

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

July 14, 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, July 14, 2009. The Meeting was Called to Order at 6:35 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., Town Attorney Janis Small and Comptroller James Bowes were also present.

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 6 will be taken up after Item 12. He said that there is a Special Joint Meeting Thursday, July 16 at 6:30 P.M. with the Board of Ethics in Room 315, regarding proposed changes to the Code of Ethics.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#1 - #14) totaling \$1,989.48
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Note for the Record: Anniversary Increases - Mayor
- 3c. Note for the Record Mayoral Transfers - Mayor
- 3d. Merit Review – Personnel
- 3e. Acceptance of \$2,500 Donation from Super Stop and Shop and Appropriation of \$2,500 to Prof Services – Entertainment Acct # 001-4001-901-9017 and to Misc Acct # 001-1075-070-7040– Parks and Recreation
- 3f. Acceptance of \$5,000 Gift from the late Deforest James Cooper and Appropriation of \$5,000 to Medical Equipment Ambulance Acct # 001-2030-999-9111 and to Misc. Reserve Acct # 001-1075-070-7040– Fire Chief
- 3g. Consider and Approve a Transfer in the Amount of \$10,000 FY 2008-09 to Replacement Pay Acct # 2030-101-1500 from Regular Salaries/Wages Acct # 2030-101-1000 -Fire Chief
- 3h. Consider and Approve a Bid Waiver for the sale of the 1987 Pierce Arrow Fire Engine in the amount of \$2,500 to Cytex Industries – Fire Chief
- 3i. Consider and Approve a Transfer in the Amount of \$7,000 FY 2008-09 to Chemical Expense Acct # 431-8640-641 from Maintenance of Transmission & Distribution Lines Acct # 431-8660-673 - Water Division

- 3j. Consider and Approve Release of an Electric Division Pole Line Easement across property located at 513 Main Street, Yalesville – Law Department
- 3k. Appointment of Peter Fresina to the Historic Properties Commission as a Regular Member for a Five-Year Term Expiring March 27, 2014 – Chairman Mike Brodinsky
- 3l. Approve Use of the Parade Grounds by the First Congregational Church on Sunday, September 13, 2009 from 9:00 A.M. to 1:30 P.M. for church activity – Chairman Mike Brodinsky
- 3m. Approve clarification to the Calendar of Meetings of the Town Council for November 2009 to be November 10 and November 24
- 3n. Approve Minutes of Regular Town Council Meeting April 28, 2009
- 3o. Approve Minutes of Regular Town Council Meeting June 23, 2009

Mr. Testa announced for the record a correction to Item 3c. The Law Department transfer amount should be \$200 and not \$2,000 as in the paperwork and that 3o. has been withdrawn.

Mr. Testa made a motion to approve the Consent Agenda 3a to 3n. Councilor Farrell, Jr. seconded the motion. All Councilors (9) present voted Aye, and the motion passed.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION & ANSWER

Participants of the Public Question and Answer item were as follows:

Geno Zandri, 9 Balsam Ridge Road, commented on layoffs.

Lucille Trzcinski, 25 Turnberry Road, was concerned about the appearance of Garden Road.

Robert Gross, 114 Long Hill Road, spoke about the Pension Commission, and the sale of the 1987 Pierce Arrow Fire Engine.

Phil Wright, Sr., 160 Cedar Street, commented on the wage freeze issue.

Debbie Gross, 114 Long Hill Road, inquired about the Charter and the website.

Tom Nagy, Barnes Road, made comments about the sale of the 1987 Pierce Arrow Fire Engine for \$2,500.

Wes Lube, Montowese Trail, asked about the fish ladder and the orange cone and the flag pole replacement in Wallace Park.

7. Discussion and Possible Approval of questions for the November 3, 2009 Election Day ballot concerning the proposed revisions to the Charter of the Town of Wallingford – Chairman Mike Brodinsky

Mr. Testa made a motion to approve the questions for the November 3, 2009 Election Day ballot concerning the proposed revisions to the Charter of the Town of Wallingford. Mr. Spiteri seconded.

Chairman Brodinsky read the questions drafted by the Town Attorney for presentation to the public of the changes to the Charter. He said that the Record-Journal will publish the Charter and the changes. The Town Attorney will formulate a written explanation for the questions.

Mr. Testa asked about the Environmental Planner and wanted to know if the change was actually recommended. Chairman Brodinsky said that it is under land use sections.

No other comments in any of the ballot questions were offered by the Council.

Geno Zandri, 9 Balsam Ridge Circle, asked for separate questions and separate votes.

Lucille Trzcinsky, 25 Turnberry Road, asked for distinction between 'Appointed' and 'Hired.'

Attorney Small said the language itself says "in accordance with the classified service system," so that's what it means.

ROLL CALL VOTE:

DiNatale – yes; Economopoulos – yes; Farrell – no; LeTourneau – no; Parisi – no;
Rascati – no; Spiteri – yes; Testa – yes; Brodinsky – yes

5- Yes

4 – No

The motion passed.

8. Consider and Approve Lease Agreement between the Town of Wallingford and Pocket Communications for installation of cellular phone equipment at the West Side Tank – Water Division

In attendance:

George Adair, Director, Public Utilities

Roger Dann, General Manager, Water Division

Mr. Testa made a motion to approve a Lease Agreement between the Town of Wallingford and Pocket Communications for installation of cellular phone equipment at the West Side Tank. Councilor Farrell, Jr. seconded.

Chairman Brodinsky explained that Pocket Communications wants to put a cell tower on a tank on the West Side of town and that they are willing to pay for it. The money would go to the town, not to the PUC or the Water Division. He said that they are offering \$2,500 per month, and the lease rate increases annually at 5%.

