SPECIAL MEETING OF THE TOWN COUNCIL
Tuesday, July 1, 2008 - 7:00 pm
Town Hall, 75 Main Street, Southington, CT

MINUTES

The Town Council of the Town of Southington held a special meeting on Tuesday, July 1, 2008 in the Town Hall Council Chambers. Chairman John Barry called the public hearing portion of the meeting to order at 7:05 o'clock, p.m.

The following Councilpersons were present, viz:

Michael Riccio   Anthony D’Angelo
John Carmody   Nicholas DePaola
Christopher Palmieri  Edward S. Pocock, III
David Zoni    John N. Barry, Chairman

Ex-officio members present were as follows, viz:

Mark Sciota, Town Attorney
John Weichsel, Town Manager
Anthony Tranquillo, Town Engineer

Absent: Councilman Arthur Secondo

There were approximately 30 other persons in attendance.

JOHN N. BARRY, Chairman, presiding:

PUBLIC HEARINGS

THE CHAIR: Welcome to tonight’s Council meeting. Today is July 1st. We’re starting off with a public hearing on several bond ordinances.

What I’d like to do is have the Town Attorney and the Town Manager comment on each resolution and then we’ll open it up to the public and you can speak on anyone of the five at anytime, whenever you’d like.

We’ll go through the order.

1. Bond Ordinance appropriation $1,258,000 for costs related to the acquisition, for open space, passive recreation and conservation purposes, of an approximately 28 acre parcel of land known as 996 West Center Street in Southington, with the improvements thereon (also known as the Jurglewicz property), and authorizing the issuance of $1,258,000 bonds, notes and temporary notes to finance said appropriation.
THE CHAIR: Mark if you just want to inform the public what this bond ordinance is about.

ATTORNEY SCIOTA: Thank you, Mr. Chairman. If you look behind Councilman Pocock’s head, you’ll see a map. That map is off the West Center Street extension. It is the old Jurglewicz property, the old Jurglewicz farm.

The area outlined in pink is 28 (+/-) acres. This property has been under negotiations for several years with the open space and land acquisition committee and it’s come to this board on several occasions to give you an update on it.

This particular property was negotiated with the family. It is an R-20/25 piece. We’re quite excited about it in the fact that it’s an open space piece of a decent size in an R-20/25 zone surrounded by several subdivisions. Therefore easy access walking from the neighborhood.

We’re looking forward to hopefully a favorable recommendation from this board and hopefully a favorable vote from the citizens of the Town of Southington.

I just want to talk about the specifics of it. The purchase is for $1.25 million. It is a fifteen-year payout, which means the town has fifteen years to pay equal installments with an interest rate of 4.75 percent, which is similar to our bonding rate.

The town, also assuming, if this goes forward and is approved by the voters, the town would also have the option within a fifteen year period to buy the area you see in blue which is approximately ten acres and that price would be locked in at the current value of the property which is approximately $44,000 per acre.

I would just, a couple of questions came up at the last meeting which referenced the study that we did on open space and the pros and cons of certain areas of open space. I would just reference one aspect of it. This is an R-20/25 zone and the conclusions that the committee came up with is that although newer R-20/25 developments almost break even with regard to financial impact with the town, R-20/25 single family subdivisions show a negative revenue impact. So this is one of those areas that when it starts off as brand new it shows a slight negative, but as time goes on, as you know, the value of the houses decrease, it becomes an actual drain on the fiscal duties of the town.

So, R-12 and R-20/25 based upon the conclusions were quite a drag on the town and this is one time that we have a chance to buy R-20/25 land which would be a positive, not only for the open
aspect of it but also for aspect of the town from a financial standpoint.

Thank you, Mr. Chairman.

THE CHAIR: Just so the public understands. If this bond ordinance does get approval by the Council, it will go to referendum on August 12th. So, ultimately it will be up to the voters to decide if they would like to move forward with this purchase, or not.

2. Bond Ordinance appropriating $185,000 for costs related to design, construction and installation of a leaf composting facility to be located on a portion of the parcel of land known as 2064 West Street in Southington, which project site is subject to an existing lease from the property owners to the town of Southington, and authorizing the issuance of $185,000 bonds, notes and, temporary notes to finance said appropriation.

MR. WEICHSEL: It might be a little confusing. Some might think that we are talking about purchasing the Jurglewicz site and therefore have that as a leaf site. One of the stipulations there is that we cannot use it as a leaf site.

So we, Tony and I and others went to great efforts to find a location to substitute for it on the west side of town. And, this site here is adjacent to the Old DePaolo Drive landfill. An area that certainly is not popular for any kind of development.

So, for us, it was a perfect, perfect match. There is some cost to setting it up. We have a long-term lease and we think it will be a tremendous asset for the leaf program.

3. Bond Ordinance, appropriating $400,000 for costs related to the acquisition, for the provision of parking and other municipal purposes, of an approximately 0.44 acre parcel by land known as 148 Center Street in Southington, with the improvements thereon, now or formerly owned by C S Pub, LLC, and authorizing the issuance of 4400,000 bonds, notes and temporary notes to finance said appropriation.

ATTORNEY SCIOTA: Mr. Chairman, Mr. Perillo, our Economic Development Coordinator will give a brief presentation on this one.

MR. PERILLO: Thank you, Mr. Chairman and Town Council members. Lou Perillo, Southington Economic Development.

The proposal before you this evening to the public hearing is to acquire property located at 148 Center Street, the former My Bar property consisting of approximately .41 acres of land. The idea behind it is somewhat unconventional, but we’re trying
to create more parking downtown without having it be borne on the taxpayers to provide for.

The idea is to acquire the property, put stipulations on it, and then resell the property. The idea behind it is again to try to gain more parking than is there. There is a fence on the lot. The property goes beyond the fence. And, it could tie into adjacent parcels that have underutilized property.

We did some research, the 200 Parking Study for the town shows the Liberty Street lot at 110 percent utilization during peak operating hours, so there is obviously a need for parking at the lower level.

As indicated previously, the town spent in excess of $1.1 million on the Renaissance. Some of the buildings alone have yielded in excess of $50,000, $25,000, $44,000 cumulative totals that would pay for the bond in itself.

We do have the momentum going in our favor. There has been interest. I believe an email or a letter went to the Finance Board exceeding our offer. The appraisal of the property is $375,000 and the contract amount is 387.5. We believe there is value that matches that contract offer which is apparent from the letter to the Finance Board exceeding that offer.

I do want to respond to Mr. Carmody who requested information on the Clock Tower Square. That property did receive commercial benefit abatement and currently is yielding $31,000 in property taxes.

I also did another ratio. I did a ratio of land value to building value on some of the properties. And, on One Center Street, the ratio of the value of the land to the building as it is fully built out was in excess of 11 times the value. That ratio is important because we’re getting the benefit of 11 times the value of taxation on the build out of a redeveloped building than the existing structure.

I did an analysis of some of the properties that this abuts and it was interesting that one of the building’s values was actually less than the land. It came in to be approximately $16,000 and the land was $50,000.

So the idea behind it is to hopefully redevelop these parcels for higher property taxes. The parking utilization, private parking generally gets a utilization of approximately 40 percent. When it’s municipal or public or shared parking it can be between 70 and 90 percent.

I’m here for any questions that you may have.
THE CHAIR: We are going to open it up to the public after we go by the next ordinances. If anyone has any questions, when you come up during public communications, you can direct them to the staff through the Chair, if you’d like.

4. Bond Ordinance appropriating $625,000 for costs related to the reconstruction of approximately 2,350 lineal feet of Spring Lake road, approximately from it’s intersections with Pleasant Street to its intersection with Kuhr Drive, and authorizing the issuance of $625,000 bonds, notes and, temporary notes to finance said appropriation.

MR. WEICHSEL: This is an area which we are probably mostly all familiar with. It has terrible drainage. The surface is equally terrible. And, we have had recently a threat of lawsuit on the drainage matter. We were able to take care of that particular situation by creating the outfall and it so happened that took care of that challenge.

It’s a road that obviously is in the middle of a lot of the educational institutions and it definitely is in need of --- what would occur is we got some land on a subdivision on the curve, so we’d be able to flatten out the curve somewhat and I think we’ll have a first class road then, when we are done.

5. Bond Ordinance appropriation $250,000 for costs related to the horizontal and vertical reconstruction of approximately 600 lineal feet of East Street, approximately 300 feet each side of No. 953 East Street, and authorizing the issuance of $2,50,000 bonds, notes and temporary notes to finance said appropriation.

THE CHAIR: I guess you’re on that one, too, John.

MR. WEICHSEL: Right. Again, I think we’re all pretty familiar with the area right by the Y. Very heavily used area. And, the hump is, creates a very poor vertical geometry and we’ve had complaints from some of the people who I see in the audience who we probably will hear from momentarily.

It doesn’t take a rocket scientist to notice that there is great hazard with that type of a hump that you could have even head-on crashes.

And, so it has been suggested by a variety of entities that we at least fix that area by the Y.

THE CHAIR: Thank you very much. I am going to open it up to the public. This part of our meeting is specifically regarding the five bond ordinances that have been presented to the public. So anyone would like to speak on these specific issues, the microphone is open.
If you do have comments on other items tonight, there is another part of the Agenda that does allow public communication on any issue.

FRAN KENEFICK: Good evening, Mr. Chairman, Fran Kenefick, 49 Humiston Brook. And, I’m Chairman of the Open Space Committee.

Just like to say that Mark stole a lot of my thunder in his presentation, but I’m going to try to struggle through this. This is not only for the members up here, but this is also for the Town of Southington people.

I’d like to run a little inventory by you as far as the open spaces goes in Southington. Probably a lot of you people know but I’m sure there is a lot of people in town that don’t really know the open space that we already have.

Crescent Lake open space, Shuttle Meadow Road, 212 acres. It was purchased for $2.2 million.

Curtis Farm open space, South End Road, 34 acres, was purchased for $650,000 out of which we got a grant from the state for $331,000.

Korin Family open space, Copper Ridge, the end of Copper Ridge, 67 acres. It was purchased for $585,000. The state gave us $326,000 toward that.

Lewis Farms, Meriden Avenue, 11 acres. $279,000.

Nancy Brown Farm, which is part of Lewis Farms, 27 acres, $719,000.

Marion Avenue open space, Marion Avenue, 17 acres, $150,000.

Novick’s Orchard, Flanders Road, 84 acres, $1.4 million. The state gave us $786,000.

LePage, Bill LePage donated 6.2 acres off of Shuttle Meadow Road.

Holmquist, I believe, was just closed. East Street. Fifteen acres. Purchased it for $750,000 and the state gave us $337, which the check is in the mail. Hasn’t got here, yet.

Goat Island. That’s closed. I’m not sure of the purchase price.

ATTORNEY SCIOTA: Its’ $400,000, $100,000 a year.
MR. KENEFICK: That’s right next to the Rails to Trails that we’d love to see a rest area made out of that place for the amount of people that use Rails to Trails which is phenomenal.

And, the Olender property. Closed?

ATTORNEY SCIOTA: Yes, sir.

MR. KENEFICK: It’s 50 acres of land, Laning Street.

As you can see, most of the property that we have is in an R-40 or an R-80 zone, which is one and two acre zoning. I’m very, very excited about this Jurglewicz piece of property. I’m definitely for it. Our committee has been for it for years.

The town has had an interest in that property for years. It’s R-20/25, one half or -- one half acre lots. The price is right. We’re buying 28 acres of land for $45,000 an acre and that’s pretty good for half acre zoning.

We also have a ten-acre option at the same price, which is $45,000.

A developer could go in there and probably get at least 50 houses.

A couple of years ago, Bob Berkmoes, and I think we’ve got to credit Bob, he’s in the audience tonight and I hope he gets up and speaks but he came to us a couple of years ago and said, you know, I think I can talk to these people. The town’s been unsuccessful trying to purchase this.

Bob went there and he talked to the family. Came back and he says, it looks good. Let’s go down and let’s try to negotiate with them. So he took Mr. Southington, Phil Pomposi with him, and both of them did a real good job and they came up and they hammered out what I think is a pretty good deal.

So I am very much in favor of this. I hope we don’t let this property slip by.

Just want to tell you a little story and I think John Carmody knows this one. Open space, Doran’s Orchard on Meriden Waterbury Road. Open space wanted to buy that about two or three years ago. We put in a real good price, but we were second best. I think it was a little over $1 million and we were $100,000 short.

But anyway, the purchaser that bought that came to the PZC with an open space subdivision for about 30 plus houses. Board looked at it. The people up there were very disappointed. A lot of them spoke against it. The board studied real hard and
eliminated two houses. So they approved the 30 lot or whatever, two less than what the developer wanted.

A couple months after that, same developer comes back to us with a 190 plus unit affordable housing plan. The board denied it. But we’re in court now. And, I’m not a betting man, but if I was, I would say that Southington is probably looking at a minimum of 150 units there in not too many years to come.

