

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

March 25, 2008

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, March 25, 2008, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Mike Brodinsky Called the Meeting to Order at 6:37 P.M. Responding present to the Roll Call given by Town Clerk Barbara Kapi were Councilors Michael Brodinsky, Vincenzo M. DiNatale, Nick Economopoulos, Gerald E. Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri, and Vincent F. Testa, Jr. Comptroller James Bowes was also present. Town Attorney Janis Small arrived at the meeting at 6:49 P.M. and Mayor William W. Dickinson, Jr. at 7:40 P.M.

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

2. Report from the Town Council Chairman

Chairman Brodinsky announced Budget Workshop dates of April 8 and April 22. He said that the Ordinance Committee will next meet in May to possibly discuss the hybrid car tax issue and the Blight Ordinance. The date will be forthcoming.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#474 -#487) totaling \$14,260.47 Account #001-1000-010-1170 – Tax Collector
- 3b. Consider and Approve an Appropriation in the Amount of \$66 to Misc. State Grants, Acct. #001-1040-050-5520 and to Telephone HAVA Phone Line Maintenance Acct. #001-6010-201-2010 – Registrar of Voters
- 3c. Consider and Approve a Transfer in the Amount of \$1,660 to Transportation Equipment Acct. #433-9012-392 from Hydrants Acct. #433-9012-348 – Water Division
- 3d. Consider and Approve a Transfer in the Amount of \$5,000 to Misc. General Expense Acct. #461-8920-930 from Operating Labor & Expense Acct. #461-8640-642 – Sewer Division

- 3e. Consider and Approve an Appropriation in the Amount of \$25,000 to State Grant Revenues and to Program Expenditures, Investing & Personal Finance Education – Board of Education
- 3f. Consider and Approve an Appropriation in the Amount of \$24,981 To State Grant Revenues and to Program Expenditures, Investing & Personal Finance Education – Board of Education
- 3g. Consider and Approve Confirmation of Appointment of Fred Ulrich, Jr. to the Personnel and Pensions Appeal Board to fill Vacancy expiring December 31, 2009 - Mayor
- 3h. Consider and Approve Authorizing Mayor to execute Lease Agreement between the Town of Wallingford and the New Haven Society of Model Engineers for Space at the Railroad Station building for successive one year periods until terminated, effective May 1, 2008 – Law Department
- 3i. Consider and Approve Town Council Minutes of March 11, 2008

Mr. Testa moved to accept the Consent Agenda 3a to 3i. Mr. Farrell seconded. All Councilors (9) voted Aye, and the motion passed.

4. Items Removed from Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

John Roy thanked the Town of Wallingford for the space for the New Haven Society of Model Engineers for Space at the Railroad Station building and invited the public to visit.

Jason Zandri, Lincoln Drive, spoke about the reproduction and distribution of Town Council meetings and suggested that a DVD of the meeting be located at the Wallingford Public Library and also suggested that a historical record be commenced on the internet.

Patricia Kohl, 50 North Street, spoke about Charter revision, and reading from a prepared statement, referred to the Section in the Charter regarding Surety Bonds.

Bob Sheehan, 11 Cooper Avenue, talked about the Red Sox baseball season, which is beginning.

Phil Wright Sr., 160 Cedar Street, asked to identify the party in Item 13. Attorney Small responded Skyview Convalescent Home.

Lucille Trzcinski, 25 Turnberry Road, asked if anyone knew about the 1994 Segal Study, which made the recommendation that the Town of Wallingford become self-insured. Chairman Brodinsky said that the results of a new study would become a public document and that any report issued would be available. She made a statement that the Town of Wallingford has lost money by not following the Segal Company's recommendation.

Bob Gross, 114 Long Hill Drive, asked if the Public can ask questions during the Budget Workshops to which the answer was, no, and that the opportunity to comment on the budget would be at the Public Hearing on April 24, 2008. Chairman Brodinsky said that it would be televised, since it will be part of a regular Town Council meeting.

Wes Lube, Montowese Trail, asked about the sand pile opposite the entrance to the dump. Henry McCully, Director of Public Works, said that the property is leased by the town and that the sand was not used by the town and that the sand belongs to the owner of the land. Mr. Lube asked why the sand could not be distributed to barrels in town.

Bill Cumerford, 5 Broadview Drive, spoke about the Charter in regard to Chapter 5 in regard to the duties of the Mayor. He then asked if the town's ordinances are to upheld by the Mayor.

Alan Banco, Calhoun Road, spoke about the Charter and the recommendation of the Council in regard to surety bonds.

A Blue Penguin, 128 Center Street, costumed person, stated that he was there to support WPAA.

6. Consider and Approve a Transfer in the Amount of \$165,000 to Williams Road Reconstruction Acct. #300-1403-534-0001-07 from West Dayton Hill Road Bridge Acct. #300-1403-534-0005-07 -- Public Works

Henry McCully, Director, Public Works, was in attendance.

Mr. Testa moved to Approve a Transfer in the Amount of \$165,000 to Williams Road Reconstruction from West Dayton Hill Road Bridge as presented by Public Works. Seconded by Mr. Farrell.

Henry McCully, said that the project was budgeted in FY 2006-07, which was the same year as the West Dayton Hill Road bridge. He said that when there is a huge project such as this that the budget is an estimate. He said that asphalt and fuel have increased in cost and that both accounts are in the same budget year, allowing for the transfer of \$165,000. He has also requested \$235,000 in the upcoming budget to finish the project.

Mr. Testa asked about the original estimate for the project. Mr. McCully responded that it was \$1 million. Mr. Testa asked if it was going to over by \$165,000 or is he just re-allocating funds that were not used in the West Dayton Hill Account. Mr. McCully said that they are re-allocating the funds from the completed project at West Dayton Hill Road to the Williams Road account, and that with the new request, the total on July 1 will be \$400,000. Mr. Testa asked what the final number for the project would be. Mr. McCully said that they are waiting for the state bid on asphalt and that he has heard that the asphalt increase might be from 15% to 30%, and that he has planned for the higher amount so that \$1.4 million will be the total to complete the project.

Mr. Parisi asked if this work would cover the area drainage area problem of Mr. Rooney, a resident who lives on Williams Road. Mr. McCully said that all of Williams Road was designed by engineering and that every aspect has been covered and as far as he knows there are no remaining, outstanding drainage issues on Williams Road as far as he knows. He said that Mr. Rooney's problem will be corrected.

