

TOWN OF WALLINGFORD, CONNECTICUT

TOWN COUNCIL MEETING

June 12, 2007

6:30 P.M.

The following is a record of the minutes of the Wallingford Town Council at its regular meeting held on Tuesday, June 12, 2007, in the Robert Earley Auditorium of the Wallingford Town Hall. Town Council Chairman Robert F. Parisi Called the Meeting to Order at 6:40 P.M. Responding present to the Roll Call given by Town Clerk Barbara Thompson were Councilors Michael Brodinsky, Vincenzo M. Di Natale, Lois Doherty, Gerald E. Farrell, Jr., Stephen W. Knight, Iris F. Papale, Robert F. Parisi, Rosemary Rascati and Vincent F. Testa, Jr. Mayor William W. Dickinson, Jr. and Town Attorney Janis M. Small

A Moment of Silence began the meeting. The Pledge of Allegiance was said and the Roll Call taken.

2. Correspondence

Mr. Knight read a memo from Wallingford Center, Inc. to the Mayor regarding Wooding Caplan and a letter from Philip A. Wright, Sr. regarding his resignation from the Community Lake Restoration Committee. Both of these documents are part of the record for the meeting.

3. Consent Agenda

- 3a. Consider and Approve Tax Refunds (#702- #713) totaling \$21,461.86
Acct. #001-1000-010-1170 - Tax Collector
- 3b. Consider and Approve Merit Review - Personnel
- 3c. Approval of Amended Town Council minutes of May 8, 2007
- 3d. Consider and Approve Town Council minutes of May 22, 2007
- 3e. Consider and Approve Resolution to apply and contract with State of Connecticut for a Historic Preservation Grant in the amount of \$12,000
-Program Planning

- 3f. Consider and Approve Resolution to file application with the Connecticut Department of Health, Preventative Health Block Grant in the amount of \$6,817 for a Smoking Cessation Program – Health Director
- 3g. Consider and Approve a Transfer in the Amount of \$2,000 to Distribution Plant-Leased Property Cust Premises Acct # 372 from Distribution Plant-Street Lights and Signals Acct # 373 – Electric Division

Mr. Knight made a motion, seconded by Mr. Farrell, to Adopt the Consent Agenda 3a. to 3g.

All nine (9) Councilors present voted Aye.

The motion passed.

4. Items Removed from the Consent Agenda

None

5. PUBLIC QUESTION AND ANSWER PERIOD

David Barbarino, 1179 Yale Avenue, reviewed the question discussed at length at the last Town Council meeting regarding the sale of tax liens in connection with the property located at 928 North Colony Road. He asked how the Council arrived at \$180,000. Mayor Dickinson responded that it was based on the appraisal and the discount given by the town to Fulton Forbes.

Robert Gross, 114 Long Hill Road, asked about CRRA and ad hoc members from Wallingford on the CRRA Board. Mayor Dickinson invited interested parties to make themselves known to him.

Bob Hogan, Grieb Trail, asked about veterans and the Chairman read the memo from Comptroller James Bowes who said the town should stay the course until the state decision is made and then to analyze the impact to the town. Mr. Hogan also asked if the town is monitoring the work being done on Leigus Road. Town Engineer John Thompson said that it is being considered by Inland Wetland and Watercourses Commission and then it will come back to Planning and zoning Commission.

Mr. Knight made a motion, seconded by Mr. Farrell, to move up Item #18 in the agenda.

All nine (9) Councilors present voted Aye.

The motion passed.

18. Consider and Approve a Transfer in the Amount of \$730 to Computer/Software Acct #001-6010-999-9910-00 from Office Expenses & Supplies \$192 Acct # 001-6010-401-4000-00 and from Maintenance of Equipment \$538 Acct # 001-6010-570-5200-00 – Registrars of Voters

Mr. Knight made a motion, seconded by Mr. Farrell, to Approve a Transfer in the Amount of \$730 to Computer/Software from Office Expenses & Supplies \$192 and from Maintenance of Equipment \$538 as requested by the Registrars of Voters.

