

TOWN OF WALLINGFORD, CONNECTICUT
REGULAR TOWN COUNCIL MEETING
Town Council Chambers

October 13, 2009

The following minutes are a record of the Regular Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, October 13, 2009. The Meeting was Called to Order at 6:40 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Vincenzo M. DiNatale, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Robert F. Parisi, Rosemary Rascati, Michael Spiteri and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr., and Comptroller James Bowes were also present. Town Attorney Janis Small arrived at 7:10 P.M.

The meeting began with a Moment of Silence, the Pledge of Allegiance and the Roll Call.

2. Chairman's Report

Chairman Brodinsky announced that Item 12 has been withdrawn and that the report will be ready for a future meeting.

3. Consent Agenda

- 3a.** Consider and Approve Tax Refunds (#265 - #342) totaling \$23,718.29
Acct. # 001-1000-010-1170 - Tax Collector
- 3b.** Confirmation of an Appointment of William Pello to the Pension Commission to fill a vacancy due for a term to expire December 31, 2012 - Mayor
- 3c.** Acceptance and Appropriation in the Amount of \$56,190 to State Grant Revenues and to Program Expenditures [Formation of Adult Medical Entrepreneur (FAME)]
– Board of Education
- 3d.** Consider and Approve an appropriation in the amount of \$20,000 to Station Equipment-Distribution Maintenance Acct # 592 from Retained Earnings
– Electric Division
- 3e.** Consider and Approve Resolution for continuation grant from the State of Connecticut, Department of Education, for a Youth Service Bureau Grant in the amount of \$60,000
– Youth and Social Services
- 3f.** Consider and Approve Resolution authorizing the Mayor to enter into a Contract with the State of Connecticut, Department of Environmental Protection, for the Trail Improvement Program in the Tyler Mill Conservation and Recreation area and to execute any amendments, rescissions and revisions thereto
– Grants Administrator, Don Roe
- 3g.** Consider and Approve an Appropriation in the Amount of \$48,000 Tyler Mill Improvement Program to Grant Revenue Acct # 215-1040-070-7025 and to Expenditures Acct # 215-1302-605-6025 – Grants Administrator, Don Roe

- 3h. Consider and Approve a Transfer in the amount of \$12,000 to the Tyler Mill Trail Improvement Program Acct # 215-1302-605-6025 and from various accounts (3)
– Grants Administrator, Don Roe
- 3i. Approve Minutes of Regular Town Council Meeting of September 22, 2009

Chairman Brodinsky announced that Councilor Rascati will be abstaining on Item 3i. as she was not in attendance at the entire meeting on September 22, 2009.

MOTION

Mr. Testa made a motion to approve Consent Agenda Items 3a. - 3i. The motion was seconded by Mr. Farrell. All Councilors present (9) by voice voted Aye with the exception of Item 3i. for which Ms. Rascati abstained from the vote. The motion passed

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION & ANSWER

Geno Zandri, 9 Balsam Ridge Circle, asked if there was a closing on property at North Farms Road for the Fire House. The Mayor responded “no” to the question. Mr. Zandri made a presentation with handout to the Council on another piece of property located at 6 Fairfield Blvd on which he has done research and thinks would be an ideal spot for the Fire Department. He said that it is across the street from the recreation department. He said that it is 3.78 acres, is flat with no structures or trees. It is ready for construction and is willing to sell it to the town for half the cost of what the Council is willing to pay for the North Farms parcel. He asked the Town Council to reconsider the vote that was taken at the last meeting.

Ben Martin, Ward Street, talked about a new law (Senate bill 735; PA09-154) of last year that states that all roadway users -bicycles, pedestrians and any other users than automobiles – should be considered in road planning and as of October 1 that 1% of the cost any road project should be spent on ‘other users’ other than automobiles. He asked if the town had any plan for implementing the law. Mayor Dickinson said he believes that (the new law) would refer to new construction of roads, not repair of existing roads. Mr. Martin said that he has the text, and he read, “...new or expansions or repair of any highways within the municipality.” Mayor Dickinson said that he would have to know a lot more about it and that the town will certainly obey any law and asked Mr. Martin for a copy to see. He said that if that’s the law, then that would be part of the highway plan.

Robert Gross, 114 Long Hill Road, asked about the use of sodium chloride in relation to the watershed area in town near Garden Road, and if there were any alternatives being considered to keep that type of pollution down. Mayor Dickinson said that we are always open to alternatives and have gone to a system that seems to work well for clearing the highways. We are using far less salt than what the state uses and that because of the amount of salt the state uses, the state roads are cleared more quickly than town roads. He said the town is well within the perimeters on the legal side of it, and the town is open to anything if there are reasonable alternatives that are affordable and efficient to use. Mr. Gross said he assumes that the EPA will set some standards on it. He asked if Public Works is looking at any alternatives as other communities are starting to do. Mayor Dickinson said that they evaluate as the town becomes aware of other alternative. Henry McCully, Director of Public Works, said that the most recent alternative is the product now being used. He said this will be

the third year that the town will be using the straight, treated salt application, which is approved by DEP in conjunction with our storm water systems. He said that it is an improvement over the mixture sand and salt, and if there is anything else to look at, they will look at it. He said that people need to drive on safe roads in the winter. He added that it seems to be a no win in the Northeast.

John Benham, 861 North Farms Road, asked about the owner putting in a deed restriction on the North Farms property. Chairman Brodinsky said that several options are being investigated by the Town Attorney. Mr. Benham suggested a particular configuration for placement of a fire house on the property, which would allow the Vo-Ag program use the remainder of the property. Chairman Brodinsky said that when a decision is made to site a building on that property Mr. Benham's suggestion would be relevant and could be considered at that time.

Mr. Benham commented on the search for property for the fire house and asked why this hasn't been done by a committee that is qualified. Mayor Dickinson said that the Fire Chief is best suited to know exactly what the Fire Department would need in the way of location and size. He said that the purchase of land is not done by groups because it is information that is not shared publicly for the reason of price.

Mr. Benham suggested a group who could be told to "keep it under the cuff." Mayor Dickinson said that under the Freedom of Information Act, issues regarding appraisals and the purchase of property are legitimately kept outside of public discussion until a contract is arrived at, and there is a decision to purchase or not. He said that what Mr. Benham is mentioning might be the case with building committees that deal with the construction process. He said that the identification of a piece of property is not done by committees but rather a department or other well-suited town staff who identify the needs of a project. He said that if the Mayor and the Town Council agree, then they proceed with the project.

Mr. Benham questioned the town using a real estate agent. Mayor Dickinson said using a real estate agent is a difficult issue concerning commissions that the town must pay and that becomes a question of who should be paid a commission, how do we hire them, and if it is decided, then it is put out to bid. He said that sometimes property owners approach the town.

Chairman Brodinsky ended Public Question and answer.

Mr. Parisi raised a Point of Information. Referring to an issue that Geno Zandri has raised over the last many months, Mr. Parisi announced that the intersection of Rt. 5 and Toelles Road has gone out to bid by the State of Connecticut on October 2nd.

