

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

August 11, 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, August 11, 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, Mayor William W. Dickinson, Jr. and Town Attorney Janis Small were present.

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

2. Chairman's Report

Philip T. Ventre, Music Department Chair at Choate Rosemary Hall and Director of the Wallingford Symphony Orchestra, said that his gratitude was long overdue and thanked the Town Council and the Wallingford community for the support that was provided to the Wallingford Symphony Orchestra in celebrating with the Fourth of July concert.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#15 - #63) totaling \$3,767.06
Acct. # 001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve a Resolution authorizing the Mayor to contract with the State of Connecticut for an Historic Preservation Grant in the amount of \$10,000
- Grants Administrator
- 3c. Approve Use of the Parade Grounds in front of the monuments on Wednesday, September 2, 2009 from 6:30 P.M. to 8:00 P.M. by the American Legion Post 73 to commemorate the end of World War II – Councilor Robert F. Parisi
- 3d. Consider and Approve a Transfer of Funds in the Amount of \$3,000 to Professional Services-Small Cities Grant Acct # 001-1302-901-9002-00 from Contingency Acct # 001-7060-800-3190 – Grants Administrator
- 3e. Consider and Approve a Transfer of Funds FY 2008-09 in the Amount of \$2,350 to Computer Indexing Acct # 6030-901-9024 from Salary Acct # 6030-101-1000
– Town Clerk

- 3f. Consider and Approve an Appropriation of Funds in the Amount of \$6,500 to Office Expenses and Supplies Acct # 6030-401-4000 from Contingency-General Purpose Acct # 001-7060-800-3190 – Town Clerk
- 3g. Consider and Approve an Appropriation Transfer of Funds Youth and Social Services Special Fund in the Amount of \$510 to Expenditures Acct # 213-3070-600-6000 from Donations Acct # 213-1042-070-7010 – Youth and Social Services
- 3h. Consider and Approve an Appropriation of Funds for *Youth and Social Services Special Fund* in the Amount of \$180 to Expenditures Acct # 213-3070-600-6000 from Donations Acct # 213-1042-070-7010 – Youth and Social Services
- 3i. Consider and Approve a Re-appropriation of Funds for the *Mayor's Council on Substance Abuse Prevention Program* in the Amount of \$2,491 to Expenditures Acct # 213-3070-608-9061 from Revenue Acct # 232-1043-900-1001 – Youth and Social Services
- 3j. Consider and Approve a Budget Amendment FY 2009-10 in the Amount of \$7,250 to Structures & Improvements – General Plant Acct # 433-9012-390 from Outside Services Employed for \$2,750 Acct #431-8920-923 and from Use of Funds-Appropriation to Cash for \$4,500 – Water Division
- 3k. Consider and Approve a Budget Amendment FY 2009-10 in the Amount of \$2,750 to Structures & Improvements – General Plant Acct # 433-9012-390 from Outside Services Employed Acct #431-8920-923 - Sewer Division
- 3l. Consider and Approve a Transfer of Funds FY 2008-09 in the Amount of \$30,000 to Pensions & Benefits Acct # 431-8920-926 from Various Accounts – Water Division
- 3m. Consider and Approve a Transfer of Funds FY 2008-09 in the Amount of \$1,700 to Pension & Benefits Acct # 461-8920-926 from Operating Labor & Expense Acct # 461-8640-642 – Sewer Division
- 3n. Consider and Approve a Transfer of Funds FY 2008-09 in the Amount of \$5,950 to Distribution – Operations Meter Expenses Acct # 586 from Distribution Operations – Customer Installation Expenses Acct # 587 – Electric Division
- 3o. Approve Minutes of Special Town Council Meeting April 29, 2009
- 3p. Approve Minutes of Regular Town Council Meeting June 23, 2009
- 3q. Approve Minutes of Special Town Council Meeting July 16, 2009

Mr. Testa made a motion to approve the Consent Agenda 3a.-3q. Mr. Farrell seconded.

Eight (8) Councilors voted Aye. Mr. Testa 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, spoke about the condominium owner suit and said that he thinks that in the future, and not only in the future, that there is time left in the case before more money is spent that Zoning Board, the Town Council, all the residents of condominiums in town and the should have a special meeting and see if they can't compromise on the regulation and avoid spending anymore money by the residents in the town. He said that he thinks that it is in the shoes of the Town Council.

Chairman Brodinsky said that the decision to appeal was solely in the hands of the Zoning Board of Appeals.

Robert Gross, 114 Long Hill Road, talked about the bids for the fire engine. He said that the low bidder bid \$26,000. He asked about an insurance commission and and asked the Mayor why don't we appoint an insurance commission.

