

TOWN OF WALLINGFORD, CONNECTICUT
SPECIAL TOWN COUNCIL MEETING
Town Council Chambers
AUGUST 9, 2011

RECORD OF VOTES AND MINUTES

The August 9, 2011, Town Council meeting was called to Order at 6:32 P.M.

ATTENDANCE:

Councilors Vincent Cervoni, Nick Economopoulos, Jerry Farrell, Jr., Craig C. Fishbein, John LeTourneau, Chairman Robert F. Parisi, Rosemary Rascati, and Vincent F. Testa, Jr. John J. Sullivan was absent. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were also in attendance.

Opening Prayer was given by Reverend Dean Warburton of the First Congregational Church of Wallingford, and the Pledge of Allegiance was said.

2. Correspondence

None

3. Consent Agenda

- 3a.** Note for the Record – Mayoral Transfers FY 2010-2011
- 3b.** Note for the record – Anniversary Increases FY 2010-2011
- 3c.** Consider and Approve Tax Refunds (#20 - #75) totaling \$10,085.99
Acct. # 001-1000-010-1170 - Tax Collector
- 3d.** Consider and Approve Use of the Parade Grounds by the First Congregational Church for the Annual *Catch the Spirit Sunday* on Sunday, September 11, 2011 from approximately 9:00 A.M. to 2:00 P.M. – Chairman Robert F. Parisi
- 3e.** *Consider and Approve Rescheduling the November 2011 Town Council Meetings to November 15, 2011 and November 29, 2011 – Chairman Robert F. Parisi*
Removed
- 3f.** Consider and Approve an Appropriation in the Amount of \$528 to *Council on Substance Abuse* to Expenditures Acct # 23240150-58830 and to Revenue Acct # 2324002-49000 FY 2011-2012 – Youth and Social Services
- 3g.** Consider and Approve an Appropriation in the Amount of \$210 to *Youth and Social Services Special Fund Operation Fuel* to Donations Acct # 2324002-47010 and to Expenditures Acct # 23240100-58830 FY 2011-2012 – Youth and Social Services
- 3h.** Acceptance of Donation from Wallingford Foundation and Appropriation in the Amount of \$1,500 to *YSS Science and Technology After School Club (formerly Young Astronaut Club)* to Donations Acct # 2264002-47010 and to Expenditures Acct # 22640150-58830 FY 2011-2012– Youth and Social Services

- 3i. Consider and Approve a Transfer in the Amount of \$350 FY 2010-2011 to Telephone Acct # 001-5015-201-2000 from Utilities Acct # 001-5015-201-2010 – Public Works
- 3j. Consider and Approve a Transfer in the Amount of \$5,579 FY 2010-2011 to Town Clerk-Wages \$3,616 Acct # 001-6030-101-1000 and to PUC-Wages \$1,963 Acct # 001-7045-101-1000 from Health Insurance Acct # 001-1602-800-8300 - Comptroller
- 3k. Consider and Approve a Transfer in the Amount of \$540 FY 2010-2011 to Regular Wages & Salaries Acct # 2030-101-1000 from Replacement Pay Acct # 2030-101-1500 - Fire Chief
- 3l. Consider and Approve a Transfer in the Amount of \$875 FY 2010-2011 to Professional Services-Ambulance Revenue Recovery Acct # 2030-901-9035 from Utilities Acct # 2030-201-2010 – Fire Chief
- 3m. Set a Public Hearing for September 13, 2011 at 7:00 p.m. to consider Repeal of existing Ordinance and enactment of revised Ordinance regarding *Open Burning*, Chapter 93 of the Code of the Town of Wallingford - Co-Chairmen Cervoni and Farrell, Ordinance Committee
- 3n. Set a Public Hearing for September 13, 2011 at 7:15 p.m. for Repeal of Ordinance #513 dated 2003 leaving in its place the new *Private Sewage Disposal Systems* Ordinance #566 adopted on September 28, 2010 – Town Attorney
- 3o. Consider and Approve a Budget Amendment in the Amount of \$21,840 to Appropriation from Cash and to Outside Services Acct # 43100923 – Water Division
- 3p. Consider and Approve a Budget Amendment in the Amount of \$18,540 to Appropriation from Cash and to Outside Services Acct # 43100923 – Sewer Division
- 3q. Consider and Approve a Transfer in the Amount of \$3,400 FY 2010-2011 to Taxes Acct # 408 from Interest on Customer Deposits Acct # 431 - Electric Division
- 3r. Consider and Approve a Resolution authorizing the Mayor to execute a contract with the Connecticut State Library for a State Public Library Construction Grant - Grants Administrator
- 3s. Consider and Approve a Resolution authorizing the Mayor to enter into a FFY 2010 State Homeland Security Grant Program Region 2 Memorandum of Agreement regarding use of state funding and custodial ownership of regional assets in Region 2 – Fire Chief

