

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

May 24, 2005

6:00 P.M.

MINUTES

The following is a record of the minutes made of the Wallingford Town Council at its regular meeting held on Tuesday, May 24, 2005 in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman James M. Vumbaco Called the Meeting to Order at 6:38 P.M. Responding present to the Roll Call given by Town Clerk Kathryn Zandri were Councilors Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Robert F. Parisi, Michael Spiteri, Vincent F. Testa, Jr., and James M. Vumbaco. Mayor William W. Dickinson, Jr., Adam Mantzaris, Corporation Counsel, and James Bowes, Comptroller, were also present.

There was a Moment of Silence and the Pledge of Allegiance was said.

Chairman Vumbaco: Ms. Papale is absent due to illness and Mr. DiNatale is absent due to business travel.

2. Correspondence – No correspondence.
 3. Consent Agenda
 - 3a. Consider and Approve Tax Refunds (#732-#764) totaling \$30,346.74 Account #001-1000-010-1170 – Tax Collector.
 - 3b. Set a Public Hearing date for June 14, 2005 at 7:00 P.M. for the 2005 Neighborhood Assistance Program – Program Planning
 - 3c. Consider and Approve use of the Parade Grounds for "Twilight Tunes" on Wednesday evenings from 7:00 PM to 9:00 PM on July 6, July 13, July 20, August 10, August 17, and August 24, 2005 - Parks & Recreation Department and Wallingford Center, Inc.
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- 3d.** Consider and Approve a Transfer in the Amount of \$1,620 to Technical Services – Soil and Water Acct. # 001-7011-901-9001 from various accounts – Inland Wetland & Watercourses Commission
- 3e.** Consider and Approve a Transfer in the Amount of \$2878 to Regular Salaries & Wages Acct. # 001-1110-101-1000 from Regular Wages-Finance Acct. # 001-1401-101-1000 – Chairman James M. Vumbaco
- 3f.** Consider and Approve a Transfer in the Amount of \$1,700 to Maintenance of Miscellaneous Water Source Plant Acct. # 431-8600-617 from Maintenance Treatment Equipment Acct. # 431-8640-652 – Water Division
- 3g.** Consider and Approve a Transfer in the Amount of \$3,775 to Office Expenses & Supplies Acct. # 001-1300-401-4000 from Regular Salaries & Wages-Finance Acct # 001-1401-101-1000- Mayor
- 3h.** Consider and Approve a Transfer in the Amount of \$1,300 to Office Expenses & Supplies Acct. # 001-7020-401-4000 from Wages & Salaries Acct. # 001-7020-101-1000 – Zoning Board of Appeals
- 3i.** Resolution Authorizing the Mayor to Sign and Accept Amended State of Connecticut Public Health Preparedness Grant for additional Funding in the Amount of \$7,476 for a Total Grant Amount of \$87,097 – Health Department
- 3j.** Appropriation of \$7,476 for Public Health Preparedness Grant – Health Department
- 3k.** Consider and Approve a Transfer in the Amount of \$3,898 to Office Expenses & Supplies Acct. # 6010-401-4000 from various accounts – Registrars
- 3l.** Consider and Approve a Transfer in the Amount of \$2,500 to Office Expenses & Supplies Acct. # 001-1600-401-4000 from Prof. Services – Employment Exam Acct. # 001-1600-901-9009 - Personnel
- 3m.** Consider and Approve a Transfer in the Amount of \$5,000 to Unemployment Compensation Acct. # 0011602-600-8290 from Life Insurance Acct. # 001-1602-800-8270 – Personnel

- 3n. Approve the Appointment of Michael Brodinsky to fulfill the remaining term of George Lane to January 8, 2009 to the Zoning Board of Appeals- Chairman James M. Vumbaco
- 3o. Consider and Approve an Appropriation of Funds in the Amount of \$19,000 Quinnipiac Linear Trail to Trail Enhancement Acct. # 302-1403-816-3052 and to Jr. Women's Club of Wallingford and Jaycees Donation Acct. # 302-1045-040-4051 – Engineering
- 3p. Appoint the Building Committee for the Vocational-Agricultural Expansion - Chairman James M. Vumbaco

Mr. Testa: I'd like to make a motion to accept the Consent Agenda Items 3a – 3p.

Mr. Knight: Second.

Chairman Vumbaco: We have a motion and a second on the Consent Agenda. All in favor? Opposed? So moved.

Mr. Brodinski was sworn in to the Zoning Board of Appeals by the Town Clerk.