Mr. Dann said that the lease payments would go to the Water Division. Chairman Brodinsky said that he understood that it was the other way around. He asked why would the gas go to the town and this go to the Water Division.

Mayor Dickinson commented that it is a utility facility, and the property on which it is located is in the custody and the jurisdiction of the utility. He said with regard to the other situation, it is not

utility property. It is owned by the Town of Wallingford in general, and the Water Division does not have jurisdiction or responsibility for the other property in the other instance.

Mr. Dann explained that this lease is patterned after other agreements in recent years. He said that Attorney Farrell, Sr., has been a party to the negotiations and the review of the documents and signed off on the documents. He noted that there are other tenants on the West Side Tank, Sprint and Nextel, and the town is receiving \$3,300 per month or \$1,650 per carrier. The AT & T agreement at Paug Pond is \$2,575 month with two other entities on the site, or \$860 per carrier there. He said that this is favorable when compared to others that they had to negotiate. The West Side Tank is on Gaylord Farms Road adjoining the hospital property with very little visibility since the antennae won't add to the height of the tank.

Questions were addressed regarding maintenance, rental to two carriers on one tank and a comment that the town should receive this revenue.

All Councilors (9) present voted Aye. The motion passed.

9. Consider and Approve Tennessee Gas Pipe Line Letter and License Agreements and Application to State Health Department for ROW on Town property adjacent to Old Gate Road – Law Department

In attendance:

Gerald E. Farrell, Sr., Assistant Town Attorney

Jim Hartman, Tennessee Gas Pipeline Company, principal land agent

Mr. Testa made a motion to approve Tennessee Gas Pipe Line Letter and License Agreements and Application to State Health Department for ROW on Town property adjacent to Old Gate Road as requested by the Law Department. Councilor Farrell, Jr. seconded.

Mr. Hartman said that Tennessee Gas Pipeline Company is a high pressure natural gas transmission company with facilities that originate in the Gulf of Mexico and extend to the Canadian border and up to New Hampshire. A portion of the facilities are located in the Town of Wallingford where they serve Yankee Gas Company. He said that the company is regulated by the Federal Energy Regulatory Commission (FERC) and also the Department of Transportation, Office of Wetland Safety. He said that part of that regulation requires that they implement integrity management plans on keeping their pipelines safe and that is done by using an inline inspection tool that in the industry is called a "smart pig." He said that to be able to get the smart pig into the pipeline they have to add a launcher and a receiver in its piping. He said that they can learn if there are any integrity issues as that tool moves through the pipeline and can then go in and take care of it. He said that a portion of these facilities are proposed on town property off Old Gate Road. To facilitate the installation and maintenance of the facility, they require a license agreement and a letter of agreement. He said that they have been working with Assistant Town Attorney Farrell and the Inland Wetland Commission, the Regional Water Authority, and further, they need permission from the Connecticut Department of Public Health for the use of the property. A change of use application needs to be submitted on the town's behalf, and it has been prepared. He said that the Council has the documents.

Chairman Brodinsky asked for clarification on what they specifically intend to do as a result of the Council's approval, if they approve it.

Mr. Hartman said that there is an existing six (6) inch pipeline that crosses town property by Old Gate Road where there is an access road from Old Gate Road that is currently used by the sewer department. He said that this access road will provide access to their pipeline. He said that they propose to change a portion of that pipeline from a twelve (12) inch line to the six (6) inch line as they enter the property. In addition, they also propose to put in some above ground piping, the launcher and the receiver that will allow them to install and receive that smart pig when it is run. He said that it is approximately twenty (20) feet long side-by-side above ground, and it is surrounded by a fence. It is about four (4) feet high, and is not tall. He said that it has the piping so that they can open it on one end and put the tool into it and close it, and the gas pushes it through the line. He said that the town's compensation is \$25,000.

Mr. DiNatale asked if the property is maintained as open space. Attorney Farrell, Sr., said that it is open space. Mr. DiNatale said then we are giving an easement on our open space. Attorney Farrell, Sr., said that we are not giving an easement but rather a revocable license, which the State Department of Public Health recommended because there has to be a change of use. He said that this is part of the watershed of the Regional Water Authority. He said that they are satisfied that the quality of their watershed will not be effected. He asked the Council to keep in mind that the Tennessee Gas Pipeline Company already has an easement through our property. He said that the license increases the width of it and allows for some above ground installation. He said that it turned out that the access is actually located on a private property owner's land and the Tennessee Gas Pipeline Company is going to move that access to get it on town land. He said that there are some benefits to the town.

Attorney Farrell, Sr., said that the \$25,000 was negotiated and that Tennessee Gas Pipeline Company thought \$5,500 was proper compensation, and Attorney Farrell, Sr., disagreed. After talking it over, it was agreed to be \$25,000. He added that this is a larger open space parcel and that twenty (20) feet by twenty (20) feet will be effected which will be visible and the rest of it will be underground. He said that the Conservation Commission and Inland Wetland had quite a bit to do with negotiating and approving the location and the type of plantings that will surround this above-ground installation. He added that Vincent Mascia, Water-Sewer Division, participated in the all of the meetings and that Roger Dann is aware of some of the aspects of it. He said that the town's own sanitary-sewer passes through there, and they wanted to make sure that there would be no adverse effect to the town's access to the town's own easements as well as the town's ability to put new mains and laterals through there.

Attorney Farrell, Sr., said that at some point that fence may come down so that the town can have full access and that is part of the letter of agreement. He said the Water-Sewer Division is satisfied that it will not be effected adversely that both the Conservation Commission toured the property on a Saturday with Erin O'Hare and was satisfied. A presentation was made before the Inland Wetlands Commission and they voted unanimously to approve. He added that this is an inland wetland.

