot of these requests and said that people are pretty happy where they sit but that every ten years or so it can't hurt to take a look at the classifications. He pointed out that it is very expensive to commission a study. **Mr. Wright** asked if we know about the ones that are turned down. **Mr. Sullivan** said that the Town Council approves the job description changes but if there is no change, then, no, they would not know about it.

Chairman Pairsi asked for more questions and there were none. He asked for those who were in favor of Item 8. and all those that were opposed. The Council voiced all ayes and the motion passed.

Mr. Knight said that item #10 has been removed from the agenda but in place of that he announced three meetings that will take place next week regarding the Wooding Caplan Project. Monday, March 20, 2006, 6:00 P.M., DiNatale Management, LLC and 8:00 P.M. Richmond Group Development Corporation. Wednesday, March 22, 2006, 6:00 P.M. Smith Kraft Real Estate Group and at 8:00P.M. Town Center, LLC and Thursday, March 23, 2006, 6:00 P.M. Sunwood Development Corporation and at 8:00 P.M. there will be an opportunity for additional Public comment.

11. Consider and Approve a One-Year Farmland Lease Program on various Open Space Properties – Environmental Planner

Mr. Knight made a motion to Consider and Approve a One-Year Farmland Lease Program on various Open Space Properties by the Environmental Planner.

Mr. Farrell seconded.

Erin O'Hare, Environmental Planner, began by passing out materials to the Council and then made a presentation to the Council. She talked about the Farmland Lease Properties Program. She said that 36 fields are managed in this program, of which 11 fall under the one-year cycle. She said that the handout includes historical information and factual information about the physical properties about these fields. She spoke about field configuration that is a little different that it has been and that she worked on this with the Town Planner. She said that field size ranges from about 2 acres to 94 acres. She talked about the map of the properties and that they are all keyed and indexed and that the map also indicates the watersheds in color. She pointed out the Aquifer Protection Shed in the northwest part of town and the South Central Regional Water Authority and

(Ms. O'Hare con't) the Town of Wallingford Watershed. Dave Smith, Engineering Department, has done a lot of cartographic work, and she has 36 sheets of the fields on topographic maps, so there is a detailed property map for each field. The maps show the contour of the land, watercourses, wetlands if they have been demarcated, water and electric easements, abutting properties, peculiar characteristics of a piece, and access points. These are very useful in the management of the properties as they are for other people, for instance, Public Works or Engineering.

Ms. O'Hare continued that in the section that lists the 11 properties that fall under the one-year cycle of lease are not listed with those that fall under the five-year cycle. There are 11 properties and that there were only 8 bids opened in February. Nobody bid on three properties. She said the Conservation Commission looks at the exceptions on the bids and weigh them. The memo for the Council tabulates the Conservation Commission that work where they approve or deny the bid. She presented a draft of the farmland lease. She said that "we" have done a lot of work on the lease. They have had four meetings with department heads and the Mayor to revise the lease. This will be the one-year cycle lease.

Mayor Dickinson said that properties have fallen off the five-year cycle because of purchases of property at times that were not in sync with the five-year program. The approval has been a program and we lease the properties as part of the program. He said that starting in 2007 all properties will be part of the five-year program.

Mr. Farrell said that he understands that they are being asked to approve these 11 leases as presented.

Mayor Dickinson said that actually they are being asked to approve a one-year program for the 11 subject properties or 8 leases and it would allow the eight leases to be awarded. Each lease addresses a particular property depending on crop, location of water, type of fertilizers, use of black plastic, and direction of plowing in relation to the contour of the parcel.

Mr. Farrell said that you are looking for the authority from us tonight to make it a one-year program. **Mayor Dickinson** said to authorize this one-year program with the fields indicated on the information that Erin (O'Hare) has provided. **Mr. Farrell** asked how all of the concerns expressed by the Conservation Commission are going to be integrated into the leases. **Mayor Dickinson** said that he believes that is already been accomplished through the meetings and with the Conservation Commission's views which were taken seriously. **Mr. Farrell** asked if these were ready to go.

Mayor Dickinson said that yes they are ready to go. He said that the leases require what they want, and they have been made consistent. In the past there were variances in what they wanted on a given field and what was actually occurring on that field in reality and the other problem was that some fields were marked for certain agricultural use and the language and what field fell into what category. **Mr. Farrell** asked if we have done our due diligence on what the Conservation Commission recommended. **Mayor Dickinson** said that yes that they are OK with the leases to which **Ms. O'Hare** concurred.

