

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

January 9, 2007

6:30 P.M.

MINUTES

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, January 9, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Vice Chairman Stephen W. Knight 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, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Rosemary Rascati and Vincent F. Testa, Jr. Councilor Iris F. Papale was absent due to illness. Town Council Chairman Robert F. Parisi was away on vacation. Mayor William W. Dickinson, Jr. and Corporation Counsel Adam Mantzaris were also present.

Vice Chairman Stephen Knight asked that long time public servant Rita Katona be remembered during the Moment of Silence. Rita Katona, who was a Justice of the Peace and Wallingford's Welcome Wagon representative for more than twenty years, recently passed away.

There was a Moment of Silence. The Pledge of Allegiance was said, and the Roll was taken.

Vice Chairman Stephen Knight welcomed Councilor Testa back, after a recovery period from surgery. He also congratulated Jerry Farrell, Jr. on his appointment by Governor Rell to Commissioner of Consumer Protection for the State of Connecticut.

2. Correspondence

*None*

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#416 - #459) totaling \$4,828.94  
Acct. #001-1000-010-1170 - Tax Collector

3b. Consider and approve a Transfer in the amount of \$1,000 to Overtime Acct #  
6030-101-1400 from Purchased Services – Codification of Ordinances Acct #  
6030-901-9100 – Town Clerk

- 3c. Consider and approve a Transfer in the amount of \$6,774 to Police Overtime Acct # 001-2005-101-1400 from Revenue Highway Safety Acct # 001-1050-050-5883 – Police Department
- 3d. Bid Waiver for Polygraph Services – Personnel Director
- 3e. Consider and Approve a corrected copy of Appendix I for the Town Council Meeting Minutes for March 28, 2006 to include the title of the ordinance.
- 3f. Consider and Approve a correction to Page 7 of the minutes of the Town Council Meeting for October 10, 2006 to include a re-statement of the motion and a correction to the title of the ordinance.

Ms. Rascati moved to accept Consent Agenda items 3a. to 3f. Mr. Farrell seconded.

All Councilors present (7) voted Aye and the motion passed.

4. Items Removed from the Consent Agenda

*None.*

5. PUBLIC QUESTION AND ANSWER PERIOD

Robert Sheehan, 11 Cooper Avenue, said that since the Christian Street bridge is under repair, he has been using the detour route of Old Durham Road and that in the early part of December due to rainfall enough water was flowing to create a waterfall and that it was coming from property owned by Choate Rosemary Hall. He noted that plastic barriers had been erected the next day. He said that with the recent rain that the hill now has a gouge in it, and that it can be seen from Christian Street. He is concerned about safety in regard to the amount of sediment that is washing into the road. He said that it is about 30 feet in the air, and when it goes, it will go down and be a problem. He said that it would be dangerous if the area could become a slide for young people, especially if it snows.

Erin O'Hare, Town of Wallingford Environmental Planner, said that she is familiar with the site and is working with the school. She said that it is the subject of a letter of violation. She noted that the school has permits from Planning and Zoning to construct a sports field as well as an inland wetland permit for the site both dating to 2001. She said recently there was movement of sediment down the slope as described onto the road which triggered the violation. She said that the school has installed a number of erosion controls – the fence, hay bales, check dams which is processed stone.

Mr. Sheehan asked about violation enforcement.

Mayor Dickinson said the department is aware of this, a violation has been pursued with the property owner and mitigating measures have been instituted. The issue in the newspaper dealt with the ability to fine for violations. He said fines, if they are not paid, would go to the Town Attorney to be enforced through a court. He said fining is one part of enforcement. He said that the primary part of enforcement is contact by the department in requiring that alleviating measures be installed and maintained, and he thinks that is what has been accomplished. He said that is one stage of this, and if proper things are not done, and there continue to be problems, then the department will continue to pursue it through the law department.

Ms. O'Hare said that because on rain on Monday that she visited the site Monday night where she observed moving sediment that she will address this week. Mr. Sheehan again expressed his concern of the site being a safety hazard both for Choate employees and students.

Phil Wright, Sr., 160 Cedar Street, belatedly wished everyone a Merry Christmas and Happy New Year.

Tony Debaise, 278 North Main Street, asked what is the town's indebtedness and cash reserves.