Mr. DiNatale asked how this area was selected to become the priority access the transmission line versus a different access. Mr. Hartman said that it is being able to put it into a location that has good access off a paved road, as in Old Gate Road, and they can only put it on their pipeline where it traverses with good access. He said they didn't want to put it into front lawn areas but rather into a secluded area and out of visibility and that this are met all of those conditions. Mr. DiNatale asked with the instrument that you are inserting into the line, how many miles of transmission will this service. Mr. Hartman said that this is a delivery line, and it begins off their main line in Cheshire. He said that another facility will be placed in Cheshire where they can put the tool in, and it will travel into the Wallingford town property.

The six (6) inch line is how the other tool travels to Masonic property where their meter station is located. He said that basically it travels the entire line from Cheshire to the Masonic property.

Attorney Farrell, Sr., said that he also checked with the Recreation Department who participated in a meeting and said that they have no additional plans for this property.

Mr. LeTourneau was interested in how close the neighbors are to this installation. Mr. Hartman thought about 500 feet and that the neighbors will not be able to see this because it's down in a hollow.

In answer to Mr. Testa, Mr. Hartman said that their consultant prepared the sizable application, not the Town of Wallingford.

Ms. Rascati asked if this revocable license agreement and the letter of agreement terminates when the work is finished or does this continue forever. Attorney Farrell, Sr., said it would be described as forever. He said that the reason it was done as revocable is that the State Department of Public Health did not want any easements through what they consider watershed. He called to mind that the town had questions with the State Department of Public Health over the town's use of land, and as far as they are concerned, this is owned by the Water Department. He recalled that it goes back to some of the same issues that we had over a golf course. He noted that they suggested that it be a revocable license, which is a legal technicality. He said that the town does not have an intention of revoking. He said to look at this as a permanent, perpetual obligation. Attorney Farrell, Sr., said that this is something that is very imminent and that contracts have already been entered into. It will be accomplished in about six weeks. Mr. Hartman added that it will commence in about four weeks and be done by the end of September.

Mr. Spiteri asked about the above ground risk to curious children in the area. Mr. Hartman said that nothing will be accessible to them.

Mr. Testa summed it up saying that this is their version of a manhole to get into the area for maintenance. Mr. Hartman agreed that this was a good analogy and added that this new technology gives them the opportunity to look at the pipeline in a way that was not possible before.

To Chairman Brodinsky, Attorney Farrell, Sr., said that the location of the compensation is stated in the letter of agreement.

Members of the public who had questions for Mr. Hartman included:

Robert Gross, 114 Long Hill Road, regarding payment to Cheshire. Mr. Hartman responded that there is no compensation to Cheshire. Mr. Hartman said that in regard to noise there is no gas that is running through this piping, and that when the actual tool is run, the barrel has some natural gas in it, and that barrel of twenty (20) feet of twelve (12) inch, when it is opened, would release for about ten seconds or so, which would be the only noise. Gas is released when the smart pig runs, and the smart pig runs about once every five years.

Ben Martin, Ward Street, asked about service interruption during installation. Mr. Hartman said that Yankee Gas will offer an alternate source during that time. He said that his opinion is that, like Mr. Gross, if something is defined as open space that there should not be buildings on it.

Tom Nage, Barnes Road, asked if they make a profit on the gas they sell. Mr. Hartman said that they are a transmission company, and they are paid to move the gas for their customer. Mr. Nage wanted to know why this is a one-time payment. Mr. Hartman said that the offer made by Tennessee was five times less than that which they felt was proper consideration. He said that the town through open negotiations came up with and they agreed upon \$25,000. He said that a local, certified appraiser appraised this to be less than \$500 (five hundred dollars), so the value that the town has negotiated is much higher. Attorney Farrell, Sr., asked the Council to keep in mind that the town is dealing with a utility that has rights of eminent domain similar to other utility companies, and the appraisal would form the basis of attempting to take this land from us and use it in the way they wanted to. He said that was part of the negotiation, and the town wanted to be compensated more because this is above ground, which formed the basis for the negotiation as well as town's cooperation in applying for the Public Health Permit.

Councilor Farrell, Jr., said that it is his assumption that the town is not the only possible entity that you could deal with and that there must be other people who about this pipeline in other locations in Wallingford. Attorney Farrell, Sr., said that there were and that they were contacted, and they all have given easements across their land and were paid based upon the appraisal rate. Councilor Farrell, Jr., said that they could locate this special pipe other places, so that the town is doing pretty well in getting \$25,000 for this particular location.

Mr. Spiteri said that in the past that we have had difficulty with working with land that is governed by the state Health Department when we wanted to change ball fields, and they were denied. He asked the Mayor if this situation has changed and we are now at liberty to be able to change some things in town where before they were frozen.

Mayor Dickinson said not in his opinion, and that he thinks that the facts here are that they are dealing with a large utility, and as their view of things changed when CL & P and the transmission project presented issues for the Health Department and the town, the Health Department had a somewhat different view. He said that it's the irresistible force and the immovable object in the equation rather than the Town of Wallingford requesting something on a piece of property that is a use issue.

All Councilors (9) present voted Aye. The motion passed.