Mayor Dickinson said described that the Town Council made decisions regarding property-casualty insurance coverages. He said that agents would come in and explain what the coverages were and a package was described and the Council would decide which companies, which agents would be writing that coverage and providing the insurance. He said that since then the town changed the method of providing the insurance, that we put it out to bid every year, or within the prescribed periods of time. He said that we have a Risk Manager who oversees that. He said that it became a new position and that the Risk Manager is responsible for obtaining the coverage, describing what coverages we need and overseeing the property-casualty insurance program during any given year. He said that the insurance commission in this town was set up in order to advise the Town Council in its efforts to place insurance coverages, and we no longer follow that approach. To respond to Mr. Gross' next question, the Mayor said that he would speak with the Risk Manager to ask if error billings and undeserving people are on the policy, since they would fall within his responsibilities as Risk Manager. He said that our ordinance describes an advisory capacity to the Town Council and at this point the Town Council does not place the coverage. It is placed through a public bid overseen by an administrative office.

6. Discussion & Possible Action regarding Amendment No. 3 to the CMEEC/Wallingford Contract for the Supply of Power and Energy – Director Pubic Utilities

In attendance:

George Adair, Director, Public Utilities

David Gessert, Public Utilities Commissioner

Mr. Adair said that the *50-in-5 project* is a CMEEC undertaking, and its purpose is to reduce the Purchase Power Cost for the Wallingford Electric Division's customers. He said that it will do this by reducing CMEEC share of the fixed cost associated with transmission and capacity as administered by ISO New England. He said that transmission costs in this area are rising very rapidly and becoming a significant part of the Purchase Power bill. He said that it is a \$30 million undertaking of which we have 35%. The contract was executed by our (PUC)

chairman based on action at the PUC on June 22 to enter into this project. He said that because there is a Purchase Power Agreement in place with CMEEC, and that agreement by prior practice and the requirements of the contract itself needs to be amended each time there is an undertaking like this to reflect the debt obligation that Wallingford shares in the CMEEC debt obligation. He said that the same process was followed in connection with the Pierce Project and with the diesel-retrofit project where in each case there was an amendment to the Power Supply Agreement. He said that this is the action requested tonight recognizing the obligation and amending that contract.

Chairman Brodinsky said that his understanding is that the Town of Wallingford and the Electric Division are not going into any debt and not issuing any bonds but that it is CMEEC that is incurring the debt but Wallingford is guaranteeing it in case there is some default or problem. He asked if this was correct. Mr. Adair concurred. He asked a definition of *50-in-5* to benefit those who are unfamiliar with the term.

Mr. Gessert said that the *50-in-5 Project* was during a five year period they wanted to bring 50 megawatts of power online, and the power would be two and one half (2.5) megawatt units similar to the ones that are in the yard at the Electric Division. He said that they look like a tractor trailer and are white with a mission-control on top of them to eliminate 95% of the pollutants that come from a fossil fuel engine. He said that they are very efficient from the standpoint of pollution which is very, very low on them. He said that when they are dispatched that they come online in a very few minutes when needed. On hot, humid days, like today, they would be called upon. He said that the estimated use is several hundred hours during the entire year. It is not an ongoing, daily, running operation. The purpose is to keep out energy costs down and reduce the cost to the rate payers.

Chairman Brodinsky wanted to know who runs the business model to see that this is going to pay off.

Mr. Gessert said that CMEEC presented the model and Risk Management Committee of which Mr. Adair is a member along with Robert Beaumont, Chairman of the Public Utilities Commission, so it's their role in putting the numbers together with CMEEC and in keeping CMEEC's feet to the fire. Mr. Adair said that their staff reviewed the cash flow pro forma that provides the forecast and that was based on CMEEC's prior experience. He explained. Mr. Gessert said that the *50-in-5* project is twenty (20) two and one half (2.5) megawatt units in this plan with two (2) to four (4) located in Wallingford.

Mr. Testa asked if twelve (12) to sixteen (16) units would be located in Bozrah. Mr. Adair said that there are other groups like Jewett City and Norwalk.

Mr. LeTourneau asked about the location of the Wallingford units. Mr. Adair said that several sites are under consideration both town-owned and private by that no decision has been made. Mr. LeTourneau asked about fences and adequate screening of the units. He wanted to know about the money and noted that the Wallingford share is going to be about 34.785%. He said that participation in the capital cost of the project will be \$10,435,500, and it looks like we are going to get back \$12.87 million. Mr. Adair confirmed that number adding that that is net and is discounting monies received in future years back to today and a 5% or 6% discount. Mr. Gessert reviewed the proposal process that led to a favorable position from one that was not.

Mrs. Rascati asked if the \$10,435,500 is over the ten-year term. Mr. Adair said that is the actual, initial capital cost to put the units in – it's \$30 million – and that's our share of that debt, our obligation to the project or the amount initially invested. Mr. Adair said that we will receive benefits over the ten-years, and each year would average about \$1.75 million. He said currently on their power bill is a credit for Pierce and the diesel units, and this would show up the same way, like a discount each month, and for twelve months it would average \$1.75 million. He said that in order to receive that benefit, we have to make our share of the \$30 million investment initially. He said that if you take the \$1.75 million each year for ten years you discount back to today. Mr. Gessert added that in today's market it will save their customers \$13 million.