6. *Brief reports from the Mayor and administration on:*

A. *Status of the police station study:*

Mayor Dickinson said that the Police Chief told him that the study should be to the Council within a short time although the Chief did not have a date.

B. *The capability to make direct deposits of paychecks and the policy decision to implement direct deposit in 2010:*

Mayor Dickinson said that software and hardware are in the process of being purchased, and that the system will be up and running by June of 2010. He remarked that amendments to various union contracts will be required to implement anything.

C. *The pension investment policy: Where do we stand, and where are we headed?*

James Bowes, Comptroller, said that over the last months he has developed a skeleton

Pension Investment Policy and that in working with their consultant, some “meat” has been added to that skeleton. He said that he was going to mail it last week to the Pension Commission to seek input when he learned that there was going to be a new commissioner, so he held off on mailing it to the Commission. He said that now that the council has approved a new pension commissioner that it will go out tomorrow. He commented that when they can get Pension Commissioners available, they will probably have a special meeting to discuss this unless they can squeeze time into one of the quarterly meetings. He said that they would have to play that by ear. He thinks things will move more rapidly in the next couple of months and that a copy of the draft will be going to the Pension Commission tomorrow. Chairman Brodinsky asked if the Council could be copied electronically. Mr. Bowes said, “Sure.”

D. *Status of Reskin Drive repairs:*

Mayor Dickinson said that they have wing walls to pour and some other work. He said that it is expected that it will be another month in construction, and the bridge should be completed.

E. *Asphalt curbing repairs:*

Mayor Dickinson said that there are some 480 sites and that 25% of that total remains to be fixed. Chairman Brodinsky said he realizes that this is probably not top priority but it seems as though the damage is done in the winter or early spring, and people enjoy the outdoors in the spring and summer when they want their yards to look nice. He said it seems that when the weather gets cold, wet and snowy that is when lots of them get repaired. He asked if there was any chance of getting the curbing repairs when folks are using their yards. He said he realizes that this is low priority and that staffing is a problem in this type of thing. Mr. McCully said that this year has been unusual in its wetness and that broken curbs require a 5-man crew. The broken curb has to be excavated and hauled out, so room can be made for the machine to replace the broken curb. He said that once the curb is installed and it hardens, they go back and loam and seed. He said it's not a high priority, and they didn't start until the second week of May. He said normally most of the curbing is complete by the end of June. He talked about their repair experience this year with all of the rain.

- Chairman Mike Brodinsky

With regard to direct deposit and for clarification, Mr. Economopoulos asked the Mayor if he thought the unions do not want direct deposit. Mayor Dickinson said that the issue will be a bi-weekly pay and the question is whether there will be agreement with that. He said that right now it is weekly with 3 or 4 different pay weeks plus a weekly paycheck and that this adds another complication to the whole picture for the Finance Department because they will be involved with the lending institution that a person chooses. He said there are issues over how frequently you can change your lending institution because all of those changes have to go through the Finance Department. He said that there are adjustments that will have to be made but certainly we want to go to a bi-weekly paycheck and not issuing the pay weekly. He said that even with direct deposit, they will still have to issue pay stubs, so that we are adding additional components to the Finance Department.

Mayor Dickinson confirmed for Mr. Economopoulos that a union can refuse to change to bi-weekly pay. He said it will be difficult to implement unless everyone is onboard. He said that you look for efficiencies to balance out the additional components. He said that in every bargaining unit, some will want it and some won't. Mr. Economopoulos asked if the Mayor could send a questionnaire to the unions asking about direct deposit. Mayor Dickinson said that he would be speaking with Terry Sullivan, Personnel Department, and that once they have a firmer idea of exactly when this would be possible, they would get out a communication and will keep the Council posted.

Chairman Brodinsky re-stated for clarification that we would have the technical ability to do direct deposit, regardless of the pay week. Mayor Dickinson said that Finance says that we will have software that will handle the needs in order to implement them.

Robert Gross, 114 Long Hill Road, said that he was confused. He said that you can do the direct deposit weekly but you don't want to do the direct deposit weekly. He asked if that was what the Mayor was saying. Chairman Brodinsky said that was correct. Mr. Gross asked about the pension and wanted to know how long the town has had a consultant. Mr. Bowes said approximately one year. Mr. Gross asked if in this year if there have been any meetings with the Pension Board about any investment philosophy. Mr. Bowes said that he has had discussions with him, and the commission has charged Mr. Bowes with getting them a document from which to work. He said that there are other things that the consultant is working on. There have been no meetings with the board to his knowledge.

Mr. Martin said that with respect to direct deposit and the issuance of pay stubs that his direct deposit is issued electronically, and it is not something that has to be printed out. He said that he imagines it would be in the software. Next, he asked if sidewalks were installed on the bridge (Reskin). Mayor Dickinson said that sidewalks were installed.

Town Attorney, Janis Small, arrived at the meeting.

7. Bid Waiver Request for Amtrak Force Account in the amount of \$9,603 – Director of Public Works

MOTION

Mr. Testa made a motion to approve a request for a bid waiver for Amtrak Force Account in the amount of \$9,603 as asked for by the Director of Public Works. Mr. Parisi seconded.

*In attendance:
Henry McCully, Director of Public Works*

Mr. McCully said that when this project went out to bid several months ago, they provided each contractor with an Amtrak contact and that the contractor was going to be responsible for any fees, like flagmen, for this project. Mr. McCully said that he was aware of this because it had to be re-bid. The contractor is responsible for training of the men, when the work is on the trackside at \$700/day. He said that \$640 of insurance to Amtrak and \$500 for signalmen. He said that these costs were anticipated in the bid, and last week the low-bid contractor produced an invoice sent for Mr. McCully from Amtrak for engineers, bucket trucks, etc. He said that Amtrak owns from pole to pole on the trackside and that none of this was ever made available to him, or to the contractors, at the time this went to bid, or it would have been a cost on the bid. He said that the bidder is doing a wonderful job and his price of \$49,000 is less than half of the next lowest bidder. He said that they are doing a quality job and he doesn't see where we can pass this along to the contractor.

All Councilors (9) by voice voted Aye. The motion passed.