10. Consider and Approve a Transfer in the Amount of \$100,171 to Various Accounts from Capital – Overhead Poles, Towers, Fixtures \$92,004 Acct # 364 and from Salaries – Administrative & General \$8,167 Acct # 920 – Electric Division

In attendance:

George Adair, Director, Public Utilities

Richard Hendershot, General Manager, Electric Division

Mr. Testa made a motion to approve a transfer in the Amount of \$100,171 to Various Accounts from Capital – Overhead Poles, Towers, Fixtures \$92,004 Acct # 364 and from Salaries – Administrative & General \$8,167 Acct # 920 as requested by the Electric Division. The motion was seconded by Councilor Farrell, Jr.

Mr. Hendershot said that when the budgets were prepared prior to the start of this fiscal there was direction from the Mayor's Office to not budget for salary or wage increases in any of the bargaining

units where contracts would call for them. The approved budgets did not contain funds in total to pay for those increases but now we are into the fiscal year, and the increases will go on as scheduled. He said the dollars are not in the budget in the accounts where they need to be. This transfer moves the necessary dollars from two places. One of them is an account that contains a salary for a position that won't be filled, and largely from a capital account where there are funds for paying a contractor.

Mr. LeTourneau recused himself from this issue.

Questions regarding pole replacements and the pole replacement program with outside workforce augmentation were addressed.

All Councilors (8) present voted Aye. Mr. LeTourneau did not participate in the vote. The motion passed.

11. Consider and Approve Re-appropriating 2008-09 Capital Reserve Funds to FY 2009-10 for Fire Department, Government - TV and Finance Department – Comptroller

Mr. Testa made a motion to Approve Re-appropriating 2008-09 Capital Reserve Funds to FY 2009-10 for Fire Department, Government - TV and Finance Department as requested by the Comptroller. The motion was seconded by Councilor Farrell, Jr.

There were no comments from the Council or the public.

All Councilors (9) present voted Aye. The motion passed.

12. Consider and Approve Locational Guide Map, which reflects existing developmental and utility infrastructure, for submittal to the State of Connecticut Office of Policy and Management – Mayor

Mr. Testa made a motion to Approve Locational Guide Map, which reflects existing developmental and utility infrastructure, for submittal to the State of Connecticut Office of Policy and Management as requested by the Mayor. The motion was seconded by Councilor Farrell, Jr.

In attendance:

George Adair, Director, Public Utilities

Roger Dann, General Manager, Water Division

Mayor Dickinson said that this has been before the Town Council before and has also gone to the Conservation Commission, Planning and Zoning, Public Utilities Commission and all have approved it. He said that the purpose is to request changes, modifications to the existing state Locational Guide Map. He said that this is the Locational Guide Map for Conservation and Development and the reason that we want to have the state change the map that they have is that their map is inaccurate and does not reflect where current utility infrastructure is located, that is water and sewer lines, which are serving customers, buildings, etc.

Mayor Dickinson stated that the problem for us is that if they do not change the map, then at some time in the future, the state can say –oh, you are into an area that is preservation area, and therefore, we won't give you a state grant. He said that is the fear, and recently, it has been raised by spokesman for the Department of Environmental Protection as a potential issue. He said that there are some other towns are pursuing this issue as well. He said in order to avoid the problem in the future, the utility has put together a map, which accurately reflects where the town's water-sewer

service area exists and requests the Office of Policy and Management to change the state map pursuant to a process that is contained in state law.

Mr. Adair added that in the view of the PUC, this is a very important issue relative to true-up the state's map with the water and sewer infrastructure, both existing and planned, predominately based on existing infrastructure. He said that the current PUC policy restricts the extension of service through mains, the construction of mains only into areas that are not designated as conservation areas. He said that this is a very restrictive policy but the only prudent one until this matter is resolved. He added that to the PUC, this is a sense of urgency. He said that they have endorsed the proposed changes to the Locational Guide Map for Wallingford, as well as the text changes in the state plan. He said that this method and this approach accomplishes the same thing as the Service Area Map that the Council saw earlier this year that the PUC had approved as its vehicle.

Mr. Farrell, Jr. asked if the present map is inaccurate, where do those inaccuracies trace back to or is it that what is on the present map isn't sufficiently detailed.

Mr. Dann said that the inaccuracies go back many years. He referred to the map on display and said that it is the existing version of the Locational Guide Map. He said that the pink and orange colors on the map represent the areas that are deemed to be developmental areas in Wallingford. He said that those are the areas that the state's plan indicates would be suitable for utility infrastructure. He said that if you superimpose upon that, the water and sewer divisions' service area that it extends out into the green area, which are viewed to be the conservation areas, basically all around the perimeter. He said that many of those pipes have been in the ground since the 1960-80s. He said that it is not as if this is a new extension, new growth of the utility system, but that it has been growing for many, many years. However, the state's Locational Guide Map simply has been modified to reflect that. He said that originally the state's Conservation Development Plan was viewed as an advisory document until 1991, when there was a change to make it a required element. When the state agencies look at projects that are funded with either state or federal funds, there needed to be a determination of consistency with the state's plan. He said at that point it would take on a new meaning.

Mr. Dann said that it has not been an issue until recently when newer initiatives or interpretations of this by the DEP in particular led to the suggestion that funds could be jeopardized if we continue to add customers out in those conservation areas. He said that this has been the impetus behind the feeling that there was a need to true-up what is in the ground today against the state's plan. He recalled that in January, when they came to the Council, it was to develop a service area boundary and go through an administrative process under which the acceptance of the service area boundaries would in essence be consistent with the state plan. He said that whatever they were to do within those boundaries would be deemed consistent with the plan. He said that the administrative approach has not resulted in a conclusion, so this is now a more formal process, as outlined in the state's regulations to amend the state's plan. He said that in this case most of the amendments that they are proposing are modifications to the associated Locational Guide Map and a small change to the text itself. He said that if the changes that were described are all accomplished, it would have the effect of changing the delineation of the developmental areas to be coincidental with the utility service area boundaries. He said that in the end it accomplishes the same task but in a more formal manner.