Ms. O'Hare said that they are set to go and that this year they have added something new, an orientation session, so when the farmers come in to sign the lease, they get to meet with her for the orientation session where she said she reviews the lease line-by-line with them. She said she goes over all of the restrictions for that piece of property and also asks them for any land use applications that they are going to use, what kind of chemicals or lime, any kind of land application, and that she makes a record of that. She said that this will address any misconceptions or misunderstandings, that it simplifies what used to be used and makes it clear what is expected of the lessee.

Chairman Parisi asked Councilor Brodinsky if this (Item 11) is working in parallel with his item (Item 12). **Councilor Brodinsky** said that the questions and comments that he has for this item will take care of Item 12.

Mr. Testa asked about the Conservation Commission letter, pointing to a note that says (he read) "Don Roe had informed the Commission at the meeting that the Purchasing Office would potentially not award any bids to Charles Christoforo for failure to obey terms in the leases," and asked what Mr. Christoforo did. He also asked who disqualified him when he was plainly the high bidder on three parcels.

Mayor Dickinson said that there was an issue over the planting of a field previously. He said that Mr. Christoforo was involved with some of the Cooke property in the leases that Mr. Cooke had with the town. Mr. Christoforo was told not to go on the field until the matters were solved and in fact he did go on the field before matters were resolved and the field ended up being planted in an unauthorized time period and the town informed the police who had the parties removed from the field. He said that at that time there was an indication that black plastic that had been put down had to be removed. In fact the black plastic was plowed under at the end of the season so for all of those reasons, it was felt that there was a very direct showing of an unwillingness to follow directions with regard to the town's desires on the fields and the party in question should not be awarded a lease.

Mr. Testa asked why he was provided a bid. **Mayor Dickinson** said that it is public and that anyone can respond.

Mr. Brodinsky asked the Mayor what specific properties were those violations that he just described. **Mayor Dickinson** said that the property he is most familiar with is 108 acres off Northford Road. **Ms. O'Hare** said that property on the map is labeled 6A and 6B on the corner of Northford and Cooke Road. **Mr. Brodinsky** said that Mr. Christoforo was farming on the property leased to George Cooke, and the Mayor said that that was correct. **Mr. Brodinsky** asked why Mr. Christoforo was on the land leased to Mr. Cooke and that the Law Department established that he wasn't sub-leasing. **Mayor Dickinson** said that they presumed that he has a business relationship, maybe employed in some way by Mr. Cooke, or a partnership. He said that whatever the arrangement was that they had was not really of interest to the town other than we do not allow sub-leasing. He continued saying that the sub-leasing issue is for us to know that there is only one lease, and if there is a problem on the field that we know whom to evict, whom to terminate the lease with. He said that if people are able to sub-lease, then you could go on down a chain trying to find out who is the person to evict. He said that there is no sub-leasing but whatever business arrangements anyone has that it not something that we are concerned about.

Mr. Brodinsky said that if operations were going happening on George Cooke's property that violated our policy on one hand we are saying that Mr. Cooke had nothing to do with it even though it wasn't a sub-lease but it happened on his property, and we are just blaming Mr. Christoforo, and the actual owner of the property, who is in some business relationship, has no responsibility. He said that he finds that somewhat stunning. He asked if Mr. Cooke bid, would he be disqualified under our program. He said that he wants to know what our policies are.

Mayor Dickinson said that they did and that there is a condition upon award that any black plastic be picked up and given that Mr. Cooke was not the party, who was directly responsible, and had Mr. Christoforo not been in the office upstairs and heard directly from responsible parties as to what was expected, he said that he might feel other wise, but in fact, he was there and he heard from the Corporation Counsel as to what was expected and pursued a course that they find to be unacceptable. He said that they are looking to correct whatever occurred through the award of this lease. He said that there are other circumstances involved that he did not want to get in to of a personal issue with one of the parties involved. He said that they are looking to deal with the people who actually did the work and had reason to know better and not do what they were doing.