- 4. Items Removed from the Consent Agenda – *None*.
- 5. PUBLIC QUESTION AND ANSWER PERIOD

Frank Renda: Mr. Chairman, Mayor, Town Council members and members of the audience, I'd like to thank you for giving me the opportunity to speak here tonight. As you know my wife, Bernadette, who is no stranger to this town suffered a severe stroke. I stand here tonight with only half my heart. The other half is with my wife, Bernadette, at the nursing home. I would like to thank the Wallingford Police Department, Fire Department and the paramedics and MidState and Yale New Haven Hospitals and the many, many friends and relatives for their get well cards and prayers for her recovery. I also want to thank Betty Lazar, Helen Bosco, Margaret Marcy, and especially Kathleen Kaminsky, co-workers of my wife Bernadette. There were the four pillars that kept me standing in my time of sadness and deep depression. My wife, Bernadette, is recovering as the days pass. She can see. She can hear. She responds well. She can move but is not able to talk yet. I have come to know that in good times and bad, we

always have our faith to turn to. He is always there for us when we need Him. He walks with me everyday to go on. It's very hard but I am not alone in these days of depression and sadness. With permission, Mr. Chairman, I'd like to have a moment of silent prayer for Bernadette's recovery. Once more, I would like to thank the Mayor and the Town Council and the members of the audience and the Town of Wallingford for the opportunity to speak here tonight. God bless you and God bless my wife, Bernadette.

Chairman Vumbaco: Thank you, Frank. Bernadette is in all of our minds. Is there anyone else who wishes to speak this evening?

Andrea Ethier, 21 Dibble Edge Road: I hope that you have all read my letters regarding the situation on Dibble Edge Road but I'm not going to speak specifically about the contents of that letter tonight. *(Ms. Ethier read a prepared statement regarding the town purchase of open space.)*

Phil Wright, Sr., 160 Cedar Street: Commented on the state of the elevators and that they need to be cleaned.

John Kyscenzo, 9 Sylvan Avenue asked about the abandoned vehicle Ordinance and at what point cars get removed and how long does it take to get to that point.

Adam Mantzaris responded that the ordinance provides action within thirty days and the officer gives a letter to the owner advising of that. Some apply for an extension which is usually granted. Normally within thirty days.

Mr. Krycenzo asked how many extensions are allowed and **Mr. Mantzaris** responded that the most ever given was two. **Mr. Kryscinzo** said that there are four or five vehicles with no plates that border his property but not on his property. He said the one has an antique plate that has expired. He said he has called the Police Department since January and is hearing that there is nothing that they can do, that even if they towed them, there is no where to put them. **Mr. Mantzaris** asked for the address of the property, which **Mr. Krycenzo** did not want to give out but offered his own address and phone number and some photographs of the site with the cars. **Mr. Mantzaris** and **Mr. Knight** conversed with respect to the location of the property and some of the history and **Mr. Mantzaris** said he

would telephone the owner the next day and issue a lien if necessary if the cars were not removed.

John Rooney, 62 Williams Road, reported another accident out in the area where they gave up the bond money to fix the road. He said the vehicle ran into the house next door to him. He is afraid

that a jogger, bicycler, walker, someone in a car is going to get hurt. He commented on a Town Manager form of government and asked the Council if they had given it any thought. **Chairman Vumbaco** responded that would be a charter revision issue and that there are no plans for a revision. Mr. Rooney then talked about the Planning and Zoning Commission and that they should be disbanded and just leave the Town Planner in charge, just leave the fox in charge of the chicken coop, and you won't have to worry anymore.

Cecile Peck, 37 Cheshire Road, said that he is retired from the Town's Electric Division and wanted to discuss the town pension. He gave some history of the town's 13 pension plans. He spoke about the pension plans in relation to union contracts and that pension should be taken out of the union contract that it should be a personnel thing. He said that volunteer firemen are in on it now and the police and firemen are in on it and get medical benefits. He asked when the rest of them get to come in on that scope.

Chairman Vumbaco suggested that he talk with Mr. Sullivan who oversees the pension fund as far as negotiated parts of the contract and pose his questions to Mr. Sullivan. Mr. Peck also asked when he could get his pension check deposited directly and when was the check that he gets going to have the correct bank logo on it. **Chairman Vumbaco** said that those were administrative decisions and not Town Council decisions.

Phil Wright, Sr., 160 Cedar Street, commented that he has received no increases in his retirement from American Cyanamide in 1984.