Geno Zandri, 9 Balsam Ridge Circle, asked about the units. Mr. Adair gave some of the details of the units and said that CMEEC will be controlling the twenty units centrally. He said that there are a number of upgrades in this evolving area for CMEEC of improved technology compared to what they now have. The existing units are owned by CMEEC. Mr. Zandri asked about noise and fuel.

Robert Gross, 114 Long Hill Road, asked if CMEEC and Wallingford are looking for alternative energy. Mr. Adair said the Risk Management Committee of which he is a member, is the starting point for reviewing any new generation opportunities, and they have discussed a gas-fired opportunity and bio-mass, such as tree trimming operations. He said that at the local level, they will bring to the PUC a program, very similar to what they do with the conservation load management, utilizing funds that have come through the Regional Greenhouse Gas auction (RGGI) and some from the federal stimulus money. Mr. Adair said that these units and their availability over time has the potential to lower the demand on the transmission system and through enough distributed generation reduce the reliance on some of the older, dirtier plants that are kept in an idling mode as backup for the grid. He said that the eight units and the Pierce unit serve that function.

Mr. Testa made a motion, seconded by Mr. Farrell, to approve Amendment No. 3 to the CMEEC/Wallingford Contract for the Supply of Power and Energy as presented.

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

7. Consider and Approve a Transfer of Funds FY 2008-09 in the Amount of \$56,000 to Injuries and Damages Acct # 431-8920-925 from Various Accounts – Water Division

Mr. Testa made a motion, seconded by Mr. Farrell, to Approve a Transfer of Funds FY 2008-09 in the Amount of \$56,000 to Injuries and Damages Acct # 431-8920-925 from Various Accounts as requested by the Water Division.

In attendance:

George Adair, Director, Public Utilities

Roger Dann, General Manager, Water Division

Mr. Dann said that the transfer will allow them to replenish the maintenance reserve. He said that by ordinance that reserve exists, and during the course of the year, funds may be drawn from it for payments to some former employees, as is the case here. He said that at the end of each year, they look at the balance within the reserve and attempt to replenish it in order to accomplish that in the current year. This is the Worker's Compensation Reserve.

There were no questions from the Council or from the public.

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

8. Consider and Approve a Transfer of Funds FY 2008-09 in the Amount of \$26,000 to Injuries & Damages Acct # 461-8920-925 from Operating Labor & Expense for \$16,000 Acct # 461-8640-642 and from Maintenance of Transmission & Collection Lines for \$10,000 Acct # 461-8661-673 – Sewer Division

Mr. Testa made a motion, seconded by Mr. Farrell, to Approve a Transfer of Funds FY 2008-09 in the Amount of \$26,000 to Injuries & Damages Acct # 461-8920-925 from Operating Labor & Expense for \$16,000 Acct # 461-8640-642 and from Maintenance of Transmission & Collection Lines for \$10,000 Acct # 461-8661-673 requested by the Sewer Division

In attendance:

George Adair, Director, Public Utilities

Roger Dann, General Manager, Sewer Division

Mr. Dann said that at the close of the fiscal year they received several invoices that related to treatment for an injury that had taken place during the year as a result of which they need additional funds in the Injuries & Damages account in order to pay those bills.

Chairman Brodinsky asked if these are costs tracking or trending higher than anticipated. Mr. Dann said that there were some sizable bills at the end of the year. He said that they were well on track until these last several bills were received. This will put them higher than usual.

There were no questions from the Council or from the public.

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

9. Consider & Approve Resolution authorizing the Mayor to make application to the State of Connecticut for \$971,390 to undertake a Small Cities Community Development Program to be used for curbing and sidewalk improvements on public property and parking lot and walkways on Housing Authority property in the Ulbrich Heights neighborhood and to execute an Assistance Agreement with the State of Connecticut for state financial assistance, if such an agreement is offered, to execute any amendments, decisions and revisions thereto and to act as the authorized representative of the Town of Wallingford – Grants Administrator

Mr. Testa made a motion, seconded by Mr. Farrell, to Resolution authorizing the Mayor to make application to the State of Connecticut for \$971,390 to undertake a Small Cities Community Development Program to be used for curbing and sidewalk improvements on public property and parking lot and walkways on Housing Authority property in the Ulbrich Heights neighborhood and to execute an Assistance Agreement with the State of Connecticut for state financial assistance, if such an agreement is offered, to execute any amendments, decisions and revisions thereto and to act as the authorized representative of the Town of Wallingford requested by the Grants Administrator.

