

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

September 25, 2007

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, September 25, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:45 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, Iris F. Papale, Robert F. Parisi, Rosemary Rascati and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., Corporation Counsel Adam Mantzaris and Comptroller James Bowes were also present.

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

Chairman Parisi welcomed back Pasquale Mellilo to the Town Council meeting and said that Mr. Mellilo's public had been asking for him and that it was good to see him. Chairman Parisi then announce that the following items have been withdrawn from the agenda: Items 10, 14, 15, 16, & 17

2. Correspondence

None

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#187- #236) totaling \$19,337.59 Acct. #001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve an Appropriation in the Amount of \$495 to Young Astronaut Club Special Fund Donations Acct # 226-1042-701-7010 and to Expenditures Acct # 226-3070-611-6500 – Youth & Social Services
- 3c. Consider and Approve an Appropriation in the Amount of \$5,500 to Young Astronaut Club Special Fund Donations Acct # 226-1042-701-7010 and to Expenditures Acct # 226-3070-611-6500 – Youth & Social Services

- 3d. Consider and Approve a Transfer in the amount of \$826 to Install Carpet – Town Hall Auditorium Acct # 001-5015-999-9190 and from Install Carpet – Recreation Department Acct # 001-5015-999-9187 – Public Works
- 3e. Consider and Approve a Transfer in the amount of \$1,535 to Install Carpet – Youth & Social Services Acct # 001-5015-999-9188 from Install Carpet – Recreation Department Acct # 001-5015-999-9187 – Public Works
- 3f. Consider and Approve a Transfer in the amount of \$3,975 to Capital Resurface Aerobic Room Floor Acct # 001-4001-999-9907 from Regular Wages and Salaries \$1,900 Acct # 001-4001-101-1000 and from Capital Gym Floor Refurbishing \$2,075 Acct # 001-4001-999-9906 – Parks & Recreation
- 3g. Consider and Approve additional Resolution adopting a policy to support the nondiscrimination agreements and warranties required under Connecticut General Statutes to support our applications for various State grant funds – Program Planning
- 3h. Consider and Approve amended Resolution authorizing the Town of Wallingford to apply for a Small Cities Community Development Grant in the Amount of \$750,000 for rehabilitation work at Eastside Terrace, Elderly Housing Complex owned by the Wallingford Housing Authority – Program Planning
- 3i. Consider and Approve Resolution Authorizing the Mayor to Execute a Memorandum of Understanding with the State of Connecticut Department of DEMHS for participation in the FY 2008 Emergency Management Performance Grant Program - Mayor
- 3j. Consider and Approve a Resolution Authorizing the Mayor to apply and enter into a contract with the National Association of Chronic Disease Directors in the Amount of \$80,000, including any funding amendments initiated by the Connecticut Department of Public Health, and Designate Eloise Hudd, Director of Public Health as the Administrator of said program – Health Director
- 3k. Consider and Approve a Grant of Easement to Algonquin Gas Transmission, LLC for natural gas facilities required to provide service to the Pierce Plant – George Adair, Director, Public Utilities

3l. Consider and Approve Town Council minutes of September 11, 2007

3m. Consider and Approve Town Council minutes of September 4, 2007

Mr. Knight made a motion, seconded by Mr. Farrell, to accept the Consent Agenda Items 3a.- 3m. All Councilors present (9) voted Aye, and the motion passed.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

Peter Wasilewski, 164 High Hill Road, read from a prepared statement naming dates, some of which went back 20 years and said that he would like and has not received answers to questions he has asked of the Mayor and of the Engineering Department. He said that he wants a response in writing. Mr. Mantzaris said that he would look into documents that are involved. Mayor Dickinson responded that the questions regarding Engineering goes back a long way, for years, and that there was no expression of interest on the part of Mr. Wasilewski during this period of time regarding that question and that he referred it to Engineering, who was going to see if any of that work has been done under John Costello and that there was nothing current. He said that there was no action requested from Engineering in recent years. Mayor Dickinson said that he does not have an answer, and there is one question about whether there is a problem, who caused it, and if it was a developer, the question would be whether the town has any responsibility and what has to be look into. He said that the town was not made aware that it was a serious problem in the subdivision that is over 20 years old. Mr. Wasilewski said that he has the paper work and he named some dates. Mayor Dickinson said that his letters covered several issues, including personnel in the Engineering office.

Bill Comafer, 5 Broadview Drive, read from a prepared statement regarding all of the agreements that the town has with the Siegel Company, a health insurance consultant.

Bob Gross, 114 Long Hill Road, referred to a comment in the paper regarding CRRRA about not appointing someone but that the Town Council has decided to appoint somebody and asked of the Mayor if he was going to change his mind. Mayor Dickinson said that the Policy Board is the critical board for the Town of Wallingford and in his opinion he does not see it as a vital part in the representation of the town with regard to the facility located here. Chairman Parisi said that they are getting clarification on the statute to understand clearly what they are entitled to and that there is a perception that we may be

entitled to three representatives and that we would like to have it beyond any confusion. Chairman Parisi said that they would then solicit letters of interest, followed by an interview process and then move forward. Mr. Gross said he didn't think having someone sit on the board as an advisor would cause any harm. Mayor Dickinson said that he would be concerned. He said that a board representative should be informed where liability is concerned and have time. Mayor Dickinson said that he sits on the Policy Board in Wallingford and that it takes lots of time and involvement and that he thinks the that town's interest is represented and that whether or not it is necessary in Hartford to sit on a board that deals with lots of other things, then everyone can make their own judgment, and his is to be wary of it. Mr. Gross made other comments and spoke about Covanta.

6. Conduct a Public Hearing for September 25 at 7:00 P.M to amend the *Parks and Playgrounds Ordinance*, Chapter 151, for the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Chairman Parisi opened the Public Hearing and asked for comments on the ordinance.