6. **7:00 PM Conduct a Public Hearing to consider and Act upon an Ordinance entitled:**

AN ORDINANCE APPROPRIATING \$945,000 FOR THE ACQUISITION OF APPROXIMATELY 17 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 155 CHESHIRE ROAD AND AUTHORIZING THE ISSUE OF \$945,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Mr. Testa: Conduct a Public Hearing to consider and Act upon an Ordinance entitled:

AN ORDINANCE APPROPRIATING \$945,000 FOR THE ACQUISITION OF APPROXIMATELY 17 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 155 CHESHIRE ROAD AND AUTHORIZING THE ISSUE OF \$945,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Chairman Vumbaco: I hereby convene the Public Hearing for the \$945,000 appropriation and bond authorization for the acquisition of property known as 155 Cheshire Road. The Ordinance, which is the subject of this Public Hearing, is available to the public and may be obtained at this meeting from the Town Clerk. Is there a motion and a second to read the Title and Section 1. of the following proposed ordinance in their entirety and to waive the reading of the remainder of the ordinance incorporating its full text into the minutes of this meeting.

Mr. Farrell: So Moved.

Mr. Knight: Second.

Chairman Vumbaco: We have a motion and a second. Will the Clerk please read the roll call.

ROLL CALL VOTE:

Ms. Doherty – yes; Mr. Farrell – yes;
Mr. Knight – yes; Mr. Parisi – yes;
Mr. Spiteri – yes; Mr. Testa – yes;
Mr. Vumbaco – yes.

(Ms. Papale and Mr. DiNatale were absent.)

Chairman Vumbaco: The motion passes.

Mr. Testa: AN ORDINANCE APPROPRIATING \$945,000 FOR THE ACQUISITION OF APPROXIMATELY 17 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 155 CHESHIRE ROAD AND AUTHORIZING THE ISSUE OF \$945,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

Section 1. The sum of \$945,000 is appropriated for the acquisition of approximately 17 acres of real property in the Town of Wallingford commonly known as 155 Cheshire Road as more particularly described in Volume 762 Page 43 of the Wallingford Land Records, for open space or other Town purposes as may be determined from time to time by the Town, and for engineering and consulting fees, appraisals, testing, commissions, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs, said appropriation to be in addition to all prior appropriations for said purpose and inclusive of any and all State and Federal grants-in-aid. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcel and to sign purchase contracts and documents necessary to transfer title to the Town of Wallingford, including contracts providing for the reservation of use rights, if any, by the present owner and to apply for and receive grant funding.

Mayor Dickinson: This was discussed at the last meeting. Just to refresh everyone, this is a map showing the properties. It's hard to show for everyone but it's same as we saw last week. Cuneo Properties here. Galko properties owned by the Town of Wallingford and this piece owned by the town and the Wallingford Land Trust owns this piece. There is another

map here which also shows the property. There are wetlands here within this boundary. There is a house and outbuildings right here. Otherwise this acreage along the road, this is Cheshire Road here, is developable. The appraisal indicated \$700,000 for the land and \$190,000 for the parcel with the buildings on it. Life use to the owner, Mrs. Cuneo. The property has been given very high value for acquisition by the Conservation Commission, and representatives are here if there are questions. It represents an area that protects a well-know state site, Fresh Meadows Swamp, which is the watershed of the Mill River. It is Class 1 watershed property. It's great habitat, involving meadows, a pond as well as old forest. I believe that was the terminology. Jeff (Borne), is that correct? Old field? Old Field, OK. A very valuable resource. The other areas that the town has purchased also protects this area, and I can remember conversations about this area in the late 1970s with the Land Trust and the desire to protect Fresh Meadows Swamp and for this to become so much of a reality is really incredible. With those comments, we certainly urge the purchase of the property.

Chairman Vumbaco: This is a Public Hearing. Are there any comments from the public.

Wes Lube, 15 Montowese Trail: I'm not here to speak against purchasing the property. I don't want to be misunderstood with the remarks I'm going to make. Could someone please explain what we are buying. What constitutes watershed land that represents an estimated 50% of the property?

Jeff Borne, Chairman, Conservation Commission: It's my understanding in this case that the Cuneo property is in the watershed area that's delineated by the South Central Regional Water Authority, and the water that drains across that property ultimately flows into their watershed, which I think eventually gets into the Wintergreen Reservoir.

Mr. Lube: Can an individual who owns watershed property do with it as they see fit?

Mr. Borne: Homeowners and property owners that happen to live in that watershed up to a point can do as they see fit. I'm sure there are some restrictions in terms of what they can discharge on their properties.

Mr. Lubee: Can they sell them as lots, for example?

Mr. Borne: Yes, they can but I'm not speaking as a lawyer. I'm speaking from what I know as a person from the public, and I have a feeling that you might know the answer to that question as well.

Mr. Lubee: Do you know what an institution like the town can do with watershed property?

