

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

May 27, 2008

Amended Minutes

The following is a record of the amended minutes of the Wallingford Town Council at its regular meeting held on Tuesday, May 27, 2008, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:35 P.M. Responding present to the Roll Call given by Council Secretary Sandra Weekes were Councilors Michael Brodinsky, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri and Vincent F. Testa. Mayor William W. Dickinson, Jr. and Assistant Town Attorney Gerald E. Farrell, Sr. were also present. Councilor Vincenzo M. DiNatale arrived at 7:30 P.M.

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

2. Chairman's Report

None

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#524 - #532) totaling \$2,295.35
Acct. #001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve a Transfer in the Amount of \$13,000 to Lighting
Prageman Park Acct # 001-5015-999-9168 from Regular Salaries and Wages
Acct # 001-5015-101-1000 – Director of Public Works
- 3c. Approve Town Council Minutes for April 22, 2008
- 3d. Approve Town Council Minutes for May 13, 2008
- 3e. Consider and approve "Great Oak Lane" as a street name in a subdivision by
Sunwood Development Corporation located at Iannuzzi Property Subdivision
located at 826 North Farms Road – Chairman Mike Brodinsky

- 3f. Consider and Approve 2008-09 Bid Waiver List - Mayor Dickinson

(Note: A Councilor may remove one or more vendors from the Consent Agenda without having to remove the entire list of vendors submitted by the Mayor.)

- 3g. Consider and Approve the Appointment of Mary Paquette to the Board of Ethics to a term that will commence immediately and will expire on March 1, 2010 – Mayor

- 3h. Consider and Approve Authorizing the Town Council Chairman to sign the letter to Blum Shapiro and Company – Comptroller

Withdrawn – 3h.

Chairman Brodinsky announced that one vendor in Item 3f. was removed from the list of Bid Waivers for discussion.

MOTION

Mr. Testa moved to accept the Consent Agenda 3a. to 3g. as amended with 3h. being withdrawn from the agenda. The motion was seconded by Chairman Brodinsky. Ms. Rascati announced that she was abstaining from the vote on item 3e. as she does not think that this is the proper procedure for naming new streets. She said there was a motion in the past to select a committee and to refer the selection of road names to the committee. She said that this has not been done. Mr. DiNatale was absent. The remaining seven Councilors all voted Aye, and the motion passed.

4. Items Removed from the Consent Agenda

- 3f. Bid Waiver for Siegel, O'Connor, O'Donnell & Beck P.C. requested by the Board of Education.

MOTION

Mr. Testa moved to approve the Bid Waiver request from the Board of Education for the law firm of Siegel, O'Connor, O'Donnell & Beck, P.C. for legal services for the period of July 1, 2008 through June 30, 2009.

Present to discuss this matter were:
Superintendent Date Wilson
Business Manager Linda Winters
Board of Education Chairman Mike Votto

Mr. Farrell said that he was not the one who took this item off the consent agenda but he recalled that he suggested to the Board of Education last year that the time had come for them to look elsewhere, and he reiterated those comments.

Chairman Brodinsky said that there were three Councilors last year that encouraged the Board of Education to look around whether it be for a bid or an RFP. He said that he thinks that the reasons still apply. He asked what types of services was the Board of Education looking for.

Mr. Wilson said all areas, and he enumerated all educational areas and Special Education and that it could be contra t negotiation, litigation, mediation, arbitration, Special Education, anything in the area of education. Mr. Brodinsky suggested that perhaps they should 'unbundle' some of these things and get some experience with some other law firms. He said that there are different law firms that could, for instance, do Special Education and that they keep the present law firm for other areas where they need legal services.

Mr. Wilson said that they have a very good record with Siegel, O'Connor et al and that they do use different lawyers in that firm in that they have 12-15 lawyers and that during the course of the year, the Board of Education used three or four lawyers and that through the years they have used a variety of lawyers and have been very successful with the firm. He said that he has been dealing with negotiations for 22 years for the Board of Education and come to the Council with all contracts to be approved, and they have been very, very successful. He said that in litigation he has been involved with some major arbitration cases and that they have been successful on all counts through the last 22 years. He said that confidence is very important and is very important to the Board of Education, and he thinks the Town Council.