Mr. Farrell said that the ordinance committee was approached by a number of citizens regarding cigarette smoking in the parks, particularly in connection with children who are playing and participating with athletics in the parks. He said that the committee met and directed the Town Attorney to draft an amendment to our Parks and Playgrounds Ordinance. He said that the Council has in front of them the entire ordinance. He read that part that is affected, Section 151-6:

SECTION 151-6:

No Person shall use any tobacco products, including, but not limited to, smoking cigarettes, smoking cigars, smoking pipes or chewing tobacco in any park except that the use of such products shall be permitted within the areas designated and marked in such parks for the parking of motor vehicles.

Mr. Farrell said that in other words it is limiting smoking to just the parking area, and as background, he said that there were numerous discussions that the Ordinance Committee had of how to properly figure where smoking areas and no smoking areas should be and the solution was that the parking areas are quite delineated. It is to be strictly to be the areas that are used to park automobiles.

Chairman Parisi asked for any comments.

Wes Lube, Montowese Trail, said that there should be signage.

Mr. Farrell said that a sign that just says 'Smoking is Only Permitted in Automobile Parking Areas and Nowhere Else.'

Ms. Papale acknowledged the work of the committee and said that she was in agreement with it.

Mr. Testa said that he was aware that it became important to people watching youth sports events with children everywhere which is understandable but his concern is that sports fields are not the extent of our parks. He talked about people who get a permit to use a pavilion for a family picnic or a group gets a permit to use a park but not necessarily the playing fields and that the event is mostly adults. He expressed concern about sending people to the parking lot and asked who is going to clean the parking lot.

Mr. Farrell said the he is referencing the discussion at the Ordinance Committee meeting and not necessarily his own feelings. Continuing he said, the neither the Parks and Recreation Department or the Police Department want to be smoke police but to have an ordinance that was workable and that this is a compromise because one is never going to make all of the people happy. He said that this protects the children and gets the smoke away from the children involved in a playing field sport.

Mr. Testa said that he agrees that it is reasonable.

Chairman Parisi said that the spirit of the ordinance is to keep the smoke away from the children.

Jason Zandri, Lincoln Drive, asked who is enforcing this ordinance because the town has a lot of ordinances that don't get enforced.

Chairman Parisi said that an ordinance, while it's law, is an advisory of the majority, and ordinances and laws count on law abiding citizens and that the greater majority are law abiding and would follow the it. He said that if every law passed and every ordinance passed has to be policed by the Police Department that that is unrealistic.

Mr. Testa said that it is also the people policing it, that it is the majority of the people in a place that say, "You can't smoke here, there's an ordinance," and if that leads to something then the police can be called. He said we police ourselves.

Mr. Zandri recalled sidewalks with snow and policing of its removal.

Chairman Parisi said that you expect that the greater majority of the people will take the spirit of an ordinance and police it themselves.

Ms. Papale said that she is thinking that it will be enforced where children are playing sports. She said that she thinks that every coach and manager that are at a sporting event would remind people of this ordinance. She said that she thinks it will work with people reminding people of the ordinance and that to think that the Police Department or the Parks and Recreation Department will be present is not realistic. She said that we all have to work together.

Mr. Knight said that most of the ordinances are self-enforcing and that the point of them is to codify the general opinion of the community on a quality of life issue and is what the Council is trying to do here. He said that we do it with the litter laws, whether or not you can allow your dogs to run free in the parks and as the issues come up, he said that the Council tries to develop these so that people in general have an understanding of what the community expects of certain behaviors and that's what a lot of these ordinances are and that is the sense of what the Council is trying to do tonight. He said that this sends a message to everybody that smokes that in the public parks in Wallingford that have to use a keener sense of where they are going to smoke.

There was some discussion of the snow ordinance and that articles, for instance, in the newspaper draws the attention to everyone that that they do have a responsibility, especially if they live on a corner, and that is codified in the Code of the Town of Wallingford.

Pasquale Melillo, 15 Haller Place, asked if this ordinance conflicts with state or federal laws. It does not.

No further comments were made. The Public Hearing was closed.

Mr. Knight made a motion, seconded by Mr. Farrell, to adopt the Parks and Park Facilities Ordinance as written.

ROLL CALL VOTE

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

7. Conduct a Public Hearing for September 25 at 7:15 P.M to consider and act upon an ordinance entitled the *Objectionable Products Ordinance* of the Code of the Town of Wallingford - Councilor Gerald E. Farrell, Jr., Chairman, Ordinance Committee

Mr. Knight read the newly proposed ordinance.

OBJECTIONABLE PRODUCTS ORDINANCE

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

SECTION 1. Purpose

The Town Council finds that in order to create and maintain a healthful and clean environment and to reduce litter and non-degradable wastes, it is necessary to regulate the sale and use of certain objectionable products at public functions.

SECTION 2. Definitions

A. "*Silly String*" means an aerosol can from which string-shaped foam material may be sprayed.

B. "*Objectionable Products*" means Silly String.

SECTION 3. Possession, Use or Sale Prohibited

No person, firm or corporation shall possess, use, offer for sale or sell the product commonly known as silly string during the following time periods and at the following places:

a. Time periods: On days of operation of carnivals, festivals and the Taste of Wallingford requiring a permit from the appropriate Town of Wallingford agency and on days of Public parades;

b. Places: At or upon public parks, public buildings, public streets, public sidewalks and public parking lots and/or any other public property.

SECTION 4. Exemption

This chapter shall not apply to objectionable products in transit or storage in interstate commerce.

SECTION 5. Violations and Penalties.

Any person who violates this chapter shall be subject to a fine of \$25.00.

Chairman Parisi opened the Public Hearing.