8. Discussion of and possible action on whether to refer to the Ordinance Committee an ordinance regarding vicious pets - Councilor Vincent Testa

Mr. Testa introduced the item stating it should refer to dogs. He said that he was approached by a constituent whose dog was attacked by another dog quite viciously. He said the dog owner asked him if the town had any specific ordinances relating to the control of vicious dogs. Mr. Testa said own

research revealed an ordinance passed of the Town of Shelton, which he read. He spoke with the Animal Control Officer about how this incident was handled. He said that he shared the feeling that there is only so much that the Animal Control Officer can do. He said that they had a discussion about whether there is anything else that could be provided to assist her in this type of situation, and she said that she felt that the State of Connecticut statute gives her all the authority that she needs to deal with dogs, including a roaming dog, the attacking of another dog or people, being a nuisance, etc. Mr. Testa said that the animal Control Officer unable to attend this meeting. *(The City of Shelton ordinance and the state statute pertaining to this item are part of the record of this meeting.)*

Mr. Testa said that he asked for this agenda item so that he could question her on her opinion but that perhaps her hands are tied by the statute. But maybe in her mind, she might be thinking that if she had more authority, she could do this or that to make it easier to deal with these situations. Mr. Testa said that the Animal Control Officer didn't think that was the case and sent a brief memo with attachments of the City of Shelton ordinance along with state statutes. He read the memo that said she had read the City of Shelton ordinance and the applicable state statutes relating to dogs, and it appears to her that the City of Shelton's ordinance does not grant greater authority to the Animal Control Officer than what currently exists under state statutes.

Attorney Small said that she read the ordinance and the statutes and that there are several towns that have a similar or verbatim ordinance. She doesn't see at this time the difference of what the officer already has under state law. She said that a nuisance is an infraction. She can't figure out what the ordinance is adding to what the state statute already provides. She said that she will look at this again. They talked about situations regarding whether the dog has left his owner's property and as opposed to when the dog is on his owner's property.

Mr. Testa said that there was also an issue on his own street and that because of the situation, the owner was fined. When discussing viciousness, the ordinance does not dwell on where it is happening, so he said the door is open for the Animal Control Officer, regarding viciousness He said that he thinks that the Animal Control should address this particular situation with a little more authority. Attorney Small said that it is an interesting situation when you have two renters involved in an incident with one vicious dog and the other renter with a dog that is not vicious. She said that the statute covers it once the attack is made.

Mr. Testa said that he would like the Ordinance Committee to discuss this issue in more detail but that he wanted the initial discussion to be in public. Chairman Brodinsky related an incident in his neighborhood regarding a big dog that broke free one day to chase another dog.

Ben Martin, Ward Street asked if the statutes only addressed the pet or did it also involve the owner. He said that in his experience most problem pets can be rehabilitated. He said that the problem in his opinion lies with the people who care for them. Attorney Small said that there are fines, quarantine, restraining orders.

Richard Bright, 4 Ridgewood Road, related a story involving his 8-year old yellow lab while he and his family were walking the dog that his dog was attacked by another dog. He had his small children, ages were 2 and 4, with him at the time. He said that his dog required 3 surgeries, 26 staples and 9 visits to the veterinarian. The bill amounted to over \$800. He submitted photographs of the dog and read a prepared statement. *(Both of these records are included in the record of the meeting.)* He related his experience to the police and to Animal Control and that he could not get a report on any violent behavior of this attacking dog. He expressed his grave concern for the safety for his own children as well as three other children due to their proximity in the area at the time of this attack. He said that

since the authorities are aware of this dangerous situation, if serious injury were to occur to a child, the town would be liable. He and his family no longer walk their dog near their home out of fear for their safety. He feels that the town needs ordinances to protect dogs as well as citizens. He suggested banning problem breeds, requiring owners of violent breeds to erect fences, requiring muzzles, requiring euthanizing violent animals. He said that other communities have taken these steps to protect their citizens, and he urges the Council to take these steps.

Craig Fishbein, Grieb Road, acknowledged his empathy for Mr. Bright. He said that he is very concerned with this situation and the allegations that have been made. He said that at some point we can legislate ourselves into oblivion. He thinks that the state statute is appropriate and that the Animal Control Officer agrees that the statute is appropriate. He said that the ordinance committee can analyze it but he doesn't want to see every part of our lives micromanaged.

Chairman Brodinsky said that the Ordinance Committee is generally informal, and anyone who has something to contribute, can contribute on an equal basis. This committee may or may not take action.

Sue Adams, Grand Street, said that she rents the third floor in a building where her dog was attacked by a pit bull dog. She said that she is very thankful that her two children did not see this vicious attack. Her dog required 3 surgeries. She said that the vet services amounted to \$3,000. Her neighbor is and has stepped up to the plate and has made some payments towards the bill. She said that she has read the statute, which does not cover her situation. She received no help from the police who told her that her type of case was referred to Animal Control. She said that Animal Control came to the Police Station when she heard of the situation. Since both dogs live on the same property, Animal Control said that there is nothing that they can do. Ms. Adams said she doesn't think it is necessary for anything above and beyond the statute but she thinks the town should have something in place that would have the Animal Control Officer handle situations like hers in a certain way. She said that no sanctions were applied and that her neighbor's dog is living the same way it always has. She said that she is now afraid for her children's safety. She has seen her neighbor's dog on a leash only one time meaning that she always has to check before she takes her dog outside.

Chairman Brodinsky said that the Ordinance Committee looks at enforcement issues.

Mr. Spiteri said that he is concerned about police response. Ms. Adams said that she was able to get her dog from the attacking dog and get her to the hospital. She understands that the police did come, and she understood that the police would contact her. Instead, she said that she went to the police station. Mr. Spiteri talked about his own situation with Ms. Adams.

Chairman Brodinsky said that this will be referred to the Ordinance Committee along with the Animal Control Officer, the Police Department and those who have had experiences in order to make some progress on this issue.

Eric Allen, 46 South Cherry, friend of Ms. Adams, asked about the dog owner's homeowner's insurance policy.

By consensus, the item was referred to the Ordinance Committee. Mr. Bright and Ms. Adams will be invited to attend the meeting.

9. A brief report from the Town Clerk on the form of the ballot for the November 3, 2009 election - Chairman Mike Brodinsky

*In attendance
Town Clerk, Barbara Kapi*

Ms. Kapi explained the setup of the two-sided ballot with candidates on one side of the ballot and the seven questions dealing with the revision of the Charter on the other side of the ballot, her agreement with the printer, the additional cost for printing a two-sided ballot. She explained the absentee ballot process. In answer to Mr. LeTourneau's question, she said that ballots, when completed, can be inserted into the scanner, even if they are upside down. Ms. Rascati complimented Ms. Kapi on the good job that she is doing. Mr. Testa said that the total increase in cost for the two-sided ballot is \$1,440. Ms. Kapi said the explanatory text for the revisions of the Charter is in the Town Clerk's Office as well as in the Tax Office and the Office of the Town Council.

10. Discussion and possible action on whether or not the Council should make a "counteroffer" to Choate's offer contained in Herbert Kohler's letter dated July 10, 2009 - Chairman Mike Brodinsky

Mr. DiNatale left the Town Council table at this time to sit in the public section of the Council Chambers as he has recused himself from this matter.

Chairman Brodinsky acknowledged the large amount of discussion on this subject. He reviewed the history of Choate's proposed plan to develop a state-of-the-art Environmental Study Center. He said this is a great project for Choate, and when it is done, Choate will be very proud in that it will serve the students, faculty and alumni well. He said that he is and always has been in favor of what Choate is trying to do and that he stated this in his letter to Choate and in conversations that he has had with them.