Ben Martin, Ward Street, asked if fuel costs were projected. Mr. McCully stated that the estimate is based on current fuel costs and that the work on Williams Road is three miles long. He said that there are a many different supplies and that problems arise in large projects making estimating costs difficult.

All Councilors (9) voted Aye, and the motion carried unanimously.

7. Consider and Approve Revised Job Description for Deputy Comptroller Position
- Personnel

Terence Sullivan, Director, Personnel, was in attendance.

Mr. Testa moved to Approve the Revised Job Description for the Deputy Comptroller Position as requested by the Personnel Department. Mr. Farrell seconded the motion.

Mr. Bowes left the meeting, 7:25 P.M.

Mr. Sullivan stated that he and the Comptroller developed the revised description working with the Union and that it is more accurate, specifically to clarify precise duties and indicate the position as a Supervisory position but not the Director, which is the Comptroller's job. He directed the Council to look in the qualifications section, they clarified the degree of requirements and specified the experience requirements and to allow for a substitution of qualifying experience and education. This makes screening easier.

Mr. Testa questioned the inclusion of "driver's license" in the job description. Mr. Sullivan said that it what they are proposing. He explained that supervisory

positions have a need to be outside of the office from time to time for meetings. Mr. Testa said that perhaps they might have a very qualified individual who might have a disability that renders them unable to drive a vehicle but because of the other laws they are entitled to do the job. Mr. Sullivan said that they would look at that if they had that kind of individual.

Chairman Brodinsky inquired if the position is currently filled, and, if not, how have we been getting along, and what are the financial impacts. Mr. Sullivan said that the position has been vacant for four years and to keep up with the workflow, they use the services of an Internal Auditor, who retired a few weeks ago, and his duties were expanded so he was upgraded on a temporary basis. He explained the two changes in the Comptroller Office and the position analysis of Mr. Bowes, regarding workflow and staffing needs. He said that the internal auditor position has been eliminated on the budget, and the duties of the internal auditor have been shifted elsewhere, so they think that they can get the work done with one less person, and there is no change in the pay grade. Mr. Brodinsky noted the salary range of \$73,900 minimum and \$94,500 maximum.

Phil Wright, Sr., 160 Cedar Street, asked who made the decision that the Internal Auditor position would be eliminated. Mr. Sullivan said that staffing decisions belong to the Comptroller, reporting to the Mayor, after the needs of the department have been analyzed, he recommended that the position be eliminated in the next budget. Mr. Wright wanted to know if the Council had any input into the decision. Chairman Brodinsky said that the Council approves the job description and that day-to-day operations, including staffing, is an Executive Branch decision, to which Mr. Sullivan agreed.

Lucille Trzcinski, 25 Turnberry Road, asked if there was anyone in the Comptroller's Office now who could fulfill the duties of Assistant Comptroller, or who has the qualifications. Mr. Bowes said, right now, there was not, and that the Acting Deputy Comptroller retired and that the town has been budgeting for both positions for years. He said that his proposal is to take the essential ingredients of the Internal Auditor and move them into the Deputy Comptroller position, eliminating the Internal Auditor.

Jason Zandri asked about the job description, and if the job was posted, and Mr. Sullivan responded that the Deputy Comptroller retired four years ago and some of her duties have become automated and some were re-assigned to an internal auditor and now the individual has retired, so there is no consultant and this work can be done by a town employee.

Debbie Gross, 114 Long Hill Road, made comments on the difference in the roles of a Deputy Comptroller and that of an internal auditor said that eliminating the internal auditor role creates a conflict of interest. Mr. Sullivan thinks that there is some confusion of terms and that it is an employee that is being discussed. He reviewed some of the duties of the internal auditor and that those duties have been

shifted. Mr. Bowes added that an Internal Auditor should be reporting to someone other than the Comptroller.

Ben Martin, Ward Street, pursued the need for a driver's license in the job description and made comments about the need for one.

Bob Gross, 114 Long Hill Road, asked where the excess funds for the unfilled position went. for the four years for that position. Mr. Bowes said that it goes into unspent funds.

Mr. LeTourneau asked about the salary range and wanted to know how the Deputy Comptroller salary compared. The Internal Auditor salary range was six pay grades lower according to Mr. Sullivan. Mr. Bowes said that most towns do not have an internal audit function. He said larger cities sometimes have an internal audit function and that position does not report to the CFO or the CEO but they report to a Board of Finance.

All Councilors (9) voted Aye, and the motion carried unanimously.

8. Discussion and Possible action on a plan for the American Legion Building, including but not limited :

- a. Report out by the Town Attorney on the impact on the pending litigation of a decision by the Council to either accept or not accept WPAA's proposal;
- b. A 15 minute presentation by WPAA concerning its proposal to purchase the American Legion Building;
- c. Discussion and possible action on whether or not the Council should continue discussions with WPAA with the intent of possibly entering into a contract with it for the sale of the American Legion Building;
- d. If the Council is not interested in continuing discussions with WPAA, discussion and possible action (i) on whether or not to market the property with a realtor; (ii) on the length of the listing agreement and other terms, to be approved by the Council; (iii) concerning the selection process, i.e. RFP or bid for realtor services; and (iv) concerning providing access to a realtor to show the property.
-Chairman Mike Brodinsky

Attorney Small said, simply stated, the Council is entitled to exercise your discretion as you determine to be in the best interests of the town, and however you evaluate the decision and whatever decision you make, she will defend in court. She said the Council is not obligated in any way to accept anything. She

said that the Council can accept, reject, negotiate further, change things, go to a realtor and as long as you do not act in an arbitrary way, she is comfortable that she can defend the Council.

Mr. Farrell asked about the timetable in terms of the continuance. Attorney Small said there is a status conference with the judge scheduled for the end of July, which takes into account that you would put it in the hands of a realtor that subject to be modified by agreement of the parties. She said that she met with the judge in February, and that the Council is not under the gun to act.

Mr. DiNatale asked in the Council accepts the proposal from WPAA, what happens to the litigation. Attorney Small said that she would expect it to be concluded. He asked who the parties are. Attorney Small said the Connecticut State Historic Commission and the Town of Wallingford.

Mr. Testa talked about the injunction preventing the town from demolishing the building. Attorney Small said that is what is being sought. Mr. Testa noted that we haven't made the case in court that we can demolish the building unless there is no other reasonable alternative.

Attorney Small said that what the statute allows someone to do to claim the destruction of the building is an unreasonable act. She said that the judge would review the steps that the town took and the relevant factors to decide that if in fact that what you are doing is unreasonable under the law.