Ray Ross, 88 Franklin Street, relayed a personal experience when his camera was hit with silly string, and he later discovered that there was his fingerprint was imbedded in the camera as a result of the silly string. He investigated and found that the base product in silly string caused his fingerprint to be imbedded on the camera. The primary ingredient is a polymer-based resin, activated by CFC, which is chlorofluorocarbons, and that the propellant is dicloral difloral methane, and it is very dangerous and can lead to blindness. It

has been banned in some U.S. cities, including Los Angeles and the federal government has imposed fines because of wrong propellants. He said that this is not a silly thing. He said that if the silly string had hit the lens on his camera that the damage would have mounted to \$4,000. He said it does not belong at Memorial Day parades where it is not a festive occasion. He said in regard to the fine that \$25 is just the cost of doing business and recommended that a vendor's permit be taken on the spot and have them leave and they wouldn't be so likely to sell this product. He said that it's a dangerous, flammable product and urged the Council to adopt the ordinance.

Jason Zandri, Lincoln Drive, wanted to know if this was for the possession of or the sale of and that he may not have gotten that clearly. He said that it sounds to him that we are setting this ordinance up so that no one can sell it

Mr. Knight said: "No person, firm or corporation shall possess, use, offer for sale or sell the product commonly known as silly string during the following time periods and at the following places..."

Mr. Zandri asked questions about when someone would be in trouble in relation to a child and if it is the responsibility of the parents. Attorney Mantzaris said probably not and that it's a complicated legal theory to get the parents responsible to a minor child's bad behavior. It's involved and that chances are the answer would be no. Mr. Zandri agrees with the ordinance.

Chairman Parisi wanted to know if the camera owner, whose camera was sprayed by a child, has any recourse. Atty Mantzaris said that he would have a difficult legal recourse against the parents of that child. He said that he takes that back and recalled a statute, which allows up to \$5,000 in fines against parent whose child negligently causes damage to persons or property, so there would be some recourse against the parent up to that amount. Mr. Zandri said he is concerned.

Sandy Pager, 617 North Elm Street, said that if the ordinance is passed that it need to be publicized so that parents know that they are responsible for the action of their children.

Chairman Parisi asked the press to give this ordinance adequate coverage, and Mr. Testa suggested that the Public Celebrations Committee could use this information in their event advertising. Chairman Parisi also suggested a display on Government television.

Mr. Ross said that he is more interested in the fact that the kids can't buy it.

No further comments from the public were made. The Public Hearing was closed.

Mr. Testa referred to Section 2- Definitions; B. "*Objectionable Products*" means Silly String, and asked if this could be amended in the future to add additional objectionable products. Mr. Farrell said that it is a possibility to add to a definition. Mr. Testa, referring to the semantics, said that it was referenced that the product is against the law during the "following time periods" and "at the following places" and identified them in the ordinance and asked if we are to assume that that is together, or if it is separate because if you say the time periods are clear - festivals, that's simple- and you also say places- public parks, public buildings, public streets, public sidewalks and public parking lots and/or any other public property. Is the intent to make silly string illegal on all public properties all the time or on all public properties only during those time periods.

Mr. Farrell said that there was some Ordinance Committee discussion. Mr. Farrell said that the first sentence of Section 3 that says the "following time periods and at the following places," and that "and" is the operative word that is has to be those time periods and those places. Mr. Testa said so if those time periods aren't taking place, then it's not against the law and is that the intent. Mr. Farrell said that it is fairly precisely written and that what the Ordinance Committee had to grapple with was what was the nature of the problem and described to them by residents was during certain, very specific public events - Taste of Wallingford, Memorial Day Parade. He said that it doesn't seem to be a common occurrence other than at those kinds of events. Mr. Testa said that is why we have to make this clear, that they go together.

Ms. Doherty talked about the vendors saying that they need permits and that this should be on the list of items that they cannot sell. Chairman Parisi said that the Police Department is the permitting authority. Mr. Farrell said that he would see that the Police Department has a copy of the ordinance, if it passes, with a reminder that a Taste of Wallingford is coming up.

Mr. Knight said that the real problem is the vendors, and if the vendors are schooled and the ordinance is enforced, then the problem will dry up. He said that he doubts people come to parades with silly string.

Mr. DiNatale said suggested the language be revised so that the penalty imposed is on anyone offering to sell silly string versus the penalty imposed on the user of silly string. He said if it isn't sold there then it won't be there. He said that it isn't realistic to be chasing down a 10-year old with silly string. He said that we accomplish the goal if we ban the sale of the product during those times. He said that it would read that "no person, firm or corporation shall offer for sale or sell the product commonly known as silly string during the following periods and at the following places, etc. . . .". Mr. DiNatale said that a person possessing silly string should not be penalized that it's the vendors providing it to the spectators.

Chairman Parisi said he went to the party store and purchased a can of silly string so he could see if it was flammable. He said he couldn't make it burn.

He said that the point is that it could be purchased elsewhere else and transport it here.

Mr. Farrell said that was the difficulty that the Ordinance committee had and they discussed it and felt that it becomes very difficult for the Police Department to enforce. He said that if they see it at the parade or at Celebrate Wallingford, then they can't get into the debate about where they got it.

There were no further comments.

Mr. Knight made a motion, seconded by Mr. Farrell, to adopt the "Objectionable Products Ordinance" as written.

ROLL CALL VOTE

Brodinsky- yes; DiNatale- no; Doherty- yes; Farrell- yes; Knight- yes; Papale- yes; Rascati- yes; Testa- yes; Parisi- yes. 8-yes; 1-no

The motion passed and the Ordinance was adopted.

8. Discussion and Possible Action regarding a conveyance of property located at 1300 Barnes Road (Rt. 68) to Habitat for Humanity – Mayor

Presenting for Habitat of Humanity were:

*William Casey, Executive Director
Habitat for Humanity of Greater New Haven*

*Rev. Eric Fjeldal, President of the Board of Directors
Habitat for Humanity of Greater New Haven*

Mr. Knight read a short memo from the Mayor to the Council. (*The memo is part of the record.*) The memo noted that 1300 Barnes Road was acquired by the town in 1946 in a foreclosure action and that the Assessor's records indicate the property is worth \$107,300.