- 3t. Consider and Approve an Appropriation in the Amount of \$36,250 to School Roof Committee Acct # 100800350-58835 from Contingency-General Acct # 10019000-58820 – Chairman, School Roof Committee - **Removed**
- 3u. Consider and Approve an Appropriation in the Amount of \$36,250 School Roof Projects (New Fund) to Revenue-Trans in from G/F Acct-new line to be established and to Owner's Rep (Expenditures) Acct-new line to be established – Chairman, School Roof Committee -**Removed**
- 3v. Approve minutes of Regular Town Council meeting of July 12, 2011
- 3w. Approve minutes of Special Town Council Meeting of July 19, 2011

Mr. Farrell announced that Items 3e. and 3t. and 3u. were removed from the Consent Agenda.

MOTION WAS MADE TO APPROVE THE CONSENT AGENDA ITEMS 3a. to 3d., 3f. to 3s., and 3v. to 3w.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

4. Items Removed from the Consent Agenda

- 3e. **Consider and Approve Rescheduling the November 2011 Town Council Meetings to November 15, 2011 and November 29, 2011**
– Chairman Robert F. Parisi

MOTION WAS MADE TO APPROVE Rescheduling the November 2011 Town Council Meetings to November 15, 2011 and November 29, 2011

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Mr. Testa stated that he wanted the public to know that moving tonight's meeting is the reason that Councilor Sullivan is absent, since he planned his vacation around the original date of the August meeting. He agrees with the reasoning for moving the two November meetings.

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

- 3t. Consider and Approve an Appropriation in the Amount of \$36,250 to School Roof Committee Acct # 100800350-58835 from Contingency-General Acct # 10019000-58820 – Chairman, School Roof Committee

MOTION WAS MADE TO APPROVE an Appropriation in the Amount of \$36,250 to School Roof Committee Acct # 100800350-58835 from Contingency-General Acct # 10019000-58820.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Councilor Fishbein questioned taking funds from Contingency for the School Roof Committee. Comptroller James Bowes said that this appropriation is to authorize to continue on with the project and that when the bonding for this project is approved by the Town Council, then funds can be transferred back into the Contingency fund, and that the \$36,250 would be included in the amounts that are subject to state reimbursement at approximately a 50% rate with the other 50% included in the bonding.

Councilor Farrell read the Mayor's correspondence to the Council with regard to the roof project and the need to adopt an Ordinance for funding to hire an architect and funding for the awarding of a construction bid. The letter stated that this is a one time subsidy from the General Purposes Contingency account.

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

- 3u. Consider and Approve an Appropriation in the Amount of \$36,250 School Roof Projects (New Fund) to Revenue-Trans in from G/F Acct-new line to be established and to Owner's Rep (Expenditures) Acct-new line to be established – Chairman, School Roof Committee

MOTION WAS MADE TO APPROVE an Appropriation in the Amount of \$36,250 School Roof Projects (New Fund) to Revenue-Trans in from G/F Acct-new line to be established and to Owner's Rep (Expenditures) Acct-new line to be established.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

5. PUBLIC QUESTION & ANSWER

Taking part in the Public Question and Answer period were the following people:

Robert Gross, 114 Long Hill Road, expressed concern with regard to the lawsuit involving the Bank of America as that relates to the Pension Commission and bonds. Mr. Bowes stated the

bonds meet the overall statement of the Pension Commission. He added that the Commission with meet near the end of August.

Bill Comerford, 5 Broadview Drive, asked about the Housing Code that allows the town to fine and asked if the town has fined the Housing Authority for violations.

Diana Hotchkiss, Clifton Street, asked where the ideas for the location of the train station came from. She stated that she is concerned that townspeople are not being notified with regard to Public Hearings by the state. She suggested enclosures in ratepayers electric bills. Councilor Testa related a short history of the Council's involvement in the project. Councilor LeTourneau stated that he is the person to whom people refer when speaking of the Town Council since he offered his idea of station location at Parker Street. Councilor Fishbein indicated his unhappiness that neither the state nor the federal government put forth any money to advertise the Public Hearing for this \$647 million project.