Public comments:

Debbie Gross, 114 Long Hill Road, agrees with going out to bid.

Mr. Wilson said that they send rates every year for the different attorneys and they have not increased the rates for the last three years and is comparable with any firm in the state who does education law. He said that they have \$140,000 in the budget and that last year they only used \$79,000 and different years have different legal issues.

Robert Sheehan, 11 Cooper Avenue, thinks that the market place should be tested.

Susan Huizenga, 36 Surrey Drive, brought up that this firm may not be able to handle new and emerging technology and that there may be a gap.

Mr. Economopoulos supports the Board of Education's bid waiver request for the firm of Siegel, O'Connor et al.

ROLL CALL VOTE

DiNatale - Absent; Economopoulos - yes; Farrell - no; LeTourneau - yes;
Parisi - yes; Rascati - yes; Spiteri - no; Testa - yes; Brodinsky - no
5 - Aye; 3 - No; 1 Absent

Motion passed.

5. PUBLIC QUESTION AND ANSWER PERIOD

Jason Zandri, Lincoln Drive, asked about trash removal in the parks in regard mixed trash and recyclables. The Mayor said that in the future there would be containers for recyclable materials but that currently Public Works, who handles the trash, does not separate the items for recycling.

Lucille Trzcinski, 25 Turnberry Road, asked if the Mayor's appointment of Mary Paquette is as a full member or as an alternate. Mayor Dickinson said that she was appointed to a full term on the Board of Ethics in place of Rick Voelker who resigned. He said that he has submitted a letter re-appointing existing members and that through an oversight the appointments were not made previously. He said the he believes that there are two alternate positions that are open and anyone interested can be evaluated for those positions. Chairman Brodinsky said that he got the Mayor's letter today and that procedurally it comes before the Council for a confirmation and that has not happened.

Robert Comerford, 5 Broadview Drive, talked about health insurance, complimented Mr. Testa and mentioned the insurance commission. In regard to self-insured, he talked about amounts of increase. Mayor Dickinson said that the town has had good and bad years in regard to the renewal rate and that Anthem's offer this year that the town was unhappy so the town decided that this was to year to move to self-insured health insurance. He continued that it is not a goodtime to switch to self-insurance following a bad year of experience.

Debbie Gross, 114 Long Hill Road, expressed her concern that one of the bid waivers that was passed was for Chandler who give diversity training and that they scheduled one day of their training on High Jewish Holidays last year and that it is ironic that the town would use this group when it is for diversity training.

Robert Sheehan, 11 Cooper Avenue, asked for a list of the Council's Meeting Procedures since he was under the impression that items on the consent agenda were not open to public discussion.

Chairman Brodinsky said that was the opinion of the prior Council and not his and that the way he reads he rules is that it's limited public forum and any issue is up for discussion. Mr. Sheehan said that in the past one had to contact a Councilor is you wanted to have an item removed from the agenda. Chairman Brodinsky said that still holds. Mr. Sheehan said that when the rules change that everyone should be informed and that he wasn't. He said it is his impression that items on the consent agenda are not discussed in public. He said that he has gone for 12 years not being able to discuss an consent agenda item. Chairman Brodinsky said let's clear that up right now and that

the public question and answer section of the agenda the public can raise a question or make a comment on any matter of concern relative to government. He said that is how we are going to interpret the rule. Mr. Sheehan commented in regard to informing the public of the rules that the last meeting was the most disruptive meeting that he has attended for a long time with a discourteous group of people and said that if the rules were known, then that the chaos might not have happened.

Susan Huizenga, 36 Surrey Drive, Cable Advisory Council for South Central Connecticut, is publicly announcing that as a volunteer she wishes to be re-appointed. She said that the appointments for Wallingford expire on June 28. She said that three appointments need to be appointed, including herself. Chairman Brodinsky asked if she was asking the Town Council to take some specific action. Ms. Huizenga said that this issue is brought to you if you are a member of the Connecticut Council for Municipalities advising and reminding you of your appointment duties. She said that since Wallingford is not a member that she is reminding the Council that she represents Wallingford on the Cable Advisory Council for South Central Connecticut (CACSCC). She said that she is also on the statewide council and that if she is not appointed to the CACSCC, then her her appointment to the statewide council will disappear. Chairman Brodinsky asked her to send a note to the Town Council Office with her specific request. He asked her if it was the Town Council or the Mayor who makes her appointment. She said historically it has been the Mayor.