Mr. Casey acknowledged the Town of Wallingford, the Town Council the citizens of Wallingford for the donation of property on Washington Street where they built two houses with the help of volunteers and support of the community of Wallingford. He said that the project was a success and they look forward to building again in Wallingford on Barnes Road.

Mr. Knight said that one of the incentives for the town in conveying property for Habitat for Humanity is that they would be building something that the state considers part of the affordable housing inventory for the town. Since this is one of the things that interest him, he asked if they were aware as to whether or not their developments are by state standards, including Washington Street and the one on East Center Street.

Mr. Casey said that this is something that their attorney is working on and that in their mind their houses are definitely "affordable." He said that they sell to homeowners whose income is less than 60% of the median income. He said that they sold the houses on Washington Street for \$90,000. He said that the state of Connecticut requires a 40-year restriction on the deed that says that they will sell only to people below the 80% median income, but, he continued that they choose not to do that as they want their families to move up and get into the free market as they prosper and move on to other properties. He said that they have remedies for that situation. He said that if they sell their mortgages to the Connecticut Housing Finance Authority (CHFA), then it would be deemed eligible for affordable housing program. He said that the Wallingford Habitat affiliate did that before with properties on East Center Street and Wallace. He said that they do this on a regular basis in New Haven and that every year they sell some of their mortgages to CHFA. He said that they will go ahead and sell the mortgages as soon as they can for the houses on Washington Street and make them eligible and going forward they would make sure that they comply with anything that the state wants them to do as far as regulations to make sure that Wallingford can count those houses toward the quota.

Mr. Knight asked what is the mechanism for doing that as far as assuring that we are going to get the credit for the efforts that Habitat for Humanity is making and for the town in disposing of the property in giving it to Habitat. Mr. Casey said that his attorney and the town's attorney make sure that that mechanism is in place going forward and that the proper restriction on the property on Barnes road if the town donates that property, to make sure that we had everything is in place so that the property would be eligible under the state's guidelines. Mr. Knight asked if they could get a ruling or an advisory from the State of Connecticut on that effect that if Habitat for Humanity complied that there is some assurance that what we are hoping for will come true. Mr. Casey said that is only fair and sees that they can get that. He said that they haven't had a lot of time to deal with this issue. He said that their attorney has been in touch at the State of Connecticut DECD (Department of Economic and Community Development). He said that they should be able to take care of the Washington Street properties probably in 2008 so that they count. He said that they would contact Gary King at CHFA.

Mr. Brodinsky said the town acquired this property in 1946 and that only now is the town trying to do something with it. He said that this is an issue now that has come up to the Council. He said that if we own the property, and it is off the tax roles since 1946, and Habitat for Humanity discovered it and how that could happen and did the property slip through the cracks. He wanted to know that if the Council wasn't aware of the property, then how did Habitat find it.

Mayor Dickinson said that the property was acquired through foreclosure and that there is a list, which was given to Habitat for Humanity on previous occasions and this one as well. He said he thought that they looked at it on

previous occasions and found that it was not ideal and that there were other properties that they preferred to utilize. He said that it has been on a list of properties owned by the town and that Planning and Zoning has the list as well as the Assessor.

Mr. Brodinsky asked how could it happen that we have a very marketable and usable piece of property worth over \$100,000, and it's off the tax roles. He asked how we could make sure that this kind of thing doesn't happen again. He said there is no return to the taxpayers when this happens.

Rev Fjeldal said it's good news that they found it and that it's going back on the tax roles of Habitat for Humanity receives it.

Mr. Brodinsky asked what would happen with a second buyer. He said if a buyer lives in the house for five years and then decides to sell it at market value, is it affordable housing and is it considered affordable housing for only those five years with the second buyer coming in, and it might be worth \$250,000, and the owner gets some of that, and Habitat for Humanity gets some of that since it's within the 12-year limit. Mr. Casey said that the state requires that for affordable that the new owner be at the 80% of the median income or less, and, if it's in the deed, you would not be able to sell to an owner who does not qualify. He said that they have a number of deed restrictions – it's has to be an owner occupant and that you can't sell to someone that is not going to live there. He said it goes with the deed.

Mr. Brodinsky drew a scenario of someone who buys a house within the state guidelines, and the house is deemed affordable. They want to sell the house on the open market in five years to whomever, to someone who may not be within the state's guidelines but wants to buy that house for \$250,000, which is very probable with the land being worth over \$100,000 and then a house. He asked, if under that scenario, would it be considered affordable housing category on the re-sale. Mr. Casey, not speaking as an attorney, said that if that restriction is on there then they cannot violate that covenant in the deed. Mr. Brodinsky said that that restriction binds them for 40 years. Mr. Casey said that according to their attorney that state requirement of 40 years is flexible, and that they would accept something less than that. Mr. Casey added that if there is a CHFA mortgage then that would also qualify. He said that Habitat could sell their mortgages to CHFA. He said that is the easy way to do that. Mr. Brodinsky said but a second buyer may not choose a CHFA mortgage, and it would no longer be in the affordable housing category. Mr. Casey said he didn't know how the mechanism would work. Mr. Brodinsky said that one of the reasons he is asked about this issue is that it adds to the affordable housing stock. Mr. Casey said that this is an important issue for Habitat for Humanity as they are using Wallingford model to build affordable housing in other towns. He said that their attorney is involved in low income housing laws and he thinks this is a good test case to change that law because the way it was set up really works well for rental housing but maybe not so well for home-owner, owner-occupant. Mr. Casey said that will assure

Wallingford that they will comply with whatever the state requires to make sure that it is affordable and that Wallingford will qualify for that.