Mr. Farrell commented that it sounds like they are staying on top of it and doing it without any prejudice with regard to dealings with the state. He complimented Mr. Dann for a good job.

Chairman Brodinsky wanted to know the consequences for Economic Development are with this map, if a business wanted to move into the wrong area.

Mr. Dann said that based upon the policy that our commission has adopted and that is consistent with the interpretation at the state level, if a business is seeking to locate into one of the areas in delineated in green (*on the displayed map*) that necessitate an extension of either the water or sewer lines, they would not be agreeable to that at this point in time. He said that if that business wanted to locate at that site would either have to do so using well and septic, or depending on the nature of the business, they might be precluded from locating that business altogether because of the unavailability of utilities. He continued saying that presuming they are successful in modifying the Locational Guide Map, then the areas that fall within the developmental areas are all of those areas where the utility infrastructure is intended and has been constructed to serve. He said that presumably businesses coming into Wallingford looking to locate would be looking at those areas; and therefore, there should not be an impact with respect to their ability to successfully locate and extend utilities as necessary.

Chairman Brodinsky asked would it not be true that if someone wanted to locate in a green area under the revised map and needed municipal utilities that they would not be able to get them.

Mr. Dann said that would be the case. Mr. Adair said that bearing in mind that it would then be outside the area that the PUC intends to serve.

Ben Martin, Ward Street, asked if this was the new map.

Mr. Dann said that if the changes that we are suggesting are made, then that would be the appearance of the map. He said that the state updates the Plan of Conservation and Development periodically, and typically every five years. He said that the last one was done in 2005, and it's not anticipated that they will complete an update until 2012. He said that at the five-year interval, the town and the regional planning agencies can make comment with respect to the changes that they might see are appropriate. He said that what we are doing here is the other way to approach it. He said that it is allowable to approach the Secretary of OPM seeking interim changes. He said that it is the intent of having tried-up the map that this would be the map that they would expect to work with for the foreseeable future; however, there is a process for interim changes, if necessary. He said that it is their intent in developing this is to not go back and make a subsequent modification.

Mr. Dann said that the color on this map doesn't change in any way the zoning that applies to the various areas, so in most cases, these are areas that are already developed, so are consistent with the zoning requirements. He said that from their perspective that the colors recognize where utility infrastructure can be without putting the town at risk, and where it can't be without putting the town at risk for future funding. Mr. Dann said that this does not cover natural gas or electric infrastructure.

All Councilors (9) present voted Aye. The motion passed.

6. Discussion and Possible Action on continuing the study by Jacunski Humes Architects, LLC on the feasibility of expanding the police station on the Wooding Caplan property – Mayor and Chairman Mike Brodinsky

Mayor Dickinson said that everyone is familiar that we had a presentation by Brian Humes, the architect, at the last meeting. He said that Mr. Humes indicated that there were some unfinished elements to the task that we hired him to perform. Those elements include a traffic study, a professional cost estimate and a final report, which is about 20% of the \$67,000 fee that his contract calls for him to be paid. The Mayor said that the issue is, “Do we want him to continue with completing the report with the traffic study, the professional cost estimate and the final report or one or more of those elements?” He said that his view is that we should complete it because it tells us whether that property, the Wooding Caplan property, is viable for a new police station. He said that it doesn’t mean that the police station will go there but it completes the review of the capability of that site to handle the police facility. He said that is the issue before us but if the majority of the Council feels that they really aren’t interested in any more information, then he is not wanting him to continue with the work and to waste money.

Chairman Brodinsky asked what would happen if he did finish so we know what we are dealing with. He said tonight we have his contract in front of us, and last time they only had the bid specs. He asked if the Mayor anticipates that Mr. Humes’ final report would address the issue of whether or not renovating the old building is practical and feasible. He said it seems to be part of his contract.

Mayor Dickinson said that to his memory he believes that Mr. Humes indicated that the old building was not sufficient, not suitable, and went to using the rest of the property in order to design or indicate the possibility of the location of the department there. He said that he thought that he had said to us that he looked at the old one and felt that it was not feasible.

Chairman Brodinsky said asked why the old building can’t be expanded or renovated and his recollection was the same as the Mayor’s but it wasn’t the focus of his comments, so he was expecting that he would address that in a final report.

Mayor Dickinson said that he can confirm with Mr. Humes what his thoughts are on that, and if that is not going to be the case, and then we can take that into account. He thinks that it is a reasonable request, the use of the old building and its site.

Chairman Brodinsky said that in addition to the final report, the traffic study and the cost are what is left in the contract. He did give us a ballpark cost of \$25 million but that would be refined. He asked if there is anything else that he would do to complete the study. Mayor Dickinson said that it’s those three elements.

Mr. Farrell, Jr. said that we listened to quite a lot of information the last time around, and he doesn’t think the Council needs to revisit a lot of that, and from the presentation last time, the most illuminating thing was the ballpark price for this police station of \$20 to \$25 million. He said being in the midst of a difficult economy with news that it will not clear quickly, he does not see us going down that road anytime soon. He said that he thinks that we have the information that we need and that the most relevant thing that we learned was how enormous the price would be, and speaking for himself, he cannot countenance signing on to a police station for those kinds of dollars, now or anytime soon. He said he would cut the losses here.