Wes Lube, Montowese Trail, asked who paid for the CRRA mailing in regard to recycling. Mayor Dickinson said that CRRA paid for it. There was discussion about Wallingford's participation. Chairman Brodinsky said that he would get more information from Program Planning.

Geno Zandri, 9 Balsam Ridge Circle, said that his interpretation about the consent agenda that there is no public input on any items on the consent agenda during that vote but the public does have a right to comment on any item that is removed from the consent agenda, and that during Public Question and Answer is open to anything. Chairman Brodinsky said for future reference to reiterate that during Public Question and Answer, the public can ask any question in any issue on any issue of general relevance to government, so the fact that it is on the Consent Agenda should not stop anyone from asking questions.

6. Authorize the Demolition of 390 Center Street – Mayor

MOTION

Mr. Testa moved to authorize the demolition of 390 Center Street as requested by the Mayor. Mr. Parisi seconded

Mayor Dickinson said that his office has received complaints regarding falling debris from the building. He gave the history of the building in regard to the bids for the building's restoration. He discussed that the town needs access to the Wooding Caplan property and that he has received a petition to clean up the property. He said that demolition allows access to the interior of the property and would provide an intersection with Fair Street when the building comes down. He said the reason the town purchased the building was to gain access to the Wooding Caplan property.

Mr. LeTourneau said that he would vote against demolition of 390 Center Street. He said that the consultants judged the building to be sound in structure. He spoke about his experience on the Wooding Caplan Committee, the building was looked at by all of the developers involved and they all felt that the building should be saved. He is concerned about jumping to demolish at this point when we don't know what is happening with the Police Department. He said that there is a study being made, and an architect is being consulted. He explained that we don't know if the Police Department is going to stay in its present location or if the consultant is going to recommend another location because expansion of the Police Department can't be expanded on that piece of the property. He said that access could change. He asked what would happen if the building comes down? How will the property be cared for?

Chairman Brodinsky asked the Mayor how the property would be left and what would it look like after the demolition. Mayor Dickinson said that it is his understanding that the area would be restored. He said that grass will be put in and there would be better vehicular traffic and some planting and that it would be attractive.

Mr. LeTourneau said that his suggestion is to wait until they have more specifics of what is going to happen. He talked about costs after the building comes down, and what is going to be done as Step B. Chairman Brodinsky said that it is a complex issue and that Mr. LeTourneau is the most able advocate that we have and he brings lots of experience to the issue; however, he (Mr. Brodinsky) takes another point of view. He referred to the two 'assessments' that were completed in 2007 prove that the building is beyond the point of no return and that the renovation costs exceeded \$1 million by both consultants. He discussed property access and that the building blocks that access. He said he sees no reason to wait and that in his opinion the building is a liability and that it has no future.

Ben Hogan, Grieb Road, said that the item is out of sync and while he agrees that the building should come down, he reminded the Council that this is like the American Legion building and that the town could end up in court. He talked about the State of Connecticut procedure to remove an historic building. He handed out materials from the State Historic Preservation Office (SHPO) *(The handout is part of the record of the meeting.)*

Ben Martin, Ward Street, confirmed with the Mayor that the purposes of removing the building are for safety reasons and to gain better access to the property. Mr. Martin spoke about Center Street traffic and that taking down a building is not the way to solve falling debris. Mr. Martin asked about re-use of the building materials. Mayor Dickinson said that the contractor has the right to the materials of the building.

Mr. DiNatale arrived.