He has conveyed to Choate that he does not believe Choate needs Old Durham Road to do the project. It is in his view, and in the view of most, if not all, of the Councilors that whether or not we vote to close a portion of Old Durham Road that Choate will go forward with the project and build this great Environmental Study Center. He said that the issue in front of the Council is under what circumstances and conditions do we vote to close the road. He said that Choate presented its plan for the Environmental Study Center and that the Council devoted a lot of the time of that meeting to Choate's plans. He said that one of the featured benefits that would inure to Wallingford residents, based on Choate's presentation, would be the learning opportunities for Wallingford public school students.

Chairman Brodinsky said that at the beginning of August, he sent a letter to Choate in which he said that the lure of the educational opportunities was vague, which was a way of saying 'let's tighten it up,' and 'let's see what there is that we can rely on.' He said his letter stated that it was based on the information from the presentation and the information that they had at that time, which was an unknown experience for Wallingford school children and an unknown educational experience for an unknown number of students for an unknown period of time. He said that was a concern. In his opinion, he said that at the August 11, 2009 Town Council meeting, the promise of a great, educational, opportunity for Wallingford public school students was taken off the table. He said that some folks didn't know because it wasn't reported in the press. It went under the radar. He said the educational component that the Council learned about in June disappeared. At the August meeting he asked about the educational opportunities and asked about making these opportunities binding, permanent, significant and specific and that he was told 'no' at that meeting and that this was a 'financial arrangement' and that this was

not a deal where there would be future promises about what would happen in the educational realm. He said that he was told to not rely on what Choate may or may not do with respect to educational opportunities. He said this was about money, the boat house property and about other things but it was not about that. He said that in his review of the minutes that Mr. Farrell raised the same issue and that he was told the educational opportunities would have to be a matter of faith and belief and not a matter of contract. He said that Mr. LeTourneau had the same concern and asked that it be put forth in writing setting out what Choate was promising, so that the town could evaluate it. Chairman Brodinsky said that as far as he knows Mr. LeTourneau never got what he was looking for and never got a promise that anything more would be forthcoming to the Council before it would be brought to a vote, if it did come to a vote.

Some of the terms that were suggested were a Letter of Intent and a Memorandum of Understanding, which would set out what this educational component would be, but in his view, based on these statements, this is not going to develop. He said that this position by Choate was reinforced in private conversations, and this decision that we have in front of us of whether or not to close the road has to be driven by other considerations, not the educational component, which he said, in his opinion was taken off the table in August. He said that so far we have seen mention of possible cash, the transfer of the boathouse property and a covenant to keep acreage open forever as open space.

Chairman Brodinsky reported that in September small groups of Town Councilors met with Choate to allow them to give the Headmaster and a Trustee his/her frank view as to what it might take to earn the five (5) Council votes needed to close the road. More recently, he reported, Mr. Testa met with the Headmaster; and yesterday the Republican Caucus met with Choate. After all of those meetings, he was, and would be, and am hopeful that Choate is in a position to re-craft its offer to the town and present it to the Town Council for consideration. He said that Choate said 'no,' that the Town Council must make a counteroffer. Chairman Brodinsky said that he has not been in favor of that approach and that others here may disagree with him, and that is not unreasonable. but he just doesn't agree with it. He said that in late September his colleagues on the right side of the aisle thought that if they met, caucused and studied this that they might be able to come together on a single position, all four on a single position, and then add a fifth vote and that would do it. He said that in anticipation of that, a meeting was scheduled for October 1, but more time was needed for this complicated issue, and so it is on the agenda for tonight.

Referring to the agenda, Chairman Brodinsky said that the first thing to be addressed will be whether a counteroffer should be made, and if there is a decision to make a counteroffer, then whoever proposes that, or advocates that, should have an idea of what that counteroffer should be.

Chairman Brodinsky said that everything that happens tonight is subject to a Public Hearing, which under the statutes is a requirement before the road is closed. He said that after the Public Hearing, whenever it may be, if there is a Public Hearing, there will be another vote, and it is that vote that is the binding vote. This vote is subject to whatever happens in the Public Hearing, and the public has every right to change the mind of any Councilor at that Public Hearing.

Chairman Brodinsky asked the Council what they wanted to do.

Ms. Rascati said that she feels that the Council should make a counteroffer at this point to Choate and let them know what we would like to receive and let it go forward from there.

Mr. Testa said that the factor that makes this such a complicated issue, and at times a seemingly out

of control issue, is the fact that we need to do everything in public. He said it is very difficult to negotiate in public and that in Executive Session Councilors can gauge where other Councilors are in the process and where they want to go. In Executive Session one get an idea what the sale price is, and then the Council authorizes their agent, usually the Town Attorney, to do the negotiation with the seller. We are in a place where someone wants, in effect, to buy something from us, and once there is a determination that there needs to be compensation for closing a road, then the town is in the selling mode. He said that he thinks that it is very difficult and counterproductive to negotiate publicly. He liked the Chairman's idea of meeting with Choate, and he liked the way it was setup of meeting in bipartisan pairs with Choate. There were very frank and open discussions, and based on those discussions, in his opinion, it was very clear what it would take to have a deal. He said that Choate spoke with all nine Councilors, and Choate can draw a conclusion of what it would take to get five of nine Councilors to agree to a deal with us. He said based on those meetings that Choate can make another offer to the Council, which can then be debated in public.

Mr. Testa said that it does not make sense to him to make a counteroffer. He asked, "What are we going to do? Are we going to sit here and negotiate amongst ourselves?" He said, "What is the point?" He remarked that the negotiating that they did do gave them a position to work from to know what it is going to take. He said that speaking for himself he thought that we were in a situation where it looked like it wasn't going to fly no matter what, but, in his opinion, it could on a bipartisan basis. Mr. Testa said that he shared with Choate what he thought it would take for that to happen. Since the beginning, he said that he is not inclined to state what it would take publicly to get his vote. He does not think this is productive. It opens the door for complications down the road. In his opinion, he said that there is no secret of what it would take for this to happen. It would require Choate to make another offer to the town of the sort that would garner the five votes it would take.

Mr. LeTourneau said that the Council needs to clean up the offer that is on the table from Choate Now, which is the offer given by Mr. Kohler in his letter. He said we should take a vote on this before going further, including whether we are looking for another offer from Choate, or whether any of the Councilors want to make a counteroffer.

MOTION

Mr. LeTourneau made a motion for the Council make a 'yes' or 'no' vote on the Herbert Kohler/Choate offer of July 10, 2009, with a 'yes' vote to accept the offer, and a 'no' vote to reject the offer. Mr. Testa seconded.

Clarifications on the motion were made that this motion is not about a counteroffer. Chairman Brodinsky said that the Kohler/Choate offer letter has no reference to an educational component, that Choate would pay the town \$260,000 or transfer the boathouse property on Washington Avenue, and that Choate would impose on some of the acreage a covenant to keep it open space in perpetuity or forever. He asked if this is how everyone understands the offer in the letter? The Council raised no objections, comments or questions to Chairman Brodinsky's inquiry to them with respect to their understanding of the summary of the Kohler/Choate letter-offer of July 19, 2009.