Mr. LeTourneau agreed with Mr. Farrell on not spending this kind of money for a new police station. He said that he thinks the planning process is a good thing to have and to be able to look at in the future but this piece of property is troublesome to him. He said that there are at least four traffic studies on this parcel. He said that go back in the archives and look at all the developers that have looked at this property and have spent thousands of dollars of their own money with traffic experts. He said that Chief Dortenzio weighed in on the traffic report when it was studied for development. He said that no more money should be spent with regard to studying traffic. He said that the Council has to determine whether this is where the police station should go or not. He asked, "If it's not going to go there, why are we spending any more money?" He said that this goes back to use of the current police station and the answer was it can't be used. He said the Council has a very detailed schematic from the architect yet there is information still missing that he requested, which was the future expansion, square footage surrounding the roofline. He said that there are many things that trouble him with this. He said that he is not voting in favor of moving forward with spending anymore money on this piece of property until we determine where the police station will go.

Mr. Testa said that the basis of his concerns were with what the Council didn't get the evening of the presentation. He said that what he was looking for has not been done yet, and should be done with the completion of the contract, so it makes no sense to him to not get this completed. He said that a detailed cost estimate is important to him. He addressed the comment that we need to sit down and make a decision about this property before we look any further. We have to go back to the roadmap of one and one half years ago where it was outlined how to take a reasoned approach of what to do with the Wooding Caplan property. He said it came to a halt because of the discussion of using the property for a police station. He said that this led to this bid and request for this study. He said he doesn't see the point is stopping now. He said that he is disturbed that it has taken so long to get here. He continued saying that we don't need to take any action tonight, that the contract has been issued, and the money authorized. We could stop it with a motion and not do it. He said that if we are going to decide what to do with the police department, it makes sense to have as much information as possible, so let's get what we asked for.

Mr. DiNatale said the most important question is where do we build this and that is where he struggles the most. He asked, "Where do the administration and the police chief stand on this issue?" If we deemed that this site a viable site in every respect – traffic, access, and parking – we have to decide whether we want a police facility in the center of town, or out of town. He said that he thinks that the starting point should be the administration.

Mayor Dickinson said that he would like to see the benefit of a full report to see what the impact is on that area with traffic, and then if not there, then where else? He said that we have to think about the timelines, since we also have a fire station that has to be dealt with in the closer future. He said that we need to full information.

Mr. DiNatale asked about the police chief and referred to the concept of in-town or out-of-town for the location of the facility.

Mayor Dickinson said that he hesitates to speak for the chief but thinks that he has said in the past that a police department can function anywhere, that it is not a facility that must be in a certain location. He said that in this town there are many people who are familiar with the police department being centrally located. He asked if that means that moving that facility from a central location to some other location produce feelings of concern. He said that he doesn't have an answer to that.

Mr. DiNatale said that if we are going to spend some more money, it would be nice to have some assurances that we are headed in the right direction. He said that how doesn't want to see us complete the study and find that it is deemed a viable site but that an important group, the administration and the police chief, just aren't interested in locating it there.

Mayor Dickinson said that he does not think that there is an administrative view that the new police station should not be located centrally. He said there is not that view. He said if that is a viable site, then that is something that we could live with. He said if it isn't, then it goes somewhere else, or if there are objections to that site that he would have to live with some other site. He doesn't think that there has been anything that would have the administration feeling the Wooding Caplan is not a suitable site. He said that the architect is coming back saying that it works well and that he was pleased with the way the property could be used for a police station. He said that thus far there is no indication that it cannot be in the center of town.

Mr. DiNatale said if it's deemed viable in every aspect, this would seem to be a priority site for the police station.

Mayor Dickinson said that it becomes a question of what translates into the most effective for location of the police department, both cost wise and in terms of community support. It is obvious that if there are not the votes on the Council to choose the Wooding Caplan site, then there is no way for it to be there; and that if the majority of the people think it is a suitable site, and it could work well for the community, it's a much easier decision because it means less change for the community. He said that it's not a question of putting it somewhere else; it's putting it in almost the same location that it is now. People can live with change, and it's what people feel comfortable with. We haven't decided that it should go there. He said that it involves the Council and other members of the community to weigh in on what would be advisable. He said that this report says that this site could be used, if we choose, it could be used. He said that we need the finalization of it.

Mr. DiNatale said that the starting point would be an expert like the police department to get some direction, a statement on how different sites will work. He said that regardless of the location in-town or out-of-town, it seems that we are long overdue to do some housekeeping on the site with some of the buildings, which need to be demolished and then do site cleanup.

Mayor Dickinson said that the only closed up structure that the town owns is the Wooding office building. The other structures are not owned by the town. He is not certain if the town is using it for storage. Someone said it is used for storage by Public Works.

Mr. Parisi said that he is concerned with page 4, schematic design phase – new building and/or renovated existing building. He said he doesn't recall that ever being presented. He said that perhaps he is not recalling properly. He read from page 4 - *produce both the renovations/addition design and a design utilizing new construction for a comparison*. He stated that he doesn't recall the remodeling or a combination – renovation and addition design being put forward and that is something that he is stuck on at this point.

Mayor Dickinson said that he will speak to Mr. Humes to ask if he is going to include this in his final report, the comments with regard to use of the old building. He said that he does remember him making oral comments on it, one of them being that he didn't feel that the chief would want two different structures and the result was a design for a new building. He said why it would have to be two structures with more detail could be part of the final report. He said that if he doesn't want to

deal with that then he will speak to him about fleshing out what it is about the old building that has him moving immediately to designing a new one.

Mr. Parisi asked if they would have any opportunity to discuss an idea that we have with him, even on the phone. Mayor Dickinson said that he doesn't know why not. Mr. Parisi said that as far as the traffic study, he can go with it or by-pass it, and said that if the Council really feels that the study is necessary, then he will support that.