Wes Lube, Montowese Trail, expressed his opinions with regard to the Bank of America and the bond market.

6. **Report out from the Chairman of the Wallingford Housing Authority Board**
– Councilor Nick Economopoulos

In attendance: Michael Misiti, Chairman, Housing Authority Board

Mr. Misiti addressed questions with regard to Certificates of Compliance, fines, the recent release of the budget and the lack of specificity and fund mixing on budget lines, budget delays, staff raises, Executive Director contracts, use of Housing authority car, lack of logs, legal advice, audit, forensic study and forensic audit. Mr. Misiti said that they are down to 7% vacancies. Councilor Economopoulos was especially interested in a report on 54 Tremper Drive. He commended the new board of the Housing Authority.

7. **Consider and Approve Request for Proposal-Defined Contribution Plan Service Provider for Town and Board of Education - Personnel**

**MOTION TO APPROVE REQUEST FOR PROPOSAL-DEFINED CONTRIBUTION
PLAN SERVICE PROVIDER FOR TOWN AND BOARD OF EDUCATION**

MADE BY: FARRELL
SECONDED BY: RASCATI

In attendance: Terence Sullivan, Personnel Director
Tyler Polk, Consultant, Fiduciary Investment Advisors

Terence Sullivan, Director, Personnel, explained the advantages of using an RFP in this process, stating that it allows for interaction in the interview process of a prospective vendor for a more careful selection of a provider. He said that with the consultant the planning of the plan concept is being developed. In that he will be negotiating with eight unions, he was reluctant to divulge details. He expects that they will meet with the Town Council in Executive Session perhaps in September to talk about some of the Council's concerns and ideas. Mr. Polk stated that a mixed plan could be added to the RFP. Councilor Fishbein was glad to see the supporting document at the beginning of the process.

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

8. Consider and Approve Request for Proposal-Legal Services for Defined Contribution Plan Provider – Town Attorney

MOTION TO APPROVE REQUEST FOR PROPOSAL FOR LEGAL SERVICES FOR DEFINED CONTRIBUTION PLAN PROVIDER

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Town Attorney, Janis Small, stated that as the town goes through this process creation, development and design of a plan that has IRS Requirements, and needs IRS approval, that it is important to have an attorney available to answer questions early in this process. She said it is beyond our expertise because it is not basic labor relations issues. She maintained that the RFP process is a selection process and it the best way to select Professional Services as it has qualifications, interview and experience being the determination as to who gets the award. In a straight bid process, there is no interview. She stated that the interview is a key component to the process.

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

9. Consider and Approve a Transfer in the Amount of \$158,000 FY 2010-2011 to Self- Insurance-Workers' Compensation Acct # 0011602-800-8310 from Property/Casualty Insurance-Gen. Gov't \$44,000 Acct # 001-1603-800-8250 and from Property/Casualty Insurance-Education \$14,000 Acct # 001-1603-800-8260 and from Police Heart and Hypertension \$100,000 Acct # 001-1602-800-8400 -Personnel

MOTION TO APPROVE a Transfer in the Amount of \$158,000 FY 2010-2011 to Self-Insurance-Workers' Compensation Acct # 0011602-800-8310 from Property/Casualty Insurance-Gen. Gov't \$44,000 Acct # 001-1603-800- 8250 and from Property/Casualty Insurance-Education \$14,000 Acct # 001-1603-800-8260 and from Police Heart and Hypertension \$100,000 Acct # 001-1602-800-8400

**MADE BY: FARRELL
SECONDED BY: RASCATI**

*In attendance: Terence Sullivan, Personnel Director
Kurt Treiber, Risk Manager*

Councilor Farrell read Mr. Sullivan's correspondence, which stated that the transfer request

is to increase the worker's compensation reserve fund to an adequate funding level as in past years. He stated that the money is a transfer from last year's budget of unexpended money and

will be used to pay awards, permanencies and settlements.