Craig Fishbein, Grieb Road, referred to his reading of the agenda, regarding whether or not there is going to be a counteroffer to Choate, and that procedurally, this vote is out of order based on the agenda.

Chairman Brodinsky said that the agenda talks about whether or not there should be a counteroffer, and if so, what it should be. He said that he is going to entertain the motion, and it seems like no one on the Council is raising a point of order, so they want to take care of this piece of business. He said he addressed the Public Hearing process earlier in the meeting, and he explained it again.

In addressing the merits, Mr. Fishbein said that the plan was presented the last time we were here, that in his opinion, we didn't really see a plan. He said that we didn't hear whether the Environmental Center was going to be on the east side or west side of East Main Street. He said he asked about that. He said that we didn't hear about the educational component. He said that the only reason that he thought that this was a good deal was the educational component for the town's public school children, which was touted from the very beginning. He made comments about the boathouse property and that it might be nice for the senior center but that it's a pain for Choate and something that they would like to get rid of. He said that it is not necessary to close this road.

James Loughlin, Loughlin Fitzgerald, Counsel for Choate Rosemary Hall, said that if you look at Item 11 on the Council agenda that it says, "Discussion and possible action on how to respond to Choate's offer..." and he suggests that what the Council is doing now perhaps may not fall in on Item 10 but rather it falls in on Item 11 regarding how to respond to Choate's offer. He said that everyone has different recollections of what happens in these various meetings over the past few months. He talked about environmental initiative and said this whole process is very formative at this point. It is so early in the stages that Choate does not know how to commit because it is so formative.

Chairman Brodinsky responded that in the initial, presentation notebook last June, there was a section about the excellent educational opportunities. It led the public to believe that as a condition to closing the road, there would be substantive, meaningful educational participation and collaboration. He said that at the August meeting, the Council tried to define what those educational opportunities were, asking what exactly does this mean, how definite is this going to be, what can you promise us, what can we look forward to, and what will you sign. He reminded everyone that he said that once we close the road, it's forever, but the educational collaboration may not be forever or what we thought it was unless we have something very specific and binding to work with and that was when, in response to three questioners – Mr. Farrell, Mr. LeTourneau and myself- that the answer was "don't rely on the educational component." He said that Mr. Shanahan said that this is a matter of money and/or a transfer of property. He said that was how it was addressed. When Mr. Farrell asked the question, the same thought was reiterated that this is a matter of contractual arrangement, and hopefully, we will work it out in the future. Mr. LeTourneau asked to have something in writing, a Letter of Intent, about what we would be receiving, and the answer was 'no.' He said that this concern has been expressed several times in private conversations, and nothing has developed. He said that it was put on the table in the June presentation, but in later meetings, when we drilled below the surface, we found that Choate was backing away from that.

Mr. Loughlin said that the educational component is still there but we are unable to make a commitment because we don't know where we are in setting up the agenda and the curriculum and that sort of thing. He said that what needs to happen now is a referral to the Planning and Zoning Commission under Statute 8-24, and there will be a hearing, after which they will make a report to the Council. He said then they will come back to the Council for another Public Hearing. He described Statute 1-206 and what can be held in Executive Session. He said that if there is a 'no vote' tonight, then it stops, but we may be back in the spring. He indicated that tonight may be an insurmountable speed pump. He urged a 'yes vote' to Mr. LeTourneau's motion, understanding that there would be discussion about all of the things that the Council would like to do.

Chairman Brodinsky said that the Council can't send something to Planning and Zoning based upon a hypothetical.

Vincent Cervoni, Wheatfield Road, asked the Council to find common ground and to consider having a meeting to craft a counteroffer. He said that anything that we are going to do will include the essential educational component. He encouraged the Council to try.

Chairman Brodinsky expressed his concern for a counteroffer that he spoke his position to Choate, so what is the point of a counteroffer. He said that he thinks that everyone else did the same. He said that he wants it remembered how much time the Council has spent on this issue over the past several months.

Wes Lube attempted to call for a point of order and was overruled by the Chairman.

Frant Totz, 51 Pine Street, read a prepared statement in favor of Choate's proposal and in accepting the boathouse.

Bob Hogan, Grieb Road, said that we are making a big to-do over something that is simple. He said the Council should be polled individually on what they want, right here. He wants to the Council to say, and at the end of this process, you will have a counteroffer.

Bob Sheehan, 11 Cooper Avenue, said that there is only one question and that is a vote on whether the Council wants to close the road or not. He said that it is a waste of time to make a counteroffer.

Diane Hotchkiss, 38 Clifton Street, spoke about Ulbrich Steel road problems with 18-wheeler trucks.

Lawrence Braulwood, 9 Donald Court, talked about the use of the road 24/7 by residents comparing it to times that the school would not be using the road. He said Old Durham Road is one of the last old country roads left in Wallingford, and it should be preserved as such.

Joe Catala, 40 Laurence Street, said that he sees no reason to close the road and thinks that a counteroffer is ridiculous.

Jeff Grunwald, 20 Rolling Meadow Drive, spoke in favor of Choate's plan and likened the process to small town politics. He said that Choate gives more to the town than can be measured.

Patricia Kohl, 50 North Street, testified to Choate's contribution to Wallingford and read a list of those contributions. She compared Choate to the large, international corporation sale to Ulbrich Steel.

Edward Shanahan, Headmaster, Choate Rosemary Hall, 205 North Elm Street, thanked the Council for all of the time that they have spent on this issue and that it is not an easy question to grapple with. He acknowledged the strong feelings in town about the school, and stronger feelings about the road, and perhaps strong feelings about the Environmental Center and how it is going to work. He said he also has spent a lot of time. He thanked each Councilor individually for their honesty and candor in their discussions with him. He appreciated the Council's forthrightness.

Mr. Shanahan commented about the road, stating that he is a 19-year, voting resident of Wallingford and that if he were in a position of authority in this town, and he looked at 130 acres right in the middle of a residential area of this town, that he would be encouraging the Mayor and the Council of this town to do everything it could to make sure that those lands were not developed, so that future generations of kids and their families and their kids could enjoy that land. He said that he has been disappointed that in conversations with some folks that that has been taken for granted that the school will never sell that property, etc. He said that the fair market value is from \$3.5 million to \$5 million, depending on

whether it is a good or a bad year. He said that he is aware that the tow is acquiring property at that rate out of its own coffers. He said he thinks that this is an important thing that this town do what it can to lock in this land. He said that perhaps he values this land more than town's people do because he loves nature and open space. He said that he would be brutally honest with the Council. He had some serious reservations with his Board of Trustees suggesting that we would do other than intend to keep it open, sign a document that would allow the town to legally hold the school to never developing that land but his Board thought they would go beyond that and offer that as part of this arrangement.