Jack McGuire, 373 Center Street, said that as a neighbor and as an insurance agent that rehabbing the building is not economically viable and that traffic on Wallace Row is a one-car street so that with the building down, then the road could be designed for two-car traffic in and out at the same time. He said that the building was sold to the town in 1991 with the intent that the town would tear down the building with the idea of making the road wider and giving access to the property and that 17 years is long enough to wait. He said that this building is a health hazard. He said that a vacant building is a disgrace to any town, especially when the town owns the building. He said that he is a neighbor and that approximately 50 people, who are property owners surrounding this site are neighbors and that these neighbors and businesses, as well as the churches, all agree in the removal of the building. It is the business center of the town. He handed-out photos of the building. *(The handout is part of the record of the meeting.)*

Lucille Trzcinski, 25 Turnberry Road, made comments regarding the many requests of the town to board up windows and to make the building safe. She talked about the discussion with regard to the intersection. She said that if this were a developer, the town would not allow for this to happen. She expressed her thoughts on the having specifics for the site before approval to demolish the site.

Jason Zandri, Lincoln Avenue, agrees that the Council should see specifics for the property, including parking, before the building comes down.

Ed Loughlin, 158 South Main Street, reiterated comments of Jack McGuire and added two points, one is the inclination to delay things and that we talk about procedures and minor questions and that he submits that no matter what happens, that 390 Center Street needs to come down. He said there is no reason for the town to spend one more dime on that relic. He said that during his lifetime there have been efforts to use it, to adapt it, and the fact is that it has been vacant for 2 or 3 generations. He said that objections here tonight offer no value to the town in keeping it. He said that there has been a claim that the building has historic value and that you don't have to be an historian to know that because something is old doesn't mean it has historic value. He said that this town has historic buildings in boxes and he named the American Legion, the old Yale homestead, an old schoolhouse another structure on Williams Road and a building out at the entrance research parkway with a tarp over the roof. He said that he lives across the street from the silver museum

that is never open. He said it is impossible to spend money on the old relic that is preventing the development of the Wooding Caplan property.

Bob Gross, 114 Long Hill Drive, asked about the State of Connecticut's procedure talked about by Mr. Hogan to knock down an historic building. Chairman Brodinsky said that there is no need to contact the state for permission.

Wes Lube, Montowese Trail, spoke about the Wooding Caplan study and supports demolishing the building and asked about the Police Department study. Mayor Dickinson said that the bid has been awarded and as of this meeting he has no information as to the completion of the study pertaining to the future of the police facility.

Bill Comerford, 5 Broadview Drive, asked why we couldn't wait until the police study is complete before moving to demolish the building.

Jim Vitali, 398 Center Street, neighbor of the building, said that when it rains that the dis-repair of the down spouts caused the water to flow into the gas station and there is concern about icing in the winter. He said that there are real safety questions and that under the town's blight ordinance this building qualifies.

Bob Hogan, Grieb Road, cautioned the Council that this may qualify for opening up another court procedure and recounted a newspaper article about bidding for demolishing the building and the cost for that project. Mayor Dickinson said that the town has to follow public bidding process and that Mr. Hogan's company was free to place a bid for this work.

Ben Martin, Ward Street, talked about the cost of rehabilitation and that a brick building fits the character of the town.

Mr. LeTourneau spoke about the consultant cost and the intent of the reports was to access the rehabilitation cost. He said that old buildings can be rehabilitated and advocated waiting before making a decision.

Mr. Testa referred to the Wooding Caplan property process in the recent past and that 390 Center Street was always problematic, and that all of the developers had to propose something to have a good use for the building. He said that he has envisioned a larger entrance to the property and that something good is going to happen for that property. He said that everything is now dead in the water again and that there is always a delay when we want to do something, even considering procedure. He said he thinks the building needs to come down. He said when we talk about the future of the police department the question will remain about what are we going to do with that building, and if we wait to take the building down, then it will slow us down in getting the process started again. He said that isn't anything to be gained by waiting.

Ms. Rascati said that if we use it for the police department or for a developer to improve that we still need access to the property. She said that she will approve to demolish the building.

ROLL CALL VOTE

DiNatale – Abstain; Economopoulos – yes; Farrell – no;
LeTourneau – no; Parisi – yes; Rascati – yes; Spiteri – no;
Testa – yes; Brodinsky – yes
6,5-Aye; 2 3 – No; 1 Abstention

Motion passed.