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

10. Discussion and Possible Action on Pension Cost of Living Adjustment of 1½% - Personnel

MOTION TO APPROVE the Pension Cost-of-Living Adjustment of 1½%.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

In attendance: Terence Sullivan, Personnel Director

Councilor Farrell read Mr. Sullivan's memo with regard to a cost-of-living adjustment for pensioners, who received a cost-of-living adjustment in 2008 of 3% but in the two succeeding years, 2009 and 2010, there were no increases. Mr. Sullivan stated that this is reviewed every three years through union contracts language dating from the 1980s. He said there are now eight (8) contracts. Some Councilors asked about annual review instead of every three years. Mr. Sullivan said that since it compounds every year even 1% per year will cost more than 3% every three years. If there is no middle of the ground increase, such as 1½%, then there will be no increase then in five years. If the council says 0% increase, then none can be requested for another three years according to contract language. Mr. Sullivan said that he thinks that this language needs to be watched carefully. There was discussion of residents who have received no raise and yet their taxes have increased. Mr. Sullivan read the language that includes '... every third year thereafter the town shall consider an additional increase for the retired employee...'. He thinks that we are stuck in the three-year cycle and not to have implementation at a different time. Mr. Fishbein interpreted 'shall consider' differently. There was discussion with regard to the Pension Fund and that the impact of this will be down-the-line.

ROLL CALL VOTE

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|--|-------------------------------|
| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -No | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN -No | TESTA -Yes |
| LeTOURNEAU -Yes | |
| 6-Aye; 2-Nay, Councilor Sullivan was absent | |

MOTION PASSED.

11. **Consider and Approve an Appropriation of CRRA Funds in the Amount of \$142,463 to Roof-Fire Headquarters (Expenditures) Acct # 200803505700010011 from CRRA Distribution –Revenue Acct # Fund 200 – Fire Chief**

MOTION TO APPROVE an Appropriation of CRRA Funds in the Amount of \$142,463 to Roof-Fire Headquarters (Expenditures) Acct # 200803505700010011 from CRRA Distribution –Revenue Acct # Fund 200.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

In attendance: Peter Struble, Fire Chief

Discussion included bids; warranties and length of warranty; pre-inspection of roof during a pre-bid meeting on site for vendors; 10% contingency fund for hidden damage, etc. and the suggestion that the Council might approve use of funds rather than having a contingency fund on the project, and that this would result in a work stoppage according to some comments; types of roofs; changing roof pitch; material for roofing; ambulance storage; public comment suggested the possibility of creating a building commission; and grants and grant availability.

VOTE was called out individually:

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|--|-------------------------------|
| CERVONI –Yes | PARISI - Yes |
| ECONOMOPOULOS -Yes | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN –Out of room; absent | TESTA -Yes |
| LeTOURNEAU -Yes | |
| 7-Aye; 2-Absent – Councilors Fishbein and Sullivan. | |

MOTION PASSED.

12. **Consider and approve 30-year lease agreements with four property owners in Simpson Court authorizing the Town to construct rear parking lot improvements – Mayor**

MOTION TO APPROVE 30-year lease agreements with four property owners in Simpson Court authorizing the Town to construct rear parking lot improvements – Mayor

**MADE BY: FARRELL
SECONDED BY: RASCATI**

Mayor Dickinson stated that the leases are almost the same; the owners all agree; and the town wants to begin the work soon by making small repairs on the school wall. A long discussion ensued with regard to this project. The Council commented on improvements to a centrally located parking lot that the town leases to enhance the downtown area both practically and aesthetically while addressing improvements to the safety to patrons and to the businesses involved in the area. Concerns were raised about the timing of the project as well as making such a large investment on property the town does not own which increases the value of the

property. Some thought the grand list might increase as a result of this project. They discussed the length of the 30-year term of the leases; the maintenance of the parking lot over the 30-year period; timed parking and 90 cards as terms of compromise for parking spaces; the wall repair included repair to the storm water system; that the percentage of total budget to repair wall is very small; funds could be better used for projects that have been on hold including Little League Field or surfacing the Wooding-Caplan lot, which the town already owns to purchasing property across from community pool. One resident said that you go to a restaurant because you like the restaurant not because it has a beautiful parking lot. Another resident inquired about a referendum. Mayor Dickinson observed that the Town is interested in improving the property that the town already leases and uses and that the Town has a legal right to the public to use this property.

ROLL CALL VOTE

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| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -No | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN -No | TESTA -Yes |
| LeTOURNEAU -Yes | |
| 6-Aye; 2-Nay, Councilor Sullivan was absent | |

MOTION PASSED.