Mr. Brodinsky asked about the land that is now being leased and asked if the plastic remains. **Mayor Dickinson** said that there is black plastic out there. **Mr. Brodinsky** asked if the prior lessee has the obligation to pick up the black plastic. **Mayor Dickinson** said that they are requiring that it gets picked up and said that there are fields where there is a new lessee, and in those cases there is not a lot we can do, and there is confusion on some of the fields because in the past the instructions regarding the black plastic were either not in the lease or not communicated in a way that was very clear. He said that some of these fields ended up with black plastic at a time there was any language in the leases about the use of it.

Mr. Brodinsky said he wanted to get specific to these particular properties and asked, if in the George Cooke lease for the properties on which Mr. Christoforo conducted these bad practices, if there was a provision on Mr. Cooke's lease to remove the plastic at the end of the term of his lease. **Mayor Dickinson** said, "Yes." **Mr. Brodinsky** said so now we are leasing the property out with plastic on it and asked how we are enforcing that. **Mayor Dickinson** said that there will be an agreement from the party that the plastic will be picked up prior to the planting of the field, or we won't award the lease. He said that it will be part of the lease award. **Mr. Brodinsky** said he's not sure that he would want to lease that field until the plastic was picked up. He said that once planting is in and that plastic hasn't been picked up, the problem is compounded. He said let's pick up the plastic first because that's the real incentive for him to lease the property and then he can go lease it. **Mayor Dickinson** said that that's what we're doing, and that part of the award of the lease, the agreement that the plastic will be picked up first. **Mr. Brodinsky** said that he thinks he is saying something else. He said that you are saying that we will award the lease and let him go on the property and start farming and he'll be obligated to pick up the plastic. He said that he is suggesting don't sign the lease until the plastic is picked up. **Mayor Dickinson** said but then he might be afraid that we won't give him the lease, and that it's a condition of the lease that the plastic be picked up.

Mr. Brodinsky asked how, according to the newspaper, the town awarded farm leases when according to the Town Charter only the Town Council can do that and he asked how the farm lease program interfaces with the Council's responsibility to award leases. He said that clearly if the Council authorizes this tonight everything is smoothed over but the way the process started was in the article that was in the paper that said leases were awarded, and that he visited the Purchasing Department and found that a letter had gone out indicating that a lease had been awarded, and that should not have gone out. He said that he hopes in the farm lease program (*Mr. Brodinsky con't*) there is some provision for the appropriate role for

the Wallingford Town Council. He said that he hopes that because it is the Council's responsibility by Charter to lease property that the Council is brought into the decision making process at a meaningful stage and not after the fact, after people had been rejected but not by the Council but by somebody else. He said that the Council is coming in after the fact and rubber-stamping the decision that has already been made and he doesn't think that is in the spirit of the Charter. He said that the next time around when the leases are coming up that the Council be briefed on how things are going and if there are any problems or enforcement issues. He said that then the Council can make a decision as to go forward or not. He repeated that a stage be incorporated where the Council is involved in some meaningful way and not like it's happening now.

Mayor Dickinson said that he takes some exception to that because the lease program has been approved by the Council all the time and in this case there is not a final award of any leases. He said that at some point it was thought that the lease program extended through this next five-year period, and then it was determined that there was a 'term' on that program and that is what they are here to renew that program for this year. He said that with that stated that they have been consistent with having that program approved. He said that it is a very complicated program with different needs and different fields, and that they are working their way through issues that they've tried to show tonight regarding what is happening, and that they are going to have to spend more time as to what actually is going on in the field.

Mayor Dickinson said that he is glad for this discussion because all parties, Council, general public and most particularly those who lease the fields need to know that we are serious about it. He said that we do not take lightly that we expect something to be done if we indicate that something must be done and we have found that has not been the case and we are reacting as strongly as we can to it. He said that he does not want anyone on the Council to feel that the Council doesn't play a role. He said that the Council does have a role and the degree to which the Council wants to get into the detail, the Council has that right, and he said that the lease detail takes a lot of time that there is nothing simple about it. He said that he doesn't think that we would be as close as we are to this if Erin (*O'Hare*) hadn't shouldered the responsibility of bringing order out of some chaos on this with the number of variables and the number of fields and the different lease times. He said that it's a considerable effort, and she has done a great job.

