

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

October 23, 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, October 23, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:38 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, Chairman Robert F. Parisi, and Rosemary Rascati. Mayor William W. Dickinson, Jr., and Comptroller James Bowes were also present. Councilors Vincent F. Testa, Jr. and Vincenzo M. DiNatale arrived at the meeting at 6:40 P.M. and 7:00 P.M. respectively. Town Attorney Janis Small arrived at 6:45 P.M.

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

2. Correspondence

*None*

3. Consent Agenda

3a. Consider and Approve Tax Refunds (#267- #307) totaling \$6,854.78  
Acct. #001-1000-010-1170 - Tax Collector

3b. Consider and Approve Town Council minutes of October 9, 2007

Mr. Knight made a motion to accept the Consent Agenda Items 3a. and 3b. Mr. Farrell seconded the motion.

Seven (7) Councilors present voted aye. Councilor Papale abstained, as she wasn't at the last meeting. Councilor DiNatale was absent.

4. Items Removed from the Consent Agenda

*None*

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AT 2:01 M P M AND RECORDED BY  
Barbara Thompson TOWN CLERK

**5. PUBLIC QUESTION AND ANSWER PERIOD**

Geno Zandri, 9 Balsam Ridge Circle, talked about the various appointments made by the Council. He suggested that for residents to learn of openings on a board, committee or commission, the Council put the item on the agenda six weeks or one month or two months ahead of the appointment. This give the resident time to submit their name to the Council. He said that having it ahead of time allows time for interviews. Chairman Parisi acknowledged the suggestion and asked Mr. Zandri to make it during the next Council term.

Bob Hogan, Grieb Road, spoke about Grieb Road at Fieldstone Farm and commented on the contractor's construction debris and piles of dirt, which are still at the site, and asked that the town send the contractor a letter to see that it is cleaned up. Chairman Parisi said that someone could look at it with regard to any violations.

**6. Consider and Approve a Budget Amendment In the Amount of \$7,000 to Transmission & Distribution Main Acct # 431-9012-343 and \$7,000 to Source of Funds – Appropriation from Retained Earnings-Cash for Rate Stabilization – Water Division**

Mr. Knight read a letter from Roger Dann to the PUC Director.

Mr. Knight made a motion to approve the budget amendment in the amount of \$7,000 to Transmission & Distribution Main and \$7,000 to Source of Funds – Appropriation from Retained Earnings - Cash for Rate Stabilization. Mr. Farrell seconded.

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

There were no questions or comments from the Council or from the public.

Eight (8) Councilors present voted aye. Mr. DiNatale was absent.

The motion passed.

**7. Consider and Approve a Transfer of Funds in the Amount of \$5,000 to Miscellaneous General Expenses Acct # 431-8920-930 from Property Insurance \$4,000 Acct # 431-8920-924 and from Injuries and Damages \$1,000 Acct # 431-8920-925 – Water Division**

Mr. Knight made a motion to approve a Transfer of Funds in the Amount of \$5,000 to Miscellaneous General Expenses from Property Insurance \$4,000 and from Injuries and Damages \$1,000. Mr. Farrell seconded.

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

Mr. Knight read a letter from Roger Dann to the PUC Director.

There were no questions or comments from the Council or from the public.

Eight (8) Councilors present voted aye. Mr. DiNatale was absent.

The motion passed.

8. Consider and Approve a Transfer of Funds in the Amount of \$10,500 to Miscellaneous General Expenses Acct # 461-8920-930 from various accounts – Sewer Division

Mr. Knight made a motion to approve a Transfer of Funds in the Amount of \$10,500 to Miscellaneous General Expenses from various accounts. Mr. Farrell seconded.

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

Mr. Knight read a letter from Roger Dann to the PUC Director and read the list of various accounts from which the funds will be transferred.

Referring to the high advertising requirements associated with the vacant positions, Mr. Brodinsky asked if there was a dollar amount associated with the vacant positions.

Mr. Dann said that they had a budget of \$2,000 to cover their advertising needs, and in some situations, they had to advertise on numerous occasions for the Attendant III position and the Engineering position, and this led to an increase over what they expected. He said advertising for the Lab Tech will be about \$1,750, noting that the position is now filled, and about \$3,660 is estimated for the Engineering position and another \$1,500 for re-advertising the Attendant III position. In addition, they have routine advertising for bids. The final major piece is advertising for the revisions to the assessment and connection charge regulations and the estimate for Water is about \$5,000.

There were no further questions or comments from the Council or from the public.

Eight (8) Councilors present voted aye. Mr. DiNatale was absent.

The motion passed.

9. Consider and Approve a Transfer of Funds in the Amount of \$9,000 to Maintenance Structures & Improvements Acct. # 461-8640-651 from Property Insurance \$5,500 Acct # 461-8920-924 and from Injuries and Damages \$3,500 Acct # 461-8920-925  
– Sewer Division

Mr. Knight made a motion to approve a Transfer of Funds in the Amount of \$9,000 to Maintenance Structures & Improvements from Property Insurance \$5,500 and from Injuries and Damages \$3,500. Mr. Farrell seconded.

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

Mr. Knight read a letter from Roger Dann to the PUC Director.

There were no questions or comments from the Council or from the public.

Eight (8) Councilors present voted aye. Mr. DiNatale was absent.

The motion passed.

#### **MOTION**

Mr. Knight made a motion to move up Item #13. Mr. Farrell seconded.

Eight (8) Councilors present voted aye. Mr. DiNatale was absent.

The motion passed.

13. Discussion and Possible Action on the future of the Wooding Caplan Development area  
– Town Council

Chairman Parisi asked for any new information for the Wooding Caplan property.

Janis Small, Town Attorney, said that she will be getting a written report and that she had Attorney Gee look at the title issue with respect to the right-of-way next to the church that has been discussed in the past. She said that he has not come with anything. She said that the town has the right to use. She said that Attorney Gee couldn't determine how many

other people have the right to use it and that is the real issue because historically, it has multiple users. He will be presenting a written report, which she will forward to the Council.

There were no other comments or questions from the Council or the public.

**MOTION**

Mr. Knight made a motion to move up Item #15. Ms. Doherty seconded.

Eight (8) Councilors present voted Aye. Mr. DiNatale was absent.

The motion passed.

15. Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Herasimovich v. Town of Wallingford – Law Department

Mr. Knight made a motion, seconded by Ms. Rascati, to go into Executive Session pursuant to §1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Herasimovich v. Town of Wallingford, as requested by the Law Department.

Eight (8) Councilors present voted aye. Mr. DiNatale was absent.

The motion passed.

The Council entered into Executive Session in the Council Office at 6:52 P.M.

Mr. DiNatale arrived at the meeting at 7:00 P.M.

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

All nine (9) Councilors present voted aye.

The motion passed.

The Council exited Executive Session at 7:12 P.M.

Attendance at the Executive Sessions:

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

16. Motion to consider and approve the settlement of Herasimovich v. Town of Wallingford as discussed in Executive Session – Law Department

Mr. Knight made a motion to approve the settlement of the Herasimovich v. Town of Wallingford as discussed in Executive Session. Mr. Farrell seconded.

**ROLL CALL VOTE:**

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

9 – aye; 0 no

The motion passed.

10. To hold a public hearing at 7:00 P.M. to consider and act upon the following proposed Ordinance:

**AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$72,270,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$72,270,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE**

(The purpose of the amendment is to increase the appropriation and bond authorization by \$97,000, from \$72,270,000 to \$72,367,000, and to transfer within the ordinance \$150,000 from debt administration to planning, acquisition and construction and to ratify, confirm and adopt all prior authorizations and ordinances in connection therewith.)

Mr. Parisi convened the Public Hearing at 7:15 P.M. and stated that the \$97,000 increase to the \$72,270,000 TOWN-WIDE SCHOOL SYSTEM IMPROVEMENTS appropriation and bond authorization and to transfer within the ordinance \$150,000 from debt administration to planning acquisition and construction. The 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.