In attendance:

Don Roe, Grants Administrator

Mr. Roe said that the federal government passed measure that would provide stimulus funding has been funneling those monies through existing pipelines. He said that our state ended up with about \$3 million in the Small Cities Program. He said that twelve communities were eligible to apply, and there were two projects that you could propose. Mr. Roe said that they looked at both projects 1) buying of foreclosed properties 2) infrastructure option which was encouraged by the state when they submitted their 2009 Small Cities application on behalf of the Housing Authority to do the rehab work at the 22 duplexes, 44 units, to look at doing infrastructure improvements in conjunction with that. He said that is what led to the development of the project. The state thought this need to be fast-tracked because this involved stimulus finds and timetables setup. To meet the schedule, the state has certain actions that are part of the Small Cities Program, and they were not going to require coming before the legislative body with a resolution to proceed. He said about a week ago, that the state does want the legislative body to approve a resolution. He said they also need approval for assistance should the state require more the resolution. The application has been done in-house and they are now looking to change that and that was an item in the consent agenda. Chairman Brodinsky stated that there is no reason to infer that we are going to get this money; this is just an application. He said that this is an application, and the state in promulgating its amendment to its plan set a ceiling and that the Town of Wallingford in its application is exceeding that ceiling.

There were no questions from the Council or from the public.

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

10. Questions to and Answers from Choate Rosemary Hall concerning its plans for an Environmental Study Center – Chairman Mike Brodinsky

In attendance:

Edward Shanahan, Headmaster, Choate Rosemary Hall

Rick Saltz, CFO, Choate Rosemary Hall

Chairman Brodinsky welcomed Mr. Shanahan and said that the last time this issue was discussed, following Mr. Shanahan's presentation, the hour of the meeting caused the discussion of the issue to be discontinued. He said not all questions were asked that night and since that meeting, more questions have developed. Last time, he was the only Councilor who didn't ask any questions. With respect to the concept of the project, Chairman Brodinsky gave a brief review stating that there is going to be a building on East Main Street, and a field station is proposed on Old Durham Road. He said that the students will be in the study center in East Main Street, and they will be working out of the field station.

Mr. Shanahan spoke of the location of East Main Street using the map that was on display. He said that the Environmental Center will accommodate fourteen students and some faculty members. He said that they expect to be on that 128 acre parcel of land at that location. He said that this land is the primary research location for the students and faculty, who are operating from the Environmental Center. He said that the other students at Choate, and hopefully students from Lyman Hall and other schools, will be using the land on the west side of East Main Street. He referred to the map for the location of the field station. He spoke about 30 very rich acres where there is a prime waterway that goes through this area, which is an all-season stream and is located in a ravine. He said that the Wallingford students and the

Choate Rosemary Hall students that are not residential students will probably conduct most of their research on that side.

Chairman Brodinsky said that his questions refer to pedestrian traffic flow. Chairman Brodinsky called a recess at this point to allow for the traffic study from Mr. Shanahan to be copied for the Council.

RECESS

The recess commenced at 7:20 P.M. and reconvened at 7:47 P.M.

Chairman Brodinsky asked about specifics with respect to the traffic study, including car count, number of trips, peak hours and overall counts for a day at various locations of the traffic study for Christian Street and East Main Street as they intersect each other, and as they intersect with Old Durham Road, the road that Choate is requesting be closed. He discussed these particulars with Mr. Saltz, including car counts when Old Durham Road was closed during bridge reconstruction as well as the volumes on Old Durham Road after the reopening to traffic. Peak hours were determined to be 7:30 A.M. to 8:30 A.M. and 4:15 P.M. to 5:15 P.M. The study did not include the total workday trips for Old Durham Road.

Chairman Brodinsky asked about pedestrian traffic across East Main Street to the Environmental Study Center.

Mr. Shanahan replied that the fourteen students at the Environmental Study Center, along with three or four faculty, will remain at this center for their entire ten-week course of study. They will eat and sleep at this center with no reason to go to main campus. He said that if there is a need to go to main campus they would walk, bike or use campus transportation. He said that a trail system could result while working out the specifics of curriculum development and pointed out that there are trails in existence now. He said that the school does not intend to install sidewalks on East Main Street but it is the intention, and the hope, to keep their students off the main roads. He said that the campus does exist at the crossroads of the town, so for students to go to class or meals or various events, they have to cross some main arteries. He said that students sometimes go downtown and return in the evening hours, signing in no later than 7:00 P.M.

Mr. Shanahan said that we do not intend to program our students to say 'you shall not walk on city streets'. He said some of them will as they do now. He said that when they are speaking of Old Durham Road, they are potentially talking about hundreds of students, who will be in the area of this road, not fourteen students, classes upon classes of students from Choate Rosemary Hall and from the public schools. He said when it comes to crossing the street, a different dynamic involved when students are engrossed in and focused on performing field research with a teacher and other students. He implied that they don't always pay attention when they cross the road.

