

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

April 24, 2007

6:30 P.M.

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, April 24, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Rosemary Rascati, and Vincent F. Testa, Jr., Mayor William W. Dickinson, Adam Mantzaris, Corporation Counsel, and James Bowes, Comptroller, were also present. Lois Doherty was absent due to illness and Chairman Robert F. Parisi was expected following another event that he was attending.

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

Vice Chairman Stephen Knight announced National Day of Prayer on May 3, 2007, at Town Hall and at the Gazebo by the railroad station. He said that Items 9 and 11 were withdrawn. He issued a special welcome on behalf of the Town Council to two members of Troop #47 in Wallingford to Boy Scouts Matt Russo and Chris Benham and their fathers Richard Russo and John Benham. The Scouts are involved in a merit badge project for community service and citizenship.

2. Correspondence

*None*

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#648 - #663) totaling \$14,379.02  
Acct. #001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve a Transfer in the Amount of \$700 to Computer  
Software Monitors Acct # 001-6010-999-9910 from Election Day  
Expenses Acct # 6010-600-6610 - Registrars of Voters
- 3c. Consider and Approve a Transfer in the Amount of \$600 to Gas & Oil  
Attc #2035-300-3000 from Continuing Education & Training Acct #  
2035-501-5700 - Fire Marshal

3d. Consider and Approve a Transfer in the Amount of \$1,500 to Fuel Crisis Contribution Acct # 001-3070-600-6810 from Purchased Professional Services/Negotiations Acct # 001-1300-901-9002 - Mayor

3e. Consider and Approve an Appropriation in the Amount of \$5,152 to Revenue Highway Safety Acct # 001-1050-050-5883 and to Police Overtime Acct # 001-2005-101-1400 - Police Chief

3f. Schedule a Public Hearing for May 8, 2007 at 7:00 P.M. to be held in connection with an Ordinance entitled:

AN ORDINANCE APPROPRIATING \$2,050,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF VARIOUS MUNICIPAL CAPITAL IMPROVEMENTS 2007-2008 AND AUTHORIZING THE ISSUE OF \$2,050,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

3g. Consider and Approve Town Council minutes of March 27, 2007

3h. Consider and Approve Town Council minutes of April 10, 2007

Ms. Rascati made a motion to accept the Consent Agenda 3a. to 3h. Mr. Farrell seconded the motion.

All Council members present (7) voted aye. Ms. Doherty and Chairman Parisi were absent.

4. Items Removed from the Consent Agenda

*None*

5. PUBLIC QUESTION AND ANSWER PERIOD

Jason Zandri, Lincoln Drive wanted to know if there were plans to acknowledge the students from the two high schools who used their spring break to travel to help victims of Hurricane Katrina. Mr. Knight said that is being discussed.

Pasquale Melillo, 15 Haller Place, talked about the use of metal bats in the schools. Mr. Knight referred him to the schools' athletic departments.

Bob Gross, 114 Long Hill Road, wanted to know how the negotiations with CRRRA were going. Mayor Dickinson said that they had an initial meeting with HDR, the firm that would be doing an analysis for the town, and they are beginning on some aspects of it. He said that they are waiting for a confidentiality agreement to be finalized, which will be soon, and then they are taking the information supplied by CRRRA to review to give the town an objective review.

Mayor Dickinson said that right now CRRA is negotiating with the current operator of the plant, CRRA wants a low tip fee and that the issue is what is the best route for the town to follow with the lowest cost and whether that will be continuation of the existing plant, or transfer station, or some other way of providing for the removal of the solid waste is the open question. He said that the town is under time constraints because of the time it will take to put a new project into place by the time the current contract ends in 2010.

Charles Flynn, 52 Academy Street, commented on the appearance of the town dump. Mayor Dickinson said that the town has a design and has had an application pending with the Department of Environmental Protection for several years. He said that so far the application has not been approved.

Pasquale Melillo, 15 Haller Place, commented on molds in the schools.

Robert Sheehan, 11 Cooper Avenue, asked about a baseball site for a complex and when the school building committee is returning with the final financial figure for the school project.

Chairman Parisi arrived at the meeting as Item 6 was called at 7:02 P.M.