Mayor Dickinson: The town is restricted according to state law and regulation to only be able to do what is permitted by the State Health Department on Class 1 or 2 watershed property. You need to get permit from the State Health Department to do anything of an improvement kind of nature on Class 1 or 2 kind of property.

Mr. Lubee: And we haven't had very much luck with that, have we?

Mayor Dickinson: We've had mixed success. We have received an approval regarding putting lights on the Woodhouse Fields, so we have a success there. We do have a permit there as well as clearance for work to be done at Sheehan and Parker Farms and Moran schools. Actually Parker Farms is the one that required a permit and we do have the permit there. So we have some success.

Mr. Lubee: But the watershed over on the eastern border where we were trying to develop some playing fields, we were stymied, were we not?

Mayor Dickinson: That's correct.

Mr. Lubee: So we have very limited use and even a private owner would have very limited use of this watershed.

Mayor Dickinson: The law doesn't require to private owners. It only applied to water companies and the Town of Wallingford is regarded as a water company because we have Wallingford Water Company so all land owned by the town is regarded as Water Company land.

Mr. Lubee: If I understand you comments correctly, if there were any privileges that were retained by a private owner, they're lost

once the town buys it. The Town is more restricted than the individual.

Mayor Dickinson: That's correct.

Mr. Lube: Thank you. So we have in this particular case an appraisal which estimated that at least 50% of the property was in fact watershed area which can be used for very, very few uses other than so called passive recreation, trails and so forth.

Mayor Dickinson: Mr. Lube, all of the property falls under it not just wetland area. 40% to 50% of the property is wetland. Wetland designation is in completely issue than health department permits for activity on Class 1 or 2 watershed property.

Mr. Lube: I think the appraisal said 50% wetlands, and we can't do anything with the wetlands.

Mayor Dickinson: You need a permit to perform any activities in a wetland. It's not that you cannot do construction work in a wetland, it's just that you need a permit authorizing you to disturb wetland soils and wetland habitat. It's a different set of rules.

Mr. Lube: It sounds as though it's just a matter of getting a permit but those permits are very hard to come by as we have experienced over on the east side.

Mayor Dickinson: The permits on the east side were with the State Health Department. Wetland permits are from our own Inland Wetland Commission. It's a different set of rules. It's a different body that oversees the habitat.

Mr. Lube: But once you say the watershed will also involve the state because it goes into the river, the brook.

Mayor Dickinson: All of the property is Class 1, I believe, watershed property, so all of the property is under the State Health Department jurisdiction.

Mr. Lube: OK. I don't want to banter this around any longer. I think it's obvious from the discussion that there is very limited use of this property relative to some other properties that we have

considered. In looking over the Booker appraisal – is the appraiser named Booker that did the first appraisal?

Mayor Dickinson: That's correct.

Mr. Lube: He used 8 comps, in his appraisal, 8 comparable properties. For the benefit of the people who are not familiar with appraising, you don't compare oranges to apples. You don't try to appraise a colonial and use raised ranches as examples. You compare colonials to colonials and ranches to ranches and capes to capes. Well, in doing this appraisal Mr. Booker used 8 appraisals. He was obviously groping. Normally three will suffice. He had one that was in – this property is all in a one-acre zone. One of the comps that Mr. Booker used was in a two-acre zone. One was in a three-acre zone. Three were in R-18, or half-acre zones. Of those five were resorted to because the three that were in an R-40 zone, and used as comps, were somewhat less than his objective, I guess. There was one property that sold for \$1,675,000 in the same zone. Another one for \$480,000 and a third for \$600,000 for a total of 72 acres. If you divide the price on the 72 acres, you find out that those three comps came to only \$37,800 per acre. And they were all usable properties. As a matter of fact, guess where one of them is? Right next door. The Galko property. The Galko property was purchased for \$33,500 per acre and it had over 2,000 feet of frontage. This property only has some 970 feet of frontage so you can see on the one hand you have far less frontage. You have half of it as being totally wetlands where you could never get a perk test done for housing, and at the same time - I brought up at the last Council meeting - that usually when we apply for state aid, which was mentioned, we have to have two appraisals and they - the man - said you only need one to buy. We need two to get the subsidy, the grant, and that was in the works. So I checked with Janis the following week and she said they hadn't yet come in and then at the beginning of last week, they came in but they there were four copies and three copies did not contain the maps. The original did but it wasn't available and the three copies had been sent back to have the maps inserted and no problem, we'd have them by Thursday or Friday so I came back and I was told that they couldn't release them. Barbara said you can't see them right now because Janis hasn't seen them yet and that wouldn't be right. She has to give us permission to release this information. So I said Ok. She said come back later and if you don't come