Mr. Brodinsky said that this is an asset of the town worth at least \$100,000 and if we are interested in housing opportunities and good housing, there are a lot of people living in the Housing Authority in Wallingford that have been waiting a long time for new appliances and repairs, service, landscaping and \$100,000 goes a long way toward improving the quality of life of people who have lived here many years. He said it gives him cause to pause to balance out the asset that could be turned into something useful for our own residents that live here with in turn benefiting just one. He said that generosity is a character of the Town of Wallingford but generosity is not giving someone else's money away and that the Town Council are stewards of the taxpayer's dollar. He thinks that people want something done but he wishes that it was presented a little differently for Habitat for Humanity in that perhaps a list of available properties would give options and choices to select the best thing rather than being given a specific property of what Habitat for Humanity selected. Mr. Brodinsky said that there are other options that would work both for Habitat for Humanity and for the taxpayers. He said he thinks that it needs to be analyzed. He named another location large enough for one house on Washington Street that it is within walking distance to the Senior Center and to town and it may be good for the taxpayers because the market value is not as high as \$100,000. Mr. Brodinsky wishes that he had the opportunity to balance the two out.

Mr. Casey said that they have not looked at that property and that it is possible. He said that they understand what that lot is worth and they appreciate that. Affordable housing in suburban towns is a really difficult issue and the biggest issue is property acquisition. Habitat for Humanity cannot afford to buy property and build affordable housing and they try to keep the cost of the housing down. He said that they will find a family that is already in Wallingford that is a hard-working, low-income family in need. He said that this is a community effort with community volunteer people and businesses and churches. He said that he wants the Council to know how much the project on Washington Street has meant to Habitat for Humanity and to the towns surrounding New Haven because they are looking at this like this can actually work. He said that they are looking at the shoreline that they can bring affordable housing to affluent towns. Mr. Brodinsky said there is no question that this is a worthy cause but they he would like to pause the process to examine another parcel to see if it wouldn't work better for a family because it is closer to the city center and in the process, it frees up another \$100,000 property that the town could use for other reasons. Mr. Casey said that they have their own acquisition committee that includes engineers and land surveyors so Habitat for Humanity looked at all the properties they were given to decide which one was the best for us, and it didn't cost the town anything.

Chairman Parisi said 1300 Barnes Road is the property that Habitat for Humanity requested and that it was on the agenda at the last meeting.

Mr. DiNatale said that Habitat for Humanity does a good job and he is glad that they are in Wallingford. Mr. DiNatale asked about "affordable" housing and referred to the two houses on Washington Street and wanted to know if they were going to be classified as affordable and how they would be classified – now? in five years? Mr. Casey said that he can assure that one of them will be in 2008. He said that if they sell their mortgages to CHFA, they will count that house toward the town's quota. He explained their program with CHFA and that they have a set-aside where they purchase \$100,000 worth of mortgages from each Habitat affiliate each year, so he will be speaking to Gary King and perhaps they can count Wallingford as a separate situation and that perhaps they will buy both of them next year. Mr. DiNatale posed the question of a buyer who purchased one of those homes that didn't qualify for that mortgage and had to get their own mortgage and asked if it would then be out of the pool for affordable housing. Mr. Casey said that question would be referred to their attorney. Mr. DiNatale said that they (*Habitat*) mention Wallingford as a test case and that they are now discussing Lot #3 and that before Wallingford gets too far into this one, there are two houses just completed, and we should see where the town stands with those two houses to see if we accomplished the affordability aspect of that. Mr. Casey said that this is a new issue for them, that they are working for the state and that the next time they come before the Town Council they will have a definitive answer about what to do about those two houses. He said going forward he said that they will follow all of the regulations. Mr. DiNatale said there are different mechanisms and does the mechanism make it affordable for five years, and then it's taken out, or is it 40 years, and we are interested specifically in what that mechanism is that deems it affordable. Mr. Casey said that runs with the deed. Mr. DiNatale said that the Council has the same discussions about deed restrictions with the former Simpson School. He said that you can qualify with certain elements or you can take all of the criteria to be classified as affordable and the Council would want to take more of the items, longer length of time, etc. He said he is cautious with this parcel to see what the town is getting into with affordable and that his other issue is with the value of this property of \$107,000 and is it the right time to give up \$107,000. He mentioned that the Housing Authority is in need of resources.

Mr. Testa said his understanding of affordability is that it is based on a percent of income level to make it affordable and that affordability is the price of the house is determined by the income level; otherwise, it's not affordable. The sale price of the house is determined by the income level criteria that you adopt and that is clear because it can't be 'either' 'or'. He talked about the pricing of houses and about people who purchase and then want to move on and move up. He said that we are looking to keep this as an affordable unit to give a family an opportunity, but he said logistically they can't re-sell for that much more, or the house will no longer be classified as affordable, and it would make the taxpayer unhappy if the first owner made a "killing" in

selling the house. Mr. Casey said that is why they don't like to the 40-year restriction on the property. Mr. Testa said that is his point, that they need to have the 40-year restriction. Mr. Casey said that to prevent people from selling the property for its market value, which is much more than what they paid for it, Habitat for Humanity has a re-capture agreement that is attached to the deed that runs with the property that prevents profit for the homeowner for the first 4 years and that it goes back to Habitat. He said that then the homeowner gets more and more each year until year 12 when they get 100%. He said that after 12 years, it's theirs, and they can start building their own equity. Mr. Testa said that formula is another issue in that when are people worthy of the increase in equity. He said that you still have to keep this house affordable. He said that the policies in place aren't sure that the re-sale price is going to be established according to affordable housing principles, because if they are, then there is very little profit to be made. It's according to the principles that Habitat adopts. Mr. Testa said that when the Council says that we are giving Habitat land for this affordable house, then there should never be a time when this house sells for fair market-value. Never. They discussed median income and the percent of that median to qualify for affordable housing, and Mr. Testa said if it's 70%, and if it always remains 70%, then the sale price of that home will be mathematically determined from it every single year no matter what happens. So there has to be a structure that says it will always be like that so there can never be a windfall. He said that assures that the house will always be sold to someone who is worthy according to the Habitat criteria and always be affordable housing. Mr. Casey said that they could add that to their deeds. Mr. Testa said that he insists on that kind of caveat and he has to see these things in writing. Mr. Casey said that they don't have that problem in New Haven but that they re-wrote the re-capture agreement for Wallingford. Mr. Testa said that they might be at a philosophical standoff in that he believes that it should be structured so that there never will be a windfall. Mr. Testa requested to table the item.