Thank you very much.

THE CHAIR: Thank you, Fran. Thanks for all of your work on the committee, too. Appreciate it.

I think you brought up a good point about affordable housing laws in our state. We should definitely lobby our legislators and have them continue to work hard to change the affordable housing laws, which are really detrimental, I believe, in a lot of aspects in terms of the health of our community.

High density, 190 units or 150, whatever it might end up there, if it does, and hopefully the court will rule in the town’s favor, but the state has to change the affordable housing laws. They are just unfair and certainly not appropriate, I believe, especially in that area of our community.

MR. RICCIIO: Mark, for the record, what’re we labeling the Laning Street purchase as, what is the name of that property?

ATTORNEY SCIOTA: It’s going to be called the Graham-Griffin or the Griffin-Graham. The family hasn’t given that to us, yet.

MR. RICICO: Okay. And, did we close on it, yet?

ATTORNEY SCIOTA: It’s closed, yes.

LOU PUGLIELLI: 72 Candlewood Lane. I’m here in regards to the old bar site on 148 Center Street. I would like some clarifications for myself and maybe others.

Now, I see the price is roughly $375,000. I went on the website and I see that we had an assessment here in town roughly three years ago and the assessed value of that land --- the assessed value and not market value --- the assessed value of 66,000 - round figures - the building is 74,000, round figures, again. That puts it at 140,000, assessed value.

So that makes market value at 70 percent in the 200,000 range. I would like somebody to explain to me from 200,000 in that area, if there’s something there that I don’t see, we’re offering 380 or 400,000. That’s one question I had.
Another question I would like to be answered is if the town buys this property for the 22 lots, 22 parking spaces that we’re going to be able to obtain, if the building does not sell, someone said that they would rent it or however, I don’t really know all the ins and outs. What would happen to that building? Are we going use it for the Gura building people? What’re we going to do with it? That’s another question.

Now, out of 22 parking spaces, if I’m not mistaken, someone made a comment that we might end up with 100 parking spaces. I don’t see how with 22 parking spaces, unless there’s land there that I don’t know about, or I haven’t read about, how’re we going to end up with 100 parking spaces?

Could somebody please answer these questions for me?

THE CHAIR: Mark, do you want to take a stab at that, or Louie?

ATTORNEY SCIOTA: Actually, Lou -- I don’t know if you want to wait until everyone, and then Louie can answer them all at once or we can do each individual one, if you want.

MR. WEICHSEL: Why don’t you have Louie answer.

THE CHAIR: Yah, why don’t you come up, Louie and you can address the issues.

MR. PERILLO: The property’s land appraisal and building appraisal done by the Assessor’s office through their subs, did that three years ago. We had a summary appraisal completed that brought in a value of $375,000. So that’s where the value of 375,000 comes in.

I don’t know where 100 spaces came from. But there are adjoining parcels, I don’t know how you want me to show this but there are three or four neighboring parcels that have property behind them that this abuts. There’s a two-car garage on it. There’s some wooded property. There’s some cleared property. The town has a very small piece on Liberty Street.

We’ve spoken with the owners and they’re willing to combine the municipal parking lot in the future if we can get the build out. Again, supported by developers.

So that’s where additional parking came in. We have to take a look at it from an engineering standpoint and that was the whole point of it.

The property owner contacted our office to see if we would have an interest in it. Opportunities like this for parking don’t come up too often in a downtown area especially with the
Greenway Project coming up which is why we brought it to your attention.

We did contact the adjacent property owners and one of them, I believe, has an interest and it was the assemblage of the parking, which would lead to more parking. I could not quantify a number at this time.

He brings up a good question as far as what would happen if the property doesn’t sell. That is one of the risks involved with it. That was a stated risk. There are several risks involved.

But we don’t see that. We’ve seen many people express an interest in the property, already. Again, it was orally without a commitment and we can’t really do anything. You’re not a player unless you have some interest in it.

Risk? I think there is also a risk in not having parking in a downtown situation. You see a thriving downtown as it is but you know, these points are extremely well taken.

I’ll do any follow up that you’d like.

MR. PUGLIELLI: No, I guess, I just have a question. You just said those other properties as far as going to increase the parking but those properties are not part of this 22 that you’re paying for?

MR. PERILLO: Correct. We’re not paying for them.

MR. PUGLIELLI: So, I don’t even want to hear about what’s on the other side. I’m talking about this money that we’re spending for 22 blacktops. That’s all you’re buying is blacktop there. For 22 spaces, correct?

MR. PERILLO: Actually, no.

MR. PUGLIELLI: Okay. No. That’s your opinion. The lawyer says no.

ATTORNEY SCIOTA: What, if I may, Mr. Chairman?

THE CHAIR: Of course.

ATTORNEY SCIOTA: What the town’s plan is and I think Louie mentioned it the last time, the town’s plan is, and it’s unique, but it’s not something we haven’t done before. We did it in Plantsville Center.

The town buys the parcel of land. Two things could happen. Number one is we can keep the land as one piece and a request for
proposals could be put out to the building has to be a specific size, specific nature and specific use. It includes the infrastructure improvements which is the tarred area and I believe when all is said and done it’s not 22, I think it’s closer to 30 spaces because you’re not looking at the land behind it but like I said it’s not fully engineered, yet.

What happens with an RFP is someone will put out a purchase number, whatever that may be and it may be 300, it maybe 200, it maybe 400 or it may be 500 thousand dollars, saying, okay, I will do this. We’ll put up the building. We will put the infrastructure in. And, then give the town lease back or if we chose to subdivide it, they will do that with the infrastructure.

But to answer your question do we know if the building is going to sell? It isn’t a point where we’re going to sell the building. We’re going to do an RFP and it’s going to be a full RFP which requires whoever wants to do it to do several improvements. And, that number may be $300,000.

And, then you’ll say to yourself, well, wait a second. The town paid 400, but we’re only getting 300 for it. But remember, it would include the infrastructure improvements, which includes the municipal parking area in there.

Let’s assume you’re right it’s 20 spaces of municipal parking. We currently spend $15,000 per municipal space. So that $100,000 that we’re on the short, may turn out to be a positive. So, it’s something that yes, it is unique. Has it been done before? Sure. We did it in Plantsville Center to some success.

This is a risk as Lou talked about before, but we think the benefits are going to outweigh the risk. I’ll give you another example is that the town owned behind 98 Main Street. Right?

Without owning 98 Main Street, it would’ve been very difficult for us to have the domino effect of leased parking. So what Lou is talking about is the town owns a section and then goes on to the neighbors and says: would you lease to us for $1 a year and we’ll do the improvements? We’ve done that over here at the Fleet parking lot or the Bank American parking lot, whatever you want to call it.

We owned the area behind 98 Main Street. That’s all we owned. That’s all the parking we owned there until we bought the Popular Restaurant, which is just recently. So, when we did all the negotiating leases, we started with what we owned and we moved, in this case to the north, and we increased municipal parking, I don’t know how many fold, compared to what we had at 98 Main. That’s what we’re hoping to do here.
And, yes, you say I don’t care about any of that, but that’s the whole point of it is that you have to start with some municipal parking and then work in a domino effect.

MR. PUGLIELLI: I understand that point. I believe you made the same point that you’ve got to look further down the road. How is it going to improve the town parking?

But I was just looking at the numbers at what it’s assessed for on your website which was only, I believe, three years ago and you know, I see roughly 200,000 and from 200,000 we’re paying 380,000. And, that’s the first thing I saw.

So you know, I thought I’d question it.

MR. RICCIO: I think --

MR. PUGLIELLI: Thank you.

MR. RICCIO: When you’re referring to my comments, my comments, it’s not just about increasing the town parking. What do you do have when you have increased parking? You have the ability to build new buildings as we saw and I think I made the point of the Liberty Deli. They were able to build a building there. Before that building was constructed, we were getting, I think, $4,000 a year in taxes and I am rounding.

This year we’re going to get 44,000 a year in taxes. Why? Because he abutted a public parking lot. He was able to get his parking waiver and build a substantially larger building there.

That benefits you and me and all the other taxpayers. That’s --- it’s not just, it’s not just parking. It’s what does the parking bring along with it.

MR. PUGLIELLI: Yes, I understand. You made that statement about the Finance Committee, also, which I don’t believe you should’ve, but you did. Because the Finance Committee did what they thought was right and your statement was, like I just stated, they’re not looking down the road.

But every time the Finance Committee does something, seems that they get overridden. They did the same thing when they put the money back into the school fund.

Now, here you are again, the Finance Committee says we don’t believe we should do this, I don’t know which way you’re going to go, it’s up to you people. But you’re liable to override them again.
To me, every time, this is like a slap in the face to these poor people on the Finance Committee. And, you know, the job they’re trying to do.

But those are my comments.

Thank you.

FRANK MANN: Hello. My name is Frank Mann and I’m here about the East Street reconstruction. I live at 953 East Street. And, I may be here a little early, but it said in the paper anybody with questions on the project should come to tonight’s meeting. So, I talked my neighbors into coming down.

I’d like to know, do you have any plans, yet, on exactly what you’re going to do there? Is it going to take a while?

MR. TRANQUILLO: Let me just say that the project is still in its infancy. We’ve done engineering and survey work.

FROM THE AUDIENCE: Microphone. We can’t hear you.

MR. TRANQUILLO: The project is still in its infancy. We’ve done some survey work in the area. We’ve done some preliminary mapping. We did take a look at what’s going to be required to accomplish the objective.

And, 953, I believe, is right here where Frank Mann lives. I’m sorry -- I’ve got my --- right here. Mr. Mann lives in this area, Frank Mann. Ralph Mann lives here. And, this is the Sloper’s driveway going up into the Sloper’s area.

As you can see, we’ve developed a profile shown in orange and you can see the crest here, the very severe crest. We did an analysis and we find that if we take about three to four feet of that crest off, it will give us the required sight lines going through that area.

That is going to require some impact to the properties on both sides. Both the Sloper side and the west side, which the gentleman is speaking about. We have not quantified how far back we have to go, yet, exactly what is going to be required. We’re going to be doing that before next year.

This project is scheduled for actual construction next year. We will be doing the design between now and the end of the year. So, specific questions we won’t be able to answer but I will tell you that as we move forward with the project, we do the design, and then we’ll come and talk to all the people in that area.
MR. MANN: Our concern is right now I have a nice level front yard and a nice level driveway and if you dig down too far, I’m going to have a sloping front yard and a sloping driveway.

I also have three nice, old maple trees along the road and I’m afraid I’m going to lose them, also.

And, I’m wonder if, and I’m not an engineer but, on both sides going 300 feet both ways, are wetlands. And, we have water going over the road all the time — well not all the time, but a couple of times a year, early spring and sometimes in the winter. And, it might help to fill in some of those lowlands and bring those up a little bit and maybe we won’t have to cut down so much on the knoll.

I’m just making suggestions. I know you don’t have anything set yet in concrete but I hope you will let us have a look at that, anyway.

MR. TRANQUILLO: Those are excellent suggestions and we’ll take those under advisement.

MR. MANN: Also, they just ran the water line there and a new gas line there. I don’t know how deep those are in the ground, either. But I’m afraid you’re going to have to move both of those again, too.

MR. TRANQUILLO: That’s correct.

MR. MANN: Well, so — also. It says vertical and horizontal. Would there be any way you would be moving the road, I guess it would be, east and west?

MR. TRANQUILLO: It’ll be a very slight rearrangement.

MR. MANN: Very slight.

MR. TRANQUILLO: The curve itself is actually not that bad. It’s the vertical crest that’s the problem. So there will be some widening through this area and slight movement, but not anything substantial.

MR. MANN: Would there be any consideration to putting in a retaining wall if the cut is too deep?

MR. TRANQUILLO: Yah, we always consider that. If it’s necessary.

MR. MANN: Yah, okay. Those are my concerns right now.

Thank you for your time.
RALPH MANN: Gentlemen, Ralph Mann, I’m the other part of the Mann Act. I live at 975 East Street and I’m probably the one that would benefit the most from the cutting down of the knob.

Meredith and Ralph Mann have lived at 975 East Street since 1964. And, the knob was there in 1964 but it didn’t make any difference because East Street was just a quiet country lane.

Today, it’s a major thoroughfare to avoid Queen Street and to get to the northeastern part of town. So, I would like to echo, I guess I would say, not attempting to interject any humor, but every time we go out of our driveway, it’s a thrill.

(Laughter)

Because we’ve had many a close call and when you go, you step on the gas and don’t hesitate and hope for the best.

But I would like to echo what my cousin, Frank, is saying and I know the Town Manager and Tony you have assured us that we’ll have ample opportunity to review the plans and to make whatever suggestions that we want to make and hopefully they’ll be listened to.