Mr. Testa presented a hypothetical situation whereby the town could decide that there is something that we really need to do with that property, and since it belongs to the town that the town could make a very strong case that what we want to do is to take the building down, and that we have no other alternative. He asked if that is something Attorney Small could argue. Attorney Small said that is correct. Mr. Testa said that as long as the building is up, and we are in the process of considering alternatives to knocking it down, then we are getting continuances. Attorney Small said correct. Mr. Testa asked if the Council got to the point where we say take it down, then that is the end result, and the Council doesn't show any indication that they want to do anything else, then the court makes a decision. He asked if as long as the judge knows that the town is looking for alternatives, the judge is letting it proceed but not forever.

Attorney Small said that we are in a process that has been explained to the judge, and the judge accepts that we are acting in good faith, and we are not acting unreasonably in the time that we are taking to go through this process. She said that the judge has given the town a "report back date" to know how we are doing by the end of July. She said that she has told the judge that we may be done, in making a decision, or we may not be. She said if the town is done sooner than July, then opposing counsel and the judge would be notified sooner than July.

Attorney Small said that we are not under any kind of gun and that the Council can do what is prudent in making a decision.

Mr. Testa presented another hypothetical position where the Council decides to accept the offer to sell before them, and Attorney Small informs the judge that the Council has a deal on the building, and it's going to stay up, and the lawsuit can be dropped. He then said that time goes by, and the proposal can't be carried out, and we still have the building, and now the Council says to tear the building down. He asked Attorney Small what happens.

Attorney Small responded that hypothetically at that point in time anyone can challenge the decision that was made, so you have made efforts for two years on the decision that was made to resolve the issue of the American Legion Building, and all of that will become relevant as to whether or not the court agreed that the destruction was reasonable or unreasonable. She said the legal issue would be the same but there would be an entirely different set of facts and puts the town in a different legal position.

Chairman Brodinsky reviewed what Mr. Testa presented regarding having the injunction end. He asked the Town Attorney if she presented in July that the town was in the process and does not want to sell the building or wants to take the building down and has no municipal use, he asked what happens.

Attorney Small said that the Attorney General's Office would have to make a decision as to whether to pursue it given the steps that the town has taken up to the point where the Council made that decision. Chairman Brodinsky asked that after the facts are reviewed that there is not municipal use and no interest in marketing it, then what ultimate issue does the judge have to decide and hear pro and con. What case would she present?

Attorney Small said that they take all of the facts that have occurred in terms of the property itself, and it comes down to the same issue, whether or not the ultimate decision to take the building down is a reasonable one or an unreasonable one, and it is very fact specific, and all of the efforts that the town has made and all of the history of what has gone on becomes evidence, and the judge will weigh that. She cited another case in another town.

Chairman Brodinsky summarized that whatever the Council decides, the Town Attorney would defend – whether we don't want to market it, and we don't want to use it, and we don't want to maintain it, that the Town Attorney would persuade the judge that it was a reasonable course to take. She said yes.

Chairman Brodinsky asked if it was her job in court to persuade the judge that a reasonable course to take would be if the town took the position that we don't want to use the building or maintain it. Attorney Small said yes.

Robert Sheehan, 11 Cooper Avenue, stated that he thought that this was decided last January. Attorney Small said that the Attorney General's Office asked the town to consider selling the building and that is how all this began and that last year the Attorney General's Office approached her that this might be the possible resolution, and she brought it to the Council. She said that if the Council decided to not entertain that idea, we would have gone forward in about January. Mr. Sheehan again referred to January, and Attorney Small said that there was no trial and that it was put off. She said that prior to January, it was decided that we would entertain pursuing these as options. There has been no decision in this case.

Chairman Brodinsky captioned this case saying there was a point way back when a trial date was tentatively scheduled for January 2008, and when the attorneys began talking, they decided not to have that trial that Attorney Small and the Attorney General agreed not to have that trial, and not to force trial or the judge into a decision, and to re-schedule the proceedings to give the Council, and the town, a chance to figure something out.

Attorney Small said that once the town said that they were willing to entertain this, everything came to a halt.

Chairman Brodinsky said that the trial never occurred because the parties were perhaps working things out, and a report date has been scheduled for July.

Dan Houston, 36 Surrey Drive, asked if the litigation, which was brought by an historic commission requires that the building be retained as historic in any way. Attorney Small said that what is being contested is that it not be demolished.

Mr. Testa asked if there is anything in the lawsuit or in the statute, that prohibits someone from turning it into a glass building, for example, with disregard as to how it now looks. Are there any requirements as to the type of preservation that is done? Or is that a different issue? Attorney Small said there is no requirement as to that; however, if it were turned into a glass house then someone could make the same argument, that it is an unreasonable or damage to an historic building. She said that the lawsuit doesn't seek any type of renovation, in fact, the state is not looking for the town to spend money as a result of the injunction action.

Mr. DiNatale asked for clarification on the building as it now exists and if it is in the historic district, and if it is an historic structure. Attorney Small said that it is not in an historic district but that it is in the registry of

historic buildings. She said that there are various distinctions. Mr. DiNatale said that regardless of the lawsuit, there are standards that anyone is expected to comply with. He said you have a structure within this registry, and there are certain guidelines. Attorney Small said that there are not certain guidelines, and they don't tell you what to do with the property. The town is not like some towns where there are historic districts which tells you what you cannot do. The statute deals with the destruction or possible damage to those properties. Mr. DiNatale asked what standard would we expect of any proposal considering its status, or doesn't it make any difference to us. Attorney Small said that it up to the Council to determine what standards to impose on it, if any. It's the Council's call.

Chairman Brodinsky said that he thinks is that there is no legal requirement that the building be restored or renovated to a certain standard of historic preservation. Attorney Small said correct, and she gave an example.

Mr. LeTourneau said regarding restoration of the exterior of the building that those perimeters can change when an applicant, or whoever buys the building, applies for certain grant funding. It is at that point that it changes because of the grant terms that are specific and have to be followed. He said that the Council could set perimeters on what we want on the exterior, and because the interior of the building has been re-worked so much already, there is really no historic significance remaining. The building is part of the parade ground, that is where it would be up to us to set exterior guidelines for its restoration.

Chairman Brodinsky introduced the Channel 18 presentation.

The following people participated in the WPAA presentation and responded to questions from the Council and the Public.