He stated a clarification saying that the educational opportunity that this facility represents to our Choate-Rosemary kids is extraordinary. This is a center the purpose of which is to study the land in Wallingford, the flora and fauna in this area. It is an enterprise that is going to be part of primary and secondary and post-secondary education for as long as anybody in this room is alive, and probably for long after that. He said that the Vo-Ag Program in Wallingford is going to wind up being an extraordinary agricultural component of that, but that Choate's slant is a little different in that it will be ecological as opposed to vo-ag. He said that these two programs could be brother and sister for the kids in our town from the get-go. Before he hears the ideas of the superintendent and principals, he said that he has always been committed to making sure that Choate would commit as an educator that pieces of this land could be parceled off for the high schools to use for controlled experiments over time. He talked about independent study on the land. He said that he invites the Wallingford science faculty to become adjunct science faculty to the center. He also said that he wants to involve elementary school students, perhaps having Choate students as docents for small children.

Mr. Shanahan said that if this road is not closed, those things are on the table, and that he is committing to this Council, to this Mayor and to this town that this school is going to do that. That's non-negotiable. If they want to participate in this center, then he is going to encourage it and allow it. He said that he does not want there to be any mistake about it. He said that he does not think it should be part of the negotiations about this road. He said that this road is about his trying to ensure the safety of your kids and his kids, and that's all. He said that in terms of education that they are going forward, and this town, and the kids in this town, are going to be proud of that center whether that road is opened or closed. He thanked everyone for their attention.

Christine Bee, 8 Saddlebrook Drive, a parent of two day students at Choate, asked that the children not be forgotten and of the benefit to the children.

Mayor Dickinson said that he thinks that the town has an opportunity to do something very special with an institution that is internationally known. He asks for tonight to avoid taking any action that would look to close any doors because this is a very delicate and special opportunity that has never been done before. He said, "Let's embrace it."

At 8:58 P.M., the Chairman called a recess. He reconvened the meeting at 9:13 P.M.

Chairman Brodinsky explained what the motion means and what might happen next. He said this is a motion of whether or not to accept Mr. Kohler's offer, Choate's offer, described earlier as the boathouse or \$260,000 and a covenant to hold acreage as open space in perpetuity.

He said if that motion passes with five votes, because it takes five votes to pass any motion, then what that will mean is that there isn't any point in further discussion, and we will then set a Public Hearing and move forward because that has been acceptable.

He said that if the motion does not pass with five votes, then this does not end the evening by any stretch. He said that there could be other motions made with other compensation packages with a mix of other incentives of more money and things like that. He said that there could be any number of motions from two to ten motions. He said that the Council will keep going until there are no more motions or one of them passes. He said that the normal procedure will be followed but he asked the public to participate with only new information. He said that it would not be useful to repeat what has already been said. Yes, is in favor of Mr. Kohler's offer, and no is against.

ROLL CALL VOTE

DiNatale – *Recused*; Economopoulos – No; Farrell – No; LeTourneau – No; Parisi- No; Rascati – No; Spiteri – No; Testa – No; Brodinsky – No
8 – Nay; 1 Recusal

The motion failed.

Mr. Parisi asked Mr. Shanahan if he said with or without the road that this project will go forward and that the students of Wallingford will be involved. Mr. Shanahan responded, "Yes." Mr. Parisi asked if this project will be as it was presented. Mr. Shanahan said that there would not be covenant on the land but the project will go forward and that he has already begun conversations with the educational officials in town about how we can work together to have a collaborative educational program.

Mr. Testa said that it was his impression is that if the road is not closed that the center may be built but Mr. Testa assumes that Choate might not have the same overall program taking place in the area of Old Durham Road. Mr. Shanahan said that was correct and that in his judgment, the program will be deprived of a prime research area for our kids and the kids in the Town of Wallingford because it will not be safe unless the Town of Wallingford wants to indemnify Choate Rosemary Hall in the event that any kid is hit by a car on that road. He said that he cannot invite any kids, Choate or Wallingford, to be on that road. He said that it is a dangerous road and that he has inquired of the Council members if any of them have gotten out of their cars in the last four months and walked from one end of that road to the other, just walked once. He said imagine being a parent and having two kids and allowing them for 50 minutes, or for two hours, to do research in the area of that road once a week and how comfortable would they feel having their kids there. It's not a very safe place.

Mr. Testa said that the road closure was about Choate having as part of their environmental studies program plans to use both sides of Old Durham Road for research for the majority of the students at Choate, and not the students who would be working and living out of the Environmental Center, which would be built on the East Main Street property. Mr. Shanahan said that Mr. Testa had that right from the start. Mr. Testa said that he read it to be a clarification, or a reason, why the educational component, the promise of educational cooperation, was not contingent upon the road closure, that it wasn't necessarily a condition of the sale because Choate still plans on building an Environmental Studies Center. Mr. Shanahan said Choate is going to build an Environmental Center, and Choate is going to have collaboration to the extent that the schools in town want to have them and that is what he has said from the first day that he raised this issue with the Town Council. He said that the Chairman suggested to him that the way Choate and the Town Council should deal with this issue is in a fair, business, arm's length arrangement that has to do with business, not having to do with education to which he said he agreed. He said it wasn't going to have the educational component. He said that he has on several occasions met with the educational officials in town, and we are moving forward on that.

Mr. Spiteri asked Mr. Shanahan if he said that he finally made contact with the Board of Education members and wanted to know with whom Mr. Shanahan spoke and when. Mr. Shanahan said that he has just begun to have conversations, and he thinks it is more prudent for Mr. Spiteri to inquire from the officials about their conversations with him, than for him to inform Mr. Spiteri. Mr. Spiteri asked when he started these talks. Mr. Shanahan said that he started these talks last spring with the newly appointed superintendent, with the two high school principals and with the head of the vo-ag program. He said this fall he has spoken with both high school principals by telephone. He said that most recently he has had face-to-face conversations with other officials in the educational office. He said that he thinks they are looking forward to sitting down and working with Choate to see what they can do together. Mr. Spiteri asked if it was fair to say that Mr. Shanahan spoke to the superintendent in person. Mr. Shanahan said that he had met with him today.

Mr. Parisi asked about forming a committee or did the Chairman think the Council has gone past that. Chairman Brodinsky said he has talked with every Councilor about this, and he thought it was an idea that the Council put to bed. He said that you can form a committee, and the question is asked, who would be on the committee, and how does a committee get authority from the rest of the Council, and that would have to be in public, so we are back to the same old problem. We've had many, many meetings and shared with Choate.

Mr. Economopoulos said that he was told that the land needed for Little League was not available due to the project use and wetlands. He said that to him the boathouse is meaningless, and based on his conversations with residents, he stated his ideas for a counterproposal and that he was shooting high.