Ms. Rascati wanted to know if the Council would see something in writing saying that this will always be affordable. She asked if it was sold and created a windfall, would it come off our list of affordable housing. Mr. Casey said that their attorney would answer the questions of if something happened down the road, would it come off the list or once it is on the list, would it stay on the list forever. He said that they don't want to see their homeowners in a position where they can't move up and are stuck in affordable housing. Ms. Rascati asked the Mayor if the town has use for this property. Mayor Dickinson said that all of the departments were contacted and reviewed it. Utilities said that they need an easement across the property, none of the departments saw any use of the property.

Mr. Knight asked if they wouldn't want to design a deed to encourage people to improve the property, and that if you overly restrict an owner from recapturing that investment or a portion of it, then that would be a disincentive to maintaining the property and improving it. One needs to be careful in how this is structured and that no one can make any money on selling this property

because the last thing we want is for someone to say they can't get anything back for it.

Mr. Casey said that their deed addresses this issue. He said that improvements to the home don't count as far as the recapture agreement, and that the homeowner gets that money back when the house is sold. Mr. Knight, responding to Mr. Brodinsky, said that the houses across the street from the houses on Washington Street had been considered at one time, and it was determined that the town wanted to keep that property because of its proximity to the Senior Center and that at sometime in the future could be used for parking expansion. For this reason it had a low ranking for donation to Habitat for Humanity. He asked if he is hearing that we sell some town property and turn it over to the Housing Authority. Mr. Brodinsky said it was an example of a \$100,000 asset and now there is a decision as to what do we do with this \$100,000 asset, and we have choices. He said that he was bringing up the point that we do have choices. He said that this Council has not looked at the property on Washington Street and perhaps we should look at it again. He said that we may want to sell the Barnes Road property and put the funds into the general fund or add it to a Housing Authority endowment.

Ms. Papale asked about the Habitat houses on East Center Street. It was determined that the houses were built by another Habitat affiliate and not by Habitat for Humanity of Greater New Haven. Reverend Fjeldal explained the history of Habitat for Humanity in this area and recapped what the Council wants.

Chairman Parisi said that he wants to be sure that the houses remain in the affordable housing category and that appears to have to be worked out. He said that is clarification and that he would like to see something in writing that states that position. He suggests that the Council has no action tonight.

Mr. Testa clarified that he doesn't want to say that he thinks that people who purchase Habitat houses shouldn't get any money back. He said he wants to make sure that it remains affordable.

Chairman Parisi said that underlying the conversation is that people don't want to donate property worth \$100,000, and then find out that it sold for \$500,000. It's a concern.

Mr. Brodinsky said that there should be clear instructions to Habitat and that he would like to see is a consultation with Habitat for Humanity and Engineering and Planning and Zoning to see if carving out a lot is feasible and if so, then Engineering would present some sort of map so we can debate it and with a valuation so that the Council can have something to consider. He would like to see choices.

Chairman Parisi said most important is to resolve the situation with the State of Connecticut.

Wes Lube, Montowese Trail, asked for the memo to be re-read and said that it is confusing. He asked is it was assessed for \$107,000. Mayor Dickinson said that the market value is \$107,300. Mr. Lube commented on the square footage of the lot and how value of the land can be diminished depending on the size of building that is put on the land. He asked about property zoning (RU-40). He asked of the Council had a list of town-owned properties.

Mayor Dickinson said the list has been mentioned, and that Planning and Zoning has a map has all of the town properties. He said that there general views of the town and what should be done with town-owned property with this discussion and that his view is that we should not always be in a mode to see everything sold, developed and that it is very difficult to see long distances into the future about what is usable and what is not. We have an organization that is actively looking for property for the purpose of providing affordable housing and they have reviewed the list and are inquiring as to what properties are available and that enters the arena of what is possible to do by the town because of state laws that make it a legitimate public interest to have affordable housing. If those laws were not there, it would be an open question about whether that would be an appropriate thing to convey property without getting value for it but given the state laws as to affordable housing in the interest of every community to provide housing to all residents regardless of income, high or low. Habitat puts it on the table for us. We are stewards of the land and he has not seen any Town Council pursue selling land for the sale of making money on it. He said it always a debate. Some people want to see an area developed and those around that property do not want to see it developed. Development can change the landscape and the character of the community. There was talk of foreclosure and square footage.

Attorney Mantzaris said that all of foreclosures have been by way of sale and in this particular property, which foreclosed in 1946, the certificate of foreclosure showed that the taxes ran from the early 1920s until 1946, and the highest annual tax on that list was \$3.08, and the amount of taxes that was foreclosed on was about \$70.

Jason Zandri, Lincoln Drive, asked if Wallingford was at or below the affordable housing quota. Mayor Dickinson said that we are well below the percentage and there is an ongoing need to respond to the state's desires to provide affordable housing in the community. Mr. Zandri asked about approaching developers regarding town-owned property with the idea of building affordable housing. Mr. Knight asked that he stick to the agenda item

Dianne Saunders, 72 Northford Road, said that the Barnes Road location is a social issue in that it is very isolated and not near people or services.

Chairman Parisi said that we are clear about what we have to do and that it will be put on the agenda when Habitat lets us know.