In attendance:

Donald Harwood, Chairman, School Building Renovation Committee  
William Choti, Vice-Chairman, School Building Renovation Committee  
The School Building Renovation Committee

Chairman Parisi urged a round of applause for all of the hard work of the School Building Renovation Committee.

Mr. Harwood began by saying that they were very happy to be present to close out the project from a fiscal standpoint, and to do that, they have had numerous meetings to discuss the budget, including meeting with Comptroller Jim Bowes. He said that within the original \$72,270,000 ordinance was a allocated per school allowance, and they want to move some of the money between the schools in order to level the budget and the expenses that were incurred. Secondly, he said that for the future, it is likely that if history repeats itself, when they did the Yalesville School and Dag and Moran, it was five years later that the State of Connecticut came to do their audit. At that point, the State looks at items that were submitted either as fully or partially reimburseable or not at all. He said that they might take a different tack than the architects as they follow the guidelines, and they may say that certain items are not reimburseable. He said that this is common and that it may happen across all eleven schools. He said that from a financial standpoint, the Comptroller wanted to make sure that there were funds available to float the final bonds on the project. He said that is what the ordinance adjustment is about to ensure that there is money that may or may not be spent at this level. He said that the committee will meet one last time and that after that he requests that the Council disband the committee. He said that at their meeting he will acknowledge people who have done a phenomenal job, and one of them is Bill Choti, the Vice-Chairman. Mr. Harwood acknowledged his friendship with Bill and said that they operate in two different ways in that Bill liked to be on the project and visible doing the job with zeal. He said that they also complimented each other in other ways. He offered great compliments to the committee and others.

Mr. Knight made a motion, which was seconded by Mr. Farrell, to read the title only of the ordinance as proposed to be amended in its entirety and to waive the reading of the remainder of the ordinance, incorporating its full text into the minutes of the meeting.

**ROLL CALL VOTE:**

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

9-aye; 0 – no

The motion passed.

Mr. Knight read the title of the ordinance into the record of the meeting:

AN ORDINANCE APPROPRIATING \$72,367,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$72,367,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSES.

Robert Sheehan, 11 Cooper Avenue, asked if all of the work has been completed and that the committee has signed off on every school. Mr. Harwood responded "Yes," and that they will not be back for any more money. He expressed a concern about the air quality in all of the schools. Mr. Choti said that air quality will always be a factor because the standards continually change and that one of the aspects was a problem with the design issue. He said that the age of the building was a factor. Mr. Harwood said that they did not address mold issues. He discussed the schools where water runs under the corridors. He said that some day, these schools will need to be replaced.

There were no other comments.

Chairman Parisi called the Public Hearing closed.

Mr. Knight made a motion, seconded by Mr. Farrell, to amend the current \$72,270,000 TOWN-WIDE SCHOOL SYSTEM IMPROVEMENTS appropriation and bond authorization by increasing it to \$72,367,000 and transferring within the ordinance \$150,000 from debt administration to planning, acquisition and construction be adopted.

Mr. Knight expressed his deep appreciation at how Mr. Harwood, Mr. Choti and the Building Renovation managed this project and said that this town is special because of people like Don Harwood and Bill Choti and the committee. He said thank you for the entire community.

Mr. Testa said thank you to all of the committee.

Mr. Brodinsky congratulated everyone for their contribution to the community. He asked where the committee's records are being kept. Mr. Choti said that all of the records have been sent to town hall and are now the property of the Finance Department, and the Town Clerk is prepared to receive copies of all of the minutes and the inventory of what is in each box and that resident questions can be directed to the Town Clerk. Mr. Brodinsky asked if there are any warranty claims, back charges, disputes of any kind that might happen. Mr. Harwood said no, and that the only issue that they will watch will be temperature issues during the winter that are associated with the unit ventilators that were installed at Lyman Hall High School. He said that old design issues were rectified, field work was done last year. He said Turner has been aware of this and that if there is a problem and it was part of the project that they would be back to address it. Mr. Choti said that the Board of Education brought up issues that are two to three years old and that it may be a warranty issue for the Board of Education to pursue. He said that they consider the work that was done was done to specification and may not have been what people expected, but it was to the scope and design of the project.



Mayor Dickinson asked if the Board of Education has accepted the project yet. Mr. Harwood said that they have not officially voted. The Mayor said the final piece would be their action to accept the project which would start the clock as far as state finalization. Mr. Choti said the final act that needs to be taken is the Building Department will be walking through the buildings with Darren Novak. He said that the user is the one to get the Certificate of Occupancy, which is permanent. He said that Mr. Novak reports to Superintendent Wilson, who reports to the Board of Education that the project is complete.

Chairman Parisi thanked everyone.

**ROLL CALL VOTE:**

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

9-aye; 0 – no

The motion passed. Chairman Parisi declared the ordinance adopted.  
*(A full copy of the Ordinance is appended to the minutes as Appendix D)*

Mr. Choti thanked Don Harwood for being such a great chairman throughout both of the projects. He thanked the Town Attorney, Janis Small, and the Mayor for all of the help that they have given the project. He thanked Jim Bowes for the thousands of invoices that he chased. He thanked each member of the Town Council, as well as Rich Centner, Frank Renda, and Jim Vumbaco who were here when this project began. He expressed appreciation for allowing him to serve on the committee, which has allowed him to gain new skills. He said that on November 4, he will be leaving the employ of the Town of Wallingford and moving on. He said thank you to everyone for all they have done for him.

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

-Town Attorney

Mr. Knight read the letter from the Town Attorney, Janis Small, to the Mayor and the Council.

Chairman Parisi called upon the public to offer their comments on the subject.

Jason Zandri, Lincoln Drive, suggested getting professional help to market this property.

Susan Huizenga, 36 Story Drive, cable advisory representative, who is at the meeting representing Wallingford Public Access Association, is interested the procedure that would be used for this property. She is hoping that it will be an RFP-style so that price would not be the only factor for consideration of the building.

Bob Gross, 114 Long Hill Drive, asked if the public could speak again after the council comments. Chairman Parisi said that their comments now would assist the Council.

Wes Lube, Montowese Drive, said that the Council's Meeting Procedures call for the Council to speak first and that public comments are in response to the Councilors' comments. Chairman Parisi said he was trying to solicit the public's input. He then called upon the Council to comment.

Mr. Brodinsky said that he was hoping that Attorney Small would give her overview of the two concepts that the Council is considering and perhaps outline the pros and cons of each.

Attorney Small said that she has prepared a first draft of both approaches – an RFP through the Purchasing Department and a professional bid specification for the hiring of a realtor to market the property. She said that in both options, the goal is to sell. The request in terms of the litigation from the state is that some consideration be given to selling essentially the footprint of the building and some limited parking as a solution to litigation and move from there. She said that was something they started to work from and in the draft with the assistance of the town engineering department and in discussions with Linda Bush they created that lot. She said that the issues involved in making a selection under either process are the same – price is a factor, cost of renovations and the plans for the property would also be part of the consideration for making a determination as to whether to not to sell to a particular person or not. She said that in their discussions to date, the Council has indicated is to not to be developed as a single-family residence. She said that this is a central, limited business district, which does permit some other uses, which the Council found to be more desirable. She said that both options would give the discretion to review a proposal and to factor in whatever the Council wants to factor in. She has listed the principal factors and it is up to the Council to eliminate, add, or make changes. She said there is a concern given its location as to what is to be done with the property, along with

how much is going to be invested in any renovations and all that ties into what someone will or will not be able to pay for it. She said that with the RFP process, they anticipate having more than one set inspection time, serious advertising, and there could be other inspections beyond the ones that are scheduled. She said that when you put an RFP out, there is a cutoff time and then the Purchasing Agent would accept the proposals, which would be opened at the public opening. The Council would discuss the proposals publicly and the Council makes a decision. She said that the Council has the discretion or the power to reject all of the proposals, and given the uniqueness of this type of situation, the Council would have the opportunity to negotiate further with a particular project that may interest the Council.