With regard to the field station, Mr. Shanahan said that students would walk on campus, not on city streets, to get to the field station. Chairman Brodinsky expressed his concern about students who might use East Main Street and Christian Street. Mr. Shanahan said that these are clear cut trails but it remains to be seen how students get to the area of their research. He said it's less about how they get there and more about their safety once they get there. Mr. Shanahan said that the pattern of motion is that of students crisscrossing the road in the conduct of their research. He said that there will be a range of activities that will be going on

in the neighborhood of that road and that it is an inattentive enterprise of not paying attention to traffic. He said that he is concerned about three things- the first of which is making sure that with regard to the possibility of an exchange with regard to Old Durham Road that Choate Rosemary Hall is fair and compensates the town for the lifting of the easement. Secondly, he said that no child whether a Choate Rosemary Hall student or a Wallingford Public School student gets hit by a car on that road while they doing research. He said that he does not want that to be a marker of his career. He said that he knows how inattentive students are, which he knows with regard to the crosswalks on Christian and North Elm Street. He said he is concerned about the safety of all students who will use this land. Thirdly, and most importantly, he said that this is about education. This center is going to add more to the educational experience of Choate students and Wallingford students than any single future planning of the careers for these young people. Chairman Brodinsky said that he believes that students know where the habitat or the soil end and where the road begins and with instruction and proper supervision, there is no need for them to be wandering across the road while being inattentive to traffic in search of whatever relates to their study subject. He said that he believes that students do know where the road is.

Chairman Brodinsky next asked about open space with respect to the "Town Benefits" page in the project notebook that was presented to the Council by the school. He wanted to know about accessibility to townspeople on Choate land. He wanted explanation of several scenarios that he presented.

Mr. Shanahan said that currently there are 260 undeveloped acres, and about half of that, or about 100 acres, are and have been wide-open to members of the Wallingford community. He said that is dominantly lands on the west side of East Main Street. With regard to the lands on the east side of East Main Street, those lands also have been open to town residents who walk their dogs, snowshoe and some who do not respect the land in their use of all-terrain vehicles that damage the land. He said that it will be in the interests of the Environmental Center to place some limits on access of that terrain.

In summary and in response to Chairman Brodinsky, he said that there are 262 acres and roughly half of that acreage is going to stay wide-open, and the other half will be for conducting experiments with measuring devices and the laying out of plots that no one should go near so as to be able to measure what happens when you leave a piece of land fallow for a protracted period of time. This means control of access to that land. It was established that access will not be a matter of legal right and is now not a matter of legal right. It is private property; however, he said that land has been open for over one hundred years, and it's going to be open for over one hundred years more. To Chairman Brodinsky he said that if he is suggesting that this proposal to build this Environmental Center is going to close off significant amounts of open space to this town, then he is misreading everything that Choate Rosemary Hall School is intending.

Chairman Brodinsky said that is not where he is and that the phrase 'open space' is associated with the land that Wallingford itself buys from time to time, and when we buy land, we call it open space, and residents have a right to go on it. When we talk about 'open space', residents can be confused as to their relationship with that land, and he said that he is just trying to clarify what that relationship is. He said that what he thinks is that relationship is that on some of the acreage, they might not have an absolute right to go on it but for the foreseeable future that will be tolerated.

Mr. Shanahan said entertained, not just tolerated. He continued by saying that the Wallingford Conservation Commission defines open space in a variety of ways, and in some ways, they define it as open recreational space, and in other terms, they define it as spaces that are open and are not going to be developed because developing these spaces costs the town more than leaving them open. He said that there are no locks and no gates keeping Wallingford residents off the Choate campus.

Chairman Brodinsky asked if the educational opportunities for Wallingford residents can be specified and made clear before any action is taken. Mr. Shanahan said that it would depend on the committee that will be put together in the fall with Wallingford and Choate faculty and in the progress that they make in the way this collaboration can occur.

Mr. Shanahan said that he has made several suggestions –

- 1) With regard to elementary students - to have a visitor's center where they could understand more about the nature of ecology and its importance to our town
- 2) To have nature trails and wildlife observations for the elementary school students
- 3) With regard to the high school students, there are three or four different things that he has suggested –
 - a) The use of portions of the land for specific research for public high school students that fit their academic program and their interest
 - b) The crowning jewel of collaboration would be to have Wallingford Public School students and Choate Rosemary Hall students working together on independent study projects that each can bring back to their home institutions to share with their faculty and classmates. He thinks that an independent study at the senior level can be very productive
 - c) Faculty collaboration Choate is open to the faculty at the two high schools in the plans for the center and how the center can complement or supplement what they can or cannot do in the local high school programs. He has suggested adjunct faculty for the Environmental Center.

Chairman Brodinsky referred to his letter to Mr. Kohler. He said that things can develop nicely and educational opportunities can be there for a period of time, and then things can change, yet the vote of the Council to convey our rights to you is forever. He said that one of the concerns is to protect the interests of the Wallingford residents. He said that things change, faculty changes, things can happen.

Mr. Shanahan said he wanted to make a distinction. He said that when we first discussed This, we both agreed that the lifting of this easement should be a business proposition that has a fair exchange between Choate and the town for the lifting of the easement. That was a principle to which he said he completely agreed, and he has on subsequent occasions reiterated that this has to be fair business arrangement. He said that he referenced the Ulbrich exchange, which was a business understanding based upon the value of the road, and he said he indicated to the Council that he thinks that Choate could do better than simply affording an exchange for the assessed value of the road. He said he asked what material exchange should there be for the lifting for this easement. He said that Choate has offered the assessed value of the road of \$260,000, or an exchange for the boathouse, which is more than the \$260,000 and thirdly to put into a legally-binding, perpetual covenant that the 130 acres east of East Main Street will never be developed. He said in Choate's judgment, this is a fair business exchange.