6. Conduct a Public Hearing at 7:00 P.M. and consider and act on the following Ordinance:

AN ORDINANCE APPROPRIATING \$300,000 FOR THE PURCHASE AND INSTALLATION OF SHEEHAN HIGH SCHOOL ATHLETIC FACILITY FIELD LIGHTING AND AUTHORIZING THE ISSUE OF \$300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Mr. Knight convened the Public Hearing at 7:03P.M. and stated that the \$300,000 Sheehan High School Athletic Field Lighting bond ordinance, which is the subject of this public hearing, is available to the public and may be obtained at this meeting from the Town Clerk.

Ms. Rascati moved, and the motion was seconded by Mr. Farrell, to read the Title and Section 1. of the ordinance as proposed in its entirety and to waive the reading of the remainder of the ordinance, incorporating its full text into the minutes of the meeting.

Upon Roll Call Vote, the ayes and nays were as follows:

Voting Aye – Brodinsky, DiNatale, Farrell, Knight, Papale, Rascati, Testa, Parisi.  
Ms. Doherty was absent. There were no nay votes. 8- Aye; 0- Nay; 1 Absent

Ms Rascati read the following:

**AN ORDINANCE APPROPRIATING \$300,000 FOR THE PURCHASE AND INSTALLATION OF SHEEHAN HIGH SCHOOL ATHLETIC FACILITY FIELD LIGHTING AND AUTHORIZING THE ISSUE OF \$300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.**

Section 1. The sum of \$300,000 is appropriated for the acquisition and installation of an athletic field lighting system, including lamps, poles, controllers and ballasts, landscaping, utility shed structures, lights, concrete, and other system components, and for appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs, said appropriation to be inclusive of any an all State and Federal grants-in-aid.

Mr. Knight called for comments from the Public. Henry McCully, Director of Public Works, was present.

Robert Sheehan, 11 Cooper Avenue, asked whether this lighting system had gone out to bid and what the time schedule is for the project to be completed.

Henry McCully said yes and that the bid was for \$289,000, and following approval of the ordinance and considering the appeal period that there is a 4 to 6 week period waiting for the lights and that installation will take place toward the end of August. He said that the name of the company is Shock Electric, Danbury, Connecticut.

Geno Zandri, 9 Balsam Ridge Circle, asked about the new field and the light installation. Mr. McCully said that the installation of the lighting system will not interfere with the new field.

Mr. Knight called for further comment and there were none. He closed the Public Hearing at 7:07 P.M.

Ms. Rascati moved, and the motion was seconded by Mr. Farrell, that the ordinance entitled:

**AN ORDINANCE APPROPRIATING \$300,000 FOR THE PURCHASE AND INSTALLATION OF SHEEHAN HIGH SCHOOL ATHLETIC FACILITY FIELD LIGHTING AND AUTHORIZING THE ISSUE OF \$300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE, a copy of which is attached hereto, be adopted.**

Mr. Testa said that he wholeheartedly supports the motion and he encouraged all of his colleagues to do so.

There were no other comments from the Council.

Upon Roll Call Vote, the ayes and nays were as follows:

Voting Aye – Brodinsky, DiNatale, Farrell, Knight, Papale, Rascati, Testa, Parisi.  
Ms. Doherty was absent. There were no nay votes. 8- Aye; 0- Nay; 1 Absent

Mr. Knight declared the ordinance adopted.

*(Appendix I.)*

7. Conduct a Public Hearing at 7:15 P.M. to amend Chapter 170, *Rodents* of the Code of the Town of Wallingford- Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Mr. Farrell said the town has an existing ordinance that is Chapter 170 of the Code of the Town of Wallingford and that the Ordinance Committee looked at some minor technical changes to the ordinance. It was proposed by the Town Attorney's Office that the Building Inspector, not the Director of Health, would issue the permit. He said that the process would involve that the building be vacant 180 days, and not the current 90 days. He said that the Building Inspector is much more aware of what buildings are vacant and when this ordinance would be invoked.

Mr. Knight read the "Rodent" Ordinance §170.1, §170.2 and §170.3

Mr. Knight recalled a rat problem in Boston, and Mr. Farrell recounted a local rat story to reach 7:15 P.M. and commence the Public Hearing.

Mr. Knight opened the Public Hearing.

Charles Flynn, 52 Academy Street, wanted to know if you have to take out a rodent permit or is it that you can't get a building permit until the rodents are gone. Mr. Farrell said that if the building has been vacant for that period of time, you can't get a demolition permit unless you have followed the Rodent Ordinance. You have to show signs that you have done the extermination work prior to getting that permit. Mr. Flynn said that there is a certain building with a pigeon population and asked if pigeons came into this at all and that if there was one, it could be called Ordinance 390.