Mr. Spiteri said that he spoke with the police chief about the current building and the current issues that we're having on why they couldn't expand. He said that when they moved into that building the ADA was not in existence, the jail is downstairs, there is no elevator, and therefore no way to transport prisoners from one floor to another. He said it is because the building is so old, and if they do renovations, they have to bring it up to code, which is very expensive. He said that some Councilors are bringing up the economy as a reason to not move forward and said that he believes that this is the time to build it because labor and material costs are down. He said as long as the community is healthy enough to be able to afford it, the prudent thing to do is to build it now. He added that in 2010 we will be free of bonds that we have right now. He said that he thinks that we need to move forward with this and get an answer on Wooding Caplan with regard to a police station. We need all of the information to make this decision. Let's not wait to the point where we might be paying \$35 million.

Chairman Brodinsky said that his recollection is like that of Mr. Parisi. He said he was asked after the presentation meeting about the old building and renovation and making an addition. He said that it really wasn't hit between the eyes. When we had these specs in the contract, this was a question from all of us. It was a big issue at the time. Can we save the old building? We know it needs to come up to code. We know there are lots of renovation costs. He said that the question comes back with new relevance when you see \$25 million. He said the fact that the chief would be inconvenienced isn't satisfactory enough. He said that he would like to see in the final report why not do something with an old building- busting our a wall, making an annex if you have to and maybe that adds up to \$15 million. He is perplexed because it was a key question at the time.

Mr. Farrell said that we got some generalizations from the architect saying that he has considered it and he dismissed it. He said that we have paid for that part of the study and he is not sure that we should pay further dollars to hear the intimate justification of that. He said the additional dollars that could be spent go to very different issues that do not relate to what Mr. Parisi is asking about. He said that what he is asking about should have already been covered and arguably hasn't been covered in enough detail to satisfy vary specific desire of the Council to know-can this be done using the existing building yet much cheaper? He said maybe it's not wonderful but it meets all of those things that the chief has identified, like the youth access issue that the chief insists we are under the gun to do something. If we are under the gun on some of these things, what would it cost to deal with that, perhaps \$2 million, to those specific things and be done with it.

Mrs. Rascati said that she feels that it is not wise not to finish this study. We said that the money is put aside, and we have two-thirds of it done. She doesn't think that if we finish the study that it means that the police station has to go on the Wooding Caplan property. She said that with a completed study, we should continue to look at other properties, and if some feasible property comes up, maybe a little larger, where we could locate this same building, there is more room for expansion. She said another site might lack a traffic study. She said that if we compare the cost of buying another piece of property, then we might come back to the Wooding Caplan property with a completed study. She said that in her eyes it is foolish not to complete the study now while we have

the money authorized. She said that we should let Mr. Humes know of the questions that were not addressed fully and perhaps he can address them in his final report.

Chairman Brodinsky agreed that the report should be finished. He said that he is concerned that there may be a variance or two between the bid specs that we talked about and the contract. He said it seems that the bid specs are a little tighter in talking about taking a look at the old structure and estimating the costs of renovating it and comparing that with the cost of a new structure. He said that was what he was expecting and that is what we discussed and he thinks that the council should get that. He said that the more we talk about this that it was the expectation of some of us and it is still a relevant question. We are going to come back to that as Mrs. Rascati said. He said that if

there is a decision tonight to discontinue the study he does not want that to be misconstrued by anyone as meaning that the police station is not going to go on the Wooding Caplan property. He said that until the big picture is addressed with a frank conservation, the police station is always on the table for that location. He said that in 2007 we had a roadmap that asked if we should use the Wooding Caplan property for a police station or for some kind of commercial development or for some other purpose. He recalled the referendum. He said that in the course of that investigation a decision was made asking why even think of the police station on Wooding Caplan if it is not feasible. So in May 2007, it was let's do a feasibility study. He said that now we have the study that says it's feasible. He said that there is other information that we contracted for that we ought to have. He also said that the question is still out there regarding the disposition of the Wooding Caplan property, and until we decide that, we really can't make an intelligent decision about the police station. Both need to be solved. He presented situations representing the Wooding Caplan property, the location of the Police Station, the location of the police station of the Wooding Caplan property and looking at other locations for the police station and said in the end the community might find that the Wooding Caplan property is the right place for the police station. And at this point, we won't be saying that we wished the study was complete.

Mr. Parisi said that He agrees that we made a commitment when we voted to conduct the study, and he thinks that the Council should stand by that commitment. He said that in the future it could be very valuable to help us decide what we are going to do with this problem. We aren't incurring an expenditure since the money has already been budgeted.

Mr. Testa said that there is a disconnect between the original bid specs and the contract. He said that there is a very clear statement in the contract document that says, "*...produce both a renovation addition and a design utilizing new construction for comparison.*" He said that he is also interesting in seeing this since it was part of the original request.

Lucille Trzcinski, 25 Turnberry Road, since the money is appropriated, go ahead and complete the study. She said that as Mr. Testa said, that before the study was ever done that you could put the police station on this property. She asked the architect if this was the best possible police station that could be built because she thought that his job would be to design to very best police station and see if it would fit. She said that what happened was he was given a site and told to fit the police station on that site. She said to spend \$25 or \$30 million to create a police station that fits on a site that any architect can fit anything on any site if that's what you tell him to do. She said that she is not in favor of retrofitting the existing police station based on talked with the police chief during the Wooding Caplan property study a few years ago. She said that the chief noted the venting system that would have to be installed to bring it up to code. She said that she agrees with Mr. Farrell that this is a waste of money. She said that the first thing that should have been accomplished was to ask if we are going to use this site for the police station, is it the will of the public, the Council the

administration to put the building on that site. She said talked about the timing of hiring an architect with respect to a site. She said that first you decide on a site and then the hiring of an architect follows. She also thinks that the current police station, the Armory, should be looked at for future use in the police no longer occupy that building as parking would be a problem.