He said that his indication of the educational component was not an inducement. He said that it is his board's willingness, and his Chairman's willingness, in making this asset, that the board Chairman is funding for Choate Rosemary Hall, beneficial to the Town of Wallingford in the most effective way possible. He talked about continuing talks with both the elementary and high schools. He said this collaboration will evolve over time. He said for whatever value the Council places on it, he gives his commitment to enhance the quality of education for students in the Town of Wallingford.

Chairman Brodinsky spoke about the boat house and its current value of \$350,000, which is what Choate listed it for, and not for the old appraised value of about \$600,000.

Mr. Economopoulos spoke about the estimate of travel by the student body of Choate and that they take part and use many campus facilities and that they like to see their friends who might not be friends at the center.

Mr. Shanahan said that the fourteen students will not be allowed to leave the center for the main campus even for meals, and for the reason Mr. Economopoulos pointed out, Choate settled on the 10-week semester at the center instead of an entire academic year. He said that lab work will occur during the day and that the students will not be traveling back and forth in the evening hours through the woods.

Mr. Economopoulos said in his experience that students going from A to B will go any way they choose and that is a security concern. He said that he and his son have been asked to leave Choate grounds and that he knows of other people who have been asked to leave the tracks at Choate and to leave for just walking the grounds. He said that this sense of openness and welcome isn't as great as Mr. Shanahan thinks it might be. He reminded everyone that at the last meeting that he spoke about something lasting, and extra special, to make this deal with the school.

Mr. Shanahan asked if the recent purchase of a road by Ulbrich established a guideline for how the town would deal with that question. He said that it is worth something for the school's willingness to legally surrender right of development of the 130 acres. He spoke about the boathouse and the cost of the road.

Mr. Economopoulos commented on the 1979 demise of Community Lake, and except for storage, Mr. Economopoulos thinks that with the development of the linear trail that Choate would have offered the boathouse property long ago in the thirty year period since the lake became non-existent. Mr. Shanahan said that in his twenty years at Choate, he has not been asked a single question about the boat house from a Town Councilor or anyone from town government. Both Mr. Shanahan and Mr. Economopoulos agreed that the town and the school have a good relationship but Mr. Shanahan expressed dismay at some of the rhetoric surrounding this whole issue. He said that he envisioned a win-win situation for the town and the school. Winners and losers are the last things he wanted for the relationship of the town and the school. Mr. Economopoulos agreed.

Mr. Farrell commented on his days as a student at Choate in negotiating main town streets. He made remarks regarding Old Durham Road and said that the Council and the town should be very concerned with pedestrian safety. He asked about educational aspects and that some people want definition. He talked about Choate and the Vocational-Agricultural Program at Lyman Hall High School. He asked how will this educational cooperation NOT be dropped,

and how can we be assured that this will be revisited so that it is something real for the people of the town, and not something that is amorphous?

Mr. Shanahan remarked on the gulf that exists between rhetoric and reality. He said that the substance of the collaboration is something that has to be worked out over time and that it is not a contractual issue, or should it be a contractual issue. He said that we are both educators and townspeople, and he hopes that when Choate says it is committed to collaborating with the schools to bring the benefits of this asset to the students of this town that that would be worth something and that he hopes that decent-minded people will recognize this. He said that Choate is already working with Rock Hill and Moses Y Beach schools in environmental studies in the use of the land and in meeting room spaces.

Mr. Farrell noted that the Council would like to be aware of the progress of the two educational systems and how they are intersecting.

Chairman Brodinsky announced that Councilor DiNatale is not participating in this debate or these discussions or asking questions because he presently is getting an advisory opinion from the Board of Ethics as to whether he can participate and vote.

Mr. Testa said he is not interested tonight in discussing or contemplating values and/or anything that resembles a negotiation. He said that the Council needs to make a decision as to whether or not the Council thinks the proposal is viable, believable, and whether the willingness is there to proceed. He commented that in this particular case he thinks that some people were sidetracked from the issue on the issue of open space, and there was some confusion as to the Environmental Center and what it even has to do with Old Durham Road. He said that he thinks that it can be established that it never was the intent of Choate to donate open space to the Town of Wallingford. With regard to the 128 acres, Mr. Shanahan clarified that the last time he indicated that he could never imagine Choate developing that acreage. After the last meeting, his chairman and his board changed their position declaring that the school would permanently lock it into a legally-binding covenant. Mr. Testa simply restated the matter that the school will not at any point sell, and have it developed into homes, and that's it. It is not an issue.

Mr. Testa said that he understands that the Environmental Center is a component of an environmental studies program and that when the road is being discussed that it is part of the activities of the environmental studies program involving the general population of Choate School. In his opinion, the Environmental Center has nothing to do with Old Durham Road. Mr. Shanahan said that he expects that the Environmental Center is going to connect and be connected to what the other students are doing.