Susan Huizenga, Committee Co-Lead and Cable Advisory Council
Advisor, 36 Surrey Drive

Denis R Ouimette, AIA Committee Co-Lead and Architect, 25 Pine Glen
Terrace

Richard Mavrogeanes, Technical Consultant, 12 Beaumont Rd

Lars Edeen, Attorney, 104 Mapleview Rd

William Austin, Landscape Consultant, 30 Northford Rd

Lucille Trzcinski, Real Estate Consultant, 25 Turnberry Road

Committee Member Unable to attend:
Paul Rosenberry

Each WPAA representative in attendance was introduced. Susan Huizenga introduced WPAA through a PowerPoint presentation projection entitled "WPAA 'Community Building' Proposal" that addressed WPAA history, its myths and facts. Slides presented interior and exterior architectural views of the building and some technical aspects of the project.

(See Appendix I: WPAA 'Community Building' Proposal, the complete PowerPoint presentation)

Ms. Huizenga commented on the following points –WPAA history, how the building is known, the project being an expansion of that identity, grant requirements, building footprint in relation to the addition of a porch that would not impact the Parade Ground, Technical Contributions and Communication, Funding, WPAA new location allows for building use to expand, and the structure of P. E. G.

Mr. LeTourneau commented to the presenters that he was troubled by the presentation identifying the building as the Legion Bar and that it was not ever known as such. He said the building is known as the American Legion Building, home of the American Legion. Secondly, he said that it was the home of the tax collector and a function of the town.

Mr. Farrell asked if there is any historical data on what the maximum amount given out under the historic grant program, and noted that his only experience is that the largest grant award that he has seen is \$61,000. Ms. Huizenga said that the project is not dependent on the grant.

Mr. Parisi said that the American Legion Building is known as Post 73 and noted that the public did not come into the bar. He asked if they were planning on changing the footprint of the building. It was established that the footprint would be altered by the addition of the planned porch, which will extend to the sidewalk. Mr. Parisi asked Mr. Richard Mavrogeanes about his credentials. Mr. Mavrogeanes stated that he is a citizen of Wallingford and founder of a company in Wallingford that is a global supplier of live and stored video and that his work for Wallingford is as a volunteer. Mr. Mavrogeanes said that typically the funding of the Public Access channels comes from the cable subscribers.

Mr. Testa complimented the design and said that it could be a wonderful resource but it could also be a wonderful resource elsewhere too, so that he has to focus on the decision they have to make as a Council. He talked about the statement that the proposal is not grant dependent and asked for clarification.

Ms. Huizenga said that they have looked at other options. She said that they would bring in additional income to restore the building and that they have talked to investors and other alternatives in applying for the grant and options that would allow them to occupy the building. She talked about the roof, wood casing and windows specific to the period and that they would not restore the roof to the period. She said that they have to raise \$200K in order to get the \$200K. She said they are committing to make the best effort, and that if they don't receive the grant, the building committee would have to re-assess considering how much had been raised to that point. She asked if the Council would want to make this as historical as possible or just move-in ready. She said that restoration of the building would cost more. She said that this building is in the center of town and that locating anywhere else would be cost prohibitive.

Mr. Testa asked if they could accomplish this project without the grant. Ms. Huizenga said yes, move-in ready. Mr. Testa said that this is critical to know. She said move-in ready, and that if there isn't grant money, then they would not carry out the historical restoration. Mr. Testa said that there are a lot of conditions in the proposal. He said that they could buy it, renovate it and start operating without the grant award. Ms. Huizenga said that if the Council wants them to add to their funds, then they can refuse WPAA's offer of \$10,000. Mr. Testa talked about the transfer of the deed. Ms. Huizenga said that because of the litigation, the Connecticut Culture and Tourism Department would not consider discussing WPAA interest in this building in an acquisition phase. She said that grants are available for acquisition and restoration, and they have in writing that they cannot submit an application for the property because they do not want to get involved in local politics. She said that there are many details to prepare the grant. They need to own the building to apply for the grant. Mr. Testa said that he is concerned about the timetable in relation to transferring the title, settle with the state and a year or more goes by, and WPAA has not been able to get anything done.

Attorney Edeen said that they discussed what type of commitment WPAA would be willing to make, if timetables for fund raising goals are not met by the group, and one of the ideas is the right of reversion. He said they would have specific timetables setup with goals for phases for certain items, and that if they are not met, then the town would have the right to re-purchase the property, so that gives the town the power to force their hand to complete goals established according to the timetable, so that the building doesn't sit like it is for years to come. He said that because of the level of commitment and the energy of the group that he has no doubt that they will do what they say they would do. The right of reversion gives the town control over a property that they no longer own. He said that the terms would be up for further discussion. Mr. Testa asked if that is a deed restriction that would imperil their ability to get money. Attorney Edeen discussed that Marcus Cooke Park is owned by the town but that the grange has a right of reversion if it is not maintained as a park. They talked about contract

details that included their status as a non-profit, dissolution benefactors, and the WPAA Board vacancies. Mr. Testa asked if they would pay taxes. Ms. Huizenga said that they would not as they a non-profit organization.

Mr. DiNatale questioned the right of reversion and how it would work. Attorney Edeen said that everything is up for discussion, and the intent is that the town would not want the building sitting the way that it is now for very long. He said that the reversion would give the town a dead-end. Mr. DiNatale said that he is looking at the future, and going back to 1994 how they first came into existence, and that that it's under the cable laws, and then there is the check for \$72,000.

Ms. Huizenga discussed WPAA incorporation in 1994 and that community access is 30 years old with the first in Wallingford station at the library about 1986, and that it was the first in the state. She said that the organization is safeguarded in terms of its existence because the FCC establishes that Public, Education and Government access channels are to be retained, and that one of the laws the State of Connecticut passed last year establishes that Public, Education and Government channels are to be established. The mandate in Connecticut is that every community has one. The fact that they would potentially disappear is highly unlikely, and the only authority to eliminate the non-profit entity from having any role in community access is the Town Council and the Mayor. The station can be distributed in any manne, and Channel 18 is currently available on the internet. Details were discussed of this service. Mr. DiNatale brought up reversion, and the short and long-term scope of WPAA. Ms. Huizenga said that if they dissolve, their assets are transferred to another non-profit in Wallingford at no cost. Mr. DiNatale asked about staffing. Ms. Huizenga said that WPAA has part-time staff and a few interns. She said that they have submitted (*an application*) to the Community Foundation for a grant for \$5K to increase their internship to help with the promotion of the campaign.