7. Consider and Approve a Transfer in the Amount of \$80,000 to Demolition
– 390 Center Street Acct # 001-5015-999-9167 from Contingency
– General Purpose Acct # 001-7060-800-3190 – Mayor

MOTION

Mr. Testa made a motion to approve a transfer in the amount of \$80,000 to Demolition – 390 Center Street Acct # 001-5015-999-9167 from Contingency – General Purpose Acct # 001-7060-800-3190 as requested by the Mayor. Chairman Brodinsky seconded the motion.

Ben Martin, Ward Street and Debbie Gross, 114 Long Hill Road, spoke.

Mr. LeTourneau made a motion to table the question. Mr. Farrell seconded. No comments were made on the motion.

ROLL CALL VOTE

DiNatale – Abstain; Economopoulos – no; Farrell – yes;
LeTourneau – yes; Parisi – no; Rascati – no; Spiteri – no;
Testa – no; Brodinsky – no
2 – Aye; 6 – No; 1 Abstention

Motion failed.

MOTION

Mr. LeTourneau moved to amend the motion to earmark \$10,000 to prepare and landscape the property in addition to the \$80,000 for the demolition. Mr. Farrell seconded.

Mr. Parisi asked the Mayor if there were any plans for the property after the building is down. Mayor Dickinson said that what they would look to do is to expand the road to allow two-way traffic and that if there is any property left over to make it presentable with plantings. He said that he understands the goal and we have no indication if \$10,000 is available. He said there is a transfer here for \$80,000, which

has been approved by the Finance Department. He said that under the circumstances that we will make it as attractive as we can. Mr. Parisi asked when the demolition was likely to take place. Mayor Dickinson said sometime in the summer. He also added that typically transfers are not changed.

Mr. Testa asked the Mayor if we could come up with a plan and cost and present it at the next meeting. Mayor Dickinson said that could certainly indicate what the action will entail and that his hope is that Public Works would be able to handle the cost without additional funds given that they have other accounts that would be available. He said that he does not see this as an enormous additional cost. The Mayor said that he could do that.

MOTION WITHDRAWN

Mr. LeTourneau withdrew his motion, and Mr. Farrell withdrew his second.

ROLL CALL VOTE

DiNatale – Abstain; Economopoulos – yes; Farrell – no;
LeTourneau – no; Parisi – yes; Rascati – yes; Spiteri – yes;
Testa – yes; Brodinsky – yes
6 – Aye; 2 – No; 1 Abstention

Motion to Approve the Transfer of \$80,000 passed.

8. Discussion and Possible action on a plan for the American Legion Building, including but not limited :
 - a. Discussion and possible action on whether or not the Council should accept WPAA's proposal to buy the American Legion Building.
(Note: This matter was tabled on March 25, 2008 to resume where we left off in March.)

Mr. Testa read 8a. and that this matter was tabled on March 25, 2008 to resume where the Council left off in March.

Chairman Brodinsky summarized the question's history, including that of the RPF process and the Council's initial discussion with WPAA and the public. He said that at that time the extensive debate was concluded and that is the procedural posture that the Council is in right now. He said that the matter was almost brought to a vote and that a recess discussion decided to not vote that night but to reschedule the matter for another meeting and the WPAA requested that it be tonight. The purpose of the delay was for the benefit of the Council to weigh the material and to decide on the proposal. He said that tonight is to take a vote. He said that is the procedural posture of this and that this should be judged as real estate deals are judged. Chairman Brodinsky said that in his opinion the proposal is still not strong enough to say yes to Channel 18 to warrant an acceptance of its ideas. He said that it is a reasonable and prudent for the

Wallingford Town Council to continue and explore ways to market this property in a commercially reasonable way. He said that he thinks this is the best course of action at this point. He said that to get this matter off the ground that he is going to make a motion

MOTION

Chairman Brodinsky made motion to not accept the proposal of WPAA, Channel 18, and that we move on to the decision on whether and how to market the American Legion Building. Ms. Rascati seconded.