Chet Miller, Registrar, was present.

There were no comments or questions.

All nine (9) Councilors present voted Aye.

The motion passed.

6. Consider and Approve request of Wallingford Center, Inc for use of the parking area at the Railroad Station and Parade Grounds on Saturday and Sunday, September 29 and September 30, 2007 for *Celebrate Wallingford* – Wallingford Center Inc.

Mr. Knight made a motion, seconded by Mr. Farrell, to Approve request of Wallingford Center, Inc for use of the parking area at the Railroad Station the Parade Grounds on Saturday and Sunday, September 29 and September 30, 2007 for *Celebrate Wallingford* as requested by Wallingford Center Inc.

There was a question by Mr. Lubee about the location of this year's activities. The memo to the Mayor from Wallingford Center Executive Director, Rick Myers, and the schematic of the festivities were read.

All nine (9) Councilors present voted Aye.

The motion passed.

7. Executive Session pursuant to Section 1-200 (6)(E) of the Connecticut General Statutes with regard to strategy and negotiation with respect to Water Contract Tentative Agreement with UPSEU Local 424-16 – Personnel

Mr. Knight made a motion, seconded by Mr. Farrell, to go into Executive Session pursuant to Section 1-200 (6)(E) of the Connecticut General Statutes with regard to strategy and negotiation with respect to Water Contract Tentative Agreement with UPSEU Local 424-16 as presented by Personnel.

All nine (9) Councilors present voted Aye.

The motion passed.

The Council entered into Executive Session at 7:14 P.M.

Mr. Knight made a motion seconded by Mr. Farrell, to Exit Executive Session.

All nine (9) Councilors present voted Aye.

The motion passed.

The Council exited Executive Session at 7:40 P.M.

Attendance at the Executive Session:

Nine (9) Councilors; Mayor Dickinson; Terence Sullivan, Personnel Director; George Adair, Director of Public Utilities and Roger Dann, General Manager Water Sewer

8. Consider and Approve UPSEU Local 424-16 Agreement as discussed in Executive Session – Personnel

Mr. Knight made a motion, seconded by Mr. Farrell, to Approve the UPSEU Local 424-16 Agreement as discussed in Executive Session.

There were no comments from the Council

Robert Sheehan, 11 Cooper Avenue, asked about the increase in wages for the workers.

The Mayor said that that could be discussed.

Terence Sullivan said that the increase the first year is 3.35 and it changes each year and that the contract runs from 9/06 to 6/30/2011, a four and three-quarter year contract.

ROLL CALL VOTE:

AYE: - 9

Brodinsky, DiNatale, Doherty, Farrell, Knight,
Papale, Rascati, Testa, Parisi.

NAY: Zero

The motion passed.

Since the Council had been in Executive Session, and the contract was confidential, Chairman Parisi asked for clarification of when it is permissible to discuss a contract, and when it is not.

Mr. Sullivan said that it is his understanding that since the Council is taking action to Approve the contract that it is entirely appropriate to discuss it.

Mayor Dickinson said that in general discussions regarding negotiations are outside of the requirements of FOI and that in fact one could have a meeting regarding collective bargaining issues, and it wouldn't have to be posted. He said that it is not regarded as a meeting. He said that we generally have them during a meeting so it takes the form of an Executive Session but to the extent that comments are made with regard to negotiating strategies, it is better to have those discussions in Executive Session. He said that questions regarding the actual terms of the agreement are very appropriate, and people are entitled to know.

9. Consider and Approve a Budget Amendment in the Amount of \$115,700 FY 2007-2008 to various accounts and \$36,582 from Private Fire Protection Acct # 431-8400-462- Water Division

Mr. Knight made a motion, seconded by Mr. Farrell, to Approve a Budget Amendment in the Amount of \$115,700 FY 2007-2008 to various accounts and \$36,582 from Private Fire Protection as requested by the Water Division.