Mr. DiNatale said that he is excited about the option for the building and that some of the project guidelines that will be set are very difficult, considering cost, parking, parade grounds, architectural restriction, and that is a tough. He said that they have the opportunity to address the historical aspect whereas a private party may not because of financial restrictions. Mr. DiNatale said he hopes that there is some funding to have this happen. Ms. Huizenga said that one of the things they have going for them is the call for local contractors, and she gave some examples of the donations already from local businesses and the feedback that they can make a difference. She talked about WPAA programming.

Mayor Dickinson talked about the revenue stream in that the money is shared between the three channels; that is Ch. 18, 19 and 20. He said that the town has from the beginning indicated that they have not pursued that the two thirds going Education and Government and have allowed that to be paid to Public Access as an ongoing contribution by the town. Technically, one third goes to each of those channels. That is how the money from the cable company is distributed.

Chairman Brodinsky asked if this information would impact the view of their proposal. Mayor Dickinson said that just so everyone is aware, and he supposes that could change if it was the will of the town at some point to alter that requirement regarding those funds. He said that it not owed to one of the channels but rather to all three. He said it's not an impediment but that the Council needs to be aware of the source of that revenue and how it is to be shared under all of the laws that deal with the collection and distribution. Chairman Brodinsky asked if there is some discretion that somebody had to either add to that or subtract from their share. Mayor Dickinson said it is the discretion of the town to require that the other two channels receive their allotment at this point of the \$72,000. He said that he is not proposing that but it sits there as a right on the part of the other two channels. He said that is a joint responsibility that surfaces at budget time for the Council and the Mayor.

Mr. Spiteri said he just learned about PEG and did some internet research and said that for some reason we are not following the norm here in Wallingford. He said that he was not aware that this action was taken or why, and how it benefits the town, and how it hurts WPAA by not having the other two under the same roof so that the equipment cannot be shared.

Ms. Huizenga reviewed the history of PEG and how it is structured in Wallingford. She said that the model in Wallingford stands alone. Public, education and government challenge are typically negotiated outside of Connecticut. She said that communities who have said that the money for the three channels could change at any time. She said that some the a non-profit channel for one community could be getting close to \$300,000 to \$400,000 per year from subscriber fees. In 1995, in Connecticut the law was changed to establish that all communities would have community access. Something happened in this community in 1993, and a decision was made at that time that the Library Board would no longer be involved in government access. She said that at that time Public, Educational and Government were all together. She said that this community decided to split the three entities apart. She continued that the Board of Education became the party responsible for the Education Channel, the Government Channel was established as a department within the town. She said that a two-year negotiation ensued, and the Public group was created. She said that in most communities there is a non-profit that is handling PE and G and in most of them there are under the same umbrella, or they exercise various models, and if that failed, they were brought back in, which most are doing. She said that most communities add \$10,000 to \$45,000 and add it to the funds that the cable providers are making. The government entity in Wallingford is a department with a budget of over \$100,000. She said that this money belongs to all three channels and that could change at any time but that it is her understanding that from Public Utility records that during a re-franchise in 2000, when she was on the Advisory Council, the Commissioners and the DPUC saw the facility at 6 Fairfield Blvd, which is impressive. She said a review established

that it is not Government Access but rather it's Government Television Channel, so instead of them providing funding to the whole and creating programming, they have isolated, and they are Government Television. She said that the town sanctioned the programs that happen there. She said that it is a different model that is not happening anywhere else. She said that bringing all of the channels into the same building and shaping the camera and resources is best. In Public Access, they have to pay for their location, staff, training, maintenance and there is a lot more cost associated with the public side. Resource allocation town-wide would be better for the town overall.

Mr. Spiteri asked if what you say is that we allocate about \$100,000, unless we house the government channel on Town-Property, and if there was a conflict of interest, considering Public Access isn't running that part of P.E.G. He commented that the way it is now, the budget process is not televised. Ms. Huizenga is preparing documents that try to demonstrate that in the models, and that programming is handled differently depending on who is producing it, so that producer discretion has a lot to do with the program that you have what. She said that there is now only one producer discretion right now with the government channel. She said that the debates that were held here, handled by the League (League of Women Voters), is an example of one-way of handling the debates but if they were handled by a public producer, it would have been much different than what you saw. She said that the differences are in quality, funding levels, misperceptions of one channel versus the other, repetition of bulletin boards, and that there are less people involved, and producer placements on the board.

Mr. Spiteri asked how they determined the number for the bid (\$10,000). Ms Huizenga said that they were in a competitive process with the RFP, and they wanted the Council to take them seriously, and they had employee contributions up to \$1,000. She said that if their presentation is sound enough that they would welcome the money back.

Mayor Dickinson, speaking about the history of the discussion, said that the content of the government channel is found in regulations that were approved by the Town Council. He said that when the library became uncomfortable with the channel hosting it was of because series of programs that ended up with threatened lawsuit and issues over defamation of character. The library had standards setting what should be broadcast and had difficulty deciding which programs should be broadcast. He said that when they took up that issue, the thought was that given the public access of three channels, one is public, one is education and one is government and that in the Public, there is very little control over the content of what is shown, and it is anything that anyone wants to make available. He said that there were concerns about liability issues, and it was felt that the best direction would be to separate the channels and control the programming through the government process, the regulations and allow the other channels to function.

Mr. Spiteri asked if before PEG was broken up, if there was only one channel, or was it three? Ms. Huizenga said that it is not clear in the record at the library if they actually has three cable portals, or one and that it was only one organization that was handling all three aspects of PEG. She said that she isn't sure. She said that in the seven towns that Wallingford is unique in that they have three channels per community. She said that it is in her estimation the best model because you get the local view. She said that the other towns did not take the same approach as Wallingford. She has been able to secure insurance for liability and that she has negotiated three different opportunities for slander and cases to be brought before Madison, Branford and East Haven. All of them have been resolved.

Mr. Economopoulos asked about future income that Ms. Huizenga referred to and asked for examples. Ms. Huizenga said some examples include that if they do historic preservation and the porch that any use of the building, for instance, a wedding reception would create income. Entities that are interested in making commercial videos. Any organization that wants a non-televised meeting could created income. She said that the Policies could be changed to allow receiving the funds. Renting space for non-televised events. Mr. Economopoulos, speaking of the real estate consultant, asked if the property in question was a privately owned the building, at what price would she list it.