- 1) The value of the road at \$260,000
- 2) The boathouse deed
- 3) Monetary award as a good will gesture to the Town of Wallingford to a major Wallingford project with Choate selecting the amount of the award and with their choice of project, for example, any educational project or any purchase of land for
- 4) Little League fields
- 5) A deed of perpetuity given to the town if Choate sells or abandons the property in any way that legally that property has to be turned over to the town
- 6) Educational component

Mr. Economopoulos stated that the educational component ranked highest among the residents. He said that he does not expect Wallingford students to be at Choate using Choate educational center and faculty and supplies. He said that there is some way that they can make the center available to the town for example some of these times might be on Saturdays, spring and fall, vacation time, summer time, holidays or week-ends that Choate is not using it. He thinks that Choate could develop a time plan for use with a certain qualification as to what students participate or for the first students to sign up for a short course. He said that he thinks that collaborative studies won't work mostly because of location and the make-up of the different school years.

Chairman Brodinsky clarified Mr. Economopoulos' five points. It was determined that the monetary award is \$200,000. Mr. Economopoulos said that he does not want to put that in the form of a motion at this point, and he wants it discussed.

Mr. Testa said that the agenda item is whether or not we want to make a counteroffer, and if we decide that we want to make a counteroffer, then we can entertain counteroffer proposals that we can vote upon. That is not to say that other Councilors can throw something out there as did

Mr. Economopoulos, and obviously, Choate will hear about it. Mr. Testa said that before the Council gets any further into this, do we want to offer this as a body and vote on it, then we need to vote on whether we want to make a counteroffer in the first place.

MOTION

Mr. Testa made a motion that the Council put forth a formal, counteroffer to Choate.
Mr. Economopoulos seconded.

Mr. Testa presented his argument against his motion. He said that we have already done this; we just haven't done this here. We have done it for three or four weeks, everyone of us has said to Choate what it would take, provided we agreed to it in the first place, what it would take for it to happen. Choate already knows. He said it is up to them whether they can get agreement on their board to meet the requests of at least five Councilors.

He said that the difference here is the semantics of what is a counteroffer. In negotiation, a counteroffer welcomes another counteroffer, and he does not want to get involved in that. He said he would much rather tell them, "Here's what it would take to get my vote," because Mr. Testa likes what Choate wants to do. He said for various reasons that he does not want to do this in public. He responded to the arguments that the Council is playing small town politics, stating that Wallingford is a small town, and this is what we do; we are doing our job, and our job is that if we determine that we are going to give up an asset, the road, that a certain percentage of the population finds valuable, it has nothing to do with the dollar value of the road. He said the road is valuable to them. They like driving on it.

He said he has an obligation to determine what he thinks would be fair compensation and that is what he is trying to do. He said that he is not saying that they shouldn't have it, or that it's a bad idea, or that he is not in favor of the program. He said he is not getting involved in 'us' versus 'them,' and that he has argued against that kind of attitude publicly and in private. That is not his position. He does not think that a counteroffer is productive or reasonable. We did it privately, and they know how we feel. He said that he thinks that it will only lead to more confusion and more accusations that the Council doesn't know what they are doing because that is what has been happening. He said there are many misunderstandings of the way that this has been carried on. I made a motion, and we need to vote on whether we even want to make a counteroffer, and if that passes, then we can consider counteroffers.

Mr. Economopoulos said that he thinks a counteroffer is worthwhile. He announced that he is not going to take credit for the five points that he presented. He said that he has heard one of his colleagues, Mr. LeTourneau, state almost the same thing. He said he was almost on the same page with Mr. Farrell. He said that it didn't work in private, so we almost have to do this now in public, and maybe, it will work here.

Craig Fishbein, Grieb, said he has argued that there should not be a counteroffer. He said that we have heard for the first time that this is going to be built anyway, and he does not see the need to close the road. At one point, it was said that if the town doesn't close the road, that Mr. Kohler would retract his gift for the Environmental Center to be built.

John Benham, North Farms Road, asked if it has ever been entertained to have a walkway like Meriden. Chairman Brodinsky said that it was, and he recalls that it was rejected by Choate.

Mr. Economopoulos said that Mr. Shanahan did say that the road is so close to the river that some studies on the river would be denied in that location. He said this is why he thinks that it is important that they have the use of that river.

ROLL CALL VOTE

DiNatale – Recused; Economopoulos – Yes; Farrell – Yes; LeTourneau – Yes;
Parisi- Yes; Rascati – Yes; Spiteri – No; Testa – No; Brodinsky – No
5 – Aye; 2 – Nay; 1 Recusal

The motion passed.

- 11.** Discussion and possible action on how to respond to Choate's offer and what that specific response should/will be - Chairman Mike Brodinsky

Chairman Brodinsky called for motions, if there were any.

MOTION

Mr. Economopoulos made a motion and proposed the following counteroffer:

- 1) Receive the value of the road, \$260,000
- 2) The deed to the boathouse property
- 3) \$200,000 good will gift to some worthy project in town
- 4) Deed be given to the town if Choate sells or abandons or changes its use does anything to the property in any way, that we have some sort of perpetuity to the property to stay the way that it is
- 5) Choate is to come up with an educational component, a solid offer, a substantial period of time, not just a promise to be a collaborative program; that Choate comes up with some sort of timeframe where Wallingford would be able to use the center as Wallingford deems necessary for Wallingford students

Mr. Testa seconded for the purpose of discussion.

Mr. Parisi said that he likes everything but the \$200,000 point, and that basically without the \$200,000 that it is pretty close to what he wanted. He said this is what we have been doing for the last two months. He said that he is willing to put it out here.

Mr. Testa said that therein is the problem. He said we have a proposal to say, "Here is a high offer," and we are already telling them but you don't have to meet it because some of us don't need that much. Where does this end? Are we going to find five of us who are willing to say, here is my bottom line but that isn't really the bottom line in their mind because it's a counteroffer. He asked, "How do we reach what we are really going to settle for?" He said that you can't do it in the forum. We did this already. He was frustrated. He just doesn't see how this is going to happen. He said that he would go along with Mr. Economopoulos proposal because that's a good counteroffer. Mr. Testa referred to what Mr. Economopoulos said when he made the proposal in that he was going to go high, and so what does that tell Choate? He said that it expresses the good faith effort to reach an agreement. He asked what happens next? Another counteroffer?

Mr. Parisi said that he is also frustrated but that isn't going to solve the problem. We have nine opinions, and they have to pick one. There is agreement on the motion by some and by some no agreement. He asked, "Where are we going to go? How are we going to get to the end of this?"

Mr. Economopoulos said that when he said shooting high that it wasn't shooting high for him. He said that he wasn't changing anything from what he said to Mr. Shanahan in his office. He said that he is shooting for what we deserve.

Mr. Spiteri said that Choate wants everything done publicly and that is why he has refused to speak publicly on what he wanted, and this has been going on since July. He said we undermine ourselves.

Craig Fishbein, Grieb Road, said that Choate has said that they would hold the land in perpetuity except for the Environmental Center and its related structures. He said that the Council needs to restrict the amount of land that is held in perpetuity. He asked that the Council stress that there is actual use of the Environmental Center itself and not just the woods.