George Adair, Director of Public Utilities
Roger Dann, General Manager, Water Sewer

Mr. Dann clarified the transaction saying that the first part of the transaction has to do with the additional labor costs in the upcoming fiscal year that are a consequence of the water agreement that was just approved for the water employees. He said that the Public Utilities Commission approved rate revisions a short while ago for the water department so that at the same time he is reflecting the consequences of those changes, one is an increase in the metered sales and the other a decrease in the fire protection and what they are proposing to do here is to

adjust the income side of their budget and at the same time also adjust the expense side of the budget, and there is a net effect which occurs to the use of cash for rate stabilization. He said he wanted to be clear that it is not just a reduction in the fire charges but there is also in conjunction with that an increase of \$425,134 in the metered sales area.

There were no comments from the Council.

Robert Sheehan, 11 Cooper Avenue, asked about the structure of the transaction. Mr. Dann said that two of the actions affect the sales numbers and the other actions all affect the expenses side.

All nine (9) Councilors present voted Aye.

The motion passed.

10. Consider and Approve a Budget Amendment in the Amount of \$6,770 FY 2007-2008 to various accounts from Appropriation from Retained Earnings – Cash \$6,770 – Sewer Division

Mr. Knight made a motion, seconded by Mr. Farrell, to Approve a Budget Amendment in the Amount of \$6,770 FY 2007-2008 to various accounts from Appropriation from Retained Earnings – Cash \$6,770 as requested by the Sewer Division.

George Adair, Director of Public Utilities
Roger Dann, General Manager, Water Sewer

Robert Sheehan, 11 Cooper Avenue, asked about the balance in retained earnings account.

Mr. Dann said that when we talk about Retained Earnings that we need to be sure what that number consists of. Retained Earnings is the accumulated total of net income over the years and in the Sewer Division, Retained Earnings are actually negative; however, the division has an adequate amount of cash because we raised through revenues more than is needed to fund all of the operating capital needs of the division. He said that they actually have an availability of cash, even though technically Retained Earnings are a negative number in the Sewer Division. It was discussed that there is no state statute for requirements with regard to profit and rate collection.

There were no other questions or comments.

All nine (9) Councilors present voted Aye.

The motion passed.

11. Consider and Approve a Transfer in the Amount of \$16,500 to Power Purchased for Pumping Acct # 461-8620-623 from Sludge Disposal Acct # 461-8640-645 – Sewer division

Mr. Knight read the letter from Roger Dann to the Public Utilities Commission and made a motion, seconded by Mr. Farrell, to Approve a Transfer in the Amount of \$16,500 to Power Purchased for Pumping Acct from Sludge Disposal Acct as requested by the Sewer Division.

George Adair, Director of Public Utilities
Roger Dann, General Manager, Water Sewer

In reference to the new sludge disposal agreement, Mr. Brodinsky asked how much would be saved in the aggregate by the contract. Mr. Dann said that the agreement is for a five-year period and that they project a reduction of approximately \$55,000 in 1st year and that subsequent years will be similar but a slightly lower savings because of escalating costs.

There were no other questions or comments.

All nine (9) Councilors present voted Aye.

The motion passed.

12. Consider and Approve a Transfer in the Amount of \$45,000 to Miscellaneous Plant Expense Acct # 461-8640-643 from Sludge Disposal \$25,000 Acct # 461-8640-645 and from Maintenance of Transmission and Collection Lines \$20,000 Acct # 461-8661-673 – Sewer Division

Mr. Knight read the memo from Roger Dann to the Public Utilities Commission and made a motion, seconded by Mr. Farrell, to a Transfer in the Amount of \$45,000 to Miscellaneous Plant Expense Acct from Sludge Disposal \$25,000 Acct and from Maintenance of Transmission and Collection Lines \$20,000 Acct as requested by the Sewer Division.

George Adair, Director of Public Utilities
Roger Dann, General Manager, Water Sewer

Mr. Dann said that it was quite a favorable price.

Mr. Brodinsky, in reference to the Maintenance of Transmission and Collection Lines account, asked if following the transfer there will be money left over. Mr. Dann said that after they complete the manhole rehabilitation and finalize the numbers for the pipelining work, they would know the final numbers. He said that they do not draw more than is available in that account. Mr. Dann said that this is an annual project.