Lucille Trzcinski, 25 Turnberry Road, said that she did a CMA for the state and performed it before the constraints the Town Council has put on the RFP. She said that she took an investor through the building who said that in his expertise he would offer \$25,000 even given the current sales in the area for properties that are in much better condition and viable. She said about 25 people went through the building and that most of those would not make an offer, and those that would make an offer would offer not higher than \$50,000. Mr. Economopoulos asked her about the property if it were an empty lot without a building. She said that it is about one tenth of an acre, there is nothing that you can do with the property unless someone wanted to build a building that was the same footprint. Mr. Economopoulos asked about remodeling the building considering what needs to be done, like the bathrooms. She said that it all depends on what you have to do. He asked about the building's square footage, and it was determined that the square footage is 14,098. It is going to be a large expense if the building is to be remodeled. Mr. Economopoulos asked about the price if we were to re-purchase the building and about specifics of the contract. Ms. Huizenga reminded him about the cost of demolition. She said that they have involved a landscape architect on the project because of the lay of the land.

Ms. Rascati asked Attorney Edeen about the reversion clause, and if it would be part of the deed. She was interested in what happens if the entity dissolves. Attorney Edeen said that because it would be part of the deed, any other perspective buyer that was interested in buying the property, that when they did the title search, they would see that language on the deed and would realize that they couldn't purchase it from WPAA. Ms. Rascati asked if it would state that it

would come back to the town at no cost. Attorney Edeen said that it would certainly state that the town has rights to it, and it would be very clear that if they cease operation or cease to be an entity or decide that they want to abandon the location, that it would go back to the town, and there wouldn't be a price.

Mr. Testa asked about the structure of Government Television and posed a hypothetical situation of leasing the building to WPAA. He said that his understanding is that as long as we as a town in regard to Government Access TV, and the type of restrictions and controls over their programming, that they really don't have any claim to any of the money. If we were to begin sharing that money, we would have to change the way we run Government TV. He said he is not saying that as a bad thing. He referred to the way the station is now run with a good budget and that we have the equipment and the staff, and we have quality programming. He said that we have made the decision to do that. He said it needs to be clarified. He asked if there a particular reason, other than their desire to have ownership, that you couldn't do what you wanted to do with some type of lease agreement with the town instead on a purchase. Ms. Huizenga said that a lease agreement would be volatile, and they just had a 60% increase in their current location. She said that to go for the grant they would need a 30-year lease. Mr. Testa posed a hypothetical situation where the town decides to lease which makes everybody happy, and money is not an issue and asked if there are barriers to that other than the fact that you would like to own it. Mr. Ouimette said the desire is to own and not lease. Mr. Testa asked if they had said if they had a long-term lease that you could be eligible. Ms. Huizenga said the lease term would be 30 years and that they are trying to be responsive to what they have heard in the community and that the space that they now occupy is wanted for stores.

Mr. DiNatale asked about uses of the building in relation to the value of the building in view of the fact that the Council has not put restrictions on the property. Ms. Trzcinsky said that there were restrictions in the RFP and that she understands that the same restrictions were not for other options relating to the building if you decide to go with a realtor.

Mr. DiNatale asked about the value of the building. Ms. Trzcinsky said that if there were not restrictions on use then it becomes another entity. She gave some examples that included apartments and private parking. She said that realtors look at these questions and conditions. She said that considering the work that needs to be done on the building, one of the things that her investor talked about are the three floors and how to have it feasible economically. She said that considering the building's footprint and size of the lot that what is being sold is a condo. Mr. DiNatale stated that if she gives it a \$50,000 value based upon the amount of work that needs to be done and the anticipated restrictions on the building. She said the other restrictions beyond what the town desires that are restrictions also – where it is, how it's located and how much land it will have. She said that this entity doesn't offer much in the way of maximizing the investment.

Chairman Brodinsky asked about the burdensome restrictions that have been talked about that de-value the property. Ms. Huizenga said that according to a newspaper article it was the restrictions in the RFP process that were not clear enough in terms of how certain aspects would be handled in the sale and the contracting. Chairman Brodinsky said that the building is what it is so any use permitted in the zone, and there is a provision in the RFP that the town would seek to get a variance to liberalize the parking situation so that it would increase. He said that the Town Council is not in favor of single-family use but other than that any other use in the zone is okay. He hopes that clears up any misconception. He noted that the PowerPoint presentation did not include their proposal and that part of what they are doing is analyzing what WPAA proposes. He said that part and parcel of their proposal – what they want to do – is impressive renovations to make it a community use thing and with some expensive renovations and that in the proposal what we have to analyze in review is the number \$500,000 with various phases, which would give us what they put on PowerPoint so that now the question is the sources of their funds, including a grant of the maximum amount of \$200,000. He recalled that Councilor Farrell had shed some light on that. He said that they are hoping to get contributions and donations for another \$200,000. He said that in the response to the RFP, and he read from the RFP “to the extent possible within the confines of a public driven budget, renovations will...,” Chairman Brodinsky said that suggests that if they don’t get the \$500,000 or decreasing amounts, something less is constructed.

Ms. Huizenga said that the proposal was not included in the presentation because they were told in negotiations to assume that everyone had read the proposal and to fill in the gaps and make sure that everyone understood the context. She continued that they would continue to pursue the grant because it would bring additional financial resources into the community. She said that they do not need a porch at \$80,000 in Phase III. She said that fund-raising is required for this purpose, and WPAA has never done a Capital Campaign before and needs to get more exposure in the community and that they are not saying that this is easy but rather that they are committing to a process. She said that move-in ability that they only need to establish the first floor in the first year. She said that they are committed to the outside of the building will look good in Phase I, no matter how long it takes to raise the funds.

Chairman Brodinsky stated that they need the deed to get the grant, and they do what they can to with the money they raise. He said that’s a gamble, and the result may be a minimum budget and what they presented in the PowerPoint presentation may never come to be, so he is waiting for Attorney Edeen to say we never came close to \$500,000, which was the pitch, and here’s the deed back to the town. Chairman Brodinsky asked if it is going to be based on \$400,000, or \$300,000. He said in other words the Right of Reversion, which is the only thing that is going to make this plausible, if you don’t do what you say you are going to do, is based on a certain level of renovation and depending on how much they can

raise, the renovation floats and that they are relying on the Council to say, that's okay. He said that might not be the best way for the town to proceed. It may be that there has to be a certain minimum level of renovation in stone because that is the picture given the community and given to the Council and so if that minimum level of renovation doesn't get done, then the Town of Wallingford gets the deed back at no charge, no questions asked. He said that he doesn't know if you can get a grant or not with that. He asked what is being offered to the town because the proposal was \$500,000, and now it seems unless we can't raise it.