back, I'll call you tomorrow. And she did. She called me this morning. She said come on down and look at them. I went off to another chore up in Hartford and when I came back, I stopped at the Town Hall, and lo and behold, she said I made a mistake. You can't see them because we haven't signed the contracts yet. In other words, I can see one appraisal, the Booker appraisal, but I cannot see the 2nd one, and I can't see 2nd one until *after* a contract is signed. Now this brings two things to mind, one, perhaps the second appraisal is lower and we're really not buying the property for the average of the two appraisals. We're buying for the higher appraisal. Or it could

be that the second appraisal is higher, and we don't want to reveal to the seller that we are stealing the property. Either way I don't think that the Council should take upon its responsibility to agree to buy a property knowing that there is in existence a second appraisal that you haven't seen. Now maybe I making as assumption that's unfair. Has anybody on the Council seen that second appraisal?

Chairman Vumbaco: Not that I'm aware of.

Mr. Lube: Then I think we ought to be able to table this and do the job right. Now, I don't know what that second appraisal is either because I too have not seen it but as far as the first appraisal, there is some interesting information in it one of which is that there is 970 feet on Cheshire Road right across from the Farms Country Club. I talked to one of the builders who builds these super duper houses and asked him, which would be appropriate across from the Farms, and I asked him, what do you think they're worth? And he said probably \$125,000 wholesale, \$150,000 retail. If you take \$150,000 times six potential lots, and that's where the dry land is, or the driest land, the land most suitable for perk test, you're talking about salvaging the bulk of the purchase price so instead of having state aid, we'd have to have very little impact on the taxpayers of this town. I asked the chairman on the land trust whether those front lots were really an essential part of this package because to tie in the Galko property with the (*indecipherable word*) swamp property does not require these front lots that the real land would do, would suffice, to tie this whole package together. So you have a second reason for wanting to take a second look at this. The way the deal is not structured, you could not do that. It would have to be a separate contract to purchase the front lots and the separate

contract for the real lots and a third for the house and its lone acre. I hope that you'll try to give this some more thought and not just automatically approve it. Thank you.

Chairman Vumbaco: Thank you, Mr. Lube. Any other members of the public wish to speak?

Jeff Borne, Conservation Commission: In response to Mr. Lube's comments that the front half or the part of the property that is along the road the part that is all upland soils, I would hate to see the property not be acquired in its total for open space purposes. Whether it's going to be used for various aspects of recreation or whether it's going to be totally passive and provide habitat and the amenities that a lot of people in Wallingford have indicated they are interested in for just quality of life issues. Driving down a country road and seeing countryside is imperative that the upland portion along the road go along with the wetland portion in the back. But there are ample opportunities for all kinds of passive recreation but probably if you want to have a picnic and lay down a blanket in a field and eat you lunch, you probably don't want to do it where you feet and your blanket are going to get wet. You would do that on the upland portion of that property. That would be my point in terms of importance of the property as a whole.

Chairman Vumbaco: Thank you, Jeff. Any other members of the public?

Phil Wright, Sr., 160 Cedar Street: I think the Conservation Commission should take a year off, and when the Town Council has appointed an entity that would have the control and supervision of all town properties, then consider buying additional property.

Ken Ryan, 200 Cheshire Road: I want to commend the members of the Town Council, the Mayor, members of the Conservation Commission for their diligence in pursuing this highly valuable piece of property. It's been on everyone's radar screen for years, perhaps even decades. It's highly desirable from a developable point of view and in response to Mr. Lube's comments, we're probably not looking at six house lots. With cluster development today, you may be looking for a petition were it to fall into hands of a developer, so substantially more than just six individual houses. It compliments, as the Mayor said very nicely, the other pieces

of land and the greenway that has been created that starts with the golf course, the Galko property and land trust properties and additional town owned properties that already exist up in that area. I urge you to go ahead with it. I'd also urge you to appropriate the funds tonight and consider the bonding in that, if anything, I think, the climate is about as favorable as we're going to see it in the foreseeable future, long term rates being extremely low, the town's credit rating being extremely high. I think it's an extremely favorable time for the town to go out and bond money for purchase of open space. Thank you.

Chairman Vumbaco: Thank you. Any other members of the public wish to speak?

Guy Beach, 61 Cheshire Road: I made this point at a previous meeting, so these remarks are not addressed to the Council or the Mayor but to the general public. About a year or so ago, I talked with a member of the Planning and Zoning Department staff. We went over the maps and this person indicated that we could get six building lots into the Cuneo property easily and probably eight. Building lots have been going for approximately \$100,000 an acre in that region so I would say that the appraisal sounds very accurate to me. I would urge you to go ahead with this. I think it's a great acquisition and I commend the administration and the Council, the Mayor for doing something that will long be remembered. Thank you.