9. Discussion and Possible Action regarding proposed Street Names –Twin Pines Drive and Padens Court - Chairman Robert F. Parisi

Mr. Farrell said that there has been a lot said about the street naming process in the last two weeks. He said that some Councilors sat on the Council at the time the list of street names was adopted and some were not. He said one of the things that was said at the time was that the list was not all inclusive and that anyone who wanted a different name could always come forward and try to make an historic or a geographic connection of why the particular name proposed should be approved. Given that there have been some hard feelings lately, he said that sometimes he has gotten the heat when it really wasn't his idea going way back. He discussed additional criteria to the list and asked if the Council wants to be consistent going forward, should this should go to the Ordinance Committee so that criteria could be adopted and make the process less subjective.

Mr. Brodinsky agreed that this item be referred to the Ordinance Committee and he suggested that flexibility be built into the list of street names so that a developer comes in front of the Council and has a good reason for a name that the Council is not handcuffed into rejecting. Mr. Testa agreed. Ms. Papale also agreed because of the recent confusion. Chairman Parisi suggested deferring action on this item and that the motion be made to bring this to the Ordinance Committee.

MOTION # 1

Mr. Knight made a motion, seconded by Mr. Farrell, to refer the item and the topic of street names to the Ordinance Committee for its consideration.

Attorney Joan Molloy said the list of names has been presented to developers as a suggested list. It has never been presented as a mandatory list. She said the way it is presented is if you pick a name, the Planning & Zoning Office will not refer you to the Town Council for pre-approval of the name. You can be rest assured that the Town Council will accept that name. She said that you are now talking about totally changing the policy under which road names, if you are now talking about adopting an ordinance which regulates road names and she envisions that to be a certain process that you are going to have to go through. The Ordinance Committee is going to have to determine a procedure, perhaps it will go to the Town Attorney's Office and then it will come back here for consideration, a public hearing and in the meantime, she has an applicant who is sitting there who can't do anything because the two roads that have been submitted to the Council, with an explanation as to why they are names that were chosen after consultation with the Stegos Family

who farmed that land for 75 years and she said that she thinks not personal names which she knows are of concern to the Council. She asked the Town Council to not defer decision in these two names because it's going to have an impact on this particular project and could take potentially months before this issue is finally resolved, depending on how it goes back and forth. She said it puts an unfair burden on this particular request.

Chairman Parisi said that they are going to strive to have more consistency and this situation had not arisen before to his knowledge.

Attorney Molloy said that she has been personally before this Council when people have asked for name approvals that were not on the list. She said that one time it was turned down but in every other case when we came and said this is why we are doing it and related the reason it came from the property owner, this Council has approved those names. She said that she thinks there is a history sense that list was adopted where the Council took into consideration the reason why the name was selected and as in the past when it was in consultation with the property owner and did something that recognized that family who had been in Wallingford many years the sense was that the Council believed that that meant the intent of the reason why the Council was trying to have control over road names, trying to avoid the first names of the builder's children. She said that is not the case that is here. Attorney Molloy said that this particular question has not been in front of the Council before. She said that she asked for no action on the original names that were presented when the Police Chief pointed out that one of the original names submitted conflicted with a similar town road name. She said that they came back with Padens Court in lieu of Willow Court and they picked another important feature that effected the property as an alternative.

Mr. Farrell said that 95% of the time the process works and as Attorney Molloy has said that we have approved some street names that were not on the list because a letter similar to what is in front of us tonight was submitted and that it gave the rationale for why that name was wanted and people on the Council agreed with it. He said that the reason for sending it to the Ordinance Committee is there is some feeling that there is a misperception at times that it is a subjective process and he does not like that people think that he is the arbiter of names because he is not. He said he is trying to uphold that the process was long ago and the Council is changed in the meantime, and there were some hard feelings.

Attorney Molloy said that this particular application follows the process that the Council has accepted as an acceptable procedure since that list of names came out. Mr. Farrell said that he does not disagree but this is on the heels of the prior thing where there was some disagreement over it and some feeling about subjectivity to it and that deviation is where people are having a problem. If you select from the list, it's real easy and there is no need to come to the Council at all. Attorney Molloy said that picking off the list doesn't show respect for the family who lived on that property for 75 years. Mr.

Farrell said which is why the Council always had the exception there that you could come to us. Attorney Molloy said that is what they are doing, and that she is just asking in this particular case that is the Council believes that the reasons that the names were selected are within the criteria then she would argue that the Council is complying with the intent and there is no particular reason this request could not be acted on and that she is not saying not to go forward in the future but that the Council has a strong historical basis to justify approving this. It doesn't raise the issue of the previous disputed road name. Mr. Farrell said that it's the Council's call what it wants to do. He said that he put the motion forward because they need to start that process with the Ordinance Committee. He said even if the Council wants to approve these two tonight, let's also refer the question to the Ordinance Committee so that we can try to come up with some good criteria for the future

Mr. Brodinsky said that he thinks that Attorney Molloy is right and there is no reason that the Council can't vote on the names she has presented tonight. He said the Council has a bit of a problem because last time the issue was addressed because we had a divided vote and developer had made a persuasive case for the name that she selected and didn't get it. He said that the place to work it out is in the Ordinance Committee. It's a place to have a discussion and be frank and work out the problems to have a smooth policy. He said he has no problem with these names now and referring the item to the Ordinance Committee to work out the problems.

Chairman Parisi said he was going to say basically the same thing. It does have to be discussed in an attempt to find consistency and once there is agreement on what the perimeters will be, then that will have to be it. He said it's never going to be perfect but it is unfortunate to approve one and not another and that is a difficult position to be in. He said that the Council realizes that at this point and the motion is made in good faith and the majority of the Councilors are saying that we should do it. He said that he is inclined to agree that if her timetable is such, and he knows it's important to have the proper street names for the paperwork, etc, if that's the case and if that is your predicament then he thinks it creates an extenuating circumstance in which the Council should probably act on this tonight. Attorney Molloy said that they have received all land use approvals, P & Z Commission earlier this month so they cannot finalize the subdivision until they have a road names.

Chairman Parisi called for the vote on the motion.