Chairman Brodinsky began the discussion saying that how he read the minutes, in answer to Mr. Testa's question, that the sense of the matter was that we were about to make a motion and the matter was continues to be rescheduled or to table, if you want to get technical.

Mr. DiNatale asked about resources available to this organization and that there was a challenge on the revenue that they do get and their ability to use that. He believes that there was some correspondence on this matter. Mayor Dickinson said that there is a pending action before the DPUC (Department of Public Utility Control) at the state over the issue of the revenues that are paid by subscribers to the various cable services and where they go. The action has not been heard yet.

Mr. DiNatale said that there were two reasons that appealed to him – 1) because it was low intensity use which is important because of the operations that we have here in Town Hall and he doesn't think that it was a good idea to have a use in that building that would be taking over the parking lot and increasing traffic and 2) it's sum what a community organization, quasi-public, that provides a service to our community. He said that he thinks that where the proposal falls short are the resources and the funding; it's a big question mark and to pass the title to the property to an organization where the resources come into question is difficult to do and then we will be back to where we started and have a building that has no potential. This is not to put the organization into question at all. It is a statutory requirement that defines the organization and allows subscriber monies to go from subscribers to this organization which leaves a big question mark.

ROLL CALL VOTE

DiNatale – yes; Economopoulos – yes; Farrell – no;
LeTourneau – yes; Parisi – yes; Rascati – yes; Spiteri – no;
Testa – yes; Brodinsky – yes
6 7 – Aye; 2 – No

The motion to not accept the proposal passed.

- b. If the Council is not interested in selling to 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

Mr. Testa read the item.

Chairman Brodinsky explained why he put the item on the agenda, referring to the backup material supplied to the Council. He said one suggestion is to market the property through a realtor. He asked do we want to continue to market the property, yes or no. If the answer is yes, then we can work on how to do it and the details.

Mr. Parisi referred to the supplied materials and read from the Background Summary 1.2, third paragraph:

"...Additionally, the renovation plan for the property will weigh significantly in the Town Council's decision. The cost of the renovation plan will also be a factor ...Once accepted, the completion of the renovation plan will be an essential term of the sales contract with penalties for any breach..."

Mr. Parisi said that he is in favor of marketing this property but that he does not believe that the town should bear any of the costs or giving anything away. He continued that if someone wants to buy the building, let them buy it and renovate it that meets our criteria, that we not give credits for cost of renovation. Chairman Brodinsky clarified the issue by giving a hypothetical of two proposals and the weighing of the purchase price and what would happen with the property. Mr. Parisi said that there would be no credit for what he spends on renovation, which would be one of the criteria when the Council selects, if there is a tie. Chairman Brodinsky said correct. Mr. Parisi supports this.

MOTION

Mr. Testa made a motion to continue to market this property with a realtor. Mr. Parisi seconded.

Mr. Testa said we are going to continue to sell the building only this time we are going to use the process of having a realtor market it. He said that's his clarification.

Mr. LeTourneau asked about a timeframe to market this. Chairman Brodinsky said whenever the Council decides.

Mr. DiNatale said that he thinks that marketing the property will be difficult because this property must have restrictions on the uses. It must. He said parking must be identified clearly when marketing. He spoke about uses by the non-profit sector, which would have low intensity uses. He said that he has concerns because of the restrictions.

Ms. Rascati said that she would vote no on marketing this property because she does not think that it is in the best interest of the town to sell a property that is adjacent to our Town Hall where we don't know if the town will need that property.

Chairman Brodinsky said the consequences of not marketing the property would be that the building would be demolished, subject to the trial

Mr. Parisi said that he supports the position of Ms. Rascati. He said that he wants the building to come down.

Chairman Brodinsky clarified that Channel 18 has been foreclosed tonight. That has been decided. Next the question is what do we do- market or go to court and have the building come down.

Susan Huizenga, 36 Surrey Drive, said that the Record-Journal wants a photograph. She came up to the Council, despite being over ruled by the Council Chairman, to give an item to the "two yes votes."

Mr. LeTourneau said that this is way out-of-order. This has never happened before to have a member of the public come up here and making comments and giving pins. He said that it shows a lack of respect for the Council and for the procedure.