13. **Consider and approve a temporary construction easement as shown on the attached map and approval of a Bid Waiver to allow Department of Engineering to engage contractor to undertake minor wall repairs to existing retaining wall between Holy Trinity School property and Simpson Court rear parking lot – Engineering**

MOTION TO APPROVE a temporary construction easement as shown on the attached map and approval of a Bid Waiver to allow Department of Engineering to engage contractor to undertake minor wall repairs to existing retaining wall between Holy Trinity School property and Simpson Court rear parking lot

**MADE BY: FARRELL
SECONDED BY: RASCATI**

In attendance: John Thompson, Town Engineer

VOTE was called out individually:

| | |
|--|----------------------------|
| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -Yes | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN - No | TESTA -out of room; absent |
| LeTOURNEAU -Yes | |
| 7-Aye; 2-Absent – Councilors Testa and Sullivan. | |

MOTION PASSED.

RECESS

There was a five-minute recess.

**14. Report on the Wallingford Landfill and CRRA property contamination issues
- Councilor Vincent Testa, Jr.**

*In attendance: Doreen Zaback, Resource Recovery Project Coordinator
Don Roe, Director, Program Planning*

Councilor Testa requested this report on the landfill and the CRRA property contamination issues. He put forth technical questions to which Ms. Zaback responded. They reviewed the history of the various properties with regard to contamination. They discussed the lagoon which was located on the map the Council received as part of lengthy backup provided by Ms. Zaback. Sludge and its source over the years became part of the discussion. Ms. Zaback stated that there has been no impact to ground water or to the Quinnipiac River. They talked about the possibility of the town's liability

**15. Discussion and possible action on adding language to the School Roof Committee's charge regarding energy conservation measures and incorporating solar energy technology
- Councilor Vincent Testa, Jr.**

Councilor Testa requested this discussion with regard to energy conservation measures and the incorporation of solar energy technology into the charge of the School Roof Committee.

After some general discussion on the method to add language to the charge; the involvement of the project architect; grant reimbursement criteria compliance and a cost benefit of regular roofing and green roofing, and some attempts at structuring a motion, Councilor Farrell made a motion.

MOTION TO add language to the School Roof Committee's charge to consider green technologies comparing the price of those technologies with standard roofing replacement cost.

**MADE BY: FARRELL
SECONDED BY: CERVONI**

MOTION PASSED.

**VOTE: UNANIMOUS OF COUNCILORS PRESENT
- ALL AYE/8 Councilor Sullivan was absent.**

MOTION PASSED

16. Discussion and possible action to request that the Town petition the State D. E. E. C. P. to earmark all, or a portion, of the fund established from the recent Covanta \$400,000.00 fine for energy conservation projects in Wallingford. - Councilor Vincent Testa, Jr.

Councilor Testa said that when he read about this he understood that of the \$400,000 fine that Covanta had to pay was to be broken up into two portions and that \$200,000 was to be set aside as a fund to be used for energy conservation projects and other such things. He would like the Town to petition the D.E.E.P. to ask them to earmark all of a portion of that fund to us. He observed that the plant is in out town and that our town should get the benefit of the fine.

Councilor Cervoni asked if we can do that. Mayor Dickinson stated that it is sending a letter of request to earmark those funds for projects in Wallingford. They can say 'no' or they can say 'yes'. Robert Gross made comments with regard to the disposition of these funds and suggested an amendment to the Superior Court decision.

MOTION to request that the Town petition the State D. E. E. P. to earmark all, or a portion, of the fund established from the recent Covanta \$400,000.00 fine for energy conservation projects in Wallingford.

**MADE BY: TESTA
SECONDED BY: LETOURNEAU**

VOTE was called out individually:

| | |
|---------------------------|-------------------------------|
| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -Yes | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN - No | TESTA -Yes |
| LeTOURNEAU -Yes | |

8-Aye; 1-Absent - Councilor Sullivan was absent.

17. Consider and Approve a \$21 Million Refunding Bond Resolution with respect to the authorization issuance:

RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$21 MILLION TOWN OF WALLINGFORD GENERAL OBLIGATION REFUNDING BONDS, AUTHORIZATION COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUES BONDS OF THE TOWN, AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM, AND REPEALING ALL PRIOR REFUNDING BOND AUTHORIZATIONS

-Comptroller

MOTION TO READ THE TITLE AND SECTION ONE OF THE PROPOSAL resolution and to waive the reading of the remainder of the resolution, incorporation its full text into the minutes of this meeting.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

ROLL CALL VOTE

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|--|-------------------------------|
| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -Left meeting; absent | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN -Yes | TESTA -Yes |
| LeTOURNEAU -Yes | |

7-Aye; 2 - Absent, Councilors Economopoulos and Sullivan

MOTION PASSED.