Ms. Huizenga said that they established that March 2009 is a checkpoint and that is when the grant determination would be made, and at that point in time that they establish how much can be done. She said that can be a time when the Council comes to them and says what's next because they haven't been able to do anything but paint the outside and make the building tighter.

Chairman Brodinsky gave an example that if they don't come up by a certain date in 2009, with a grant at a certain level at \$150,000, or cash in hand, or a letter of credit, or money in the bank, or money in escrow for another \$150,000, it comes back to the town and what ever you put into it is gone. He asked is that what you say you are willing to do right now, is that right?

Ms. Huizenga said not exactly. She said that they could go for that if the Council gives them their \$10,000 back. Mr. Quimette said that what they want to provide is that the building will be renovated on the outside. He said this is something that we can agree on. He said that the guarantee is the outside of the building.

Chairman Brodinsky asked if in their proposal that they get the deed and they paint the house, and then the Council takes their chance on what they can get and when you can do it. Mr. Quimette said that it would more than just painting. There was some talk of negotiation, which should have occurred before the Council meeting. Questions remained of how much can be accomplished and the terms of the right of revision.

Attorney Edeen said that guarantee is for the exterior of the building. He said that whether the interior of the building is historically accurate is dependent on future funding. He said that the result may be a building with the exterior that looks historically accurate, but he said that the result of the interior may not be historically accurate and is not now that way. He said that it would be a building that can be used and occupied by WPAA. Chairman Brodinsky said that it is very difficult to judge and assess a floating goal that shifts with their ability to get a grant. Attorney Edeen said that they could guarantee a minimum condition that will be historically accurate from the outside and that the inside will be useable, clean space. He said that grant money requires a historical renovation. He said that the money that WPAA raises could be used to re-furbish the inside and that if an additional grant is awarded, then they can go a step further to make it historically accurate. Chairman Brodinsky said that he sees the Council's role as

one to protect the interests of the town and that if the town is given certain expectations one way or the other, then those expectations should be protected. He said that he was concerned. Chairman Brodinsky said that the RFP said that once accepted the completion of the renovation plan would be the central term of the sales contract. He commented that the renovation plan is a critical part and is something that is definite, so that the town knows what is done and how much is spent, so that it can be judged, and that the renovation plan they propose is \$505,000.

There were no further comments from the Council

PUBLIC COMMENTS

Jason Zandri, Lincoln Drive, spoke about taxes, sale cost and value of the building and about the limitations of the building and lease scenario. He said that if renovation is done yet reverts back to the town that the building with the renovations would be worth more money than when it was purchased. He asked about the contents of the agreement and stated that the proposal is a win for everything and everyone in the town.

Lucille Trzcinski, 25 Turnberry Road, speaking of 390 Center Street, Simpson School project, the Wooding-Caplan project, said that for the Town Council's Public Relations, they should accept this proposal for the benefits that it will bring the town. She said we should be saying thank you.

Debbie Gross, 114 Long Hill Road, complimented the group and said that this proposal should be a win-win for the Town of Wallingford.

Sharon Sanders, South Cherry Street, asked about access to the government access broadcast.

Susan Huizenga said that it's consumer choice based on price that doesn't provide for it in the FCC Regulations or in state regulations. She said that in their proposal that they are expanding to internet access.

Robby Robinson, Hope Hill Road, Chair Coalition for Unity said that he thinks that it is a fantastic plan and that it would be very beneficial to them. He said that they are in many of the schools including Choate and that their organization is homeless.

Dianne Saunders, 72 Northford Road, established with WPAA has been 501 (c)(3) since 1994. She posed comments for reference from her experience to the Council regarding the following:

if capital improvements are funded with state funds, there is a minimum 10-year bond period where if the organization doesn't use it for its

intended purpose for the full ten years, then there is a pro-rated amount that has to go back to the state;

regarding the town's right of reversion, she does not think that would fit into a grant application but for those that she audits that is not an opportunity in that it has to be guaranteed use for 10 years;

regarding turning over of assets at dissolution, so if there are debts of the organization, then it is the debtors have first claim, then whatever is left goes according to the dissolution that is in the by-laws, which can be changed at any time;

regarding non-profit organizations, they cannot become involved in any political activity, so that taking of a property at significant discount from a political entity leaves things to pay attention to. She said to be very careful. She referred to the fact that political candidates for office can appear on WPAA where the town government channel cannot do that. She said that it is a consideration especially when accepting donations during an election time.

re-sale to another entity and using it for rentals and other purposes raises the issue of UBIT – unrelated business income tax- The non-profit that uses its property for other than its stated mission (IRS Form 1023) for over 33% of the time can cause loss of IRS status. She suggested being careful in this sense when it comes to rentals. She spoke to the issue of lease and that donors want to see ownership and generally do not donate to an entity holding a lease agreement.

She emphasized that she is offering these points for reference and not because she favors one side of the issue or the other.

Ben Martin, Ward Street, talked about his interpretation of value and that it does not necessarily relate to money. He talked about community aesthetic value and that the Council should jump on this proposal.

Bob Gross, 114 Long Hill Road, asked for a copy of the regulations. He addressed Channel 20 and asked if he could do a program, and if it is open to the public.

Mayor Dickinson said that the Government Channel is not open to all programming and must be sponsored by a government department for a purpose/project/program of the government department. He said that the regulations determine more clearly what is permissible and that there are safeguards against use for political purposes. Mr. Gross said that is the beauty of Channel 18 where one can go in and develop a program. Referring to statements by Chairman Brodinsky, Mr. Gross spoke about protecting the interests of the town and referred to other town properties that have not been protected.

Bob Hogan, Grieb Road, said that this is a good deal for the town.

Kurt Huizenga, Treasurer WPAA, clarified between the \$500,000 and the \$200,00. He said that the \$500,000 these are funds that pay contractors wherein with \$200,000, he calls on trades-people to donate equipment and to install it.

Karen Wismira, 92 North Cherry Street, supports the project and would like to see the arts be able to combine into one area in the town. She supports the proposal and the community aspect of all three channels to create balance. She said she would like to see all three together.

Chairman Brodinsky announced a short recess.

Mr. Spiteri left the meeting.

Mr. DiNatale made a motion to table the WPAA question/issue to a May Town Council meeting, date to be determined. Mr. Farrell seconded.

Mr. Economopoulos said that all this hinges on legalities and that WPAA attorney might want to sit down with the Town Attorney. He said he is interested especially on the right of reversion.