Chairman Vumbaco: Thank you, Mr. Beach.

John LeTourneau, 3 Regent Court: I am again in favor of the purchase of this property. I think it's interesting to note that the town has been presented with *Envision Wallingford*. It's the fifteen-year plan of the Plan of Conservation and Development and the report is available through the Planning and Zoning Office. In there it mentions numerous times about open space and how important it is to the town. I'm a big advocate of open space and that the town purchases as much as it can afford because this is something that we are not only doing for today but we are doing for the future of Wallingford. This Plan of Conservation and Development, the report, mentions this numerous times that this is the future of Wallingford. It's a quality of life issue not only for today but for the future. As land disappears to development, it will never come back so I think that Wallingford is on a good

course with their previous plans that you (the Council) have approved to purchase open space and I would like to see it continue. Thank you.

Chairman Vumbaco: Thank you, Mr. LeTourneau. Any other members of the public?

Mr. Lube: I appreciate it, Mr. Chairman, this is the second time at bat. Most of the comments tonight are in favor of buying the property and I would like to second that. I'm not opposed to buying the property. I'm merely opposed to overpaying for the property, if in fact, this is what we might be doing. The price so that you all understand what you are about to do. The price comes out for 16.7 acres to \$54,692 per acre. That's \$16,900 more than the price per acre on the three suitable comps. It's 45% more than was paid for the three suitable comps. It's 50% more per acre than you paid for the Galko piece. It's 100% more in terms of usable acreage. It's almost double because so much of it is wetland. Contrary to Mr. Beach's comments at the last Council meeting and this Council meeting, there ain't been any raw acres on the west side of town that have sold for \$100,000. Just no way, not even close.

Chairman Vumbaco: Any other members of the public wish to speak? This is a Public Hearing. I declare the Public Hearing closed. Is there a motion and a second that the ordinance entitled:

AN ORDINANCE APPROPRIATING \$945,000 FOR THE ACQUISITION OF APPROXIMATELY 17 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 155 CHESHIRE ROAD AND AUTHORIZING THE ISSUE OF \$945,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

be adopted?

Mr. Farrell: So moved.

Mr. Parisi: Second.

Chairman Vumbaco: The motion has been moved by Mr. Farrell and seconded by Mr. Parisi. Is there any discussion by the Council?

Mr. Testa: I just have one comment. Something for consideration by Mr. Bowes as well as the Council and the Mayor as we go forward and that would be the idea of potentially looking at alternative forms of financing other than issuing a bond so when we do things like this, such as lease purchases. I'm not an expert on that. I know Jim (Bowes) knows a little bit about it and I was approached by somebody in the finance industry. There are opportunities that could be favorable to the town over the long haul to save us some money so just something that I would like us to consider since we are talking about doing the bonding now. Maybe Jim (Bowes) can look into it a little it.

Chairman Vumbaco: Any other members of the Council? We talked about this at the last meeting to buy this, so now we are just funding it. I think this neatly ties up that area, and I think that I totally agree with the Mayor and Mr. Borne that now we have a full, complete piece there, which I think is beneficial to the west side of town. I, for one, do not believe we are overpaying for this property because there is value that's needed in just that issue alone that we can tighten up that whole area, and if it's with the plan. There have been times in the past when discussion has been (about) buying random pieces, or it doesn't fit with the overall plan that was put forth by the Conservation Commission but this one does, and this one makes all the sense in the world to purchase. I think that this Council is in favor of buying it, and I'm not going to speak with everybody, but I think we are in favor of bonding it this evening too. If there are no other comments from the Council on this, please call the roll for the vote.

ROLL CALL VOTE:

**Ms. Doherty – yes; Mr. Farrell – yes;
Mr. Knight – yes; Mr. Parisi – yes;
Mr. Spiteri – yes; Mr. Testa – yes;
Mr. Vumbaco – yes.
Ms. Papale and Mr. DiNatale were absent.**

Chairman Vumbaco: I declare the ordinance adopted. Thank you.
Item # 7.

7. Consider and Approve a Bid Waiver for Services & Materials provided by Tilcon Connecticut, Inc. – Public Works

Mr. Testa made a motion to Consider and Approve a Bid Waiver for Services & Materials provided by Tilcon Connecticut, Inc.
Mr. Knight seconded.

All ayes with the exception of Ms. Papale and Mr. DiNatale who were absent. The motion passed.

It was noted that this bid waiver for Tilcon Connecticut, Inc. applies to all departments.