Mayor Dickinson replied that the town has approximately \$50 million in debt and that additional amount of \$12 million to \$15 million is coming in the next 9 to 12 months, adding that this amount does not include the Vocational Agricultural Building currently underway. He said cash reserves total about \$12 million. He said that there are additional projects and doesn't know if the \$12 million to \$15 million covers all of what may be future indebtedness. He pointed out that the town is committed to 5% of the cost of the Vocational Agricultural project and does not know now what that 5% represents and that will depend on how expensive the project is. He said originally the project was \$27 to \$30 million and said that was before the location and the design of the building had to be changed.

Mr. Debaise commented that he heard the Vo-Ag would cost the town \$3 or \$4 million and that was their responsibility.

Mayor Dickinson said the town's responsibility would be \$3 or \$4 million provided that represents 5% of the total cost and the state's commitment is 95% of the cost of the project.

Mr. Debaise is concerned about our indebtedness and how it will affect our next tax bill. Mayor Dickinson said that every sale of bonds requires payment of principal and interest so every project affects what the mill rate and the budget will be. Mr. Debaise asked what the Mayor believes will happen in the next tax bill. Mayor Dickinson said that there is not way for him to know that. He said that we don't have the grand list at this point, which will indicate what new money is generated by increase in the grand list; we don't have the budget from the state, which indicates what money will be received from the

State of Connecticut. He said that department requests are also needed. These items provide the figures as far as what the impact will be on the tax rate. He said that there is no way to be able to guess at this point. Mr. Debaise said that he believes the Mayor must have some idea of what this will look like in the way of increase, or not increase, in property taxes. The Mayor said he is not in a position to make vague guesses.

Dawn Thomas, North Whittlesey Avenue, asked if there was an update on Wooding Caplan proposal and how the public/taxpayers would be involved. Mr. Knight said not at this time, and the Chairman Parisi is out of the country at this time, and as soon as he returns, he thinks they will be able to move on some actions. Ms. Thomas asked if there was a plan of action to make sure that the public is included. Mr. Knight said yes, and that's the point of trying to fashion a plan that includes the public participation.

6. Discussion and Possible Action regarding the Farmland Lease Program  
- Councilor Mike Brodinsky

Ms. Rascati read: Discussion and Possible Action regarding the Farmland Lease Program as presented by Councilor Brodinsky.

Mr. Brodinsky said that he asked that the Farmland Lease Program be put on the Council agenda because it is a significant series of transactions for the town, and there have been changes, updates and upgrades in the program, so he thinks it's a good idea for the Council and the public to find out what is going on with respect to the farm lease program. He said that the town owns about 2,500 acres of land and much of that is referred to as open space. He said that 376 acres are in the Farmland Lease Program, which is a good thing as it preserves the pastoral look of the town, and it provides habitat and passive recreation areas for town inhabitants. He said that the Farmland Lease Program, which includes 35 fields, is complex and is an administrative burden and that it takes organization and expertise to attain the town's goal of being a good steward of the lands as a landlord. He said that the Environmental Planner and the Conservation Commission have been working on the Farmland Lease Program for many months with significant effort, and this is demonstrated in the product that they have for tonight. Mr. Brodinsky attended the last Conservation Commission meeting. He said that the Environmental Planner attended also, and they went over some of the nitty gritty provisions of lease terms and the characteristics of the fields in a meeting that lasted two to three hours. He said that the program is now better than it ever has been because it is now more organized and that all leases will now begin and end at the same time. He said there is an improved vision of how the fields will be monitored that include inspections. He said less plastic will be used and fewer chemicals will be applied near water and watercourses. He said it's coming in front of the Council so the Council can have some input and participate in the decision making process and the public can ask questions.

Don Roe, Program Planning  
Erin O'Hare, Environmental Planner  
Jeffrey Borne, Chairman of the Conservation Commission  
Mary Heffernon, Conservation Commission

Mr. Brodinsky asked if the financial management of the program will be on one spreadsheet for tracking and reporting purposes, so that one can review individual leases if necessary.

Mr. Roe said that as in the past, there will be a special fund that will reflect the revenues that are generated by the farmland leases, so it will be part of the financial reporting that the Council receives monthly. He said that is has been done this way historically.

Mr. Brodinsky asked if this account will be identified by lessee for review purposes. Mr. Roe said that the law office receives payments so that they would keep that record. The accounting in the special fund probably will not be lease by lease and that the law office would know if everybody is current or not.