There were no other questions or comments.

All nine (9) Councilors present voted Aye.

The motion passed.

13. Consider and Approve revised Job Description for the position of *Distribution Superintendent* in the Electric Division – Personnel

Mr. Knight made a motion to Approve revised Job Description for the position of *Distribution Superintendent* in the Electric Division as requested by Personnel.

George Adair, Director of Public Utilities
Richard Hendershot, General Manager, Electric Division
Terence Sullivan, Personnel Director

Mr. Adair said that this is a key position in terms of the planning and execution of both construction, operation and maintenance of utilities distribution transmission systems.

In response to Mr. Brodinsky's questions, Mr. Sullivan responded said that there is no dispute about the job description, and it is not controversial and that the job description is fine. He said that they met with the Mayor and the Union as written and everyone is happy with it. Mr. Sullivan said that it absolutely not tailored to a particular individual and that the position has been vacant for about 11 years and they would like to begin recruitment in the next week. There was discussion about pay for the position, which has not been determined, but that it may be the same as it was classified in 1996 but it may also be reduced because of a close review of how the pay grade was determined in the past. He said that the discussion is with the Union.

Mr. Testa, referring to the job description, asked about having the individual would work under the supervision of the 'General Manager' or 'designated supervisor' and wanted to know who he would foresee being between the General Manager and this position. Mr. Sullivan said

that it does not necessarily mean someone in between and that it could be the Director of Public Utilities in the General Manager's absence, or it could be the Assistant General Manager, or some other position that doesn't currently exist. He said that it leaves flexibility.

There were no other questions or comments.

All nine (9) Councilors present voted Aye.

The motion passed.

14. Consider and Approve draft of Job Description for the position of *Town Clerk*
- Personnel

Withdrawn

15. Consider and Approve a request for Bid Waiver for Tilcon Connecticut, Inc.
A. Water Division
B. Public Works

Mr. Knight read the memo to the Public Utilities Commission from Roger Dann, General Manager, Water Sewer Divisions, and that the memo from Public Works is essentially the same and he read part of the memo from Henry McCully to the Mayor.

Mr. Knight made a motion, seconded by Mr. Farrell, to Approve a Request for Bid Waiver for Tilcon Connecticut, Inc. for the Water Division and Public Works.

Henry McCully, Director of Public Works
Roger Dann, General Manager, Water Sewer

Mr. Testa said that this seems similar to the discussion from the last meeting. Mr. McCully said that last time it was for Williams Road. He said that the key word is "official" award. He said that bids have been opened and the prices have been established but there has been no "official" award, so that is the reason they are before the Council. He said that we know what the cost will be and Tilcon will honor the price from the bid opening on May 8th. He said that last year Tilcon honored old prices but not this year. The bid waiver allows the departments to use the state bid before it's official.

Mr. Brodinsky confirmed that Tilcon was the lowest bidder and the lowest price. Mr. McCully said that he has spoken to other Public Works Directors, regarding the time it takes to make for the State of Connecticut to make a bid official, who are frustrated since this is the middle of June and it's the construction season when the weather works in their favor and because of the timing on making the bid official, they are falling behind.

The Council voted individually on each department.

15A. Water Division

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

5B. Public Works

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

16. Update on Pierce Station Repowering Project – Director of Public Utilities

Withdrawn

17. Discussion and possible action on the future of the Wooding-Caplan development area – Town Council

The discussion began with the Chief of Police, Douglas Dortenzio, regarding how traffic flow would impact the public roads if there is an expanded police facility – safety, traffic jams, rush hour, weekends, far into the future. Chief Dortenzio said that at this point, it's all speculative because you can't do a credible analysis until you know what is being talked about in terms of development. He referred to his report to the Council, which asked where we would be in a decade. He said in terms of population, if the town continues to grow, the workforce would grow in order to keep a per capita ratio that is consistent with in the state and elsewhere in the country, and going forward, the size of the fleet would grow and the number of employee cars would also grow. He said that the amount of parking needed for the fleet and for employees would also grow. With respect to building expansion, the town is hiring someone to better analyze the situation to determine if the building can be added to or not, and if so, how it would be accomplished in regard to the footprint that the Police Station currently occupies. He talked about building expansion going straight back, which would eliminate the circular driveway that goes around the building. He said that that poses issues for vehicles going in and out, and especially very large trucks – tanker trucks that deliver 7,000 to 8,000 gallons of fuel at one time.