Attorney Small stated that the hiring of a realtor would be done by a professional bid process, which is a two-part system – qualifications and then price. She said that it is somewhat unique in that you want to entertain as many offers as you can. She is not sure how it would work mechanically, but in reviewing the process, her understanding is that it can work provided there is full disclosure of the procedure, what the requirements are and how offers will be entertained. She said that the statutes do not prevent the Town from doing this in this particular manner. She said that the Town Clerk was helpful in getting some of the requirements of the realtor groups and she spoke to one of their attorneys. She said that if the Council chooses that option, she will make sure that the town is in compliance but that it seems that if there is full disclosure as to what the Town is doing, the Council can proceed. It's a parallel path to what the RFP would be, but it would be through the use of realtors who have their own contract in terms of marketing the property. She said that the Council can mull over, revise, amend, reject, accept, or modify as seen fit the first draft. She said that the Purchasing Agent was helpful in getting information from other towns. She said that they took a first crack at developing the specifications. She said that is the overview of what she has done to date subject to how the Council wishes to precede

Ms. Doherty asked about the perimeter on the property in the RFP regarding the easement of the driveway. Attorney Small said that she would give a better description of it than what is attached to date, it borders the parade grounds, a discussion of the right-of-way which the town would continue to have and the church has the rights to use. Attorney Small said that she would elaborate a lot more on that before the final versions of either proposal, and there are the issues of shared parking requirements. Attorney Small said that this would require a variance. She said that she has reviewed it with Linda Bush and it is fairly straightforward in that you would need an area variance and a rear-yard variance.

Ms. Doherty asked when was the last time the town had an appraisal of this property. Attorney Small said that she does not have a written appraisal of the piece the town is considering selling. She said that the town is keeping a large portion of this property and the issue of valuing the piece that you are seeking to sell is going to have to be viewed at the time of proposals. The cost that someone

is willing to put into the property is relevant to what its value is when an appraiser views the property. When you start talking about the property's entire value, an appraiser needs to know what is going to be the cost of rehabilitating the property. Ms. Doherty asked who would be this person. Attorney Small said that she recommends an appraiser assist in the process so that there is comfort in getting what the Council considers a good deal not just from a dollar perspective, but what will be the property's use.

Mr. DiNatale stated that the Town is putting this out as a request for buyers, and the Council may not accept any of them. Attorney Small said that the Council has that power. Mr. DiNatale, wanting to explore options, said that with that understanding there might not be many buyers out there who would be willing to go through the process. Attorney Small stated if somebody is interested in buying, then they have to make that decision but they won't be guaranteed that the Council is going to make that selection. Mr. DiNatale said that he thinks this should be made very clear for the sake of potential buyers and for the sake of the public that the Council is exploring options and that all options at this point are still on the table. He asked how the historical status affects this process. Attorney Small said that it doesn't change from where we have always been in terms of the law. The law permits the owner of the property to do what the owner wants; however, someone can bring an action and claim under a statute that there is unreasonable destruction of that property. The owner would then have to justify this. Mr. DiNatale said if the Council goes through this process and finds that there are no potential buyers, and selling doesn't work, leasing doesn't work, then are we building a case – and he said he is not saying that he is in favor of tearing it down or not, he asked if the Council is heading in that direction if nothing else works. Attorney Small said if the Council goes down this road and considers options, and if it doesn't result in the sale of that property and the court case were to continue, that whatever you have done will factor into how the case proceeds and will be relevant to what the judge decides to do with the case.

Mr. Farrell said that we are sort of at a fork in the road and that the Council needs to decide between an RFP and a realtor, and it seems that whatever method is selected, he doesn't want to decide the small details tonight. He would like to see what Attorney Small drafted go out to the public in the interest of transparency; the public should see it and then have the opportunity come with their comments having read the document. He said that there are plusses and minuses to both options. He commented on the RFP route, using the Caplan-Wooding RFP as an example, and said there were not an immense number of interested parties. He said he looks at the complexities of hiring a real estate sales person or broker and asks how does the Council decide among the 26,000 of them in Connecticut. He suggested a hybrid by doing an RFP initially through Purchasing and if it doesn't bring enough interest, then the Council can go the route of potentially hiring a real estate sales person or broker to see if there is interest beyond Wallingford. He said that the argument in favor of getting a realtor involved is that people outside Wallingford may not know of this, and by listing it on the Multiple Listing

Service, the town will get a wider audience. He said that his guess is that whoever steps forward in this kind of situation is going to be someone from town who knows the up and down sides and is familiar with the years of debate on this issue.

Mr. Brodinsky said that there are some issues that need consideration. In selling, the use the building is important. The Council should contemplate that the contract document and our zoning address this. He said that the use needs to be compatible with a showcase building located next to the Town Hall, and is compatible with the neighborhood; not just anything will do. He said that he hopes that the Council will want to be picky as to the use – it would be great for a professional office or something similar. He said that the building next to the Town Hall is an important spot and that the Council wants to be selective. He said that it is understood that this will limit the number of buyers. He said that also important is to what extent will the building be renovated and that is why the renovation budget is very important as part of the proposal that a prospective buyer may make. He said that the Council would want a topnotch building on the Parade Ground that will enhance the downtown. He asked the Town Attorney if the Council received an attractive offer on all aspects with a solid construction budget, would the Council be able to enforce that and how does the Council address that.

Attorney Small said that they are looking at ways to best address that since it did come up. She said that other projects have put in a condition. She added that she could report back specifically on how it can be approached and if there is difficulty in doing so. She said that she thinks that it would be possible.

Mr. Brodinsky said that parking that goes along with the building will need to be addressed at some point either as a matter of right, deeded of title, or as a matter of shared parking. He said that the marketability and the use of the building might in part depend upon where people using the building will park. He spoke about the dimensions of the land that were presented to the Council. He reviewed the reasons the town is selling the building and the litigation between the Town of Wallingford and the Historical Association and posed certain scenarios, both pro and con, of the decision regarding the demise of the building. He spoke about hiring a realtor, which is a new method for the town, versus an RFP. He asked the Town Attorney if a realtor would sign a listing agreement subject to the approval of the Council. He said that the Council is contemplating a listing agreement that would be in the six-month range. He went through the process to occupy the building and that the Council's process needs to take this into consideration when putting it out to the public.

Mayor Dickinson said that the Town has a Town Hall on a piece of property that, for the foreseeable future, will be used by the Town of Wallingford as a symbol of town government. This is like out Capitol building. He thinks that it is a big mistake to even entertain sale of any portion of the property that we now own that

was purchased for the purpose of providing for the future, expansion of this building, parking, etc. He doesn't believe that any private property owner who owned this parcel knowing what the future could hold and the importance of this parcel would ever entertain selling a portion of it unless they were really desperate for funds. He stressed that it is a big mistake in terms of planning for the community and the future use of this property as the site for its Town Hall and the oversight of the various services that we provide to allow anything to disrupt the use of this parcel of property for governmental purposes.

Mr. Knight said that this has been the subject of Executive Session for several meetings and lots of ideas have been tossed around and that they are coming to consensus. He said that his sense is that he would support the recommendation of the Town Attorney to enter into an RFP with the understanding that if the Council is unsuccessful, the Council could then enter into a second phase where the Council would seek paid for professional assistance. He said that he appreciates what realtors bring to the table in terms of expertise and that they could bring a higher price for the property. He said that he thinks that the Council should have control over the process, which the RFP provides. He said it is interesting how some people are coming to the conclusion that the Council needs a realtor when several years ago, the town procured the services of a very professional realtor in Wallingford who took a beating for having engaged in the purchase of the Tyler Mill property. He said that in similar ventures, the Council wanted to create an RFP in a broad enough manner to elicit creative responses, and he thinks that at this point the Council should consider doing the same thing. He said that the Council does not want the property made into a residence. He said that the Council should leave the door open for many possibilities.