Councilor Farrell read the title and Section One.

RESOLUTION WITH RESPECT TO THE AUTHORIZATION, ISSUANCE AND SALE OF NOT EXCEEDING \$21 MILLION TOWN OF WALLINGFORD GENERAL OBLIGATION REFUNDING BONDS, AUTHORIZATION COMBINING INTO ONE ISSUE AND MAKING DETERMINATIONS WITH THE REFUNDING BONDS ANY OTHER AUTHORIZED BUT UNISSUES BONDS OF THE TOWN, AUTHORIZING AGREEMENTS FOR THE INVESTMENT OF REFUNDING ESCROW AND ITS REINVESTMENT OVER ITS TERM, AND REPEALING ALL PRIOR REFUNDING BOND AUTHORIZATIONS

Section 1. \$21 million principal amount of refunding bonds of the Town of Wallingford, or so much thereof as shall be necessary, are hereby authorized to be issued for the purpose of refunding, including advance refunding, all or any portion of the aggregate principal amount of any issue of Town of Wallingford (hereafter, the "Town") General Obligation Bonds, now or hereafter outstanding or hereafter authorized, issued and outstanding (the "Prior Bonds"), including but not limited to outstanding bonds of the Town's 2003 and 2005 issues and for the payment of all fees and expenses incurred in connection therewith, including redemption price, legal, fiscal advisor, underwriting, accounting, escrow verification, investment broker, printing, rating agencies, registrar, transfer and paying and escrow agents, printing and such other costs and expenses, and those necessary, appropriate or customarily incurred in connection with the refunding of bonds.

James Bowes, Comptroller, explained that this refunding is accomplished through Resolution.

MOTION TO adopt the proposed resolution.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

ROLL CALL VOTE

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|--|------------------------|
| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -Left meeting; absent | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN -Yes | TESTA -Yes |
| LeTOURNEAU -Yes | |
| 7-Aye; 2 - Absent, Councilors Economopoulos and Sullivan | |

MOTION PASSED.

Chairman Parisi declared the resolution adopted.

- 18. Consider and Approve a Bid Waiver to negotiate directly with the leading underwriting firms - Comptroller**

MOTION TO APPROVE A BID WAIVER TO NEGOTIATE DIRECTLY WITH THE LEADING UNDERWRITING FIRMS

**MADE BY: FARRELL
SECONDED BY: RASCATI**

James Bowes, Comptroller, explained that he is requesting use of a bid waiver in order to negotiate directly with the leading underwriting firms and that he will work with more than one firm

VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan

MOTION PASSED

19. **Executive Session pursuant to Sections 1-200(2) and 1-225(f) of the Connecticut General Statutes with regard to strategy and negotiation with respect to Collective Bargaining – Board of Education**

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO 1-200(2) and 1-225(f) of the Connecticut General Statutes with regard to strategy and negotiation with respect to Collective Bargaining (Board of Education)

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan

MOTION PASSED

EXECUTIVE SESSION ATTENDANCE:

Cervoni, Farrell, Fishbein, LeTourneau, Rascati, Testa and Chairman Parisi.
Councilors Economopoulos and Sullivan were absent;
Mayor Dickinson and Town Attorney Janis Small;
Superintendent of Schools, Dr. Salvatore Menzo,
Assistant Superintendent of Schools for Personnel, Jan Guarino
and Roxanne McKay, Vice-Chairwoman, Board of Education

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan

MOTION PASSED

EXECUTIVE SESSION 19: 11:05 P.M. to 11:35 P.M.

20. **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 WAS MADE 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 (Mayor)

MADE BY: FARRELL
SECONDED BY: RASCATI

VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan
MOTION PASSED

EXECUTIVE SESSION ATTENDANCE:

Cervoni, Farrell, Fishbein, LeTourneau, Rascati, Testa and Chairman Parisi,
Mayor Dickinson and Town Attorney Janis Small.
Councilors Economopoulos and Sullivan were absent.

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan
MOTION PASSED

EXECUTIVE SESSION 20: 11:35 P.M. to 11:50 P.M.