But I would like to thank all for as far as you’ve gone with the project and I would urge you to approve the appropriation of the 250,000.

MR. D’ANGELO: Since you’re up here, Tony, I have a question. Why aren’t you going all the way to Undermountain? Because I know I’ve received many, many complaints and I even travel the road quite a bit. Where you fixed the bridge there on East Street, that road is pretty well cut up, pretty beat up. The entire road. So I’m just wondering why can’t you just extend it and go all the way to Undermountain?

MR. TRANQUILLO: Actually, that’s an excellent question. I forgot to tell the Council but this will be a substantial part of a larger project when we’re going to repave from this crest curve to the Undermountain Crossing area. The pavement is shot in that area so there will be more work done on East Street besides just this one area.

MR. D’ANGELO: So, that would be done at the same time?

MR. TRANQUILLO: Yes.

BILL BACKES: 943 East Street. Neighbors of the Manns’. I’m right over the crest of the hill. And, of course, to straighten the road will be a big benefit to me.
A few years ago I brought the list of accidents that happen in that area and the general area around it to the Town Manager and he looked at it and there are a considerable amount of accidents there. Very dangerous place.

But another concern that I have is that I have a well, not far from the end of the road, and I wouldn’t want the road to impact on my water supply. I’m sure that the engineers and stuff will study that particular thing but I’d like to know if that’s part of the consideration in this. Is it recorded and so forth?

MR. TRANQUILLO: Yes, actually, that will be again a significant consideration. The wells and the septic in that area will be located and we have to work around those. The very worse, we’d have to replace them.

We don’t want to replace them because obviously it’s expensive, so if we can design around those, we will.

MR. BACKES: Well, I have a certain reserve area and I can only go so far with my well. I had another well in back of my house that the water was too hard to soften, so I don’t have much place to go with it. So, as far as moving it, that’s not too good of an idea. I have my septic just down at the bottom of the hill, so ---

MR. TRANQUILLO: When I talk about moving, we would probably take the top of the well off, the top three or four feet, if necessary, and recap it. Leave it where it is and just modify it slightly.

MR. BACKES: Okay.

MR. TRANQUILLO: Or, if we had to, we could drill a new well right alongside the one you have. So, there are several options available.

MR. BACKES: Okay, thank you.

MR. DEPAOLA: Since this has become a main thoroughfare, Anthony, and we’re talking about resurfacing over, above and beyond this project here, what I’m wondering is how much drainage do we have on East Street? Or do we have any?

MR. TRANQUILLO: In this area, we have very minimal drainage. In other portions, we have slightly better drainage.

What I’m talking about from this crest to Undermountain Crossing is going to be what I call a Class C project. Milling and overlay just to improve the ridability, the surface conditions. It’s not going to be a total reconstruction.
MR. DEPAOLA: No, what I’m asking, I understand that. What I’m asking you is with a road that is hitting major road categorization, would we not consider once we start to work on these road going all the way and putting in the proper drainage? Because it’s going to hit us eventfully anyway. You know, this is a major road. Let’s face it.

MR. TRANQUILLO: Yes, actually, East Street is on the Urban Systems program. We’re doing Mt. Vernon Road night. This road from Kensington all the way to Meriden Avenue is under the federal program so at some point it’s time will come and we’ll get 90 percent federal money to do it and we’d wait for that point.

MR. DEPAOLA: Okay, thank you.

BOB BERKMOE: Thank you. Bob Berkmoes, 25 South Vernondale Drive in Southington. I’m a member of the open space and land acquisition committee. I’m here in favor of the Jurglewicz property.

Very excited about this piece of property. It’s a pristine piece of property, something that Southington had in abundance at one time. I think it’s extremely important that we take action on this now, not only for our citizens and the people of Southington to enjoy now but for future generations to come.

It’s things that we do now in Southington that will continue to make Southington a great community. We’re very fortunate. We’re very fortunate with the previous land acquisitions that we’ve had and I think we’re extremely fortunate now to have people, property owners in town, that are definitely concerned about open space.

This property, I’ve walked it a couple of times. It’s absolutely beautiful. It’s something that my grandchildren will enjoy and I’m sure for generations to come.

I don’t know how to impress the importance of this piece of property. And, the importance of obtaining this.

Again, I thank Robin Jurglewicz for thinking of this. He is definitely somebody that is concerned about open space. He’s concerned about the land that we once had here in Southington and I think it’s up to us to assure that pieces like this are available to us in the future.

Thank you.

THE CHAIR: Thank you, Bob, very much for your work on this parcel.
BONNIE SICA: 73 Huckleberry Lane. Hello, everybody. I’m here to speak on behalf of --- I’m a member of the open space committee but also president of the Southington Land Conservation Trust.

I am as well as the entire Land Trust, pro purchasing the Jurglewicz property. Just want to kind of touch on a couple of points that we haven’t really touched so far on this part of town.

First of all, we don’t have a lot of open space on the west side of town. That’s where I live and personally, I would love to see more open space on this side of town.

Another problem is, as we all know, we are entering the building of the two new school phase. Plantsville and South End. Plantsville had 16 classrooms. It is being renovated as new with 16 classrooms. Actually, I think it might even be 15, I think we’re dropping a classroom, aren’t we? Yes. Ridiculous as that is. But to get the funding from the state, that’s the way it is.

South End is being built with 16 and then room to build 24.

MR. DEPAOLA: South End 13.

MS. SICA: Yah, it’s okay, and it’s room to build up to 24. They’re going to put the platforms, whatever.

If we can put 50 houses here, that’s Plantsville School district. Fifty houses, even if you had 25 children, that’s minimum of one, we’d probably have more like, two classrooms. So we again are over --- this is, it could be a real problem for overfilling Plantsville School.

You can’t put them at Kelley. You know, there is no room at Kelley. As a matter of fact, my daughter’s classroom, we just lost a teacher and we’re going up to 24 per class. So there is no more room at Kelley.

There is no more room at Thalberg.

There is no more room at Strong. And, there is not going to be room at Plantsville.

So I think when we look at this part of town, we have to be very, very careful. There’s a little workable room here and there but when we talk about these large, you know, divisions going in, 50 houses.

When Beal and Beverly Drive were built, I remember, it took an entire school bus. My cousin built there and there were 42 kids from that neighborhood. Forty-two. From DeSorbo, Beal and
Beverly. Three little streets, 42 kids, a whole school bus went to Kelley School from there.

So, that is the kind of building that would also be going on there, similar houses is what we would be seeing. So, I just want to put that in everybody’s mind.

I am for open space but I’m also for trying to keep down the cost of education in this town and you know, not anti-development, but certainly 50 houses in that area I don’t think would be really good for our school system.

The other thing that I would just like to say as far as open space goes is that people come to Southington for our school systems. They come to Southington for our recreation, our sports and our parks. I mean, you know, so many people work at ESPN but so many of them live in Southington. They’re not really living in Bristol as much. They’re living in Southington.

Everybody here pretty much knows somebody that works at ESPN. So, you know, I think they come here because we’re a great town and I want to continue that. I think by adding to an open space parcel, this also encourages ESPN, I think even more so, they want a nice town for their employees to live in.

I think as long as we continue on this path, we’ll be giving them that. So, that’s all I’d like to say.

Thank you very much.

THE CHAIR: Thank you, Bonnie.

JOHN W. MAYO: 33 Vernondale Drive. I would like to comment as Bob did just a short time ago that all over town we have the Panthorn Park, we have the Recreation Park. We have other parks that I have been over them years transporting my kids into Little League and the Girls Softball League and all of that.

Now we have an opportunity to have a nice park in that area and as Bob says, I think it will be very, very beneficial. It will help the neighborhood and it will help us senior citizens that are in the neighborhood that we won’t have to cross all the way to Panthorn or somewhere else.

And, I am just recommending favorable position on that.

The only other thing I want to talk about while I’m up here is the purchase of property at 148 Center Street. As most people know, I own a building on Center Street, which is halfway between.
I go down ususally on every Wednesday night that I’m available to go down and I have seen such an increase in parking, not only in the municipal parking but all the way up both sides of Columbus Avenue, the Elks parking lot is full. Now, it has extended to last Wednesday, I counted the cars both sides of Liberty Street from Center Street beyond West Center Street. And, I was amazed that that many cars were going around looking for places to get closer. But they made do with what was there.

And, because of that, I own a piece of West Center Street. I park there and leave the parking up --- so we definitely, definitely have a necessary extension in the coming years as that Meridian program goes we’re going to have to have a lot more.

And, we’re going to have to utilize the municipal parking behind he old theater. Maybe some of the downtown workers could park up there and free up some of the park --- I’ve seen cars that are there for that many but again, I’m not --- I am very, very positive in particular those two and I think the other three are also very necessary.

Thank you.

PHIL POMPOSI: 1215 Pleasant Street. I want to echo what Fran Kenefick, Bonnie and Bob said about the open space on West Center Street. I’m a member, as you know, also of the open space committee.

I’m in favor of this particular bond ordinance for that mount of money. A couple of the reasons why is it happens to be R-20/25 zone. It’s a good piece of property. The contract has been structured to be very beneficial to the town since it will be spread out over a period of fifteen years as far as the payment is concerned so the impact on the taxpayers will be spread out over that amount of time.

And, we felt that we did get a good interest rate on it. So, I think in that respect it’s a good deal for the town.

However, at this point I’d like to mention also, there comes a time ---

(End of Tape #1, Side A)
(Beginning of Tape #1, Side B)

(Continuing) -- bond, and you have to pay principle and interest in all these things. Also every piece of property that we take off the rolls of Southington, that’s tax income that we’re not going to generate in future years. And, at some point in time you do have to have, your Grand List has to increase and it cannot be dependent on just commercial or business buildings and so forth. I think those are some of the things as a member
of the open space committee we’ll have to think about in the future.

One of the questions I wanted to ask is and Mark, I guess you’ll have to answer this, is the bond ordinance, itself, the wording on this, I know previous open space has been written for passive recreation, et cetera. Will this be the same way or will it be any different?

ATTORNEY SCIOTA: It is required to be passive recreation. As you remember, the contract itself, the owner required it and that’s why he gave us what I believe is a deduction in the value of the property because it’s going to be passive recreation open space.

MR. POMPOSI: I just wanted to confirm that because I know at the time and I might add that the owners of the property, it was the wish of the owner who had passed away at the time that that property be not developed and I can say at this time I guess his wishes will come true assuming our people approve it.

I have a couple of questions on the other bond ordinance and that’s on the 148 Center Street. I just, you know, I’ve heard some of the explanations for it and as you know, you know how I voted on it so far as the finance committee, but some of the words I’ve heard and explanations since that time has got me kind of confused so I’d just like to kind of clarify some of those things.

First of all, when this was originally presented it to us, it was presented as a no cost deal to the town, basically. It was going to be we purchase it, we resell it, we put some stipulations, et cetera and the bottom line is when we asked about risk, the only risk that I’ve heard up until tonight was the fact that we may lose $3,000 or $4,000 in taxes.

But just follow me here. I want to make sure I understand this completely. We’re going to buy the property. We are going to try to resell the property and we’re going to put stipulations on that property which is going to effect the value of that property because the more restrictive you make it, obviously, for what use you can put on it, it may bring the value down.

We are ---and during this time we are going to build out the parking lot or not? Or is this going to be the new owner, the subsequent owner is going to build the parking lot? Then we go from there?

ATTORNEY SCIOTA: If I may. Lou, you can take it after I do, as you know more about it. The options are for the Council. We’re going to give them many options.
The first option would be to --- you subdivide the property. You make a building lot of approximately, in this particular case, 8,000 sf for a CB zone, and you keep the rear portion, which the town would keep.

You do an RFP, similar to what we did --- you were around for Plantsville, similar to what we did in Plantsville. We simply said okay, we will put out an RFP and the RFP includes the purchase of the one lot and the infrastructure improvements on the rear lot. That’s one way you can do it.

Another way you can do it is you keep the parcel as a whole. You say the infrastructure improvements would contain an X number of year lease back to the Town of Southington similar to what we have over here at Bank America. Twenty year lease, 30-year lease, whatever the case may be.

What we’re trying to put forth and I think we did it is the fact that with the control of the property, yes, it’s $400,000 but the $400,000 also gives the town control and the option of doing several things.

I don’t want to take Lou’s thunder, his mind is better than mine when it comes to economic development, so Lou, if you want to answer the question?

MR. PERILLO: Excuse me, Mr. Pomposi. I’m kind of at a loss because I sent Finance Board members as well as Council members a summary of what I was going to do and I clearly put and I quote: “The risk with the proposal includes lost tax revenue while town owned and resale for less than acquisition.”

There’s no number about $3,000. It was stated. I stated the risks. I stated also the risk of not performing the acquisition. A board member, Mr. Triano, told me to sell it to him. This isn’t a sale. This is a numbers thing.