Mr. Borne asked Mr. Brodinsky if the purpose of the question regarding bookkeeping issues is that certain dollars need to be tracked with a certain parcel of land. Mr. Brodinsky said no but that as part of a good administrative program, it is good to know who is paying and who is not. Mr. Roe said historically, if there are delinquencies, that he visited the person and let them know that they needed to make payment, also noting that there was a very small number that were delinquent in the past.

Mr. Brodinsky, referring to a memo dated December 14, 2006, asked for clarification in reference to Field 8B and whether it was for vegetables or hay. Ms. O'Hare said that 8B will be for hay as stated on the draft proposal page, and that the memo was written before the decision was made.

Mr. Brodinsky made a motion that the Town Council approve the Farmland Lease Program as presented, and that we authorize the Mayor to do whatever is appropriate and necessary to send it out to bid. Mr. Testa seconded.

Mr. Farrell asked if the state's Agriculture Viability Grant had been applied for or considered at all. He said that about \$1 million was awarded very recently and named several recipients including Bethany who received \$50,000 to establish a database regarding local agriculture, Colchester received \$31,000 to inventory and rank agriculture land, the Connecticut Conference of Municipalities received \$50,000 to produce a guide on planning for agriculture, Hamden received \$50,000 for construction and marketing of a new farmers' market, Milford was awarded \$18,000 for a feasibility study of farms and open spaces, Salem received \$5,000 for a viability study for short term agricultural leases on town owned land. He said that if we haven't applied for this that maybe it is something that needs to be done in the future. He said that one of the uses for these grants could be feasibility studies for looking at the long term of some of these parcels that are talked about. He said that we talk about corn and hay but that there are agricultural products out there, for instance, grapevines that would take more of a cycle of a lease than hay or corn, yet some testing for viability of the land we own would need to be done. He suggested that the Conservation Commission and Program Planning to look into this to see if there is some money for these purposes.

Mr. Roe said that they have reviewed this grant and what Mr. Farrell is touching on is that the nature of agriculture is changing in our state and is very different. He said that people from neighboring communities that are in greenhouse operations have knocked on the town's door. He said the difficulty of our land is that the land in the Farmland Lease Program was purchased with federal and state dollars, and there are issues that that raises. He said that one of the steps in the process here is to get DEP approval for the five-year term. DEP's issue, principally, is that state's money was used for the land purchase with the purpose of public recreation and public open space purposes as opposed to private purposes. He said that he does not know in the future how that would play out. He said certainly they have been supportive of five-year terms and are willing to entertain other kinds of terms. He said that beyond that it is an unknown.

Mr. Farrell said it is something that we need to look at since agriculture is changing and one of the things in Wallingford is that a certain number of our fields are farmed by the farmers from whom we bought the land, and in those cases, the farmers are aging in place with the farm and that without perhaps another generation to take over the farmland in the same fashion, so we need to look for others and think more creatively to reflect some of the new thinking in agriculture.

No one else from the Council had further comments.

Wes Lube noted that in the past that we purchase land that is already being farmed and that the seller is granted farming rights for a certain amount of time.

Mayor Dickinson said that has happened twice with the Cooke farm with a five-year lease and with the Williams farm with a term of five-year s for farming. He said in both cases it was part of the terms of sale. Mr. Lube asked if this was by negotiation. Mayor Dickinson said that it was one of the terms of sale. Mr. Lube said that new regulations continue to give the town that flexibility. Mayor Dickinson asked if he meant the documents before them tonight. Mr. Lube said that they referred to a new policy, a new program, so he imagines that they have new regulations. Mayor Dickinson said that these documents here have to do with the lease program for properties that we already own so this does not relate to our purchase of new property. Mr. Lube said that he understands that the sellers were allowed to farm at a below market rental. Mayor Dickinson said that he doesn't think that there was rental paid for the five-year periods (Williams and Cooke) but wasn't certain, and Mr. Roe could not recall either. Mr. Lube next said that he thinks that one of the sellers, who was farming, sub-let the property and asked if we were going to allow that to happen again.

Mayor Dickinson said that at no time have we allowed sub-leasing of property and to his knowledge there has not been evidence indicating a sub-lease. As has been stated before, the sub-leasing issue arises in order for us to know who has a right to be on a property. The town's position is that there can be no sub-lease; however, a lessee can hire someone else to work the property. Employees could be working the property but only the lessee has the legal right to be on the property. Should enforcement action be needed, we know exactly who is responsible and that is the lessee. There can be no sub-lessee. Mr. Lube

suggested that the Council review future purchase agreements to make sure that this type of provision is prohibited.