21. **Executive Session pursuant to Connecticut General Statutes §1-225(f) and §1-200 (6)(B) to discuss the following cases:**

DiNatale Realty LLC v. Town of Wallingford
Ives Road LLC v. Town of Wallingford

MOTION WAS MADE TO GO INTO EXECUTIVE SESSION PURSUANT TO §1-225(f) and §1-200 (6)(B) to discuss the following case:

DiNatale Realty LLC v. Town of Wallingford
Ives Road LLC v. Town of Wallingford

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan
MOTION PASSED

EXECUTIVE SESSION ATTENDANCE:

Cervoni, Farrell, Fishbein, LeTourneau, Rascati, Testa and Chairman Parisi,
Mayor Dickinson and Town Attorney Janis Small.
Councilors Economopoulos and Sullivan were absent.

MOTION WAS MADE TO COME OUT OF EXECUTIVE SESSION

MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan
MOTION PASSED

EXECUTIVE SESSION 21: 11:50 P.M. to Midnight

22. A. Possible Action on DiNatale Realty LLC v. Town of Wallingford

MOTION WAS MADE TO APPROVE THE SETTLEMENT OF DiNatale Realty LLC v. Town of Wallingford as discussed in Executive Session.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

VOTE was called out individually:

| | |
|------------------------------|-------------------------------|
| CERVONI -Yes | PARISI - No |
| ECONOMOPOULOS -Absent | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN - Yes | TESTA -Yes |
| LeTOURNEAU -Yes | |

6-Aye; 1-Nay; 2 Absent – Councilors Economopoulos and Sullivan were absent.

B. Possible Action on Ives Road LLC v. Town of Wallingford

MOTION WAS MADE TO ACCEPT SETTLEMENT OF Ives Road LLC v. Town of Wallingford as discussed in Executive Session.

**MADE BY: FARRELL
SECONDED BY: RASCATI**

VOTE was called out individually:

| | |
|------------------------------|-------------------------------|
| CERVONI -Yes | PARISI - Yes |
| ECONOMOPOULOS -Absent | RASCATI - Yes |
| FARRELL, JR. -Yes | SULLIVAN, JOHN -Absent |
| FISHBEIN - Yes | TESTA -Yes |
| LeTOURNEAU -Yes | |

7-Aye; 0-Nay; 2 Absent – Councilors Economopoulos and Sullivan were absent.

MOTION WAS MADE TO ADJOURN THE MEETING.

**MADE BY: FARRELL
SECONDED BY: RASCATI
VOTE: UNANIMOUS OF COUNCILORS PRESENT
7-Aye; 2 – Absent, Councilors Economopoulos and Sullivan**

MOTION PASSED

THE MEETING ADJOURNED AT 12:05 A.M.

Respectfully submitted,

Sandra Weekes
Town Council Secretary
Meeting digitally recorded

Robert F. Parisi, Chairman

Date

Barbara Thompson, Town Clerk

Date

RESOLUTION WITH RESPECT TO THE
AUTHORIZATION, ISSUANCE AND SALE OF NOT
EXCEEDING \$21 MILLION TOWN OF
WALLINGFORD GENERAL OBLIGATION
REFUNDING BONDS, AUTHORIZING COMBINING
INTO ONE ISSUE AND MAKING DETERMINATIONS
WITH THE REFUNDING BONDS ANY OTHER
AUTHORIZED BUT UNISSUED BONDS OF THE
TOWN, AUTHORIZING AGREEMENTS FOR THE
INVESTMENT OF REFUNDING ESCROW AND ITS
REINVESTMENT OVER ITS TERM, AND REPEALING
ALL PRIOR REFUNDING BOND AUTHORIZATIONS

RESOLVED:

Section 1. \$21 million principal amount of refunding bonds of the Town of Wallingford, or so much thereof as shall be necessary, are hereby authorized to be issued for the purpose of refunding, including advance refunding, all or any portion of the aggregate principal amount of any issue of Town of Wallingford (hereinafter, the "Town") General Obligation Bonds now or hereafter outstanding or hereafter authorized, issued and outstanding, (the "Prior Bonds"), including but not limited to outstanding bonds of the Town's 2003 and 2005 issues and for the payment of all fees and expenses incurred in connection therewith, including redemption price, legal, fiscal advisor, underwriting, accounting, escrow verification, investment broker, printing, rating agencies, registrar, transfer and paying and escrow agents, printing, and such other costs and expenses, and those necessary, appropriate or customarily incurred in connection with the refunding of bonds.