If the town isn’t going to get serious about economic development, this isn’t a very large parcel. We are trying to get highest and best use. I’ve provided numerous analyses and whatnot. I mean, and I respect Mr. Pomposi’s concerns and I’ve addressed them and the Council was provided this information, as well.

You know, this has been public access, as well. And, I did complete another analysis, if you’d like to see it.

MR. POMPOSI: The reason I referred to the $3,000 is that is the amount that I think if you check the Minutes you mentioned that the Council meeting last week, I didn’t hear anything about and you might have but I didn’t hear anything about we may not
get you know, the money we paid for it back. I didn’t hear that. All I heard was the $3,000.

THE CHAIR: Phil, I’m not --- I just want to make a comment. I want it to be respectful in terms of how we appropriate, answer questions. It’s important that any member has a question that they might want on the record.

You know there is a lot of memos’ that are circulated between boards and committee members but I think it is certainly in the right of a member of the Council or the member of the Board of Finance to ask a question on the record so it’s public knowledge where the public might not have access to memos. I mean, they’re obviously public documents, but they’re not, you know, available.

So I just want to make it clear that it’s important that any question is answered specifically on the record.

Go ahead.

MR. POMPOSI: Thank you, Mr. Chairman.

So, the bottom line is is and this is just for the public’s information because that’s the problem. I see people all the time and we’re going to pay $400,000 and it’s going to cost the town X number of dollars, blah, blah, blah.

And, I just want to be on the record that you know, there is a possibility here, I mean, obviously, it’s going to cost the town something but that number is unknown at this time. We don’t know, depending on how much we resell the property for and how much we put into the lots and so forth.

And, my last question is the assembling of this property in the rear of those other properties. From what I understand, I think you’ve said is that if this thing was done and we were then to expand the parking in the rear of those other properties, the town would go ahead and build out that parking lot for those property owners and they would in turn lease it back to the town for $1 to be used for themselves and for the municipal parking. Is that how it works, Mark?

ATTORNEY SCIOTA: May I? It may and may not work that way depending on what goes on with that. What I talked about before is in the past over here as you and I worked together on a lot of those projects is that when we had the municipal parking lot, we then did $1 a year, insured, maintained, plowed and then when it needed infrastructure improvements, we did that.

If you recall when we did the, I guess I’ll call it the D’Angelo lot, with the church, we purchased the land. The church
purchased the other part of the land and the town did all the infrastructure improvements.

So, we’ve done them both ways. I would think in this particular case, it could work either way. I would think that the way you’re talking about is probably where it would end up going, but I can’t guarantee that.

MR. POMPOSI: Okay. But if the town were to --- would it be possible or is it possible for the town to just buy that property in the rear of those properties to actually purchase from those people?

ATTORNEY SCIOTA: Buying maybe a little bit difficult because you may be constructing all nonconforming uses on the rod and it’s always possible, but from a town standpoint we’d have to look at it and see is it better to do 20-year leases on those versus buying it. And, that’s more of a zoning issue because I’m not sure you want to make a whole bunch of nonconforming uses on Center Street. But that’s something that obviously comes down the road, too.

Just one other thing, too, Phil, is that we have in the past and you mentioned this particular piece. We have bought pieces and I just mentioned the D’Angelo lot, where we buy the piece, pay which we all consider considerable dollars and we bought it in the first place and then put the infrastructure in.

We are hoping to do something a little bit more unique than doing that. We can stand here and simply say in front of you, fine, we’ll buy his for 400,000. Knock all the buildings down and then come back to the BOF and the Town Council.

We’re not trying to do that. We’re trying to do something more unique and like I said, Lou is much better at wording this than I am but we’re trying to see if the private sector can assist the town when it comes to putting something together through an RFP.

And, do we have all the answers? No. I wish we did have all the answers. I don’t have a crystal ball and I don’t think you do, either. But the point is is that we’re trying to do something --- instead of doing what we did in the past, which I don’t think anybody was too thrilled with. The D’Angelo lot, we paid cash money for it and then we came back and added another $500,000 I think it was to do the infrastructure improvements.

We’re trying to do things a little different than we did before.

MR. POMPOSI: One last comment. I know, ‘cuz Lou has mentioned this a couple of time about an offer that happened to
come into the Finance Board. Anyone who just tells you they'll pay X number of dollars, that's not a serious offer. I mean an offer is contract and monies.

I just want to ---

ATTORNEY SCIOTA: It’d be --- off --- the fact of the matter is, I’ve received several phone calls but it is unethical for me when I have no control over the property to start negotiating properties. It’s unethical for everybody to do that. So, until the town has control of this property, it’s unethical for me to talk to anybody about contracts, proposals.

MR. POMPOSI: Thank you.

JOAN JANSON: 913 Sweetheart Path. Having read the Minutes of the Board of Finance’s June 18th meeting at which time they voted to reject the purchase of 148 Center Street I was very impressed with the due diligence that they displayed.

Among the many carefully thought out reasons for rejecting the proposal, was that Mr. Perillo could not give them the total cost of this purchase --- we just heard that.

The most impressive question was why would a developer buy this property for our asking price, put in a business and then agree to allow their parking lot to be designated as a municipal parking lot. It was duly noted by members of the Board of Finance that what the town would have to do to get the parking lots they want, they would have to make it so difficult for someone to buy the property from the town that no one would make an offer.

Although I was very impressed with having read the Board of Finance Minutes, in depth, I was concerned that many members of the Council may not have read them in depth. I came to this conclusion due to one of the Councilman’s statement at the Town Council meeting of June 23rd regarding the Board of Finance’s Minutes, he said and I quote: “I read the Minutes. I think you guys, I don’t know if you had a chance to. I zipped through them as quick as I could.”

My question is, why on earth would this gentleman zip through them as quick as he could? These Minutes are very important documents and he zipped through them. Well.

Lastly, there is the subject of ethics. When a member of the Town Council does not recuse himself from the vote because he owns property within 500 feet of the parcel slated to be bought by the town as noted in today’s Record Journal article, a huge red flag is raised in my mind.
In this article, the Council member noted that his business is for sale and he’s about to retire. When asked about a possible conflict of interest, he said he would check with the Town Attorney. What a great idea. But it’s after the fact. Why was it such a difficult thing to have done long before the Council meeting? If this is an excuse for not recusing himself, let me remind him that a parking lot near his place of business would I’m certain bring extra value to the value of this business.

This is borne out the fact by when the Council member asked Mr. Perillo if he thought the proposed municipal lot would enhance the value of the other properties in the area, Mr. Perillo said, and I quote: “That’s the whole idea”.

It is important to note that the Town Council rejection of the Board of Finance’s decision needed a super vote of six Council members. Let it be also noted that if this particular Council member had recused himself, the Council would not have had the required votes to override.

The whole thing boggles my mind.

So tonight I ask that the Council please vote in favor of the Board of Finance’s rejection of the purchase of 148 Center Street.

Thank you.

MR. DEPAOLA: I’ve been waiting for this. Are we allowed at this point?

THE CHAIR: Sure. We’ve been going back and forth.

MR. DEPAOLA: What was the vote on that, Mr. Chairman?

THE CHAIR: The vote was 7 to 1.

MR. DEPAOLA: What is a super majority?

THE CHAIR: Six votes.

MR. DEPAOLA: Ergo which means therefore in Latin, if there had been a recusing of that particular item which only singled out for public hearing, it still would’ve passed. Am I correct or am I wrong?

THE CHAIR: Yes, you are correct.

MR. DEPAOLA: Secondly. Mr. Town Attorney, if I’m not mistaken, a precedent was set a few years ago relative to a ruling in this particular situation. Am I correct or am I wrong?
ATTORNEY SCIOTA: You are correct.

MR. DEPAOLA: What was the ruling?

ATTORNEY SCIOTA: The ruling had to do with a previous Renaissance program for a gentleman whose family owned numerous parcels on Center Street. The ruling was that this was a group municipal project and there was no specific conflict of interest for that particular Councilman. That was back in 2002.

MR. DEPAOLA: Thirdly, um, I did talk to you today about it. And, I’m sure you would have brought it to my attention had I not done so.

Thirdly, uh, when these quote “comments” were made, as Puck would say, what fool these mortals be. When these quote “comments” were made, did anybody bother to check with you --

ATTORNEY SCIOTA: No, sir.

MR. DEPAOLA: -- to make sure that they had a legitimate comment to make?

ATTORNEY SCIOTA: No, sir.

MR. DEPAOLA: And, if they had, what would you have answered?

ATTORNEY SCIOTA: I would have explained the previous ruling that was made in 2002. Which I still live by and still believe.

MR. DEPAOLA: Now, when I was interviewed about the whole situation, I did indicate quite clearly that Towne Dry Cleaners which I currently own --- the other buildings were sold months ago which I currently own has two or three parking, 15-minute parking places right in front, as well as some across the way, and our major help works across the street and we have a carport for our own vehicle. That was put in by the police, I believe, because we have loading zones all over, as you know, now.

So when that 15-minutes was put in, our average customer stays approximately 7, 7.5 or maybe 8 minutes, tops. They go in and they go out. So, a parking lot of this type, unless this person went to Bali’s or somewhere else, and decided to stop over and pick up a pair of pants on the way back to his car, which I would have no control over any particular situation, it is not really apropos to this situation. Am I correct?

ATTORNEY SCIOTA: You are absolutely correct. And, the issue that came in front of us back in 2002 was a very specific issue just so everyone understands. There was an issue raised by
that Councilperson at the time and that person that Councilperson came to see me. And, we went through the entire scenario and that person was a multi property owner on Center Street. The Renaissance was going through at the time for approximately $1.1 million and based upon our ethics code, based upon the checking of the ethics laws, the specific aspect of it, it was not relevant to the ethics code.

This is a situation where municipal improvements are done. These people were treated as a group. When you have something like this, this is not an ethical violation for a sitting Councilperson to vote on. This is municipal project, which is dealing with the entire downtown region just like the Renaissance program was. And, I stand by that ruling.

MR. DEPAOLA: In this particular situation, for the common good supercedes anything else in layman’s terms.

ATTORNEY SCIOTA: That is correct.

MR. DEPAOLA: Okay. The only comment I have left to make, I think we’ve proven our case beyond a shadow of a doubt as Perry Mason would say, I think that the only other thing I would say is before accusations are made, before comments are made to the newspaper, before and I’ll go into this in some other coming meetings, before letters are written, I’m sure that the writers have the best interest of the town and everybody else at heart but I think it might be a wise thing to do to check the facts, check the law and check with a person like the Town Attorney or Town Manager so that you are in a sound footing. Because you expect that of us and at least I, expect that from you.

Thank you, Mr. Chairman.

ANNE MARIE CONATY: 1237 Mount Vernon Road. I’m a firm believer in open space however, um, I’ve been reading the papers. A drive-in, a Town Hall, sewers, the denitrification debacle remediation that we don’t even know about. The state not giving as much money to the towns. A possible new middle school.

In your infinite wisdom, Council members, tell me where the tree is that you pick the money off of.

(Applause)

Also, to address Mr. DePaola, there have been a lot of questions and I know this is a public hearing, but if he can talk back and forth to make a point, them I’m going to speak to that.

We’ve, you know from reading the papers, the town people have had some real serious issues with conflict of interest. And, we’ve been told that our ethics rules have been changed and
made better. Well, I had a problem reading all the time some of these issues, too. So, I went right to the Attorney General and he said bring it back to the town Ethics Board. Which I intend to do because I think I hear enough from people here and read enough and believe in what those people say that our ethics rules are not strong enough right now. And, that we wouldn’t have had this arrogance going back and forth.

This is a public hearing. It could have been a little more polite. Not so arrogant. You are in the public eye and unfortunately the newspapers love to put it out there.

THE CHAIR: Okay, let’s ---

MS. CONATY: And, that’s all I’m going to say to that. I felt that I needed to say that. Because I just think that that was out of line.

As far as the ordinance for the 185,000 for the leaf collection, um, yah it’s 185,000 but it’s 185,000. And, once again its because the site we were going to use can’t be used. Again, another mistake. So, we’re paying more money because we can’t already use something we already bought or had.

The bond ordinance for the 400,000 for cost related to the Center Street, because of this ethics thing, I agree, too. I was against a lot of the money spent for Renaissance, too. Because I saw a small majority of property owners benefiting from a large amount of taxpayer dollars.

When my parents were in business on Bristol Street, they had ST. Thomas Church. They used to block their parking all the time. And, they were a small business owner. They had difficulty staying in business because of that. But it was their responsibility to find alternatives and it had to come out of their pocket, not the taxpayers’ pockets.

So maybe sometimes the businesses downtown need to get together and spend some of their money if they want more parking. Not the taxpayers’ money any more.