Ms. Papale said that is very hard when one is not in the business of real estate. She said that she realizes that if the RFP were unsuccessful, the Council would then go to professional assistance. She asked about the hiring process. Attorney Small said that the Professional Bidding process would be used and that it would go out to bid through the Purchasing Department and the Council could decide to have a selection committee. She said that there are two rankings to a Professional Bid - the price paid and then the qualifications and for the first draft of breaking down components of an interview process and the point spread, so you do the interviews, or you do the analysis based upon written documentation. She said that you then score it and then it goes to Purchasing who figures it out. She said it could be all nine of the Council or a portion of it or pick someone else to do it. It is up to the Council to determine the evaluation process. It would not necessarily have to be people from this area. Ms. Papale asked that if the Council decides not to use an RFP or to call for professional assistance, what would happen with the court case? Attorney Small said that the trial would go forward if the Council does nothing. The trial has currently been moved to January because of these discussions; if the Council selects one of these processes, the Court is advised and the date will be moved again to accommodate these procedures. Ms. Papale remembered when the building was purchased with the idea that the property

would be needed in the future to expand Town Hall. Attorney Small said that if the Council chooses to go with one of these approaches, the Council still has the right to say no in the end. Ms. Papale asked the Mayor if it ends up that we can't come to a decision and we don't move on with an idea, what we are going to do? Will the building be cleaned up? She commented on its condition, which is not at all attractive.

Mayor Dickinson said that the court case resolves this, and the town has a good case and government should plan for its needs. He said that if it is reasonable to tear the building down, then that's the argument we would make. He said that he doesn't feel that we should back off of that argument now because of the fear that we might not win. Local government is constantly put in a position of trying to defend why it didn't plan for something, where, in this case, we are planning for something and it's necessary to be firm and say what we are planning for, the future. He said that it is his belief that it could be 50 years from now but someone is going to say why isn't that still owned by the town. There is another organization along Main Street that owned a lot of the property and sold it over the years. Now, they are in the process of trying to buy back because they now have needs. The town has identified a need, and the Mayor thinks that we should hold to the course, and see that we accomplish it, and if for some reason we can't, then it gets dealt with but we haven't reached that point yet.

Mr. DiNatale said that we would need a variance to create the configuration of the proposed parcel because we are making it smaller than is allowed in that zone. Attorney Small said an area variance. Mr. DiNatale said that the second would be a parking variance. Attorney Small said no, that we would need a rear yard variance. She said we don't need a parking variance because the zoning regulations permit shared parking between the two properties, according to the Town Planner. Mr. DiNatale asked how much shared parking is anticipated. Attorney Small said that the Council is probably going to need to know what the person intends to do with the property. Mr. DiNatale said that his concern is that he is not that optimistic that the Council will receive any proposals with any substance because we are asking someone to buy property, and you can do anything you want in there that is allowed in the CLB Zone and anything that is allowed in the Rt. 5 corridor because that also included those uses – but you have no parking except for Town Hall parking. He said that his concern is that we are going down a dangerous path with the uses and how it might impact the Town Hall and he can't envision any use except for Wallingford Public Access. He asked what other uses are there that don't consume that much parking? He said that it should be known to anyone making a proposal that we don't want to give up Town Hall parking. Attorney Small said that she could talk to the Town Planner for the RFP and the other process to define the shared parking in further detail, but the Town Planner didn't seem to think that it would be a problem and that it would be something that would work. Mr. DiNatale said if it works, it should be known what we are giving up, and we are giving up parking in our parking lot. Attorney Small said that she does not think that a professional office would be a

problem there and that it could work but that it is an issue that has to be addressed and will be dependent on the use.

Mr. Testa asked how the decision-making would go if the Council uses the realtor. Attorney Small said that there is merit to both approaches, but that she leans toward the RFP only because the goal is to get as many types of offers and to have some choice, and what types of renovations are taking place, and a realtor can do that. Attorney Small said if you need to have the realtor market the property, whoever is going to make an offer might need to have a deadline, too, as in an RFP. She said that she is still working on the mechanics of the process and she thinks that talking to a realtor or two outside of the Wallingford area who would not be interested in this project, but who would be able to define it further. She said the mechanics need to be further clarified.

Mr. Brodinsky said he hopes that if the Attorney General wins, the building does not come down and if it doesn't and is not maintained, it becomes 390 Center. If the Attorney General loses and the Mayor wins, then the building comes down. That's why the Attorney General got the temporary injunction. He said either we market the property so it doesn't come down or the building comes down. Thinking more strategically, if we use an RFP, experience would indicate that we are limiting the amount of offers that may come in because of the nature of the RFP. He described a scenario where there are no responses to an RFP within 60 days, which would give support to the case to tear the building down. He said that six months would give the property a real chance and we should use a realtor to do it. He that we tell a realtor how you want to approach it, and we reject offers we want to reject, while continuing to negotiate offers that seem attractive and deal with this sale like any other sale of property. In conclusion, he said that he is worried that going the RFP route plays right into the hands of those who want to tear the building down and also is not going to give the best result. He pointed out the expertise of a realtor in marketing the building.

Attorney Small clarified that it's not the Mayor's decision whether the building comes down, it's the decision of the Council. Secondly, she said that both of these approaches are appropriate. Either one can be used against us or in our favor in the court trial, and that she can find ways to argue both whether they're successful or not successful as to how that all plays out. She said that we have used the RFP process before and that either approach can work and that it is up to the Council as to how the Council wishes to proceed, there is merit either way, and you have the opportunity to use both. She said that if the end result of either process does not result in the sale of the property, it will be argued by the town and the other side to its advantage.

Mr. Brodinsky asked if the money to tear down the building currently is in an account. Jim Bowes said there was monies budgeted several years ago that have been carried forward. Attorney Small said that when the Council approved the funding, they made the decision that the building comes down. The Council



could change its mind. Mr. Brodinsky said that the alternative is if the money has been budgeted, and the budget is veto proof, then that's in the budget and there is nothing left to do except the administrative decision to take the building down. Attorney Small said only if the Council has said yes. Chairman Parisi said the Council could that it could put the money into a contingency account. It doesn't have to be left there for anybody to use. Attorney Small said that the decision with respect to whether to buy, sell, lease and hold real estate is the decision that is made by the Council, and in this case, has in fact been made. She said that Mr. Brodinsky is putting a hypothetical that if the Mayor put in a line item in the budget, all he would be doing...she said that she would have to think this through regarding the hypothetical that by placing a line item in the budget as requested by the Mayor, which he calls a line "Demolition of 41 South Main Street," and the Council passes the budget, or even if the Council doesn't pass the budget, her first reaction to that is that is not sufficient absent a vote from the Council to do something with that property. She said that is not how it happened and that she would have to think that through about whether or not that works but her initial reaction is that would not be sufficient without a vote of the Council. Mr. Brodinsky said that the Council has the authority to sell and buy. Attorney Small said that also includes buy, lease and holding of real property possessed by the Town of Wallingford; power rests in the Town Council, not the Mayor. Attorney Small said that her opinion is that the Charter provides that the decision with respect to whether or not the building is torn down is a decision of the Town Council.

#### PUBLIC COMMENT

Lucille Trzcinski, 25 Turnberry Road, said that she agrees with the Mayor that the property should not be sold and that it should be kept for the future. She recommends that the property be held in trust as part of the history of Wallingford on the town's parade ground, and that it should be maintained, not renovated, so that it does not suffer any more deterioration. She said that it is the responsibility of the Mayor and the Council to see that the town's buildings are maintained.