Chairman Brodinsky reviewed for clarification the Wooding Caplan property history stating that in 2006-07, the Council was in a process of making a determination about the Wooding Caplan property and whether or not we wanted a police station on that site, or commercial development, a park, etc. In May 2008, a motion was made to do a feasibility study for a police station on that site and from that motion this digression began. He said that in his mind the ultimate question what is going to happen with the Wooding Caplan property. He said that had this study not been done and

before the 2007 election, we would have finished the road map and decided what we wanted to do with the Wooding Caplan property. He said that most Councilors were uncomfortable with making a decision as momentous as that without a feasibility study, so the study was done. Based on the contract and the bid specs, the architect was not told put a police station there. It was a feasibility study. He said that you can site a police station on a parcel in many ways. He said that placing the a building on a piece of paper and showing the perimeter of the property is very valuable.

Wes Lube, Montowese Trail, spoke about the current police station problems in bringing it up to code, as stated by Mr. Spiteri, and said that is right. He said that if the police station is located elsewhere, you still have to bring the current building up to code. He gave an example that illustrated the either way, the town will have to bring the building up to code. He said that the Council has a feasibility study that says it is not feasible. That's is what the Council is looking at. You have received a feasibility study which says the Wooding Caplan property is not feasible.

Chairman Brodinsky interjected that the study he is looking at, and the comments by the architect, say, it is absolutely feasible. He said that he wants to make sure that we are not misquoting the architect that his report says it's feasible.

Mr. Lube said while acknowledging what Chairman Brodinsky said, he will now tell the Council why it is not. He said that you can do anything that you tell him to do. He said that the reason why he says that it not feasible is that the Council is totally unrealistic in realizing what has happened. He said he could be wrong but he doesn't think that Mayor Dickinson, some odd years ago, when he advised buying this property for a police station, ever envisioned a police station at that point in time would ever encompass 100% of the Wooding Caplan property. He said that is the way it has turned out. He spoke about the cost, the size of the building and the scope of the building that it is going to utilize all of the property except for the parking. He said that the Council is not considering what the consequences will be. He talked about the addition of two more traffic generators, and it might not end there. He said that the Council has a very serious parking problem that cannot ignored in considering the risk of all of the neighbors on the abutting streets. He talked about St. John's Church and all of the restaurants with respect to parking and the serious intent to try to build an active, viable downtown business area. He said that you cannot ignore your responsibility to these traffic generators.

Bob Hogan, Grieb Road, said it seems to him crazy to talk about a study when you don't even know if the building will go there and that it is like putting the remaining \$15,000 into the gutter. He said that completing the study answers "what if." He wants to know why other sites are not being discussed and offered a thought that perhaps the Simpson site might be a possibility or property on Route 5 where 35 or 50 tractor trailer trucks sit. He spoke about the life of a new building and said

that 40 or 50 years would be more like it. He does not think that the town should spend the money to complete the study.

Lucille Trzcinski, 25 Turnberry Road, spoke about the roadmap and the need of a new police station.

Chairman Brodinsky, following this lengthy discussion, said he understands that no motion is required for the contract to go forward. He asked if there were any motions on the item.

Mr. LeTourneau made a motion that we not spend any further money on the Police Station Study. Councilor Farrell, Jr. seconded the motion.

ROLL CALL VOTE:

DiNatale – no; Economopoulos – no; Farrell – yes; LeTourneau – yes; Parisi – no;

Rascati – no; Spiteri – no; Testa – no; Brodinsky – no

7 – No

2- Yes

The motion failed.

13. Executive Session pursuant to § 1-200 (6)(B) regarding strategy and negotiations with respect to a claim filed by Clarence Kirk, et al – Corporation Counsel

ADDENDUM

15. 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

Mr. Testa made a motion to go into Executive Session pursuant to:

§ 1-200 (6)(B) of the Connecticut General Statutes regarding strategy and negotiations with respect to a claim filed by Clarence Kirk, et al as requested by the Corporation Counsel and

§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.

Councilor Farrell, Jr. seconded the motion.

All Councilors (9) present voted Aye. The motion passed. The Council entered into Executive Session at 9:25 P.M.

Mr. Testa made a motion, seconded by Councilor Farrell, Jr., to come out of Executive Session. All Councilors (9) present voted Aye. The motion passed. The Council exited from Executive Session at 9:42 P.M.

Executive Session Attendance:

Item # 13

All nine (9) Councilors, Mayor Dickinson and Town Attorney, Janis Small

Item # 15

All nine (9) Councilors, Mayor Dickinson and Town Attorney, Janis Small

14. Motion to Consider and Approve a settlement of a pending claim of Clarence Kirk, et al as discussed in Executive Session - Corporation Counsel.

Mr. Testa made a motion, seconded by Mr. Parisi, to Approve a settlement of a pending claim of Clarence Kirk, et al as discussed in Executive Session.

All Councilors (8) present voted Aye. Mr. DiNatale was not present for the vote. The motion passed.

Mr. Parisi made a motion to adjourn. The motion was seconded by Mr. Farrell. All Councilors (9) present voted Aye. The motion passed, and the meeting was adjourned at 9:45 P.M. with no further business to conduct.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary

Meeting recorded by Sandra Weekes

Chairman, Mike Brodinsky

Date

Town Clerk, Barbara Kapi

Date