The bond ordinance for the streets, I think that’s necessary. I think everything is crumbling in this town once again, because we have no master plans. And, that’s why we throw in the drive-in, the Town Hall, the sewers, denitrification, middle schools, open space.

I just want to know where you’re picking the money off of. I’m sure you all had time to see the news tonight how the car industry is crashing. The housing industry is crashed. There are 3.5 pages on the Internet -- you people have Internet. You go on it all the time. Ann Taylor, 117 stores closing. Eddie Bauer
to close 27 shops. I can go on and on. It’s 3.5 pages of closings. Some big, high end stores, too.

Everybody’s scrambling just to survive now and you seem to be picking money off trees. I want to know where it comes from.

I know what --- I can guess what you people make. You can’t understand what $25 more a year for some people means. And, until you can put that in your minds, you’re going to ruin Southington. You want to keep comparing it to West Hartford and all those. They have leaders that think about the people.

And, I have to applaud John Barry, because I think he has been listening to the people but I have no faith in any of the other of you.

Thank you.

MR. WEICHSEL: One moment, Ms. Conaty, I’d like to address just one point.

THE CHAIR: Let’s just ---

MS. CONATY: This is a public hearing. I don’t want to be addressed.

THE CHAIR: We’ll get that. Go ahead, Sandy, all right? Come up.

SANDRA FELD: 821 Glacier Way. I have a few questions. I’d like the total cost, including interest, on the 15 years for the 1,258,000?

THE CHAIR: Sandy, on the --- that’s the open space purchase?

MS. FELD: Um-hum.

THE CHAIR: It’s a 20-year bond.

MS. FELD: Fifteen year, I heard.

THE CHAIR: I have information that it’d be a 20-year bond. What is the administration’s view on that?

ATTORNEY SCIOTA: The promissory note is 15 years.

MS. FELD: At 4.75. What’s the total real cost?

(Pause)
THE CHAIR: That’s for a 20-year payback period. Mark, do you want --- I only have the information for a 20-year period. That’s what I was given by the Finance Director.

ATTORNEY SCIOTA: Right. It would be just shy of the --- you have the 20 years, it would be just shy of the 1.88.

THE CHAIR: If we use a 20-year calculation, that’s all I have in front of me, Sandy, is that the interest on that bond would be approximately 626,000.

ATTORNEY SCIOTA: It would just be shy of that because it’s 15 instead of 20 years.

MS. FELD: So, we’re talking, did someone say 1.88?

THE CHAIR: Yes.

MS. FELD: Okay. Same thing for the 185,000 for the um -- leaf composting? Interest rate, total real cost? How many years?

THE CHAIR: The administration, information that I was, that I received, it’s a 3 year pay back period. Average interest rate of 4.75 is what they anticipate. The interest on the leaf-composting site would be approximately $17,000 in interest. The total cost would be 202,000.

MS. FELD: That 4.75 percent, the last time I checked on bonding, we were paying the highest, 4.5 percent. So it’s now 4.75.

THE CHAIR: All I can say is Sandy, that’s not, it’s an estimate. They haven’t sold the bonds.

MS. FELD: Okay.

THE CHAIR: So it could be a little bit lower and I don’t want to ---

MS. FELD: Things have changed.

THE CHAIR: -- they’re using that as an average.

MS. FELD: On the 625,000 for the Spring Lake Road repair?

THE CHAIR: The administration is proposing a 10-year payback period, same approximate interest rate, 163,000 approximately in interest bringing the total to 788,000.

MS. FELD: And, last but not least, the quarter of a million for repairs on East?
THE CHAIR: Once again, they’re anticipating it would be a 3-year payback period. Same approximate interest rate. Approximately $23,000 in interest.

MS. FELD: Okay, thank you for that.

Now, I’d like to address the My Bar situation. While I was reading the article today or when I was reading the article today, I found this very interesting quote on the My Record Journal.com blog.

“Southington. Voting on the My Bar site. Certainly disclosure would have been appropriate. In Meriden, the Ethics Board told Councilor Salafia that he should keep out of the debate concerning a parcel next door to his business. C.F. Wallingford rulings on Wooding/Caplan parcels. I suppose that if you don’t see the problem, there’s no reason to speak out. It happens pretty regularly in Southington and seems not to bother anyone very much.”

That’s really sad. I hear from people in Southington all the time who believe that there are all kinds of, as Mike DelSanto put it the other day, back end deals where officials in town profit. Why else, they say, would they serve without pay?

What this incident of nondisclosure by a board member and our economic development councilor proves is that their complaints have merit. And, it’s very unfortunate for the politicians who don’t do this. They suffer by the actions of those who do.

When people complain to me about the way things area, I tell them, come to meetings. Speak up. They tell me, it doesn’t matter. I’ve been living in Southington all my life. All kinds of deals go on all the time.

I find this very sad. One of the things that has been pointed out to me from misinformation and some sort of deal is the Parking Authority Minutes of June 10th where Mr. Domian, who, if you read the article and I’m sure everybody has read the article, you’ll see that he’s on the chart with one of the properties --- this chart, with one of the properties.

He’s quoted as saying ---he is asked by the Chair, Ms. Davis: “The Chair interrupted Mr. Domian to ask a question with his permission. Ms. Davis asked him where he thought his tenants would park when he purchased said downtown building.” Which he is thinking of purchasing from Councilman DePaola.

“He replied, that Nick DePaola “he’s a Councilman” told him that the overnight parking restriction was never a problem.”
Mr. Salmeri, one of the Council members, one of the Parking Authority members replied that it was always an issue. Overnight parking is prohibited. Although there may have been times when it was not enforced.

So, talk about checking facts. That would be a fact that perhaps Councilor DePaola would want to check before offering such information.

With all that I’ve said before, I need to ask one question to all the Councilors, is anyone on this Council part of the 18 to 2 LLCs that own property between Liberty and Center Streets? And, I’ll wait for an answer.

(Silence)

(No response)

ATTORNEY SCIOTA: It’s a public hearing. Obviously, nobody needs to answer the question if they don’t wish and I think it is improper to ask it. If you have that question, you should ask them individually and not during a public session.

MS. FELD: Done.

Let me finish by quoting Councilor Riccio at the June 23rd Town Council meeting when he attacked the Board of Finance for having “no concept on expense versus investment.”

All I want to know is --- investments for who?

Thank you.

(Appause)

ARTHUR CYR: Good evening, Mr. Chairman. I have some prepared remarks but I have some things that I just have to say before I get to my prepared remarks.

First, I’d like to look at all of you up here and thank you very much for serving without pay. People who have never served without pay are clueless. And, it’s an insult to Mr. Riccio, Mr. Pocock, everybody here that serves without pay to have people come up and yell and scream at them and insult their intelligence and their integrity when these people have never served and put in the time that you people have put in for this town. And, I am almost embarrassed to say I live in the same town as some of these people that have been up here in the last ten minutes.

That, being said, regarding the five bond proposals tonight, I totally support Item 2 for the necessary construction of the West Street leaf site which it’s real simple, Mr.
Chairman, the owners of the property on West Center Street said we don’t want to give it to you any more for a leaf composting site. So, we had no choice but to go out and get another one.

The fact we were able to get the land purchased after the fact is not some weird deal and I totally support that purchase.

I also support Item 4 for the reconstruction of Spring Lake Road and the reconstruction of East Street.

Regarding Item 1, I found it interesting to listen to the Chairman of the open space subcommittee list the hundreds of acres of open space that we have bought in the last 20 years. And, if my calculations are correct, we’ve bought over 500 acres of open space in the last 20 years and that’s a good thing. We like open space. I wish we could have bought some up on Berlin Street instead of putting in houses, but I lost that battle.

I support the purchase of this open space on West Center Street but I think we’re almost getting to the point where we have to say enough is enough. We’ve got over 500 acres of open space. And, the taxpayers of this town are indeed almost at a breaking point and we have necessary projects, which we need to spend money on.

Somewhere down the road recreation, passive recreation and open space has to become second to necessary road repairs and building repairs. I don’t want to be standing here in another 5 years and asking you when the Gura building’s coming down. So you do have to prioritize. I know you all work very hard at it.

But keep in mind, I look at the things that affect us here in this town. I don’t care if Ann Taylor closes 300 stores and a Starbucks closes 600 stores because it doesn’t affect us here. They can do all kinds of things across the country. What affects us here is a 12 percent increase in the water department. A 5 percent increase in our CL&P rates.

I would also ask, Mr. Chairman, that you direct staff to immediately on the first day of this new budget to put in effect any cost savings that they can for the next twelve months because just like the state has imposed budget restrictions right at the beginning of the new fiscal year, we know today, day one of this new budget, that we’re screwed. That we’re not going to get the revenue that we’re going to need. Let’s not wait until next April and say WOW, you know, our budget is screwed and we’ve got to take money out of the Rainy Day Fund because then the Board of Finance is going to be screaming at everybody because we’re tapping into the Rainy Day Fund. It starts today on day one of this new budget cycle.
I think Mr. Weichsel and every other town department can put the kybosh on some unnecessary spending and I know that you’ll agree that we should never drive by any town funded building during the day and see the outside lights on. Or drive by any publicly funded building late at night and see the lights still on either inside or outside. I’ve already seen that twice and I hope we don’t see it for the next twelve months.

Which brings me to the last bond item, which is My Bar. I support the purchase of 148 Center Street. After a lot of thought and a lot of listening and a lot of information from a lot of people both in economic development and various other boards in this town. I think that if we are going to continue to be the City of Progress we need to be creative. We need to continue the downtown revitalization down Center Street. We have a major property owner coming in and spending millions of dollars, millions of dollars to clean up Ideal Forge. He has already bought some property on the other side of the street. We need to continue down and if that means more parking, it means buying more parking.

The Board of Finance has been wrong before. They’ll be wrong again. They’re wrong on this issue and you need to overturn them.

Thank you.

MS. JANSEN: (From the audience) Point of order, Mr. Chairman, this gentleman has disparaged my comments and I would like to speak to him ---

THE CHAIR: Okay, okay.

(Audience discussion)

(Audience discussion)

MR. CYR: (In the audience) I’ll take you outside and talk about it.

MS. JANSEN: Are you out of your mind?

THE CHAIR: Okay, why don’t we just try to --- anyone else like to speak to tonight?

What we are going to do is there public communications listed on the Agenda. I’d like to just get all the public communications over with right now. We will not address public communications at the other part of the meeting.

So, if you’d like to come up, this is your time. We are entertaining all public communication right now on any issue.
Okay? And, then the way the Agenda is set up, we will not be addressing Item 3, which is part of the Regular Agenda. We are moving all public communications to right now. Okay?

Go ahead.

LARRY DEPAOLO: From Blatchley Avenue. I am in favor of number one, two, four and five. I just do have one question. The way I understood it tonight, you said you had a 20 year runoff on that, I kind of got the message that the individual, Mr. Jurglewicz, was going to take the --- we’re going to borrow from him. We’re not bonding that. That’s what I got out of tonight’s report. Was I wrong?

ATTORNEY SCIOTA: Actually, it depends on the Manager and the Finance Director but he does have a 20-year note --- excuse me, a 15-year note. He’s being paid over a 15-year period. That doesn’t mean that it couldn’t be bonded in some manner. But that is correct, he’s being paid over a 15-year period.

MR. DEPAOLO: We’re going directly with him. We’re not going to bond it out. That’s what I got out of this meeting tonight.

ATTORNEY SCIOTA: That’s correct but each individual payment, it’s up to the Manager but that’s how the mortgage situation works, correct.

MR. DEPAOLO: So, that’s why we’re paying a little bit higher, the 4.75 versus if it was bonded, it might have been a little bit lower.

ATTORNEY SCIOTA: Well, actually, the estimates that are being used for everything else is the 4.75 because, if I may, Mr. Chairman, we don’t necessarily go to bond immediately. Sometimes it takes a year or two or sometimes three years before some of these projects go out to bonding. So, we don’t know exactly what the interest rates will be so, Emilia estimates conservatively as to what she thinks the interest rate is going to be.

MR. DEPAOLO: Okay, but it’s going to be directly through --- he’s going to basically take the mortgage for that period of time. Okay.

ATTORNEY SCIOTA: That’s correct.

MR. DEPAOLO: On this meeting tonight, we’re talking about Mr. DePaola. Now, he’s no relation to me so it don’t make any difference but I, like he said, the vote, it made no difference whether he voted one way or the other. It was a done deal. It
was going through. It was coming to this public hearing. They had enough votes without it.

I think our bigger problem that nobody’s even mentioned is, and a few of the people in today’s Record Journal is the Economic Coordinator. He said during that meeting that it was going to be a direct increase in value for the property owners and he is one of those property owners in that immediate area. I think that’s more of a conflict of interest of any of this other stuff. I mean, he does own property there and he personally said it was going to increase the value, so, it was, I think he should’ve come out and said that he was a property owner that would definitely be effected.