Eight (8) Councilors present voted Aye. Mr. DiNatale was out of the room at the time of the vote.

The motion passed.

Mr. Farrell made a motion saying that the Council Adopt the two names of Padens Court and Twin Pines Drive. Ms. Papale seconded.

There was no discussion from the Council or the public.

Seven (7) Councilors present voted Aye. Ms. Rascati voted No. Mr. DiNatale was out of the room at the time of the vote. Ms. Papale said that he did not vote due to a conflict.

The motion passed.

Mr. DiNatale returned to the table.

10. Discussion and Possible Action regarding a Request to the Governor to Appoint Stephen W. Knight to the CRRRA Board as an Ad Hoc member - Chairman Robert F. Parisi

Withdrawn

11. Discussion and possible action concerning a policy involving the possible disposition of unused town lands – Councilor Mike Brodinsky

Mr. Brodinsky said that he asked that this be on the agenda because of the situation that occurred with Habitat for Humanity where he was surprised that the town had a marketable and unused 2-acre parcel and being asked to give it away. He said that the broader issues is how often are our unused lands reviewed to make sure that we don't get caught in the same bind. He said that from the list that he had in front of him from Planning and Zoning that he is *not* talking about selling off selling off properties that we may want, public buildings, Water/Sewer Division property, Electric Division properties, Wallingford Parks, out-of-town properties, open space areas, school properties. He said there is a paper that says 'other property' and he is *not* talking about properties are being used for detention basins, parking areas, or landfill. He next spoke about little pieces of property that may have value to somebody. He said that we should review these to see if anyone wants them, as example, Barnes Road, 2.0 acres, which is on the list, which was just discussed, but also 1/10 acre on Grieb Road, .17 acre on Hosford, .18 acres on New Rock Hill Road, and so on. He said there are some larger properties and he said he does not know if the town needs them or not. He said let's examine them, like the former substations. He suggested review as a Council and in public. He said that it is good policy for the Council to periodically review this kind of town-owned property to see if anything should be done. He suggested review in workshop format with maps, etc., perhaps three of them and that time is not of the essence. He said that he does not want the impression to go out to sell property willy-nilly. He wants some kind of agreement in a structured way to review this in the future, perhaps December to February.

Chairman Parisi said that he has no problem with it and asked Mr. Brodinsky to make sure that his suggestion are available for perimeters. He asked that

other Councilors submit suggestions to the Council Office, and then we will proceed forward from there.

Mr. Farrell said that the Council needs some really good research on it as one of the properties that was cited on Oak Street is property that abuts Community Lake, property that has a major drainage pipe for the whole center of town which drains into that area and runs through. Chairman Parisi said that is the kind input for a workshop.

Mr. DiNatale suggested departmental input for different issues.

Mr. Brodinsky offered to put together a draft letter and send to the Chairman for distribution, enclose the list and the kind of input needed and the topics for discussion to set up workshops. He said that what Councilor Farrell said is exactly what we need to know. He said they could use the help of Planning and Zoning, Engineering, the Mayor's Office, the Conservation Commission, the whole gamut.

12. Discussion and Possible Action on the future of the Wooding Caplan Development area -- Town Council

- RFP status

Mayor Dickinson said that the RFP has gone out to bid and the first part is scheduled to be opened October 25 and the second part in November.

Chairman Parisi announced a pre-bid meeting for October 3 at 10 A.M.

Mr. Testa asked about the report from the CRRA consultant. Mayor Dickinson said his discussion today with the chairman said that a special meeting would be needed. He said it might occur on October 16 or we could have them at the meeting on October 23.

Chairman Parisi said that he prefers a Special Meeting.

Mayor Dickinson said that the Public part of it is very short because all of the information is confidential and deals with the figures and the information that has been developed for negotiation and that is an Executive Session document. He said it could be two lengthy session. The Mayor said that the information is highly confidential information that the Council will receive.

Robert Gross, 114 Long Hill Road, asked about Wooding Caplan property cleanup. Mayor Dickinson said that Public Works has cut the grass and picked up the trash.

13. 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

14. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes with regarding strategy and negotiation with respect to the pending matter of the Town of Wallingford v. Alpine, The Care of Trees, Inc., et al – Town Attorney

Withdrawn

15. Executive Session pursuant to Section 1-200 (6) (B) of the Connecticut General Statutes to discuss pending litigation in the matter of the Connecticut Historical Commission v. Town of Wallingford – Law Department

Withdrawn

16. Motion to consider and approve the settlement of the Town of Wallingford v. Alpine, The Care of Trees, Inc., et al matter as discussed in Executive Session – Law Department

Withdrawn

17. Discussion and possible action regarding the sale of 41 South Main Street (American Legion) – Law Department

Withdrawn

Mr. Knight moved to adjourn. Mr. Farrell seconded.

All Councilors present (9) voted aye.

The motion passed.

The meeting adjourned at 8:35 P.M.

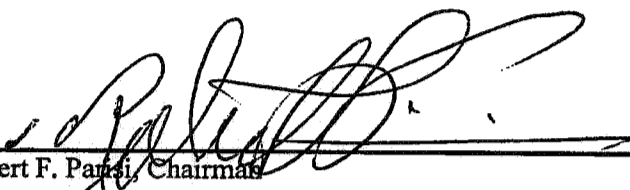
Respectfully submitted,



Sandra R. Weekes
Town Council Secretary
Meeting recorded by Sandra R. Weekes

Robert F. Parisi, Chairman Date

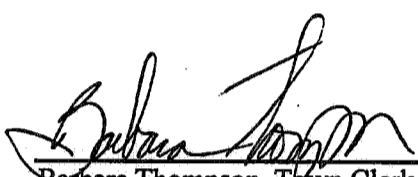
Barbara Thompson, Town Clerk Date



Robert F. Parsi, Chairman

10-9-07

Date



Barbara Thompson, Town Clerk

10-16-07

Date