8. Consider and Approve a Transfer in the Amount of \$5,000 to Maintenance of Buildings & Grounds Acct. # 001-5015-560-5100 from Contingency – General Purpose Acct. # 001-7060-800-3190 – Public Works

Mr. Testa made a motion to Consider and Approve a Transfer in the Amount of \$5,000 to Maintenance of Buildings & Grounds Acct. from Contingency – General Purpose Acct. as presented by Public Works. **Mr. Knight seconded.**

All ayes with the exception of Ms. Papale and Mr. DiNatale who were absent.

MOTION PASSED.

9. Consider and Approve a Transfer in the Amount of \$5,000 to Purchase Professional Services - Tree Contract Acct. # 001-5015-901-9023 from Contingency – General Purpose Acct. # 001-7060-800-3190 – Public Works

Mr. Testa made a motion to Consider and Approve a Transfer in the Amount of \$5,000 to Purchase Professional Services - Tree Contract Acct. from Contingency – General Purpose Acct as presented by Public Works. **Mr. Parisi seconded.**

All ayes with the exception of Ms. Papale and Mr. DiNatale who were absent. **The motion passed..**

10. Consider and Approve an Appropriation of Funds in the Amount of \$1,802,000 to Various Accounts from Retained Earnings
– Electric Division

Mr. Testa moved to Consider and Approve an Appropriation of Funds in the Amount of \$1,802,000 to Various Accounts from Retained Earnings as presented by the Electric Division. Mr. Knight seconded.

All eyes with the exception of Ms. Papale and Mr. DiNatale who were absent. The motion passed.

11. Consider and Approve an Appropriation of Funds in the Amount of \$25,000 to Outside contractor Acct. # 001-2005-101-1800 and to Charges for Current Service Acct. # 1065-606-6020 – Police Department

Mr. Testa moved to Consider and Approve an Appropriation of Funds in the Amount of \$25,000 to Outside contractor Acct. and to Charges for Current Service Acct. Presented by the Police Department. Mr. Knight seconded.

All eyes with the exception of Ms. Papale and Mr. DiNatale who were absent. The motion passed.

ADDENDUM –

Discussion and consideration of overriding Mayor Dickinson's veto of the 2005 - 2006 Budget Ordinance adopted by the Town Council on Monday, May 9, 2005 – Chairman James M. Vumbaco

Mr. Testa moved to Discuss and consider overriding Mayor Dickinson's veto of the 2005 - 2006 Budget Ordinance adopted by the Town Council on Monday, May 9, 2005 as presented by Chairman James M. Vumbaco. Mr. Spiteri seconded.

ROLL CALL VOTE:

**Ms. Doherty – no; Mr. Farrell – no;
Mr. Knight – no; Mr. Parisi – no;
Mr. Spiteri – yes; Mr. Testa – yes;
Mr. Vumbaco – yes.**

Ms. Papale and Mr. DiNatale were absent.

THE MOTION FAILED.

12. Executive Session pursuant to Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property – Mayor
13. Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending workers' compensation matter of John Mercier – Personnel
14. Executive Session pursuant to Section 1-200 (6) (B) regarding strategy and negotiations with respect to a claim filed by Lisa and Michael Bohannon – Law Department
15. Executive Session pursuant to Section 1-200 (6) (B) regarding strategy and negotiations with respect to the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford - Law Department

Mr. Testa made a motion to enter into Executive Session Pursuant to

- 12) Section 1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property and
- 13) Executive Session pursuant to Section 1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to the pending workers' compensation matter of John Mercier as requested by Personnel and
- 14) Executive Session pursuant to Section 1-200 (6) (B) regarding strategy and negotiations with respect to a claim filed by Lisa and Michael Bohannon as requested by the Law Department and
- 15) Executive Session pursuant to Section 1-200 (6) (B) regarding strategy and negotiations with respect to the pending tax appeal matters of Wallingford Energy, LLC v. Town of Wallingford, PPL Wallingford Energy, LLC v. Town of Wallingford and PPL Leasing Company, LLC v. Town of Wallingford as requested by the Law Department

Mr. Farrell seconded.

All ayes with the exception of Ms. Papale and Mr. DiNatale who were absent. The motion passed.

The Council entered into Executive Session at 8:30 P.M.

**Mr. Testa made a motion to exit from Executive Session.
Mr. Parisi seconded.**

All ayes with the exception of Ms. Papale and Mr. DiNatale who were absent. The motion passed.

The Council exited from Executive Session at 9:16 P.M.

Attendance at Executive Session # 12

Councilors Doherty, Farrell, Knight, Parisi, Spiteri, Testa & Vumbaco; Mayor Dickinson, Mr. Mantzaris; and Mr. Bowes.