Mr. Brodinsky said that other concepts that are being talked about are a park-type concept and a development-type concept. He asked how badly does the Police Facility need another way out of their parking lot and how badly do they need Wallace Avenue.

Chief Dortenzio said that they use Wallace Avenue now and they need to use it for the fact that most of the delivery vehicles that come, not just gasoline but office supplies, cannot circumnavigate the building in the driveway. He said that lacking a turn-around, the police have to have Wallace Avenue available to them. The Chief said that with respect to parks, depending on the nature of the style of the park and how it is utilized, people would need a place to park their cars whether it is in the park area or elsewhere in vicinity. With respect to a development of mixed-use type, traffic and parking concerns would depend upon the design of the development and would be all speculation. He said that the number of units/households involves the number of cars, the number of driveways, etc., which are dependent upon the design. He said that there is no definitive answer. Chief Dortenzio confirmed that the police would want to be in the loop for discussion regarding design development.

Mr. Farrell said that what is most relevant right now is the status of the hiring of consultants in regard to what is happening with the police station. Mayor Dickinson said that he is looking at documents that the town has used to hire other consultants, and he will be reviewing that with the Town Attorney and the Purchasing Agent, and that hopefully they will have it for the next Council meeting. Mr. Farrell said that to go forward with the Roadmap that we need to answer the Police Station question or everything else is speculative.

Ken Daly, 594 North Elm Street, asked if the scope of the service of the consultant would be available for comment by the Council and the public before it's settled on. Mayor Dickinson said that the specifications for hiring someone would be discussed by the Council and be open to public discussion.

Town Attorney, Janis Small, said that there is no additional information on the title issues that changes anything that has already been discussed. She said that she saw maps involving the church, which shows the alleyway as it relates to the church, but it doesn't show anything beyond the church property. Essentially, what she has been looking for is based on the Council's interest as to whether or not there would be anything that adversely effects the situation. She said this is hard to look for since she is searching for something that might not be there and to date she hasn't found any problems. She will continue reviewing data and talk to a couple of the title searchers, who have done substantial work in town, to see if they have any additional input but she hasn't any additional problems that would cause concern.

Chairman Parisi said that John Thompson, Town Engineer, submitted his report.

Mr. Brodinsky said that he understands that the negotiations with AT & T aren't going well and asked Mr. Thompson if the possibility of an easement is dead or alive. Mr. Thompson said, as he said in his report to the Mayor, that further discussions aren't going to lead us anywhere in a productive fashion. Janis Small said that there are no further discussions unless revisions are made to the initial request. She said if there is a revision then it can be pursued. Mr. Brodinsky said that our request was a two-way easement through their property to gain access to another way in or out of the Wooding Caplan property and asked if that was what was presented. Attorney Small said that is the proposal that isn't going anywhere but if the Council can come up with something less than that, and the Town Engineer thinks is workable, then one more attempt can be made to pursue it. She thinks that it is necessary to go back to them with something. Mr. Brodinsky asked if it were reduced from two-way to one-way, would that be a possibility? Attorney Small said that she thinks that it is worthwhile to go through the effort to ask. She said that she knows that it is a very important property to AT & T and that it is a very tough decision for them to make, and it has been negative to date on what was proposed to date. She talked about church property roadblocks. She said that if the town comes up with something less than what was asked for – quite a bit less – and explained that church access is not possible, that it doesn't hurt to ask AT & T again with another proposal.