And, going along with this, I am against the 148 Center Street on the basis that if we got a lot of people out there that are willing to buy this building, let them buy it and do it. I mean, we have zoning. They got to go by our zoning rules. They got to go by our building inspector. They got to do all this. Let them.

I don’t think we should be out there buying a building, taking a risk to resell it for a few parking lots that right now we don’t need. We have plenty of parking over here in the Riccio building here. So, to spend $400,000 for 23 spots that we may even lose a little bit more than that if we do sell it and like the person said, it was valued at $200,000 three years ago. Well, as far as I know, real estate is down. It’s not up from where it was three years ago. So how the value of this property doubled when all our homes have gone down.

So, I don’t understand that at all. But another thing is we’re sitting here tonight and a few comments were made and I kind of agree with some of them, we’re looking at new schools that haven’t been bonded yet. We’ve got two of those.

We got the denitrification, other money. Our taxes just went up 5.2 percent. Our electric bill is going up 6 percent. Our sewer tax went up 20 percent. All these continual, continual increases.

And, I made a mistake at the last meeting, I said our bonding of 55 million and I used a small amount of interest of 2.5 percent. I said we were paying $3,400/ week. I was wrong. It’s $3,400 a day interest right now the Town of Southington is paying on our bonding. And, that’s a lowball figure.

And, we still got to put the two schools in which I believe is another 16. You people keep --- like the individual said tonight --- picking the leaves off the trees for all this money and when we take all these schools, you’re going to want to combine, you’re going to say, gee I don’t understand why they
don’t want to go for a new Town Hall. Which we do need. But I think you got to be a little more cautious on spending money. If you want to go for the Town Hall, we’re talking a couple of million here tonight, a couple million here, 400,000 -- I think we got to stop our spending.

We’re not at a case where we have a lot of extra money to spend. I think we could do without that $400,000 and put that towards your Town Hall or put it towards something that we do need. Like the Finance Department said, this does not meet the criteria of what we, the Town of Southington, need at this point.

So, I would think we should not do this and look forward to our --- I think we need the Town Hall more than we need the My Bar.

Thank you.

(Applause)


THE CHAIR: Oh, yah, absolutely.

MR.WEICHSEL: For you and for other folks, when we interviewed Lou Perillo, it was not secret, I think everyone in this town who has been here knows that the Perillo family has a lot of land holdings. We discussed that with him and we said, that’s okay. You do it. Just do a good job for the town, which is what he is doing. So it is not some (inaudible) deal that nobody knew. I think the Perillo name is pretty well known and Lou is doing a good job and there is no legal conflict of interest.

MR. DEPAOLO: John, I am not questioning the job that Lou is doing. I am not questioning the job that anybody is doing. All I’m saying is he should have said I own property across the street. That’s all I’m saying. I’m not saying he’s doing a bad job.

MR.WEICHSEL: Everybody knows that --

ATTORNEY SCIOTA: He actually, just so you know and it may not have been in public session, but in executive session, the first words out of his mouth when he presented to the Council was: my mother’s trust owns land across the street.

MR. DEPAOLO: Well, that should have been the first words out of his mouth at the Finance Board.
THE CHAIR: Would anyone else like to come forward tonight?

(No response)

Last call. No more communications after we close this out.

Everyone all set?

All right. The public hearing is closed. Wait hold on. I’m sorry, we do have Mr. D’Angelo who has two communications to read into the record.

MR. D’ANGELO: Two emails that came and if I can just read them into the record.

ATTORNEY SCIOTA: That’s proper.

MR. D’ANGELO: This is addressed to Mr. Barry. Why is the town even considering buying this property just for parking? Is that such a critical need that it justifies spending this amount of money when there are so many other more pressing issues at hand? And, it is not what I would consider an arm’s length transaction when four members of various Town Councils, Boards are owners of property surrounding this space. None of these members should be involved in any decision regarding the potential purchase of this property. And, quite frankly, the fact that the Board of Finance voted against the purchase speaks volumes. Vote no. Batiste Gombig from the Concerned Citizens Group.

One other: Mr. Barry, the My Bar issue is another example of why many of us distrust the Council and the rest are too busy trying to survive financially. And, the unfair tax increase, while I think about it every day, and you know, it infuriates me. Fran DePaolo of North Star Drive.

THE CHAIR: Okay, before I do close it out, I do want to give opportunities to the Council. Does anyone have any comments on the bond resolutions or any other items that came up tonight?

MR. RICCIO: I just have --

THE CHAIR: Go ahead, Mike.

MR. RICCIO: I have a letter from the Parking Authority that was supposed to be read into last week’s meeting that wasn’t concerning this issue, so I’ll read it now.

It says: Dear Council members, I understand this Council will be discussing the above referenced property at tonight’s meeting. In this economy it is hard to purchase anything, which
isn’t of immediate value. However, in some cases you need to spend money in order to make money or advances.

This is one case in which we need to do this. Opportunities for purchasing property for municipal parking are very limited in the areas where it is most needed.

It’s a smart purchase and can be the gateway for future parking as the downtown community grows.

Thank you for your consideration. Sincerely, Rebecca Davis, Chairperson of the Southington Parking Authority.

And, I believe everybody got that.

MR. WEICHSEL: It was circulated to all the Council.

MR. RICCIO: Everybody got it.

THE CHAIR: It’s good to have it in the record.

MR. WEICHSEL: Certainly.

THE CHAIR: Anyone else? Ed?

MR. POCOCK: Mr. Chairman, just real quickly, when we go into the special meeting itself, we’ll be able to comment on the motions that are made?

THE CHAIR: Yah. As the motions are before us.

MR. POCOCK: Very well.

THE CHAIR: But it is a limited Agenda, so I want to give everyone the opportunity to speak now on issues that were or came up during public hearing.

Chris?

MR. PALMIERI: One of the comments from the public hearing, Tony, you would, Councilman D’Angelo had asked you about East Street and you mentioned that you are looking to repave that in the future, the entire area.

Can you tell me roughly what costs associated with that would be and when are you looking to repave it?

MR. TRANQUILLO: I don’t have a number this evening. I can get you that.

(End of Tape #1, Side B)
(Beginning of Tape #2, Side A)
MR. PALMIERI: I don’t understand, why wouldn’t we do the paving at the same time when we’re doing the reconstruction.

MR. TRANQUILLO: We are. We’re doing it on ’09.

THE CHAIR: The spring of ’09?

MR. D’ANGELO: Well, why wouldn’t that be in the bond?

THE CHAIR: Hold on, Chris has got ---

MR. TRANQUILLO: That’s a separate, that’s going to be funded separately through the highway budget.

MR. PALMIERI: What I’m trying to understand is --- you’re saying this is one job and we have a cost associated in front of us. In addition, because of this or just that it needs to be done in addition to this, there’s repaving costs associated with it, why isn’t that included with this? Why are we separating it? Why’re we doing two separate ---

MR. TRANQUILLO: Because it’s two separate projects in essence. This is a reconstruction project. It stands on its own. Going to be bonded.

The rest of the repaving, which will be done at the same time, will come out of the normal budget, the normal line items in the capital budget. Surfacing and repaving.

MR. PALMIERI: Okay, and I guess what concerns me is there is going to be additional costs associated with this job, as well, whether it’s in the regular budget or bonded.

MR. TRANQUILLO: Not really, no. Because that paving project that I’m talking about, would be done in any case. As you know, the pavement at Undermountain Crossing is absolutely horrendous.

MR. PALMIERI: We have many roads that needs to be paved but ---

MR. TRANQUILLO: Right, but that project has never been finished where the culvert was replaced, that project was never completely finished. Steve wanted to do a larger project and make it more efficient. So that’s why we’re doing this as a reconstruction project to be bonded because it’s 250. The rest of the paving will probably be something in the order of 80 to 90 or 100 thousand and that’ll come out of the normal budget.
MR. PALMIERI: Okay. And, again, you would be able to get us the costs associated with that?

MR. TRANQUILLO: Yes.

MR. PALMIERI: And, a rough plan of when you plan to do that?

MR. TRANQUILLO: Yes. We can do that.

THE CHAIR: And, Tony, just to follow up on Chris’s comments, you will not be coming to the Council for a special appropriations for that road?

MR. TRANQUILLO: For the paving, no, that’s part of the ---

THE CHAIR: Okay, so it’s in the budget that started today, correct?

MR. TRANQUILLO: The upcoming, ’09-10 budget.

MR. PALMIERI: No, it’s not in.

THE CHAIR: Okay, so you’re talking July ’09?

MR. TRANQUILLO: Yes.

THE CHAIR: You are not talking the July ’08 budget?

MR. TRANQUILLO: That’s correct. It’ 09-10.

THE CHAIR: Okay, so this project, we could technically fund in next year’s operating budget through the budget process if it’s not going to start until after July of ’09, am I correct?

MR. WEICHSEL: Well, I might interject.

THE CHAIR: You know, it’s kind of -- you’re planning out into the future on one end and it doesn’t, I’m kind of missing -- - I guess I’m confused because you gave me the impression that it was being constructed next spring.

MR. TRANQUILLO: Well, let me make a comment here. Whether you bond it now or bond it in the spring of next year, it is still a bonded item. Unless you tell me it’s going to be cash next year, which I don’t think it is.

THE CHAIR: I can’t tell you what it --- I’m just curious - --

MR. RICCIO: Can the Manager speak? John?
MR. WEICHSEL: I wanted you to recall that we had it for cash in the budget and as the other item was, too. And, with everybody saying from the Board of Finance on down and up, so we pulled it out. So, cash is not likely to work. We cut it out. If we do it again, these folks will be at another meeting and they will not be very happy with us.

THE CHAIR: Anyone else tonight?

All set?

Okay, we’re going to close the public hearing -- I’m sorry?

SPEAKER: If I may?

THE CHAIR: Sure.

SIMONE DELBUONO: 130 Center Street. I’d just like to for the record state that I am one of the developers that have contacted Attorney Sciota and the Town Manager and I was looking to purchase that property at market price. Just to ease the worries of the community and the town people that I don’t believe that there would be any problem reselling that portion of the property that the town’s looking to buy on 148 Center Street, My Bar property.

Like I stated, for the record, I was one of the developers trying to purchase that property. At the price that the town is purchasing it now.

And, it would be a great asset to the town if the town grabs hold of the parking situation downtown. Which would increase all the property value and in turn raise the tax dollars for the town.

And I am actually, I own three of the buildings on that one stretch up to factory square. So there’s only five buildings there and I own three of them. So, I know there’s another townee that owns one of the properties in between us and he’s also for it and we would work in conjunction with the town to put in a public parking lot.

So, I just wanted to say that for the record. I know I am not the only developer bidding on that property and I hope if it’s overturned and the town does buy the property, that I get a shot at purchasing the building.

Thank you.

RALPH MANN: I apologize for extending this but I want to impress the Council that from my particular viewpoint this is not just a monetary decision. This is a safety issue.
I talked to the Town Manager I believe starting in ’07 and he felt he would do his best to see if he couldn’t rush this project along. I was quite confident that the project would be done in ’08. And, this is the first that I’ve heard that the project is going to be delayed to ’09.

And, again, very briefly, about three years I had a very serious accident there where a car went into my front yard, hit my tree and came within ten feet of my home. And, I want to emphasize again, when anybody goes out of my driveway, they put the pedal to the medal and hope for the best because there’s hardly any sightline whatsoever and it’s now a very busy street.

THE CHAIR: Okay, are we all set?

(No response)

We’re going to close the public hearing and we’re going to take approximately five minutes to open back up the regular meeting.

(Whereupon, the public hearing portion of the meeting was adjourned at 8:45 o’clock, p.m.)
SPECIAL MEETING OF THE TOWN COUNCIL
Tuesday, July 1, 2008
Town Hall, 75 Main Street, Southington, CT

MINUTES

The Town Council of the Town of Southington held a special meeting on Tuesday, July 1, 2008 in the Town Hall Council Chambers. Chairman John Barry called the regular meeting to order at 8:52 o’clock, p.m.

The following Councilpersons were present, viz:

Michael Riccio  Anthony D’Angelo
John Carmody   Nicholas DePaola
Christopher Palmieri  Edward S. Pocock, III
David Zoni      John N. Barry, Chairman

Ex-officio members present were as follows, viz:

Mark Sciota, Town Attorney
John Weichsel, Town Manager
Anthony Tranquillo, Town Engineer

Absent: Councilman Arthur Secondo

There were approximately 30 other persons in attendance.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance being led Councilman Nicholas DePaola.

A Prayer was recited by Councilman Anthony D’Angelo.

JOHN N. BARRY, Chairman, presiding:

II. MINUTES

THE CHAIR: Can we have a motion to accept the Minutes, please?

MR. PALMIERI: So moved.

MR. POCOCK: Second.

(Motion passed unanimously on a voice vote.)