Mr. Brodinsky said that he agreed with the Mayor on the terrific job and that we are a lot further ahead now than we were a year ago and that the

process we are going through now is a lot better now than 2001. He said that is glad to see the organization and that we are trying to step up enforcement but while we are at the process of designing a new farm lease program, why not incorporate the Wallingford Town Council in some meaningful way because it's the Council's job.

Chairman Parisi said that he thinks the Council can have a report out once a year but that he doesn't want to get involved personally being in the administration. He said that when it began 15 or 20 years ago it was a very simple thing but that he sees tonight that it's far more complicated now.

Ms. O'Hare said that next fall that all 36 fields will go out.

Chairman Parisi and Mr. Brodinsky discussed Item 12 and determined that it had been incorporated into the discussion for Item 11.

Chairman Parisi called for the vote but called on Mr. Wright first.

Phil Wright, Sr., 160 Cedar Street, said that for many years he has been complaining about the handling of town owned land and that he felt he was a voice crying in the wilderness and now he sees that great strides have been made and that he is very pleased.

The vote was all ayes and the motion passed

12. Discussion and Possible Action concerning leasing of Town farmland and Report Out from Environmental Planner and the Law Department – Mike Brodinsky
Item 12 was incorporated into the discussion for Item 11 and was not taken up as a separate item.
13. Executive Session to discuss Town Leases of Farmland pursuant to Section 1-200 (66) (D) of the Connecticut General Statutes – Mike Brodinsky
Item # 13 removed from the agenda by Councilor Brodinsky.
14. 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
15. Executive Session pursuant to Section 1-200 (6) (E) with regard to strategy and/or negotiation with respect to collective bargaining – Personnel

Mr. Knight made a motion to enter into Executive Session pursuant to:

14. Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as requested by the Mayor.
15. Section 1-200 (6) (E) with regard to strategy and/or negotiation with respect to collective bargaining as presented by Personnel.

Mr. Farrell seconded the motion.

The vote was All Ayes and the motion passed.

The Council entered into Executive Session at 9:27 P.M.

Mr. Knight moved to come out of Executive Session.

Mr. Farrell seconded the motion.

The vote was All Ayes and the motion passed.

The Council exited from Executive Session at 9:37 P.M.

Executive Session Attendance Item #14
No discussion

Executive Session Attendance Item #15 at 9:27 P.M.:
Council (9), Mayor Dickinson, Terence Sullivan, Personnel Director and James Hutt, Assistant Personnel Director.

16. Consider and Approve s Pension Agreement with the Police Union Local 15570 as discussed in Executive Session – Personnel

No action taken.

17. Consider and Approve a Pension Agreement with IBEW Local 457 as discussed in Executive Session - Personnel

No action taken.

WAIVE RULE V

Mr. Knight made a motion to Waive Rule V for the purpose of a transfer from the Town Council.

Mr. Farrell seconded.

All Ayes.

The motion passed

Mr. Knight made a motion to Approve a Transfer in the Amount of \$813 to Recorder and Peripherals Acct # 1110-999-9904-00 from Capital – Copier Acct. # 1110-999-9901-00 as requested by Chairman Parisi.

Mr. Farrell seconded.

All Ayes.

The motion passed.

Mr. Knight made a motion to adjourn the meeting.

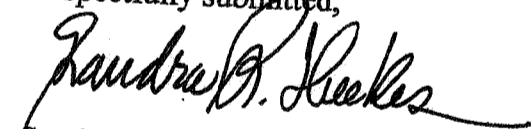
Ms. Papale seconded the motion.

All Ayes.

The motion passed.

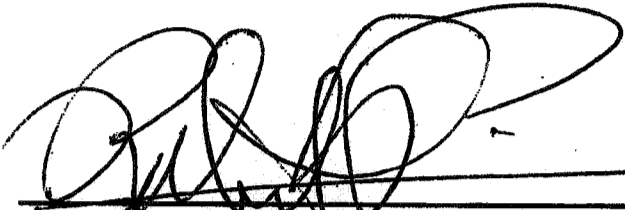
There being no further business to consider, the meeting adjourned at 9:43 P.M.

Respectfully submitted,




Sandra R. Weekes
Town Council Secretary

Meeting recorded and transcribed by Sandra R. Weekes



Robert F. Parisi, Chairman

6/27/06
Date



Barbara Thompson, Town Clerk

6/27/06
Date