Mary Heffernon, 168 East Side Drive, commented that the Environmental Planner has put a tremendous amount of work into pulling all of these pieces together.

Phil Wright, Sr. 160 Cedar Street, asked if the town has divided up property into specific parcels that will be put out to bid. Mr. Knight said that there are 35 parcels and offered Mr. Wright his map to review the parcels. Mr. Wright asked if a full parcel had to be leased and wanted to know if he could lease two acres. Mr. Knight said that the program is complicated noting that there are specific usages and covenants in the program and said he believes that it is not the case to further divide the parcels, making it even more complicated.

Mr. Testa clarified for Mr. Lube that there is a specific clause that prohibits sub-leasing. He also said to Mr. Wright that all of the parcels are identified and that four are allowed for vegetables, two are for pastures and all the rest are for hay, spelling out type of crop and use that is allowed and where the parcels fall in the watershed areas and whether hunting is allowed. He said it is very specific. He said that it looks like there are three parcels that fall in the two-acre category for pasture or hay.

Erin O'Hare said she appreciates Ms. Heffernon's compliments and that this was really a group effort and that several departments including the Law Department, Planning, Program Planning, Public Works, and the Water Division, weighed in on this, and their concerns were folded into the program. She pointed out a large map produced by the Engineering Department that illustrate all 35 fields, most of which are concentrated in the eastern side of town. There are four fields in the western part of town that are in the lease program. She also presented 35, individual, detail maps of all parcels in the Farmland Lease Program that were prepared with the Engineering Department that will go out with the bid packet. She said that if a farmer is placing a bid and is interested in walking the parcel that she and her department are available.

Individual voice vote in the following order: Mr. Brodinsky – yes; Mr. Testa – yes, Mr. DiNatale – yes, Ms. Rascati – yes, Ms. Doherty – yes; Mr. Farrell – yes, Mr. Knight – yes.

The motion carried with all seven (7) Councilors present voting yes.

Mr. Testa asked about livestock that would be allowed in the fields designated pasture. He said that he is curious about why a bull is not allowed on a specific field. Ms. O'Hare said that came at the request of a neighbor farmer because the bulls were visiting his animals across the fence, over the fence.

Mr. Borne said that they appreciate the Council's interest in the Farmland Lease Program and in its open space program over the years. He said that Mr. Brodinsky gave it a big effort along with the rest of us when we spent three hours going over this property-by-

property. He said that they appreciate the opportunity to come before the Council to have the Council be more aware of this program and that they are happy to do it next year too, although the leases won't be the issue. Mr. Knight indicated that they would be returning once the bids are back.

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

*Withdrawn*

Mr. Knight announced for the public that there would be a Special Town Council meeting on January 18, 2007 at 6:30pm regarding a discussion concerning the Optasite LLC proposal to construct a telecommunications tower at 53 Maplevue Road.

Mr. Farrell moved to adjourn, and Mr. Testa seconded the motion. All seven Councilors present voted aye, and the motion passed.

The meeting adjourned at 7:40 P.M.

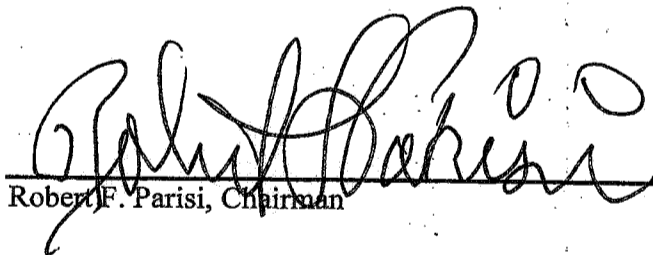
Respectfully submitted,



Sandra R. Weekes  
Town Council Secretary

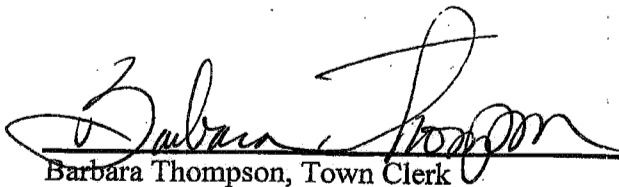
Meeting recorded by Sandra R. Weekes

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Barbara Thompson TOWN CLERK



Robert F. Parisi, Chairman

1-23-07  
Date



Barbara Thompson, Town Clerk

1-23-07  
Date