Mr. Testa said that all things considered that the Council has time to digest all of the information and that he thinks that tabling the issue is a good thing.

Eight Councilors voted Aye. Mr. Spiteri was absent.

The motion passed.

Chairman Brodinsky thanked the panel.

9. Consider and Approve Appointment of Richard Nunn to the Public Utilities Commission for a three-year term – Mayor

Mr. Testa made a motion to Approve the Appointment of Richard Nunn to the Public Utilities Commission for a three-year term as requested by the Mayor. Ms. Rascati seconded.

Mr. Testa commented that he has no objection on this appointment and that the issue that has come up in the past is a provision in the Charter that says that someone who already holds a public office in town is ineligible to be a Commissioner on the Public Utilities Commission. He said that in 2005 this issue was discussed and was addressed by the Corporation Counsel. The opinion stated that Mr. Nunn, being a member of the Economic Development Commission, in effect did not constitute a public office. Mr. Testa said that he was not going to dispute that but that it is an interpretation that could be argued and discussed. He

said that he brings this up as it is relevant to Charter Reform and that this is a really good example of an area in the Charter that is in need of clarification, especially since it was addressed by the legal department.

Mr. Farrell left the meeting at 10:25P.M.

Mayor Dickinson said that the Economic Development Commission is an advisory commission without the authority to make a decision that binds anyone. He said that it is not a regulatory agency, and there are some very sound reasons as to why it is not regarded a public office. He said that he is sure that Mr. Nunn would step down if people are concerned about it and would just serve on the Public Utilities Commission.

Chairman Brodinsky referred to the memo from the Corporation Counsel that the EDC was advisory but there wasn't any law sited for that. He said that they have money, they advertise, they retain business, and they don't just give advice. He said that this is about charter Revision.

Seven Councilors voted Aye. Mr. Spiteri and Mr. Farrell were absent, having left the meeting.

The motion passed.

10. Conduct a Public Hearing at 7:30 P.M. to amend Chapter 151, *Parks and Park Facilities* of the Code of the Town of Wallingford to incorporate provisions for opening and closing open spaces to correspond with opening and closing hours for regular park facilities – Chairman Mike Brodinsky

Mr. Testa read the item to amend Chapter 151, *Parks and Park Facilities* of the Code of the Town of Wallingford to incorporate provisions for opening and closing open spaces to correspond with opening and closing hours for regular park facilities as presented.

There were no comments from the Public.

There were no comments from the Council.

Mr. Testa made a motion to approve the amend Chapter 151, *Parks and Park Facilities* of the Code of the Town of Wallingford to incorporate provisions for opening and closing open spaces to correspond with opening and closing hours for regular park facilities as presented. Ms. Rascati seconded.

Chairman Brodinsky reopened the public hearing.

Barbara Kapi commented on hours of town parks referring to 151-2 and her use of a Lufberry Park where she walks her dog. She asked if the illumination of the park in pavilion area allow her to stay there with her dog. There was discussion of whether park-lights when on allow use and that often lights are on for safety purposes and not for someone to be in the park for recreational purposes so it is not a place and time for congregation in a town park. Ms. Kapi asked that the Police Department be informed of the time of day "dusk" occurs, so that she knows when to walk her dog at Lufberry Park and to no receive a ticket for ding so.

Mr. Gross referring to the ball fields on Woodhouse Avenue asked if when field lights are on, is the park open?

Six Councilors voted Aye. Mr. Spiteri, Mr. Farrell and Mr. Parisi were absent, having left the meeting.

The motion passed.

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

Withdrawn

Mr. Parisi left the meeting.

12. Executive Session pursuant to §1-200(6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matters of Dibble Edge Partners, LLC v. Town of Wallingford and Wallingford Associates of Connecticut v. Town of Wallingford – Town Attorney

Mr. Testa made a motion to enter into Executive Session, seconded by Mr. LeTourneau.

Six Councilors voted Aye. Mr. Spiteri, Mr. Farrell and Mr. Parisi were absent, having left the meeting.

The motion passed.

Executive Session began at 10:40P.M.

Mr. Testa made a motion to exit Executive Session, seconded by Mr. LeTourneau.

Six Councilors voted Aye. Mr. Spiteri, Mr. Farrell and Mr. Parisi were absent, having left the meeting.

The motion passed.

Executive Session exited at 10:45 P.M.

Attendance at Executive Session included:
Chairman Brodinsky, Councilors DiNatale, Economopoulos, LeTourneau, Rascati
and Testa. Mayor Dickinson and Town Attorney, Janis Small.

13. Consider and Approve a Bid Waiver in order to hire an appraiser in connection with the pending matter of Wallingford Associates of Connecticut v. Town of Wallingford – Town Attorney

Mr. Testa made a motion to Approve the Bid Waiver in order to hire an appraiser in connection with the pending matter of Wallingford Associates of Connecticut v. Town of Wallingford as presented by the Town Attorney, seconded by Ms. Rascati.

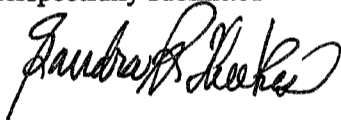
Six Councilors voted Aye. Mr. Spiteri, Mr. Farrell and Mr. Parisi were absent, having left the meeting.

The motion passed.

Mr. Testa made a motion to adjourn, seconded by Mr. LeTourneau. Six Councilors voted Aye. Mr. Spiteri, Mr. Farrell and Mr. Parisi were absent, having left the meeting.

The motion passed and the meeting adjourned at 10:47 P.M.

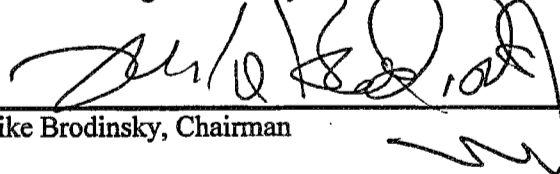
Respectfully submitted



Sandra R. Weekes
Town Council Secretary

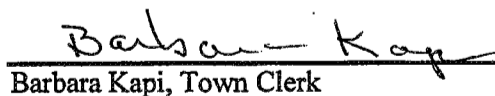
RECEIVED FOR RECORD 4/22/08
AT 11 H 45 M A M AND RECORDED BY
Barbara Kapi TOWN CLERK

Meeting recorded by Sandra Weekes



Mike Brodinsky, Chairman

5/15/08
Date



Barbara Kapi, Town Clerk

5/15/08
Date