There were no other comments and the Public Hearing was closed.

Chairman Parisi asked why the change from 90 days to 180 days. Mr. Farrell said that it is tied to when the electricity gets turned off that it is more in keeping with the notification that the Electric Division would send out.

Mr. Testa commented that the ordinance states that 'no permit can be issued for a major renovation of a structure or building' without size specification, which could apply to someone doing a renovation of their home. He continued saying the ordinance also states the permit 'cannot be issued until the structure has undergone a proper extermination process.' He asked if it wouldn't be wiser to refer to the fact that it should be demonstrated to the Building Inspector that it has undergone an inspection. He said that the language states that he would have to prove an extermination of rodents. Mr. Farrell said that major renovation of a structure is in there since there may be cases where evidence of extermination may be required. He gave some examples. He doesn't think that the intention is really for demolition, and not for every single renovation.

There were no further comments from the Council.

Mr. Farrell made a motion for the adoption of the amended Chapter 170 *Rodents* of the Code of the Town of Wallingford as presented. Ms. Rascati seconded the motion.

Upon Roll Call Vote, the ayes and nays were as follows:

Voting Aye – Brodinsky, DiNatale, Farrell, Knight, Papale, Rascati, Testa, Parisi.  
Ms. Doherty was absent. There were no nay votes. 8- Aye; 0- Nay; 1 Absent

Mr. Knight declared the amended ordinance adopted.

*(Appendix II.)*

8. Discussion and possible action regarding the future of the Wooding Caplan Development area, including but not limited to reports from the Police and Fire Chiefs. – Councilors Mike Brodinsky, Vincenzo DiNatale, Vincent F. Testa, Jr., Iris Papale, Lois Doherty, Jerry Farrell, Jr., Stephen W. Knight, Chairman Robert F. Parisi and Rosemary Rascati

In attendance: Police Chief Douglas Dortenzio  
Fire Chief Peter Struble

Chief Struble summarized his report and said that the North Main Street Fire House location is critical and strategically located, along with the Police Station, for protection of the town. He talked about response coverage, especially medical response, minor parking issues and that with the growing sophistication of equipment that garage size will need to be addressed in the future.

Chief Dortenzio briefly reviewed his report to the Council stating that he foresees outgrowing the facility in 5 to 8 years and that changes in his profession are linked to staff size and its relationship to the facility and to parking. Discussion with the Council included remodeling, renovation, bringing an old building up to code, the building's foot-print size, access and elimination of access in relation to physical changes to the building if it remains part of the Wooding Caplan complex, types of services, support services and building components necessary for the operation of police services in the future.

The following people made comments:

Lucille Trzcinski, 25 Turnberry Road  
Robert Sheehan, 11 Cooper Avenue  
Jason Zandri, Lincoln Drive  
John LeTourneau, 3 Regent Court  
Geno Zandri, 9 Balsam Ridge Circle  
Wes Lube, Montowese Trail  
Charles Flynn, 52 Academy Street  
Bob Hogan, Grieb Road  
Pasquale Melillo, 15 Haller Place

It was decided to invite the Fire Chief and the Police Chief to return for the next meeting to continue the discussion, after the Council has an opportunity to read the reports.

A memorandum from the Town Attorney addressed the *Title Search* that the Council requested and said that the search is ongoing and that thus far no problems have been encountered and that agreements found to date do not affect the town's property or access rights. With regard to the *AT & T* meetings regarding the access way, the memo stated that the Town Attorney and the Town Engineer met with *AT & T* representatives with a drawing of the access way, 24 feet wide, which *AT & T* will discuss and report back to the town. The memo points out that *AT & T* will be cautious about permitting access to what *AT & T* considers an important property. The memo also points out that if the access is permitted that site-line problems will be created on North Main Street, which will likely result in the elimination of some on-street parking.

*(The reports and the memorandum are part of the record.)*

The Council agreed to hold a Special Meeting on Monday, April 30, 2007 to vote on funds necessary to hire architectural and construction consultants to assess the building located at 390 Center Street.