Mayor Dickinson said that the town bought the property for the real estate, not for the building, and that the intention from the beginning was that the building should be taken down. He said that we all try to find ways to save money and ways to bring down the cost of government.

Ms. Trzcinski asked if when we purchased the property, was it made know to the people of Wallingford that we purchased it with the intent of tearing the building down? She said she does not recall that. And if that is the case and the Council was aware of it and voted on it, then why is there a case with the Attorney General.

Mayor Dickinson said that it is his recollections that there have been several discussion over the years regarding this, and it always ends up in a debate, and we

did receive a vote to take the building down, and the State Historic Commission brought the suit to prevent it from being torn down.

Wes Lube, Montowese Trail, said that he does not know how to come to compromise that will be workable considering the difference of opinions regarding this issue. He said that he does not recall that an RFP resulted in a sale over the last ten years. He made comments regarding a realtor. He talked about the idea of having a bandstand on the property, which would require taking the building down.

Jason Zandri, Lincoln Drive, spoke about the history of various conversations with respect to the property and asked if the Council had considered leasing the building to a party that would be willing to make the renovations necessary for a reduced amount of rent. This would restore the building for use over a certain amount of time until the time the town needed it, and perhaps, would resolve the court case. Chairman Parisi said that has been explored in the past and that it failed because no one came forward at that time. He said that there was an architect who made a proposal. He said it could be looked at again. Attorney Small said that this is at the bottom of her list and another alternative. She said that she thinks that an RFP was put out twice in the past.

Bob Gross, 114 Long Hill Drive, said that he agrees with not taking the building down but keeping it. He asked if Pupil Personnel rented space from the town and asked if that was the case for a few years.

Mayor Dickinson said that he is not familiar with how the Board of Education uses their space or where they are leasing space.

Mr. Gross said that he believes that the Board of Education is renting space at the Britannia Spoon at an annual cost in their budget of \$25,000. He said that there are others who need space.

Susan Huizenga, 36 Story Drive, Wallingford Public Access Representative, said as a resident one of the things that attracted her to Wallingford was the relationship of the town with public access, the history, and a nice urban scape and center. She said that she is interested in the location for the public access station. She talked about the history of public access and the 1<sup>st</sup> Amendment. She listed reasons why WPAA should use the space at 41 South Main Street and stated that they will be launching a capital campaign to make the necessary renovations. She said that there is a resolution that states their position, as well as their financial situation. She said that she hope that the Council will give thought to public access in the building.

Bob Hogan, Grieb Road, said that he agrees with those in favor of saving the building. He said that it's a good building and thinks that the town should spend the money for renovation. That way, the town would enjoy the best of both

worlds, keep the building with a lease. He said that he has had contact with the State Historic Preservation Trust and that they are more than willing to give the town money to renovate a building that is on the historic register. He said that the town isn't looking at paying 100% and if the town is going out with RFPs, then why not go out and get three quotes on design and renovation, and see what it is going to cost, and then use the funds that are available from the State Historic Preservation Trust.

Mr. Gross asked if the Council has the authority to appropriate money to maintain the building. Attorney Small said that under the Charter, appropriation of any monies for any purpose involves the Mayor, the Comptroller and the Council. She clarified that what she said was that the decision to tear down the building belongs to the Council. She said that in terms of the budgetary process, the Mayor proposes a budget and presents it to the Council and the Council can make changes to it and then vote on it. Absent a veto from the Mayor, the budget would go into effect. In terms of administrative functions, it is in the Mayor's power to determine whether or not expenditures are made.

Bob Gross asked the Mayor if there was a chance to spend any money on the building. Mayor Dickinson said that to his knowledge, there is no water coming into the building and the building is closed up. He said that the Town Attorney has been appointed by the court to see that no further dismantling of the building occurs. Ultimately, the issue is what and how much money is spent; the town has no purpose for that building. It becomes what is the proper use of public money. He said that he has great difficulty when it becomes an issue over taxes going up and then saying we should spend money on buildings identified as buildings that we do not want. He said that we want the real estate but not the structure. He said let's find ways of saving money and not spending it.

Mr. Gross wanted to know what other ideas have been discussed in the past. Mayor Dickenson said that various uses have been talked about for years, but for the most part, proposed uses require far more space than that building offers, and there were questions regarding employee parking in relation to the building.

John LeTourneau, 3 Regent Court, said he is in favor of saving the building, and also selling the building and the piece of property. He brought up renovation costs, and said he has been in the building with a contractor. He said that it is a different scenario when you compare government use and private use. When the trust looked at it, the cost was \$150,000 to \$175,000 to renovate the building. He said for government occupation, in consideration of renovation, there are ADA issues and you could easily add another \$200,000 or more just in ADA compliance. He described the interior complexities if used for government purposes. He said that various businesses could go here for a professional use and that it will take creative thinking.

Mr. Farrell made a motion that the Council direct the Town Attorney to prepare two documents for the second Town Council meeting in November:

- (1) An RFP that further drafts what the Town Attorney has presented, to be issued by January 1, 2008 for a period of sixty (60) days, or March 1, 2008, and that the RFP not exclude any non-profit group or municipal agency if they wish to be part of that process.
- (2) To prepare documents necessary for a Professional Bid Specification to hire a Realtor on April 1, 2008 for a four (4) month period concluding on July 30, 2008, if the above mentioned RFP is not successful.

He said that from January to March 1, we will go with the RFP with a one month period, the month of March, where we evaluate where we are, and if it doesn't work out, we have already put the pieces in place to have a realtor ready to be hired April 1, 2008. He said that he thinks this addresses some of the concerns that Mr. Lubee had about the lack of a realtor being used in the litigation. He said that he thinks that this melds together some of the various concerns that people have.

Mr. Knight seconded. Mr. Farrell reviewed his motion that it would be sixty days for the RFP and 120 days for the realtor with a thirty-day period in between. The Council is directing the Town Attorney to come back with these items at the second meeting in November for the Council to vote on. He said that it moves the process along so that people can think about what is the best thing.

Mr. DiNatale asked about the options and if it would include just the sale of the property. Mr. Farrell said that if a non-profit is going to make a proposal, they are going to have to be specific in the same way that a third party purchaser would. He said that if they going to say that these funds are going to be used, they need to identify where the funds come from so that we can adequately weigh that they are on equal footing.

Mr. DiNatale asked if the Attorney General wins and says that we cannot tear the building down, then what happens. Attorney Small said that the town will be ordered not to tear the building down and that's all. The town will not be forced to use it. Mr. DiNatale said that he envisions that there is some protection because of its historical status, so we can't tear it down, by default, we will have to do some maintenance. Attorney Small said that there would have to be an additional argument made with respect to something beyond not tearing it down.

Mayor Dickinson said that there is nothing in the statute that deals with anything other than the demolition of the building and one of the ironies in the state law is that they can't force you to do anything with the building but all they can tell you is that you can or can't tear it down. If they say we can't tear it down, then we should look at what should be done with the building and that would take its own course. The state is very limited in terms of the law and what exactly can be

done. Mr. DiNatale asked the Mayor if he would be in favor of municipal use if we can't tear the building down. Mayor Dickinson said that its not that he can't be persuaded, but that his problem with it is the increase in cost. He said that no matter how you cut it, it would represent an increased cost to the town. We are looking at about \$400,000 to renovate that building. If nothing else can be done with it, then we would have to look at that and explain to the public why it is we can't save money in Wallingford. The Mayor asked, with regard to the motion at hand, does the sixty days include the time period to review the proposals or is it sixty days that the proposals are put with the review to occur after the sixty days, which would be occurring within the time that the realtor is starting?

Mr. Farrell said to go back to the motion, which says that the RFP will be out for a two-month period and there will then be a month "vacation" during which time the Council would review where they are with the RFP proposals and accept or reject proposals. In the meantime, the Council has also gone through the bidding process on the realtor so that the time is not lagging. He said that if at the end of those 30-day vacation, the Council needs to move on the realtor, then that person is ready to go. He asked if that was understandable. He repeated that the sixty days would extend from January 1 through March 31, 2008.