Mr. Brodinsky quoted some of the Town Engineer's report saying, "...if anything is going to happen on the Wooding Caplan development area, the Wallace Street access has to be opened up or else it is not safe, and is not practical, and isn't going to work." Mr. Thompson said that given public points of access to the site, Wallace Avenue is the most important and viable point of access to the Wooding Caplan property, and that it is not adequate to serve the back property if something is done with it, and that it is suitable only right now as a very limited access driveway. He recalled that the police use it effectively, and there is no accident history at the intersection given the amount of traffic that is using it today. Mr. Brodinsky summarized saying that if the property is used for the police station or as a park or a development that (Wallace Street) access way cannot stay the way it is and be adequate. Mr. Thompson concurred saying that if the intensity of development on the Wooding-Caplan property expands then driveway also needs to expand to serve the property.

Mr. Farrell said that Mr. Thompson's report mentions a burial ground at St. Paul's and said that this had not come to his attention before. Mr. Thompson said that during his field meeting with Parks and Recreation Commission and Bob Mansfield, who is a fellow engineer and caretaker for the church, they discussed access to the Wooding-Caplan property using the AT & T property, and that he indicated to Mr. Mansfield that AT & T had suggested splitting the driveway, half on AT & T property and half on the church property. Mr. Mansfield said that it is unlikely that the church elders would go for that as there is a burial ground just to the south of the AT & T property. Mr. Farrell wanted to know what is buried there. Mr. Thompson said he was assuming dead people. Mr. Farrell said that

historically, he does not know of any cemetery in that area. Mr. Thompson said that he has no personal knowledge or record knowledge of a cemetery. He said that it's a statement that was made from the church. Mr. Farrell said that in his comments and questions to the Chief of Police, there has been no decision made on the ultimate use of the parcel because we don't know what is going to happen to the Police Station and said that there is no reason given that there is a series of access points that that are one-way. He said, for instance, Wallace Avenue is not appropriate for two-way. He said that the alley between the Caplan Building and St. Paul's church is appropriate for one-way, and if there were another access point through AT & T property, again it's appropriate for one-way. He said that if you start adding it up to a series of one-way access points and that he doesn't see the logic for the need of a two-way access point, if you could have a whole series of one-way access and egress points under a comprehensive plan.

Mr. Thompson agreed with this assessment and said, as the Chief said in his remarks, that once the plan of development is known that assessment of access issues could be addressed. He said that it would be a suitable option to have a one-way system for the property. He said that there are constraints today but there may be options in the future. He said that he is concerned about the sight lines for intensifying the amount of traffic that would be using those access ways. Mr. Farrell said that the bottom line would be the definition of use, once we get past the stumbling block of the police station, so that the Town Engineer could then say that these access points are fine. Mr. Thompson agreed.

Mr. DiNatale, referring to the access way between Caplan's and St. Paul's Church, asked the Town Attorney for clarification of access. Attorney Small said that the town has right of access over the driveway but there is no map that defines the 14 feet all the way back and that she is looking to establish that more definitively. She said that the town's property includes a right to use the 14 foot wide access way.

Mr. DiNatale talked hypothetically about someone entering via Wallace Avenue and crossing over the Wooding Caplan property and exiting between St Paul's and the Caplan Building when they have no intention of accessing the town owned property. Attorney Small said those 14 feet are not defined anywhere, and there is no map that shows its specific location except when you get closer to the church, and it's pretty evident at the beginning part where it intersects with North Main Street. She said that one would want to enter into an agreement with the owner of where the 14 feet are on a map. She said there are early references of attempts to do that with the owner but that it never made it onto the land records.

Mr. DiNatale said that technically the town owned land is not used and is vacant and not being used for anything. He asked if any vehicles can pass over the Caplan property and use the access way and asked if it is intended for uses or trips generated by uses on the town-owned land or is it an easement for the entire town that anybody can use. Attorney Small said that to her knowledge it is not an

easement for the entire town. She said it's a right to use it for the property that the town owns, and the church has that right. She said that 390 Center Street even mentions the 14-foot strip right-of-way. She said that she got the deeds of all of the surrounding properties, and, as she recalls, it is not mentioned in those deeds.