III. PUBLIC COMMUNICATIONS

(Discussed in the public hearing section.)
IV. OLD BUSINESS

A. Action on items from public hearing:

1. Bond Ordinance - $1,258,000, 996 West Center Street

THE CHAIR: Do I have a motion?

MR. D’ANGELO: Yes, Mr. Chairman, I do make that motion. I think we should let it go to the referendum. This is going to give us a good indication of what the taxpayers feel about open space acquisition.

I think this is democracy at its best. So, I do make that motion that we send this to referendum.

MR. PALMIERI: I’ll second.

THE CHAIR: Mark, can you give the exact amount and I guess ---

ATTORNEY SCIOTA: Yes. I’ll give the exact amount and the date and the place of the referendum. You can incorporate it into your motion.

It’s $1,258,000. The referendum is proposed for August 12, 2008 at Strong School from 6:00 am to 8:00 pm.

MR. WEICHSEL: The full text will be submitted with each ordinance as they come up.

THE CHAIR: Will you take those into your motion?

MR. D’ANGELO: Yes.

MR. PALMIERI: Yes.

MR. DEPAOLA: Comments? Two things, Mr. Chairman. One just for the record, this was passed and approved by the Board of Finance and sent to us. Am I correct?

ATTORNEY SCIOTA: That’s correct.

MR. DEPAOLA: Okay. Which I thoroughly agree with. But I do, while I am for this to go to public referendum, I have to agree with one of the speakers that we’ve hit the law of diminishing returns with respect to purchasing property.

I think maybe we may have to hit a slight hiatus in the near future, particularly with the programs coming up relative to Town Hall, the schools and the expansion of school, the possible
middle school, any work with the high school, et cetera, et cetera ad infinitum. So, I think that while I am going for this one, I would be, not hard pressed, I would have to give very serious thought to anything beyond that because I think we’ve got to hold up a little bit.

Thank you.

MR. POCOCK: Mr. Chairman, it was a privilege tonight to hear somebody I refer to as my favorite diplomat in Southington, Mr. Berkmoes, and I, too, am very concerned about these large ticket items. I made that --- I gave the good fight at the last Town Council meeting. I have no problem moving this towards a public referendum.

I agree with Mr. Pomposi’s comment wholeheartedly concerning this. I think that it needs to be looked at a lot more closely, however, this has gone through and Mr. Riccio has advised me of the amount of time that was or has gone into this particular project.

So I am going to vote in favor of that tonight.

MR. CARMODY: I will concur with what the other gentlemen said about Mr. Pomposi’s comment, as well. At some point you do need to look at what is the return on what we’re spending but that being said, I’ve seen what passing on a piece like this, the way it’s zoned, can turn into. And, it ain’t pretty.

So, I fully support this.

MR. ZONI: I’d just like to make a couple of comments. I, also, support this. I serve on the open space committee along with Mr. Riccio. I’d like to thank Mr. Berkmoes and Mr. Pomposi publicly. They worked diligently on this piece of property. I’d like to thank the Jurglewicz family for their cooperation.

And, I will be voting in the affirmative. Thank you.

THE CHAIR: Thanks, Dave.

Any other comments? We have a motion before the body. Any other discussion? Call the roll call, please.

MS. LARKIN: D’Angelo: Yes
DePaola: Yes
Palmieri: Yes
Pocock: Yes
Riccio: Yes
Zoni: Yes
Carmody: Yes
Barry: Yes
2. Bond Ordinance - $185,000, 2064 West Street

THE CHAIR: Do I hear a motion?

MR. ZONI: So moved.

MR. CARMODY: Second.

ATTORNEY SCIOTA: Just the motion was to approve.

MR. ZONI: Motion to approve, yes.

MR. CARMODY: Second.

MR. ZONI: As submitted.

THE CHAIR: Thank you, Dave. Thank you, John. Any other discussion on this item?

Go ahead, Dave.

MR. ZONI: Just one thing. I’d like to make a couple of comments. We did lose our leaf site on the Jurglewicz property and this is essential that we develop this leaf site. It will in fact make the entire leaf program go much faster. That section of town needs a place for those trucks to dump those leaves rather than running all over town.

Diesel fuel, and I can tell you this for a fact, is $1 a gallon higher than gasoline. And, we certainly don’t want to waste our town trucks running all over town dropping off leaves.

So I am definitely in favor of this.

THE CHAIR: Call the roll, please?

MS. LARKIN: D’Angelo: Yes
DePaola: Yes
Palmieri: Yes
Pocock: Yes
Riccio: Yes
Zoni: Yes
Carmody: Yes
Barry: Yes

(Motion carries 8 to 0)
3. Bond Ordinance - $400,000, 148 Center Street

THE CHAIR: Do I hear a motion?

(Pause)

MR. CARMODY: I’ll make a motion to approve the acquisition.

(Pause)

THE CHAIR: We have a motion. Do I hear a second?

MR. ZONI: Second.

THE CHAIR: Any other discussion?

MR. D’ANGELO: Yes, Mr. Chairman. You know, I voted yes in the past to send this forward to the Board of Finance. And, after reading the Minutes in detail and watching the Finance Board on TV, as well, and not just the summary, I can understand why they did say “no” to this purchase of this property. I think the uncertainty of the cost of the person who would be buying the building. I think the responsibility of who would be paving it. Is it going to be the town, is it going to be the future builder. And, I also think the most important one is and as one Board of Finance member indicated, does it really pass the needs test in light of all these ordinances that are going through this evening.

So, I think with all this information, all the information that we gathered this week, I will be voting no for this particular bond ordinance.

THE CHAIR: Mr. Carmody?

MR. CARMODY: Thank you. I was going to respond to or to try to take in all the comments that the public had made and respond to a couple of particular ones and hopefully that that would address most of the concerns.

And, then Councilman D’Angelo spoke and I guess I’ll address that as well with the same comment.

I thought Mr. Pomposi’s comments were, he had a thoughtful concern. I hoped I nailed this in the gist of his biggest concern is, it’s on here for $400,000 now but at the end of the rainbow, I think his concern was, what’s the ultimate total cost here? That’s really, and I would like to see him nod and say yah, that’s kind of --- yah.
Mark kind of addressed that a little bit. He doesn’t have a crystal ball, I don’t have a crystal ball, no one has a crystal ball. But the intent and the spirit of this acquisition is that it ends up costing us nothing. In fact, what it is intended to do and what the spirit of this acquisition is to spur further redevelopment of other parcels and ultimately bolster our Grand List.

A lot of folks spoke about items that we have, comments about where is the money tree, and those are all fair comments. We’ve got a lot of things that are costing us a lot of money. What’re we doing about it? What I’m getting from that is, what are we doing about it on the investment side of things. What are we doing about it to bolster our Grand List? And, that’s what this acquisition is about. Because what we end up getting, forgive me, I’m trying to be educational and not sound adversarial, at all. It’s not necessary the 23 parking spots or 22 or whatever it is. What we are gaining is control of the redevelopment of this parcel so it gets redone, redeveloped in a manner that we see fitting and secondly, what it does is spur what I think the folks in real estate development world would us is called an assemblage of other parcels that get or give us an opportunity as a municipality to gain access to more parking and let those building owners gain access to municipal parking which gives them a trump card when they go build a bigger, nicer and more taxable building down the line. That’s what it gives us access to and that’s the real key here.

Someone said, why would they want to do that? That’s why they would want to --- that’s why someone else might want to pay to redevelop a parking lot because it gives them the ability to get parking waivers down the line that will help them when they want to redevelop a bigger, better building.

All you have to do is look around at what’s going on down on Center Street. Spend a lot of money on Renaissance. I’m sorry but the end result of all that investment in Renaissance is all of our taxpayers are gaining from that. We all are.

You see what’s going on on Liberty Street and what we have ahead of us, what we are poised for with Meridian coming in.

I have a lot of confidence ---yes, there is a risk that what will this ultimately cost us, not right now, down the road, but I have a lot of confidence that it won’t cost us much of anything. In fact, I think it will cost us if we miss this opportunity.

That’s why I’m voting for it.

MR. PALMIERI: Of the five items before us in public hearing, it’s tough tonight hearing some of the comments from the
public because we all feel in the same position. It’s a lot of money to spend. But of the five items, I think this is the one item that has the potential to return investment to the town even if it is indirectly.

So, I think it is an asset to the town.

MR. RICCIIO: Tony mentioned the needs test. And, you know, we’re here. We’re supposed to lead the community and we’re supposed the guide the expenditures as we move through time for the benefit of the taxpayers. Watch what we spend on unnecessary items, maintenance, et cetera, et cetera.

And, make investments in the future. Ten years ago that’s what the Town Council did and if that Town Council listened to every person who stood up before the board and said oh, we can’t spend money, we can’t do this. You all have conflicts of interest. You can’t vote on this, you can’t do this. We’d be looking at dust balls blowing down Center Street today. And, we’re not.

Not one person tonight stood up and complained about the hundreds of thousands of dollars in increased revenue we’re getting from all these new buildings downtown. To-date I haven’t heard anyone complaining about that. I am waiting for someone to stand up and say, please give them the money back that we’re getting in tax benefits. And, I’ll only refer to it because it’s the largest one right to date because we haven’t gotten final numbers on 98 Main.

Liberty Street was generating $4,000 in taxes for the Liberty Deli. It’s generating $44,000 a year in taxes. I can’t say any more.

No one is going to park in the Riccio Parking Lot and walk down to lower Center Street to buy an item, by a sandwich, pick up their laundry. I lived in Southington for 40 years and I’ve never seen anybody go to the Towne Dry Cleaners, pick up their laundry and walk up here. Never seen it happen.

Public parking is essential to the rebirth of cities across this country. And, the towns and the communities that get it, and build infrastructure, to help the pedestrian traffic in increased building sizes are the ones that are very successful.

And, it’s happening all over America. The downtowns are back. If we don’t jump on it now --- we have guy that’s going to come in here and spend I guestimate $50 million in new venture at the bottom of Center Street and we can’t look at building a public parking lot across the street?
So, I’m very, very much in favor of this as I was the entire Renaissance Project.

Thank you.

(Applause)

MR. D’ANGELO: I just have to say one thing. I have to compliment Lou Perillo, the Economic Development Coordinator. I mean, he did put a lot of work into this and all of the boards, but I just feel, again I am going back to the needs test and I do have a concern. But I know a lot of work went into this project and part of me, it bothers me to say no, but I just feel in light of looking at all of these ordinances tonight, boy we’re spending a lot of money. And, I’m saying no on this one.

MR. POCOCK: Mr. Chairman, I normally don’t talk about items that come up in caucus when we’re talking but I can tell you this one was relatively contentious. I was pretty much a “no” vote up until we had our conversations that night.

Quite frankly, if it wasn’t for our, I have to draw the line somewhere concerning what I’m going to buy into and not buy into and the Economic Development Coordinator gave me such a compelling argument to do this that I would have felt foolish not to.

Ironically, Mr. DePaola was pretty much in the same camp as I was and of course, I notice you get flayed in the Record Journal, which I think was wrong.

The other thing, I’ve noticed on many occasions, a lot of time arguments come down and I’ve received letters since I’ve been on the Council about instances that have supposedly occurred and then they’ve been investigated and ultimately found out that they’re untrue. You can tell an argument when it’s coming to the end when everybody decides to grab everybody else’s name and drag it down the street and smash it in the gutters as fast as they can.

It’s unfortunate it got to this point. I looked at the facts of this particular situation. I was probably the hardest person to --- I don’t know, Nick may argue with me on that but I was probably one of the hardest people in my caucus to go for this particular item.

To me it is, I struggled with it deeply. I feel Tony’s pain. But I am going to vote in favor of it just as I did the other night.

And, just as a point of order, Mr. Chairman, I would assume that it’s only five votes tonight, correct?
Thank you.

THE CHAIR: Go ahead, Nick.

MR. DEPAOLA: Yes, Mr. Chairman. I had the same problems that I was not in favor of it at all because of the fact the pending (inaudible) hanging over our heads with all the other amounts of money that we had to put out and the projects that were coming. But again, I listened to Lou Perillo. And, I listed to some of my fellow Council people, who, when we took a look at the investment and what could happen and what should happen on that side of town, that part of Center Street, slowly but surely, as it did with Ed, pulled me over on to the side.

Also, when I listened to these five people who spoke, business people from that end who have been in business in this town along time and not only do they employ people and pay taxes, but they also contribute to every thing that you ever want to do whether its school, sports or what. They are always available to serve with the town and if they believed it was right it’s about time we started giving them a hand, too. They have worked very hard. Their families have been here probably for 75 years.

It didn’t effect me personally because I have my own parking, 15-minute, two or three, and I’ve never had --- it’s true I have never had a problem with overnight parking with any of my tenants. It was never brought to my attention in 21 years.