Mr. Testa said that we are here to talk about Old Durham Road and asked about the field station near that road and the riverbed and the land on both sides of that road where the activity will take place. He said that this is what we should be talking about, and then based on that, why do we really have to close the road. That is the question. He said that it has been suggested to him that the school put in a bridge and fences and a crosswalk and railings, and not let anyone get near the road unless they have to cross it. Why really close the road. He asked what is really going to be happening here that raises the concern.

Mr. Shanahan said that, although he is repeating himself, you have to imagine schools of students accessing that particular ravine, and that riverbed, on a frequent basis and being all around that particular area. They won't be contained within the field station. He said that the

field station will be a pick up and drop off place that houses supplies, shovels, boots, foul weather gear, etc. He said that this is field science, and students will be working in the field and around the riverbed and the ravine. Students will be working in the fields across from Old Durham Road, or to the west of Old Durham Road. He said that it is to protect that kind of traffic, and that on a program basis, they have not had that kind of traffic. He said that he thinks that the road is not a very safe road, and it is a risky road. Mr. Testa said that lots of people like it, and it is not a reason to close it. Mr. Shanahan said that it is undeveloped with respect to site lines, etc., and with teens, you have a potentially explosive situation.

Mr. Testa asked if groups of students will be there for hours at a time and that students will be coming and going working in all of these places. Mr. Shanahan said yes. Mr. Testa said that this is the rationale. Mr. Shanahan said that he does not have a feel for activity involving the road. An expert, David Foster, said that the area is incredibly rich and that it is pretty pristine except for the road, that it is quite preserved and analogous to the area that is on the east side of East main Street as there is not a lot of pedestrian traffic in either location. The area is valuable for research. Mr. Testa asked if it was Mr. Shanahan's position that if this road is not closed that this program will not be developed. Mr. Shanahan said that the donor has indicated that that this is his condition for building the center. He said that the donor is a graduate of Yale University and that there is an issue of donor sensitivity. Mr. Shanahan said that he does not want to see this resource go away. Mr. Testa reviewed questions he has received and questions that have come up with regard to alternatives to closing the road.

Mr. Shanahan said that Choate can build the environmental center, can conduct ecological programs and can have cars on Old Durham Road going 30mph, but he said the question is, "Do we want to start the program this way?" He said that he does not think that would be good for the research, for the education or the safety of kids.

Mr. Testa strongly stressed that in his opinion that the value of the boathouse property is about \$300,000 or perhaps \$350,000 and that it should be presented that way and that this should be the end of that conversation regarding value.

Mr. LeTourneau commented about public access. He commented about the environmental center in Madison with their trail permissions and suggested that perhaps this is something Choate would consider. Mr. Le Tourneau said that the main thing, and the first thing, is the educational opportunity and that he wants to see this educational collaboration last and not fall apart.

Mr. Spiteri said that he is frustrated that negotiations became public by Choate through the newspaper. Mr. Shanahan said that he has been frustrated as well in that he looked for an opportunity to sit down and talk about negotiating a fair exchange for the road and that opportunity was not afforded to him by the Council. He left the last meeting with no action. Mr. Spiteri said that we were at the point where there were still some questions, and we were not contacted to go in that direction. Mr. Spiteri said that the Council accommodated him with the presentation. He commented on the donor that is driving this issue and asked about the location of the building that is in the center of the road. Mr. Shanahan said that it just indicates the only house on the east side of that road, a faculty home. The square is a reference point for a field station. He said that there are several locations where a field station could go without being on the road. Mr. Spiteri asked about using a fence with a gate or a guard rails on either side of the road or a tunnel. He said that he wants to see options other than closing the road. Mr. Shanahan said that while the option of a four foot fence with a gate

might improve the safety of the road for students that at some point students will still have to cross the road.

Mr. Spiteri asked about timing, federal grants and the cost of the project, which will be in the area of \$11 million.

Mr. Economopoulos brought up human nature and referred to the planetarium at Sheehan High School and its use over the years. He thinks that studying on the “away court” is not something that people like to do. He asked of the Mayor if he has spoken to anyone department with regard to the possible closing of this road.

Mayor Dickinson said that he has met with various departments including Public Works, Engineering and Emergency departments who did not see a problem with closing Old Durham Road. He said that he sees this as a great opportunity of collaboration between a renowned private institution and local government to provide educational opportunity. He said that the commitment for the 130 acres to remain open is an incredible asset not just to Choate but the town itself, especially to people who live in that area and to those who drive by the area. He said that he sees this as a fantastic commitment to the future and that the educational side of it is central to all of this. People have said this to him, and he sees it the same way.