Section 2. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in fully registered form, and be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, Comptroller and Town Treasurer, or any two of them (the "Town Officials"). They shall bear such rate or rates of interest or be sold at such price or prices, including discount, as shall be determined by Town Officials pursuant to Section 7-370 of the General Statutes. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of refunding bonds to be issued, the particular issue or portion thereof they shall refund, the annual installments of principal, redemption provisions, if any, the date, time and manner of issue and sale, interest rate on the bonds, designation of registration transfer and paying agent, financial advisor, underwriter, verification agent or other service providers to facilitate the issuance of the bonds and the transactions herein authorized, and other terms, details and particulars of such bonds, and their issuance and

the use and investment of proceeds, including issuance premium, if any, shall be determined by the Town Officials in accordance with the General Statutes of the State of Connecticut, as amended, including but not limited to 7-370 et. seq. The refunding bonds authorized herein may be issued in one or more series, at one or more times and from time to time, provided that, the aggregate principal amount of all such refunding bonds issued shall not exceed \$21 million.

Section 3. The Town Officials are hereby authorized on behalf of the Town of Wallingford to enter into bond purchase contracts for the sale of the bonds, insurance or other credit enhancement contracts, escrow agreements, investment contracts to invest the proceeds of the bonds pending their use for the purposes of the issue, including purchasing open market treasury securities, State and Local Government Series, or any investment permitted by law, to enter into interest rate swap agreements or other agreements and determinations authorized by Section 7-370b and 7-370c, and to execute and deliver such other contracts or certificates necessary or appropriate to consummate the issuance of bonds and transactions herein contemplated, to contract with agents to act on behalf of the Town with respect to any of the foregoing and to apply the proceeds of such bonds for the purposes herein authorized. In connection with agreements to invest the proceeds of the bonds, the Town Officials are specifically authorized to enter into contracts to provide for the investment or reinvestment of amounts held in an advance refunding escrow, including but not limited to agreements to deliver, provide, or receive securities to fund the refunding escrow, or to otherwise facilitate refunding purposes, to purchase securities during the term of the escrow from proceeds derived from maturing escrow securities, including agreements committing to purchase or allow for the purchase of such securities over the term of the escrow, in exchange for payment, and which agreements may be described or are commonly known as escrow float contracts, escrow reinvestment agreements or generally, guaranteed investment contracts. Such agreements and any contract agreement authorized hereunder, may include agreements with and instructions to an escrow agent, or consist of agreements with multiple parties to accomplish its objectives, provisions for delivery and payment of securities or exchanges of cash flow, provisions identifying the type of securities to be delivered, the date, principal amount, maturity date and maturity amount of delivered securities, the timing and amount of exchanged cash flows, if any, default provisions, the preconditions to entering into such agreements, including opinions of counsel, including reasoned opinions addressing the effect of bankruptcy, insolvency, appointment of a conservator or other similar proceedings with respect to any party to such contract, including, but not limited to a party agreeing to provide such securities to the escrow in exchange for payment therefore, or any party to an interest rate swap agreement. The agreements contemplated by this section may consist of more than one agreement entered into with more than one party. Any portion of the payment derived from such contracts may be deposited to the refunding escrow or expended to reduce, directly or indirectly, the amount of bonds required to be issued to refund the Town's Prior Bonds.

Section 4. The Town Officials are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide

information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution.

Section 5. The Town Officials are authorized to combine with the issue of refunding bonds herein authorized, bonds for any other purpose which the Town has authorized but, as of the issue date of the applicable series of refunding bonds, are unissued, including any bonds authorized subsequent to the date of adoption of this resolution. Solely in connection with such combined issue, the Town Officials in addition to the authority conferred upon them by any bond resolution authorizing the issue of the bonds to be combined into one issue with the refunding bonds, are hereby delegated the authority to enter into contracts of purchase for such bonds and to determine their interest rate, and to exercise with respect to such combined issue of bonds the authority herein conferred.

Section 6. The Town Officials are hereby authorized on behalf of the Town to enter into contracts and to execute and deliver certificates necessary, appropriate or advisable in their determination to consummate the issuance of the bonds and the transactions authorized herein.

Section 7. This Resolution shall remain in full force and effect until repealed by the Town Council.