Attendance at Executive Session # 13

Councilors Doherty, Farrell, Knight, Parisi, Spiteri, Testa & Vumbaco; Mayor Dickinson, Mr. Mantzaris; and Mr. Bowes; Collette Gladstone; Kurt Treiber.

Attendance at Executive Session # 14

Councilors Doherty, Farrell, Knight, Parisi, Spiteri, Testa & Vumbaco; Mayor Dickinson, Mr. Mantzaris; and Mr. Bowes;

Attendance at Executive Session # 15

Councilors Doherty, Farrell, Knight, Parisi, Spiteri, & Vumbaco; Mr. Testa departed at 8:56 P.M.
Mayor Dickinson, Mr. Mantzaris; and Mr. Bowes; Janis Small, Town Attorney, arrived at 9:00 P.M. to the end of this session at 9:15 P.M.

16. Motion to Consider and Approve a Settlement of the pending a Worker's Compensation claim of John Mercier as discussed in Executive Session – Personnel

Mr. Knight made a motion to Consider and Approve a Settlement of the pending a Worker's Compensation claim of John Mercier as discussed in Executive Session. Mr. Parisi seconded.

All ayes with the exception of Mr. Testa, Ms. Papale and Mr. DiNatale who were absent. The motion passed.

17. Motion to Consider and Approve a Settlement of the pending claim of Lisa and Michael Bohannon as discussed in Executive Session - Law Department

Mr. Knight made a motion to Consider and Approve a Settlement of the pending claim of Lisa and Michael Bohannon as discussed in Executive Session. Mr. Parisi seconded.

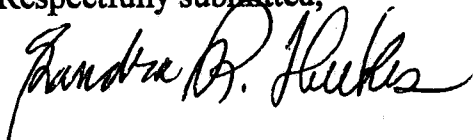
All ayes with the exception of Mr. Testa, Ms. Papale and Mr. DiNatale who were absent. The motion passed.

Mr. Farrell made a motion to adjourn. Mr. Knight seconded.

All ayes with the exception of Ms. Papale and Mr. DiNatale who were absent. The motion passed.

There being no further business to consider, the meeting adjourned at 9:17 P.M.

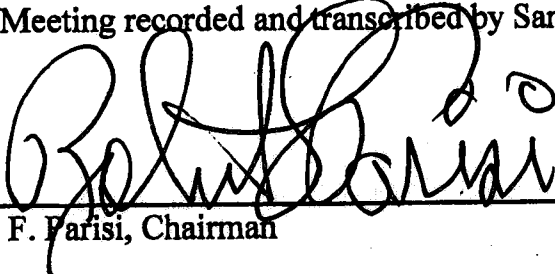
Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

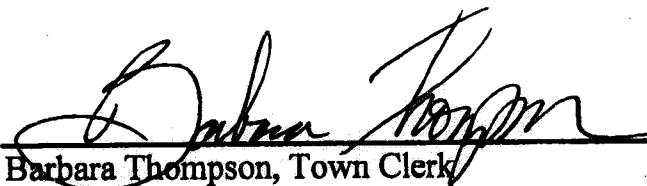
RECEIVED FOR RECORD 8/9/06
AT 11 H 55 M A M AND RECORDED BY
Barbara Thompson TOWN CLERK

Meeting recorded and transcribed by Sandra R. Weekes



Robert F. Parisi, Chairman

9-26-06
Date



Barbara Thompson, Town Clerk

9-26-06
Date

AN ORDINANCE APPROPRIATING \$945,000 FOR THE ACQUISITION OF APPROXIMATELY 17 ACRES OF REAL PROPERTY KNOWN AS AND IN THE AREA OF 155 CHESHIRE ROAD AND AUTHORIZING THE ISSUE OF \$945,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$945,000 is appropriated for the acquisition of approximately 17 acres of real property in the Town of Wallingford commonly known as 155 Cheshire Road, as more particularly described in Volume 762 Page 43 of the Wallingford Land Records, for open space or other Town purposes as may be determined from time to time by the Town, and for engineering and consulting fees, appraisals, testing, commissions, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs, said appropriation to be in addition to all prior appropriations for said purpose and inclusive of any and all State and Federal grants-in-aid. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcel and to sign purchase contracts and documents necessary to transfer title to the Town of Wallingford, including contracts providing for the reservation of use rights, if any, by the present owner and to apply for and receive grant funding.

Section 2. To meet said appropriation \$945,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds may be issued in one or more series as determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and the amount of bonds of each series to be issued shall be fixed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the Town and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town

Treasurer, or any two of them, and be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of the purchase agreement shall be subject to approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha Cullina LLP, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.