Mayor Dickinson said that you have to be careful, if there is a right to the property owner, if the public owns the piece, then any person of the public who has a lawful reason to use the property for the purpose that the government has a right to use that easement. At that point, you are using it like anyone else, any other property owner would use it, and government is no different than any other property owner. He said that if we put a use back there that says that any person is welcome to go there, and then anyone could use that easement. Mr. DiNatale asked if the Town Attorney thinks that with the limited use that the town has that the town can restrict directional flow. Attorney said that on the 14-foot strip, no.

Chief Dortenzio said that what he is hearing is that we don't own that land and asked who maintains it, snow plowing for instance. He said that when it's a public road, the town does that. Attorney Small said that she doesn't think that it has been discussed as using that 14-foot access way in relation to the development of the property. Mr. DiNatale said that he wants to understand the status and that we talked about this property and all means of access, so if it's semi-public, we talked about AT & T and St. Paul's as private, so that is up to negotiation. He said that we are really down to three – Wallace Row, the driveway to the police station, and the access to Academy Street – assess ways that we control. Attorney Small said the town doesn't control it but that the town has a right to use it, the 14-foot strip, and she said that the town would want to deal with the property owner and talk about defining it at the very least.

Mr. Farrell suggested that the Town Attorney contact John Carroll on the title issues as he might have a lot of the background material and could piece this together. Mr. Farrell said that he believes that there is an arguable right that the town owns that 14-feet but someone needs to get back and piece it together. The Town Attorney said that she would gain direction from speaking with him.

Mr. Brodinsky asked about the 14-feet and that in the last meeting the Town Attorney said that the town's easement didn't appear in the line of title of the church but what about the line of title for Caplan's and said that hypothetically if the Caplan line of deeds doesn't refer to the rights of the town to pass, it occurs to him that this may be litigation prone, especially if the easement can't be defined, and the town can't define the boundaries and that the burden of proof may be on the town. Secondly, he talked about the option of not looking at access points until we know the use and said that the flip side is just as logical. He said how can the town define the use if we don't know what the access is and that as long as there is talk with AT & A, and you think a one-way street is not off the table, he suggested putting it to bed, if they (AT & T) say there is no way the town is getting a one-way access-way, then that adds to the body of information that the

Council needs. He suggested talking to AT & T about a one-way and to leave the church out of it. Mr. Thompson said they could fairly quickly sketch up a plan that shows a one-way driveway going from North Main Street going into the Wooding Caplan property across the AT & T property and get a reaction. The Council came to consensus that the Town Engineer and the Town Attorney take action in meeting with AT & T with a new offer.

Mr. Testa asked for clarification in that his understanding is that the town does not have the right to designate the easement next to Archie Moore's as a one-way. Attorney Small said not without an agreement.

Mr. Brodinsky made final remarks regarding the inspection of 390 Center Street and the two reports, which are available in the Council Office. He said that the Konover report became available today. The reports will be discussed at the July meeting, as some people will be missing at the next June meeting.

Bob Gross, 114 Long Hill Road, requested that the Mayor consider doing something about the roof on 390 Center Street building. Mayor Dickinson said that he would speak to Mr. McCully and will consider the cost of temporary repairs.

Wes Lube, Montowese Trail, asked the Mayor a series of questions regarding how many times the Mayor met with various groups with respect to the Wooding Caplan property.

19. 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

Withdrawn

Mr. Farrell moved to adjourn. Mr. Knight seconded.

All Councilors present (9) voted aye.

The motion passed.

The meeting adjourned at 9:00 P.M.

Respectfully submitted,



Sandra R. Weekes
Town Council Secretary

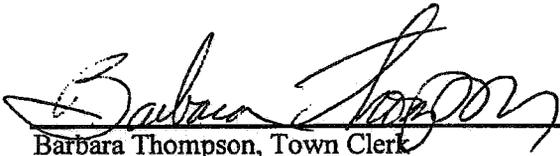
Meeting recorded by Sandra R. Weekes



Robert E. Parisi, Chairman

6/20/07

Date



Barbara Thompson, Town Clerk

6-27-07

Date