Mr. Brodinsky said that he is concerned about how the blending of the two concepts would work. He gave a hypothetical situation of a person responding on the last day to the RFP with a proposal that the Council is interested in, but they need additional time. The realtor process then kicks in, and the Council is obligated to hire the realtor. This is potentially very confusing and hard to administer. He said that he is most uncomfortable with the short period for the realtor with a difficult property that is difficult to market. He said that he is inclined to let this case go to trial and let the Attorney General win, and we will get a decision that the building isn't going to come down, and if it doesn't come down, then some hard decisions will have to be made, and we are in a better position to talk about the building and its future. He said that he will be voting against this motion.

Mr. Farrell said that from his perspective, the action of the Council in trying to do something now is a good one because you don't exactly know what happened with litigation. For example, suppose the Attorney General does win, and then you are left with the same routes that we have just discussed tonight but all of those potential purchasers know that we are behind the eight ball at that point, and then they will come in a basically say that the town should give the property away at that point. He said that to take that kind of direction really reduces the options that we have here. He said that he wants to applaud the Council for trying to think of the multiple options that are out there in trying to solve this now rather than being under a court order that we can't live with.

Attorney Small said that she wants to clarify and remind everyone how this was started to get to this point. She said that the Attorney General's Office asked her

to ask the Council to consider exploring the possibility that the town consider selling essentially the footprint of that building and three or four parking spaces. She said that was put on the table to relay to the Council. She said that is how we got to this process, and that it is important to keep in mind that they viewed this as a solution and was made as a proposal to the Council.

Ms. Doherty asked for clarification regarding the "footprint" of the building. Attorney Small said that the request to her was that not that the town have to consider selling the whole piece, but that the town carve out the smaller piece and consider selling that. She said that was the state offer put to the town to try to resolve this matter and that this is essentially the footprint of the building. We have gone beyond that and created the lot but when it was put to her it was essentially to sell the footprint of the building with three to four parking spaces. That was something they felt was is a viable solution and could be accomplished.

Ms. Doherty asked about the restrictions in the historic district. Attorney Small said that someone can go to court against a new owner and argue the same thing and that you cannot unreasonable destroy the building. She gave a hypothetical situation.

Mr. Brodinsky said that relying on Attorney Small's interpretation that the building can't come down without the Council's approval his thought is that his earlier comment is re-enforced. He asked about the town tearing down the Galko barn. Mayor Dickinson said that improving ordinances in properties included money for demolition of buildings that the town did not want, and these buildings have been torn down.

#### PUBLIC COMMENTS

Wes Lube, Montowese Trail, asked if the town would be trying this deal with in-house legal counsel. Attorney Small said that it is all hers. He asked about other expenses in court costs. Attorney Small said that there are experts fees. He gave comments regarding the hiring a realtor and having the property appraised before involving a realtor. Attorney Small said the Town Council's decision in terms of who to sell it to and under what conditions is also going to play into the price someone is going to offer and that it will be looked at and addressed.

Susan Huizenga, 36 Story Drive, Wallingford Public Access Representative, asked about the timeline and how many entities would be able to see inside the building before January. Attorney Small explained the RFP process, saying that there is an anticipation of having more than one set inspection date when prospective bidders could view the property, and also, it is her feeling that the town would permit additional inspections of individual, potential, buyers. She said that there could be a screening process for viewing the property prior to when the RFP would be due. She said that she would develop the timeline with Purchasing. Councilor Farrell said that it goes out January 1, 2008 and that he doesn't want any time lost. He said that Attorney Small will come back to the

Council at the second meeting in November with a proposal fully fleshed out on the RFP, and a proposal on the realtor given the dates that he has stated in the motion. Susan Huizenga stated that it would be nice to have a set inspection date prior to January 1. Mr. Farrell said that Attorney Small is to come back to give us a fully developed proposal on the RFP and a proposal for the realtor at the second Town Council meeting in November. Ms. Huizenga said that this makes the public lose several months where they could be developing concrete plans. She said that as part of this discussion it would be nice to have a set inspection date. She asked if WPAA could walk through with a camera and make the building and its condition public as part of this process.

Chairman Parisi asked what is this going to accomplish. Ms. Huizenga said it would allow the public to know what the building's state when there is discussion about its value and how it would need to be renovated. She said that it would be substantive information. Chairman Parisi said that he does not see the point of it and how it affects this process.

Attorney Small said that the normal procedure would be that with the issuance of the RFP, the Purchasing Agent, as part of the RFP, would specify the inspection dates and they are usually relatively quick. She said there is a mandatory, pre-bid, on-site meeting to do the inspection so that if you were going to bid on the property, you had to go to that inspection. She said that the first inspection, that date, would be very shortly after the RFP goes out. Attorney Small said that the first one will be right away and that other dates will be meaningful and timely. It goes with the issuance of the RFP and creates a fair playing field for all who are interested in it.

Chairman Parisi asked for the motion to be repeated.

#### RE-STATEMENT OF MR. FARRELL'S MOTION

Mr. Farrell repeated the motion that the Town Attorney return to the Town Council at the second Town Council meeting in November with:

- 1) A draft RFP that would be issued on January 1, 2008 and which would close March 1, 2008 and not to exclude any non-profit group or entity from the process.
- 2) Documents that are necessary to get that Purchasing process started to hire a realtor who would potentially commence his/her services on April 1, 2008 if the Town Council determines at that point that it is proceeding with the services of a realtor, and that set period of time would be four (4) months.

Ms Doherty said that she is thinking of the footprint and the perimeters that the Council is giving and that it would seem to her that the Town of Wallingford is probably going to take care of the grounds. She said that the only piece of property that would be for sale would be the building; the town would still own

the rest of it. Mr. Knight said there is land to the south of the building itself between Town Hall and the building, a side yard. Attorney Small said that the front yard is the parade ground and is still belongs to the town but that the side yard goes with the building. Ms. Doherty said that her thought was just to do the building and keep the rest of the land, and if it does sell, you would get the offer of first refusal.

Mr. Farrell asked if that would not create the need for additional variances because you are not going to have a side yard, so you will need a side yard variance. Mayor Dickinson said that if you make the lot smaller, additional variances would be needed because it would be less in compliance with Planning and Zoning regulations. He said there is an effort to make it of a size that reduces the number of variances and give some semblance of an acceptable lot size along with the building.

Attorney Small added that the size of the lot that is created complies with the neighboring zone, the CA-6. She said that the Council's interest is to keep the uses more in line with the central, limited business so we are going to keep it in that zone, which would require a variance. She said that the lot that was created was consistent with the neighboring zone.

ROLL CALL VOTE:

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

5-aye; 4 – no

The motion passed.

During the vote, Ms. Rascati said that she is voting yes because of the thirty day period, but that right now, she isn't sure that she wants to sell this property.

12. Discussion and possible action concerning the past appointment and future appointments of ad hoc members to the CRRA Board - Councilors Brodinsky, DiNatale and Testa.