Ms. Huizenga said that in working with the proposal there are certain things that need to be disclosed about the building including exposed lead paint and asbestos.

Jason Zandri, Lincoln Drive, said that the Council would need to consider limited use, the use of the building, parking and the right of first refusal. He spoke about using eminent domain the future if the town needs the property. He talked about the litigation costs on top of the purchase cost.

Robert Sheehan, 11 Cooper Avenue, commented on postponing with the judge until July, the WPAA proposal, the lawsuit on whether we can sell it or not. Chairman Brodinsky clarified that if we market the property, the court case is postponed, and if we don't approve marketing the property then the court case goes forward. He went on to explain and clarify the process regarding the property and the court case.

Ben Martin, Ward Street spoke about the economy in regard to selling the property and doesn't think that selling the property to an outside buyer builds community.

Sharon Sanders, South Cherry Street, asked for clarification regarding the court case and the demise of the building.

Mr. Testa said that the way of marketing that the Council is not considering with a realtor speaks to the same market that the RFP did. He made comments about the building itself in having it in use.

Mr. LeTourneau said he will vote for the motion and that it is the Council's responsibility to try to market the property. He said that the Council has exhausted the route of the RFP and now the Council is going to a realtor. We don't know what the judge is going to rule and that it could be that the judge rules in favor of the non-profit, WPAA. He reviewed the history of the historic building, which is what the court case is about. The town needs to market the property for a reasonable amount of time.

ROLL CALL VOTE

DiNatale – no; Economopoulos – no; Farrell – yes;
LeTourneau – yes; Parisi – no; Rascati – no; Spiteri – yes;
Testa – yes; Brodinsky – yes
~~6 – Aye; 2 – No~~

5-Aye; 4-No

The motion passed.

Mr. Parisi left the meeting due to illness.

Chairman Brodinsky discussed the framework of the property.

MOTION

Chairman Brodinsky made a motion to seek to find a realtor pursuant to the RFP submitted to the Council and included in agenda packets. Mr. Testa seconded.

Jason Zandri, Lincoln Drive, asked about a single family and multi-family residency.

Wes Lube, Montowese Trail, gave his real estate qualifications and suggested that the town hire an appraiser.

Chairman Brodinsky said that a yes vote means that we find a realtor through the suggested RFP.

ROLL CALL VOTE

DiNatale – no; Economopoulos – no; Farrell – yes;
LeTourneau – yes; Parisi – absent; Rascati – no; Spiteri – yes;
Testa – yes; Brodinsky – yes
5 – Aye; 3 – No; 1- Absent

The motion passed.

9. Report out from the P.U.C. and discussion and possible action on Energy Conservation Programs in Wallingford – Chairman Mike Brodinsky

In attendance: George Adair, Director, Public Utilities
David Gessert, Public Utilities Commissioner
Rick Hendershot, General Manager, Electric Division
Mike Cassello, CMEEC

Mr. Gessert introduced the programs that they have been working on for years. Mr. Cassello spoke about energy conservation. Mr. Adair reviewed that handout packet addressing lighting conservation efforts. Mr. Hendershot reviewed programs in force for Commercial, industrial and residential customers. He said that what they are attempting is to educate. He said that the Electric Division implemented a program that has given out over 56,000 free CFL bulbs to residents. He spoke about the opportunity for residents in a rebate program that, for instance, offers rebates for energy efficient appliances. There was discussion regarding the CFL light bulbs and the retrofitting of Wallingford's schools over a plan of four years. Councilor Farrell suggested that the PUC serve as the town's Energy Conservation Program, Item #10., as is done in Hamden. There was discussion distinguishing the two agenda items. Mr. Farrell would like to see a policy to promote conservation. The group discussed hazardous waste, a home audit program and that information regarding Wallingford's various conservation programs can be found on the town's website. The group passed out light bulbs to the Council to end the discussion.