9. Executive Session pursuant to §1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending tax appeal matter of *BYK-Mallinckrodt USA v. Town of Wallingford – Law Department*

*Withdrawn*

10. Executive Session pursuant to §1-200 (6)(D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property  
– Mayor

*Not taken up*

11. Motion to Consider and Approve the settlement of the BYK-Mallinckrodt USA v. Town of Wallingford tax appeal matter as discussed in Executive Session. – Law Department

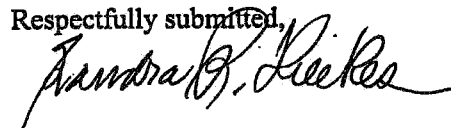
*Withdrawn*

Mr. Farrell made a motion to adjourn the meeting. Mr. Knight seconded the motion.

All Councilors present (9) voted aye. The motion passed.

The meeting adjourned at 9:02 P.M.

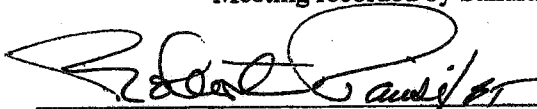
Respectfully submitted,



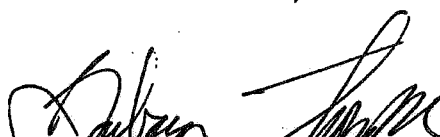
Sandra R. Weekes  
Town Council Secretary

RECEIVED FOR RECORD 4/27/07  
AT 3 H 30M P M AND RECORDED BY  
Barbara Thompson TOWN CLERK

Meeting recorded by Sandra R. Weekes

  
\_\_\_\_\_  
Robert F. Parisi, Chairman

5-30-07  
Date

  
\_\_\_\_\_  
Barbara Thompson, Town Clerk

5-30-07  
Date



## APPENDIX I.

AN ORDINANCE APPROPRIATING \$300,000 FOR THE PURCHASE AND INSTALLATION OF SHEEHAN HIGH SCHOOL ATHLETIC FACILITY FIELD LIGHTING AND AUTHORIZING THE ISSUE OF \$300,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$300,000 is appropriated for the acquisition and installation of an athletic field lighting system, including lamps, poles, controllers and ballasts, landscaping, utility shed structures, lights, concrete, and other system components, and for appurtenances, equipment and services related thereto, or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs, said appropriation to be inclusive of any and all State and Federal grants-in-aid.

Section 2. To meet said appropriation \$300,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and the amount of bonds of each series to be issued shall be fixed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. Capital project revenues, including bid premiums and investment income derived from investment of bond proceeds (and net investment income derived from note proceeds) are authorized to be credited by the Comptroller to the project account and expended to pay project expenses customarily paid therefrom. The remaining appropriation and bond authorization shall be reduced by the amount of capital project revenues so credited. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the

...XIDNE... A

Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. 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 the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, auction, or similar competitive process at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of purchase agreement shall be subject to approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note 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 the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes

then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized to exercise all powers conferred by section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices 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 ordinance.

**RODENTS**

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Chapter 170, "Rodents", of the Code of the Town of Wallingford is hereby repealed, and the following Chapter 170, "Rodents" is substituted in lieu thereof.

**§170-1. Permit for demolition; extermination.**

No permit shall be issued for the demolition of or for a major renovation of a structure or building unless it has been shown to the satisfaction of the ~~Director of Health~~ *Building Inspector* or his agent that said building or structure has undergone a proper extermination process so as to prevent the infestation of rodents or the propagation of any rodent population which may exist. The extermination process must be ongoing for at least a period of 14 days prior to the issuance of the permits.

**§170-2. Applicability of extermination process.**

The extermination process shall also apply to any building or structure to be vacated for a period of ~~90~~ 180 days or more and shall be ongoing until the building or structure is occupied or demolished.

**§170-3. Proof of extermination process.**

Proof of proper extermination process shall be by presentation of a receipt or report showing that such process has been performed by an exterminator, licensed by the State of Connecticut.

ORDINANCE NO. \_\_\_\_\_

I HEREBY CERTIFY that this Ordinance was enacted by the Town Council of the Town of Wallingford this \_\_\_\_\_ day of \_\_\_\_\_, 2007, in accordance with the provisions of the Charter of the Town of Wallingford.

\_\_\_\_\_  
BARBARA THOMPSON  
Town Clerk

APPROVED: \_\_\_\_\_  
William W. Dickinson, Jr., Mayor

DATE: \_\_\_\_\_