Mr. Knight read the item as requested by Councilors Brodinsky, DiNatale and Testa. He read a memorandum from Janice Small to the Town Council and the Mayor dated October 17, 2007 to clarify her memo of August 31, 2007, to address additional issues

*(These memos are part of the record of the meeting.)*



Mr. Testa said that this issue of the Ad Hoc membership has been a topic of discussion for quite a long time, originally brought to the Council's attention by members of the public. It was thought first that the appointments were made by a recommendation of the Mayor. The Mayor indicated that filling them was not a priority given that the important decisions related to the facility in Wallingford were made by the Policy Board, which is comprised of the Chief Executives of the five communities, of which he is a voting member. He said that is true, and it is reasonable to expect that the whole CRRA Board would follow the prerogatives of that Policy Board, but it is also true that having two members on the CRRA Board with the ability to vote on matters that pertain to Wallingford can only be a benefit to us. When we have the option of representation and we do not avail ourselves, then we miss the opportunity for strong advocacy for our own interests. In recognition of that, it was suggested by the Mayor that anyone interested could indicate so to his office for consideration with the implicit understanding that the consideration was at his discretion. Mr. Testa said that we then learned that the two positions were to be filled in different ways, one was for the Mayor or his designee, and the other would be filled by the Council. Soon after receiving this clarification but before we had the opportunity to discuss how we might do this, an agenda item was placed regarding a Resolution to appoint Steve Knight. That item was withdrawn the night of the meeting, and while not knowing the reason, I commended my colleagues for doing so. While I have no doubt that Steve is qualified and would do a fine job in that role, I felt that then, as I do now, that we should take a more deliberative approach that we consider any candidate interested before we make an appointment. He said that his intention was to have the Mayor forward to us any letters of interest that he received and then we could determine a procedure reach a consensus on whom to appoint, and that will be the substance of a motion to be made later. He said that since we only meet a couple of times a month, it is understandable that we are at the point we are now, after several months, where we understand the rules and can address it properly. With all that in mind, he said he was surprised and taken a back when he received a copy of a letter from the Governor at a meeting two weeks ago stating that a vacancy was filled, out of the blue. He said that nobody seems to know how it happened. He said that the Mayor said that he didn't do it. Mr. Testa said that he didn't recall voting on a resolution to do it. He said that we have since learned that the appointment was made based on a recommendation by an individual councilor. He said that two things bothered him about that. First of all, we went to great lengths to understand the mechanisms out in place by statute to fill these spots and he asked if there is now another one. It wasn't even legal and today there is a new legal opinion that it is. Mr. Testa said that's fine and that he thought it was a technicality. He said that this has been an ongoing learning experience so it this helps clarify the statute, then we know more than we did before; however, Mr. Testa said that he hopes that there are no more surprise lessons and we know how this is supposed to be done.

Mr. Testa said that this brings him to a more important concern, which is the complete surprise of the appointment. He said that from what he can tell, it was

initiated months ago, and over those months, the issue had come up at almost every meeting, if not every meeting. He said that at no time did anyone say that a recommendation was made to the Governor or that an appointment was subsequently made. He said that he is not happy to have been kept in the dark on that. He said that he is wondering who else was aware of this and if this is the real reason the agenda item was removed regarding Mr. Knight. He said that he is not suggesting that anything improper or unethical occurred at all, but this is simply about maintaining an atmosphere of openness and collegiality. He said that we can argue and disagree on policy matters but we have to be comfortable in the knowledge that everything is on the table, and most important, that we show respect for one another. He said that he wants it clear that this has nothing whatsoever to do with Mr. Howe, who was appointed by the Governor. He said that this is about process and open dialogue and that as far as he is concerned, this is done, and we are moving forward. He said let's agree tonight on a procedure to follow. He said he wanted to express his disappointment.

Mr. Knight, speaking for himself and his action, said that he would not be serving on the Town Council starting in January and that he wants to contribute what he can to this community. He has sat in on several of the presentations by the consultants because he is interested in the future of the trash-to-energy plant and that the steps that the town must take in order to ensure that the town's municipal solid waste is taken care of at as economical a price as possible. He said that it is a complex issue and that he has been on this board for 14 years, and he thought that his service and what he had learned in the service of this community might help represent this town at the CRRA Board. He continued that as soon as he had made his intentions known, he heard people mention that perhaps he, Mr. Knight, would not have the objectivity that some people feel is required to serve on that board. He said that he is bothered that some people think that this should be a more open process, and he discussed this with Chairman Parisi and then withdrew his name for that reason. He said that he did not want to be placed in a position of pushing his way into a position that could be filled by someone else that might indeed be more qualified because of their professional background. He added that in the interest that the process be open, he withdrew his name and that the extent of this.

Mr. Farrell said that some of this is directed at him, and in the interest of being collegial and open, he said these are the facts as he knows them because this might dispel some of Mr. Testa's misgivings about this. He said that to the best of his belief in June, he was asked by the Governor's Office for names for the Ad Hoc position on the CRRA Board. He said that to his memory, and that he could be wrong, at that point the Council had not discussed it, or at the very least, there had been no mention of what the process was or that there was Council involvement to the process. He said that he provided names to the Governor's Office. He said that you have to take it in context that every single day he provides names to the Governor's Office and that within the Department of Consumer Protection, for instance, there are seventeen boards and commissions,

and each of these boards and commissions have at least eight members so that is 140 people that the Governor must appoint to volunteer positions at the Consumer Protection alone. He said once you provide a name, you back away from the process. He said that anyone who is potentially being nominated for a position by the Governor has to fill out a long questionnaire, provide information regarding their finances, and, in some cases, undergo a police background check. He said that process can take a long time, months for all of it to come back to a point where a person can be appointed. He said that once you suggest, you don't inquire back into it. He said that the rationale is that if the Governor doesn't go forward with it, if something comes up in the person's finances or in the police background check, then that is their issue to deal with and they need to consider their options, so you don't ask what the status of it is. He continued that once it was out there, he didn't necessarily know that it was a given that he would be appointed. He said that people say that you could have said something. He said that there are many good examples in Hartford where something was mentioned about someone getting appointed to something and that was the last that was heard of it. He said that it tends to inappropriately besmirch the person in question because they are left with why wasn't that person appointed and there is never an open answer to that. He said that had he known that there was a potential for a Council involvement here, he would not have provided the names. He said that it is unusual that it should become controversial because this position has been open for ten years. He said that he feels badly for Mr. Howe because while Mr. Testa didn't take shots at him, other anonymous people have taken shots at him. He said that he (Mr. Howe) was at their meeting last night and had been up to meet with CRRA. Mr. Farrell said that Mr. Howe comes from an admirable business background, i.e. 45 years as a resident of Wallingford, 35 years as a business executive at Travelers Insurance, a member of the Board of Governors at Mid-State Hospital, the President of the Wallingford Country Club who solved many of the Club's financial problems. He said that he apologizes to the Council, and that he wanted to explain the circumstances and perhaps that sheds a more innocuous light on this.

Mr. Brodinsky referred to two articles in the newspaper. He said that one is July 25, 2007, Record Journal and that towards the end of the article, it discussed the issue and the possibility of a Wallingford appointment. He read the paragraph, "*Dickinson and Town Council Chairman, Robert F. Parisi, said probably the town probably would conduct interviews if it were to recommend an appointment to the Board of Directors.*" Mr. Brodinsky read a quote of Mr. Parisi, "*We certainly have to do an pretty extensive interview if we're going to have someone representing the town in Hartford.*" Mr. Brodinsky said that based on the July 25 article, he was expecting an agenda item or something to come forward consistent with the quote. He said that the next thing that appeared of record was that Mr. Knight's name appeared, which seemed to be inconsistent with what the Mayor and the Chairman were saying. He said that he was puzzled by it and he wondered what happened to the interviews that we were going to have and he still thinks that the interview process is probably the better one, a process where by we

invite members of the public who may be interested in this to submit a letter of interest and their resume or their qualifications and that the Council consider all of them and take them up, and it very well may be that Mr. Howe ends up to be the most qualified person, and it very well may be that he's the one that the Council ultimately recommends. He said that it shouldn't be fait accompli by now it's done, and we aren't going to replace out steps. He said according to another article, a Governor Rell spokesman said that Mr. Howe must receive approval from the Wallingford Town Council in the form of a Resolution. He said that we have to go through this process anyway, and as long as we are going through the process, then let's do it the right way and take it seriously and see who is interested in this and if Mr. Howe is the best candidate, then Mr. Howe will be appointed.

Mr. Parisi said he was in the process of putting together a proposal to bring to the Council. Mr. Parisi said that Mr. Knight put the letter on the agenda on his own accord.