Wes Lube, Montowese Trail, said he remembers that in the beginning Mr. Shanahan stated that Mr. Kohler had stipulated that Old Durham Road closure was a necessary component and a contingency of his gift, and now all of a sudden, as we are hearing tonight, that they may go ahead with the program and the gift is available to them without the closing of Old Durham Road. He said that the original proposal is being modified right in front of you. He spoke about the acreage differences, 289 acres v. 167 acres, that has been talked about and said that they are as uncertain about what they want to do as the Council is about what it wants to do. He said that the Council has rejected Choate's offer. He said to throw it back to Choate.

ROLL CALL VOTE

DiNatale – Recused; Economopoulos – Yes; Farrell – Yes; LeTourneau – No;
Parisi - Yes; Rascati – No; Spiteri – No; Testa – Yes; Brodinsky – No
4 – Aye; 4 – Nay; 1 Recusal

The motion failed.

MOTION

Ms. Rascati made a motion that we close the road and that we receive

- 1) The deed to the boathouse property
- 2) Receive the value of the road, \$260,000 for the road
- 3) A condition of the deed to be given to Choate to include a statement that any Wallingford students who desire to study at the new Environmental Center be given an opportunity to do so
- 4) A condition or restriction either in the deed or separately recorded in the Land Records that the 128 acres east of East Main Street would not be sold for development

Mr. Parisi seconded.

There were no comments from the Council.

Bob Hogan, Grieb Road, asked about the acreage – how much? He wanted to know how much and for what purpose. He said that it's a mystery about how much acreage you are talking about.

Lucille Trzcinski, 25 Turnberry Road, agreed with the motion of Mr. Economopoulos. She wanted Mrs. Rascati's motion repeated.

Craig Fishbein, Grieb Road, referring to Ms. Rascati's item regarding the land, said that Choate could not sell the land for development, but under that scenario, they could build houses for themselves for their students. He suggested tightening it up.

AMENDMENT TO THE MOTION

Ms. Rascati said that where she said 128 acres that it may not be correct, she then amended this part of her motion to state, “*all of the land on the east side of East Main Street would not be sold for development.*”

Chairman Brodinsky asked if anyone had any objections to the amendment without all of the formalities. There were no responses from the Council. Ms. Rascati re-read her motion as amended in response to the request of Ms. Trzcinski.

ROLL CALL VOTE

DiNatale – Recused; Economopoulos – No; Farrell – Yes; LeTourneau – No;
Parisi - Yes; Rascati – Yes; Spiteri – No; Testa – No; Brodinsky – No
3 – Aye; 5 – Nay; 1 Recusal

The motion failed.

MOTION

Mr. LeTourneau made a motion

- 1) That we receive title to the boathouse property
- 2) Receive \$600,000 for the road
- 3) A strong education commitment to the Environmental Center. He noted that part of this has been offered to the Council by Mr. Shanahan tonight.
- 4) And the perpetuity on the land

Chairman Brodinsky seconded the motion.

Mr. LeTourneau explained how he arrived at \$600,000. He said that the appraisal of the road was done by a “comp” (comparable) process.. He said that the appraiser took properties in the neighborhood of the road and valued them, six of them. He also broke it out by square foot. He said that Choate was one of the properties, there was a farm that Choate purchased on Christian Street and that farm was purchased for \$1.4 million, which breaks out to \$5.83 per square foot. He said that he used 104,000 square feet and multiplied it times \$5.83, which equals \$615,000, proposed to Choate on two occasions, the first being when they went two-by-two to Choate. He also laid out another option for them, which is the planetarium of \$300,000. This results in \$600,000 that he is asking for the road, and in essence this breaks out as \$300,000 cash and \$300,000 for the planetarium. He said with this proposal that we in Wallingford have an opportunity to have a nice science triangle – the planetarium, which Choate can use, the Vo-Ag portion and the Environmental Center.

Mr. Economopoulos asked, if under Mr. LeTourneau’s proposal, who has the discretion as to what happens to the \$600,000? Chairman Brodinsky said that we can have a separate vote on how that money is appropriated, and where it goes. Mr. Economopoulos said that he is gung-ho on Mr. LeTourneau’s motion.

Chairman Brodinsky said he will vote no on the grounds that Mr. Testa indicated, which is that we should not be doing this in public. He said that we are not helping the town’s interest by doing this but others disagree. The proposals point out an important principal that some roads that are industrial roads not used by everyone except by the businesses there – he is talking about the roads that Ulbrich bought. He said some roads are not pretty or enjoyed by residents, and some roads don’t lead from one neighborhood to another but to a business or a dead-end. He said that an appraisal on the square footage

of a road will lead to a certain value, which was the Ulbrich value. He said if we were going to close North Main Street, we would probably appraise it at \$300,000 but we would never sell North Main Street for millions of dollars because of its use and its location. He said that Old Durham Road is not in the middle of the Ulbrich or North Main Street example but it is in between. He said that Old Durham Road has a value to our residents above the appraised value.

Mr. Economopoulos asked to have the educational part of the motion cleaned up to be more specific.

MOTION CLARIFIED – EDUCATIONAL COMPONENT

Mr. LeTourneau repeated this part of his motion – he said that in the educational component that he is looking for is the core, and not the curriculum, but rather the use of the facility, not only the land but also the laboratory. Mr. LeTourneau said that he believes that the fine detail will be worked out between the educators, which is in their capability.

Jeff Grunwald said that a failed negotiation result is that no one gets what they want.

ROLL CALL VOTE

DiNatale – Recused; Economopoulos – No; Farrell – Yes; LeTourneau – Yes;
Parisi - No; Rascati – No; Spiteri – No; Testa – Yes; Brodinsky – No
5 – Nay; 3 – Aye; 1 Recusal

The motion failed.

12. Report from the Law Department on the status of the plan to restrict the use of 866 North Farms Road to a fire station, per the Council's vote on September 22, 2009 - Chairman Mike Brodinsky

Withdrawn

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

MOTION

Mr. Testa made a motion to go into Executive Session pursuant to §1-200 (6) (D) of the Connecticut General Statutes with respect to the purchase, sale and/or leasing of property as requested by the Mayor. Chairman Brodinsky seconded.

All Councilors present (9) voted Aye on the motion. The motion passed. The Council entered into Executive Session at 10:15 P.M.

Chairman Brodinsky declared the Council out of Executive Session at 10:37 P.M.

Mr. DiNatale left Executive Session at 10:25 P.M., recusing himself from one of the Executive Session discussions.

Executive Session Attendance:

Town Council (9), Mayor Dickinson and Town Attorney Janis Small, and at 10:25 P.M. eight (8) Councilors were present.

MOTION

Mr. Parisi made a motion, seconded by Chairman Brodinsky, to adjourn the meeting. All Councilors present (8) voted Aye on the motion. Mr. DiNatale was absent. The motion passed.

The meeting adjourned at 10:27 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary

Meeting digitally recorded by Sandra Weekes

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date