He continued, saying that with respect to the educational component, he understands the difficulty in trying to pin that down, and it would be good if there was a contractual commitment of some kind. He said that with Lyman Hall, we really have a magnet school oriented to vocational agriculture and to have an environmental center as a potential resource is inestimable. He said that they just had their fair and were going to private property for snapping turtles and fish to bring to their fair. He said that with the right understanding between Choate and the town, this becomes another way of augmenting that magnet school’s potential. He said he agrees with Mr. Economopoulos that the planetarium has not been used in a way that was anticipated in the beginning but the whole emphasis on the natural environment, and the ecological studies, has far more central appeal today than perhaps the study of the stars have ever had, even though our ancients spent a great deal of time studying the heavens, and perhaps we should take example from them of their importance. He said that understanding vernal pools and the relationship to all of us, the little creatures and how their health ultimately influences our health.

Mayor Dickinson said that we don’t have to own it because we have an institution that is saying this is a tremendous asset, and you can participate with us, and by the way, we are an educational institution, and we are here to make better and informed citizens for the future, and we will participate with you in reasonable and feasible ways. He said that he thinks that this is an amazing opportunity.

Ms. Rascati asked said that in the easement portion of Mr. Shanahan’s proposal, he stated that 128 acres that will remain open space forever and that it would be addressed in the form of a covenant and asked if it would go on the land records. Mr. Shanahan said that it would and that it would be binding on all parties in perpetuity. She said that she is also concerned about the educational part of the proposal and that she is assuming that eventually there will be a schedule when the students will be allowed to be there. Mr. Shanahan said that the Environmental Center will be primarily for the use of the fourteen students and the three faculty who will be living there. There will be opportunity for other students both from Choate and town to visit and participate in the activities of the center, for instance, evening

programs and summer months. Ms. Rascati wants to see Wallingford students to be engaged beyond one hour on one day of the week. Mr. Shanahan said that would not be the case and that some of it depends on how the Wallingford school program would design a program. He added that there would be an academic calendar indicating when and what will be in use concerning the land, etc.

Mr. Parisi stated that the Vo-Ag program is one of the most successful programs that the town has in the public school system. Mr. Shanahan thinks that Choate students will be learning from the Vo-Ag program. Mr. Parisi noted that students come from surrounding towns. He said that he sent many emails to seek opinions and that Mr. Shanahan's responses tonight have answered most of the questions that were emailed back to him.

Public Comments were made by the following:

Lucille Trzcinski, 25 Turnberry Road,
Bob Hogan, Grieb Road
Craig Fishbein, Grieb Road,
Robert Sheehan, 11 Cooper Avenue
Pat Reynolds
Bill Spence, Mapleview Road
Barbara Kapi, 6 Demi Road
Frank Totz, 51 Pine Street

There was no action taken by the Town Council.

11. Discussion and Possible Action regarding the sale of a portion of Old Durham Road to Choate Rosemary Hall - Councilors Robert Parisi, Jerry Farrell, Jr., Rosemary Rascati, and John LeTourneau.

Mr. Parisi said that the reason this item was requested for the agenda was to stimulate the conversation that occurred in discussing Item 10.

12. Discussion and Approval of the last question for the ballot concerning Charter Revision per the Town Attorney's memo dated July 31, 2009 - Chairman Mike Brodinsky

MOTION

Mr. Testa made a motion, seconded by Chairman Brodinsky, to approve of the last question for the ballot concerning Charter Revision per the Town Attorney's memo dated July 31, 2009 –as requested by Chairman Mike Brodinsky.

ROLL CALL VOTE:

Brodinsky -yes, DiNatale -yes, Economopoulos – yes; Farrell -no,
LeTourneau -no, Parisi -no, Rascati -no, Spiteri -yes, Testa -yes
(5) Aye; (4) Nay

The motion passed.

13. Discussion and Possible Action to approve an explanatory text pertaining to proposed revisions to the Charter, as drafted by the Town Attorney - Chairman Mike Brodinsky

MOTION

Mr. Testa made a motion, seconded by Chairman Brodinsky, to approve an explanatory text pertaining to proposed revisions to the Charter, as drafted by the Town Attorney as requested by Chairman Mike Brodinsky.

ROLL CALL VOTE:

Brodinsky -yes, DiNatale -yes, Economopoulos – yes; Farrell -no,
LeTourneau -no, Parisi -no, Rascati -no, Spiteri -yes, Testa -yes
(5) Aye; (4) Nay

The motion passed.

14. Discussion and Possible Action on a proposed, revised Purchasing Ordinance
- Chairman Mike Brodinsky

This item was briefly discussed and will be the subject of a future meeting.

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

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. Mr. Farrell seconded.

All Councilors present (9) voted Aye on the motion. The motion passed. The Council entered into Executive Session at 10:27 P.M.

Chairman Brodinsky declared the Council out of Executive Session at 10:45 P.M.

Executive Session Attendance:

Town Council (9), Mayor Dickinson and Town Attorney Janis Small.

MOTION

Chairman Brodinsky made a motion, seconded by Mr. Testa, to adjourn. All Councilors present (9) voted Aye on the motion. The motion passed.

The meeting adjourned at 10:45 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