Mr. Testa said his reference to Mr. Knight's agenda item was simply to create a history, and he felt as though some sort of process should be employed in order to appointment a member to the CRRA Board. Mr. Testa said he was caught by surprise, but appreciated Mr. Farrell's comments on the matter.

Mr. Farrell made a Public Service announcement regarding the Governor's website where residents can apply to become a member of a Board or a Commission.

Ms. Papale spoke about the difference with appointments made by the Town Council and the Governor. She commented on the process of what has recently occurred regarding Mr. Howe's appointment to the CRRA Board. Ms. Papale stated that the manner in which the information was presented was a mistake. She said she thinks that based on Mr. Howe's qualifications, the Council should proceed with the appointment. However, to prevent another incident from occurring in the future, Ms. Papale suggested the Council implement a different procedure for future appointments.

Mr. Parisi questioned whether the Council is able to implement a procedure for appointments to state positions.

Mr. Brodinsky said that he would like to make a motion that the Council select an individual to recommend to the Governor as an Ad Hoc member of the CRRA Board and that the Council invite interested members of the public, including Mr. Howe, to send letters of interest to the Town Council Office and then the Council can take up the process after that as to how to proceed.

Mr. Testa asked whether the Mayor is able to make an appointment to the CRRA Board. Attorney Smalls responded that Mayor Dickinson is not specifically able

to make an appointment, but a mayor from one of the towns serviced by the facility is able to make an appointment. Mr. Testa asked whether Wallingford has two appointments. Attorney Smalls clarified that the Wallingford facility has two appointments. The appointment belongs to the Governor.

Mr. Farrell stated that Mr. Howe's appointment was an interim appointment because the Legislature is not in session to confirm his appointment. The Council retained the ability to suggest a permanent person at a later date for the appointment.

Mr. Knight said that this appointment is an interim appointment and a more permanent appointment could be made in the spring after the Legislature convened for the session.

#### PUBLIC COMMENT

Sharon Sanders, South Cherry Street, said that she thinks it is a mistake to choose not to follow procedures, such as conducting interviews. Ms. Sanders said that she felt that Mr. Knight was more than qualified to represent Wallingford on the CRRRA Board.

The Council took a five-minute recess.

Town Clerk Thompson read a motion: The Council will select an individual to recommend to the Governor for the ad hoc position by asking individuals to submit letters of interest to the Council, the Council will conduct interviews, and then select an individual for this position in the form of a resolution from the Town. Mr. Testa seconded.

Mr. DiNatale clarified that this individual will be the interim representative until another representative is selected through the process. Attorney Smalls stated that she is unclear as to what is meant by the term "interim appointment," but if the Council passes a resolution stating the Council's wishes regarding the vacancy, the Governor is supposed to fill the vacancy with the person designated by the Council.

Mr. Farrell stated that in a typical situation, an interim person works until the position is filled, and the filling of the position requires confirmation by the General Assembly. The earliest a permanent position could be nominated or confirmed would be February 1, based on the schedule of the General Assembly. Mr. Farrell suggested confirming Mr. Howe as the interim appointment.

Mr. Testa asked about the letter sent to Mr. Howe by the Governor's office, which states that the appointment would continue for at least 6 Wednesdays into the next Legislative session. The Council would not be able to appoint a member until the middle of March.

Mr. Brodinsky stated that the process should be protected in order for the Town to select the representative.

Mr. Parisi said that this is a unique situation because appointments generally do not occur in this manner.

Town Clerk Thompson reread a motion: The Council will select an individual to recommend to the Governor for the ad hoc position by asking individuals to submit letters of interest to the Council, the Council will conduct interviews, and then select an individual for this position in the form of a resolution from the Town.

Mr. Testa stated that this motion has nothing to do with Mr. Howe's interim appointment. Ms. Rascati asked to amend the motion to read that names will be entertained for the next available appointment. Mr. Brodinsky seconded the amendment.

All Councilors present (9) voted aye to amend the motion.

The amendment passed.

Town Clerk Thompson reread the amended motion: The Council will select an individual to recommend to the Governor for the ad hoc position at the next available opening by asking individuals to submit letters of interest to the Council, the Council will conduct interviews, and then select an individual for this position in the form of a resolution from the Town.

**ROLL CALL VOTE:**

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

9-aye; 0 – no

The motion passed.

14. 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 Dickinson

*Withdrawn*

Mr. Knight moved to adjourn the meeting. Ms. Doherty seconded.

All Councilors present nine (9) voted aye.

The motion passed.

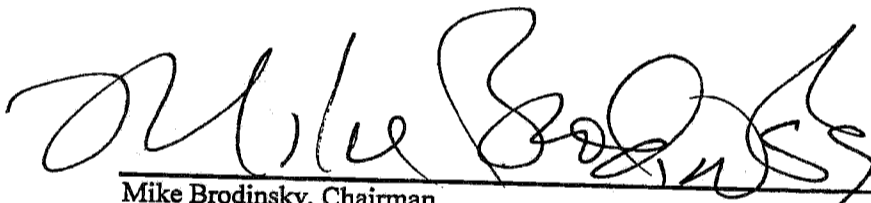
The meeting adjourned at 10:35 P.M.

Respectfully submitted,



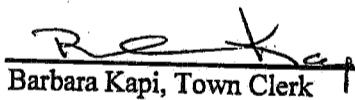
Erin R. Occhiogrosso  
Temporary Town Council Secretary

Meeting recorded by Sandra R. Weekes



Mike Brodinsky, Chairman

Date



Barbara Kapi, Town Clerk

1/22/08  
Date

"Serving Wallingford with Innovation, Responsiveness,  
Knowledge, Professionalism and Courtesy"

AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$72,270,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$72,270,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

An ordinance entitled, "AN ORDINANCE APPROPRIATING \$72,270,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$72,270,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" adopted by the Town Council on December 14, 1999 and as amended at Town Council meetings held August 21, 2001, January 8, 2002, June 11, 2002, October 22, 2002, December 10, 2002, February 24, 2004, June 8, 2004, July 19, 2005, and March 28, 2006 which ordinance is hereby ratified, confirmed and adopted, is amended to increase the appropriation and bond authorization therein by \$97,000, from \$72,270,000 to \$72,367,000, and to transfer within the ordinance \$150,000 from debt administration to planning, acquisition and construction as follows:

Section 1. The title of the Ordinance is amended to read as follows:

"AN ORDINANCE APPROPRIATING \$72,367,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF TOWN-WIDE SCHOOL SYSTEM RENOVATIONS AND AUTHORIZING THE ISSUE OF \$72,367,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE"

Section 2. The following is substituted for Section 1 of the Ordinance:

"Section 1. The sum of \$72,367,000 is appropriated for the planning, acquisition and construction of Town-Wide school system renovations, including facility additions, expansions and space reallocations, approximately in accordance with the project summary approved by the Board of Education at a special meeting held May 24, 1999, to various school buildings including Lyman Hall and Sheehan High Schools, DAG Hammarskjold and Moran Middle Schools, Moses Y. Beach, Cook Hill, Highland, Parker Farms, Pond Hill, Rock Hill and Stevens Elementary Schools, and for appurtenances, furniture, equipment, renovations to the Sheehan High School running track and athletic field, and design, engineering, and other consultant services or so much thereof as may be accomplished within such appropriation, including administrative, advertising, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid (excluding however the two special \$500,000 grants from the State for the Sheehan High School running track and athletic field), in accordance with the following:



Planning, Acquisition and Construction:	\$72,067,000
Debt Administration:	<u>300,000</u>
TOTAL:	<u>\$72,367,000</u>

Section 3. The first sentence of Section 2 of the Ordinance is amended by substituting the amount of \$72,367,000 for \$72,270,000, thereby making the first sentence of Section 2 read as follows:

"To meet said appropriation \$72,367,000 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."