10. Discussion on the formation on an Energy Use Commission perhaps loosely based upon the Mission Statement of Hamden's Commission - Chairman Mike Brodinsky

Chairman Brodinsky read the Hamden, CT Mission Statement; talked about fuel cells; fleet management; solar panels; grant searches and having an advisory commission to search out other ways of conservation such as an Energy Use Commission. Mr. Farrell commented on the expertise and ability on the PUC and asked Mr. Adair if he would be the initial Chairperson. Mr. Adair offered to be a consultant to the group. Mr. LeTourneau covered logistics of such a group. Representative Mary Mushinsky, 180 South Cherry Street, Member of the Peak Oil Caucus, addressed the cost of oil and that other sources of energy need to be addressed. She spoke about a municipal clean energy fund and listed buildings in other towns using clean energy. She also supports such energy commission. Martin Mador 130 Highland Avenue, Hamden, listed his impressive credentials and reviewed Hamden's commission and how it operates along with the makeup of Hamden's volunteer body. He suggested that such a group report to the Mayor and the Council. He listed items that can be researched, discussed and addressed by the commission: Performance contract for town buildings; renewals, fuel cells; educational events; alternative energy; grants; renovations and alternative means of transportation, such as walking and biking; resources that

the town does not have; research new state regulations. John Bradley, 49 Academy Street; Jason Zandri, Lincoln Drive; Chris Smith, Carlton Street; and Mary Heffernon all spoke in favor of such a commission. The governor's mission of "Do One Thing" was encouraged.

Chairman Brodinsky made a motion, seconded by Mr. Testa, that the town Council appoint an advisory Energy Use Commission.

All Councilors present (8) voted Aye. Mr. Parisi was absent.

The motion passed.

11. Discussion and possible action, in accordance with Chapter III, Section 7 of the Charter of the Town of Wallingford, concerning a reversal of the Mayor's disapproval of the budget passed by the Town Council on May 13, 2008.

(Note: This matter is anticipatory. As of the date this agenda was prepared, the Mayor had not yet disapproved the budget passed by the Council.)

-Chairman Mike Brodinsky

No action taken.

12. 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

13. Executive Session pursuant to §1-200(6)(D) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Bryk v. Town of Wallingford – Town Attorney

Mr. Testa moved, seconded by Chairman Brodinsky, to go into Executive Session pursuant to §1-200(6)(D) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending matter of Bryk v. Town of Wallingford as requested by the Town Attorney.

All eight (9 8) Councilors present voted Aye. Mr. Parisi was absent.

The motion passed. The Council entered Executive Session at 10:25 P.M.

Mr. Testa moved, seconded by Ms. Rascati, to exit Executive Session.

All eight (9 8) Councilors present voted Aye. Mr. Parisi was absent.

The motion passed. The Council exited Executive Session at 10:40 P.M.

Attendance at the Executive Session included:

Town Councilors (9 8), Mayor Dickinson, Assistant Town Attorney Gerald E. Farrell Sr., Terence Sullivan, Personnel Director, Kurt Treiber, Risk Manager and Attorney Mike Rose. Mr. Parisi was absent.

14. Motion to Consider and Approve the settlement of the pending litigation matter of Bryk v. Town of Wallingford as discussed in Executive Session
- Town Attorney

Mr. Testa made a motion to Approve the settlement of the pending litigation matter of Bryk v. Town of Wallingford as discussed in Executive Session. Mr. LeTourneau seconded.

All Councilors present (8) voted Aye. Mr. Parisi had left the meeting.

The motion passed.

Mr. Testa made a motion, seconded by Chairman Brodinsky, to Adjourn the meeting.

All Councilors present (8) voted Aye. Mr. Parisi had left the meeting.

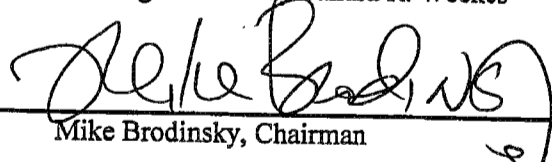
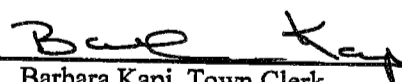
The motion passed.

The meeting adjourned at 10:44 P.M.

Respectfully submitted,



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

 Mike Brodinsky, Chairman	<u>7/31/08</u> Date
 Barbara Kapi, Town Clerk	<u>7/30/08</u> Date