I didn’t think of it from that angle. But when I considered it based on what we’re trying to do on Liberty Street and what we’re trying --- what we’ve already done on Center Street and what we’re talking about with Meridian, et cetera, it seemed, even though it took a big chunk of soap that you had to bite into, it seemed to be the proper and the businesslike decision to do and so I will also be voting in favor of it.

THE CHAIR: Dave?

MR. ZONI: I’ll try to wrap this up. Last week at our last meeting I talked about where I felt the economic development of downtown Southington was going. It was clearly moving in the westerly direction of Center Street.

Our staff has made an effort to bring this to our attention. They’ve worked on this. They’ve asked us to take perhaps a little leap of faith. There are two sides to every coin, there’s no doubt about that. People are going to see this issue from the heads or the tails of this coin and they’re going to develop their opinions based on that.
But I am looking toward the future and I’m looking toward growing the tax base and I think this is maybe a small step but I see success in downtown Southington. I’m down there a lot.

So I am going to be supporting this effort and I hope it certainly works out like everyone hopes it will.

Thank you.

THE CHAIR: I think we’re ready for a roll call on this item.

MS. LARKIN: D’Angelo: No
DePaola: Yes
Palmieri: Yes
Pocock: Yes
Riccio: Yes
Zoni: Yes
Carmody: Yes
Barry: No

(Motion carries 6 to 2)

4. Bond Ordinance – $625,000, Spring Lake Road

MR. DEPAOLA: Motion to approve, Mr. Chairman.

MR. CARMODY: Second.

THE CHAIR: I’ll open it up for any comments or questions. I do have one question, we had mentioned briefly about the sidewalks and can you elaborate in terms of will this assist the school board in terms of maybe saving on transportation costs?

MR. TRANQUILLO: The school board, through Fred Cox, has indicated that they’re interested in walks in this area. Two questions have to be answered: is it going to be a public convenience or a school access walk. That’s the first question.

The second question, which is probably even tougher, is which side is it going to be on.

I’ve contacted the BOE and the police department trying to get an answer to those questions. After I get those questions answered, then it will probably be before you again for an official hearing.

MR. D’ANGELO: So you are not sure what side the sidewalks are going to be on right now?

MR. TRANQUILLO: Right now, we show it on the south side.
MR. D’ANGELO: That’s what I thought.

MR. TRANQUILLO: But it makes sense to put it on the north side, also. So there’s two sides to that coin, also.

An argument can be made either way.

MR. PALMIERI: Tony, explain the difference between a school access walk and what was the terminology again?

MR. TRANQUILLO: Public convenience.

MR. PALMIERI: Public convenience. What is the difference?

MR. TRANQUILLO: You have an ordinance that allows both. A public convenience says that the homeowners will pay fifty percent and the town will pay fifty percent. They will maintain, the property owners will maintain in that case.

School access, the town pays the entire cost of initial construction and then the property owner maintains.

So, I would say from a homeowners’ standpoint, they would want a school access walk.

THE CHAIR: Okay, so you will have communications with the school ---

MR. TRANQUILLO: Yes.

THE CHAIR: The BOE to determine what would be the most economical and best way for them to maybe save money in terms of busing.

MR. TRANQUILLO: Yes. They always look at that aspect of it.

THE CHAIR: Very good.

MR. PALMIERI: But again, Tony, is that going to effect the amount that’s before us tonight?

MR. TRANQUILLO: No.

MR. PALMIERI: If you’re saying that one, it is a difference in the cost ---

MR. TRANQUILLO: Well, it’s only about a $40,000 difference so that fits into the project very easily.

MR. PALMIERI: Okay.
MR. POCOCK: Okay, so this is, I just ---

MR. WEICHSEL: It will be a reimbursement in any event so we would have to put out the money and if we get back, if it goes that way, then we would get back as a revenue.

MR. PALMIERI: Do you mind if I just follow up on that?

MR. POCOCK: Go ahead, because you are just about nailing what I’m looking for.

MR. PALMIERI: So, you’re saying 625,000 up front investment regardless of which way it’s classified. But one way we may get $40,000 back. The other way we may not. But in any event it is 625,000.

MR. TRANQUILLO: Yes.

MR. WEICHSEL: Correct.

MR. POCOCK: The one question I had was, it’s kind of obvious that it’s a school area. I mean Hatton School is right around the corner and you have the new developments there, so I just want to make sure there’s not --- I know the points you’re making, but it is a school area, so I mean to say it’s a public convenience is kind of a --- it would be kind of bad to do that.

MR. DEPAOLA: If I may address through you, Mr. Chairman, Tony, the school will have it’s --- I can’t remember now if we put a walk there when we did that school over and I just can’t remember.

MR. TRANQUILLO: There is a sidewalk presently on the south side of Spring Lake Road from Pleasant to Cathy.

MR. DEPAOLA: Yah, and that runs in front of the school?

MR. TRANQUILLO: Yes.

MR. DEPAOLA: Okay, good. Because you have to have that regardless of how many sides you put it on including the middle of the road. But I would assume Mr. Cox would check out and see where most of the children are coming from and try to --- you know, where the heavy influx is, and try to have that and if it’s on the opposite -- the north side would be the opposite side, correct?

Then arrangements would have to be made for a crossing guard at a convenient spot in front of the school so ---

MR. TRANQUILLO: It’s actually a pretty complicated question.
MR. DEPAOLA: Yah, I figured it might be.

MR. TRANQUILLO: We leave that to the school board because they know where the children are.

MR. DEPAOLA: Exactly. That’s my point.

MR. TRANQUILLO: And, they kind of make the decision if a crossing guard is going to be needed then the school bus savings is kind of negated by the crossing guard.

MR. DEPAOLA: That’s right.

MR. TRANQUILLO: They’ll do that analysis.

MR. DEPAOLA: But they will do all that just so that we’re happy with everything. We don’t want a problem there.

THE CHAIR: Everyone all set with this item?

MR. DEPAOLA: Thank you, Mr. Chairman.

THE CHAIR: Ready for the roll call on the item, please?

MS. LARKIN: D’Angelo: Yes
DePaola: Yes
Palmieri: Yes
Pocock: Yes
Riccio: Yes
Zoni: Yes
Carmody: Yes
Barry: Yes

(Motion carries 8 to 0)

5. Bond Ordinance – $250,000, East Street

THE CHAIR: That was previously outlined and discussed here before us. Do I hear a motion?

MR. POCOCK: So moved, Mr. Chairman.

MR. PALMIERI: I’ll second.

THE CHAIR: Any other discussion?

MR. RICCIO: I have a comment. It is a tremendous safety hazard over there. And, um, I would highly recommend as much as I like to see projects together as Chris pointed out, um, moving this forward even if we’re not ready to do the rest of the paving of the rest of the street.
I drive the road every day. And, when you come over, if you’re heading in a northerly direction, you come over that hump, you never know what’s on the other side. It’s very dangerous.

And, we have all the kids at Sloper’s coming in and out right down the street. There’s buses over there. Parents every day dropping their kids off.

Mr. Mann was correct in saying, you know, when I was a kid, I could ride my bike down there and you wouldn’t see one car. Eddie was right down the street. And, now? It’s just amazing because people are using it to come from all those new developments in that part of town and avoid Queen Street and Route 10.

So, I agree with Chris it’s the right thing to do from a planning perspective but from a safety point of view, I don’t think we should wait.

Thank you.

MR. WEICHSEL: We will try to accelerate it beyond what Tony said earlier.

MR. POCOCK: I also, having grown up down there, um, the trees that are down there, I imagine you are going to shift that road most likely, probably to the east and not to the west. The trees are located on the west side of the road. Those trees have been there for ions. My grandfather used to pass by them when he first started working down Sloper’s years ago. So, I’d like to see that area kind of stay the same as most you can.

MR. TRANQUILLO: We’ll do the best we can.

MR. D’ANGELO: One other comment. I think, too, since Sloper’s is obviously open during the summer, if it could be started some time even before summer began because there would be less interruption with the Camp Sloper. When you plan, you know, when you plan it.

MR. ZONI: Just one quick question on the financial aspect of this. This was in the budget and removed from the budget by the Finance Board?

MR. WEICHSEL: No. By me.

MR. ZONI: By you?

MR. WEICHSEL: Excuse me. I recommended it and the Board of Finance did that.

MR. ZONI: They did that. Okay.
Obviously, these seem like smaller items that we probably could have handled in our budget and maybe in the future we should consider aggregating some of the other roads into perhaps one larger bond.

I mean, if we’re doing this for specific reasons, perhaps because we’re not getting enough Town Aid to Road money or LOCIP money, it’s been relatively flat over the years and our roads have fallen into disrepair.

So, in the future maybe we should consider aggregation of several road projects into one bond ordinance instead of these smaller ones. Would that make sense?

MR. WEICHSEL: It’s well spoken but the difficulty is when we come forward and ask for a couple of million bucks for roads, the interest dissipates rather quickly.

MR. ZONI: Well, the town will be here for quite some time, I can assure you of that.

MR. WEICHSEL: Well, in fairness to the audience and a lot of the statements made, totally inappropriate, but there is a little bit of a sense that we know that times are difficult so we have to be a little bit conservative now for a while on all the bond issues. They’re right in saying that part of it. They’re not right in saying you’re making a lot of money on deals and things like that but as to the bond issue, we’ll be thoughtful about all of that.

MR. ZONI: Thank you.

THE CHAIR: Anyone else on this item? It’s the last one.

(No response)

All right. Let’s call the roll, please.

MS. LARKIN: D’Angelo: Yes
DePaola: Yes
Palmieri: Yes
Pocock: Yes
Riccio: Yes
Zoni: Yes
Carmody: Yes
Barry: Yes

(Motion carries 8 to 0)
B. Air Rights in the vicinity of 56 Center Street - information and action

THE CHAIR: We’ve had information that has been circulated between the members. Is there any other comments or questions that we might have of town staff?

MR. ZONI: I’d like to make a motion to approve with some stipulations.

THE CHAIR: Okay, we have a motion a motion before the body. Dave do you want to ---I guess it would be appropriate to ---

MR. ZONI: I’d be happy to read the stipulations.

MR. POCOCK: I’ll second the motion. Or is that part of his motion?

MR. ZONI: I’m going to make the stipulations first.

MR. POCOCK: Part of the motion?

MR. ZONI: Yah.

The first thing, the Town of Southington in perpetuity is named as an additional insured and certificate holder on the property owner’s liability insurance for a minimum of $2 million.

- The Town should also receive a hold harmless indemnification and maintenance agreement to be approved by the Town Attorney’s office and recorded on the land records to require the property owner to hold the town harmless and indemnify for any incidents caused by negligence on the town owned property as well as maintenance requirement for the improvements over and on the town’s right of way.

The third stipulation: the town is stipulating a maximum of a six-foot overhang and five pillars which shall not interfere with municipal parking.

The fourth stipulation: the owner be required to return to the Town Council immediately prior to site plan approval for the Town Council to approve the materials used for the building, the square footage of the building, the façade of the building and the construction time frame for which the temporary construction easements are in place.

THE CHAIR: Okay, we have a motion by Mr. Zoni. Thank you, Dave, for that motion.

Anyone like to second that?
MR. CARMODY: I’ll second it.

THE CHAIR: It’s up for discussion.

MR. RICCIO: I think those are typical things. The one thing I have an issue with is we’re stipulating the number of pillars and I don’t want to tie their hands if they get into the --- this is, don’t forget a conceptual design that he showed us ---

(End of Tape #2, Side A)
(Beginning of Tape #2, Side B)

THE CHAIR: Why don’t we, maybe a good suggestion is to incorporate the pillars into the last stipulation and not limit it either way.

ATTORNEY SCIOTA: That’s proper that you can review the overhang and the --- the overhang issue should be more important than the pillars. I assume you’re not going to want it in front of you and the request was from what I can tell from the map, five pillars and a six-foot overhang.

Obviously, if you put that into your stipulation and simply when he comes back, you can modify that when you have the thing in front of you. The stipulation can sit. Then when you come back for --- which is a requirement that he comes back to you to review, you approve the new one and modify the pillars at that time.

But what is in front of us and what’s in front of the PZC, correct me if I’m wrong, I know we’re in the middle of a motion, is the six-foot overhang and five pillars.

But like I said, they’ve got to come back to this board for review, so if it’s a six foot five inch overhang and four pillars, then at that point, it’s part of your review.

MR. RICCIO: Okay, you don’t ---

MR. CARMODY: You’re putting it in the last stip.

THE CHAIR: I guess it doesn’t matter.

ATTORNEY SCIOTA: It doesn’t matter. I mean, the bottom line is you have to approve it anyway. So if it comes in with six-foot overhang and five pillars and you still don’t like it because of the façade or whatever, it doesn’t mean you have to approve it is what I’m saying.

MR. RICCIO: I’m okay with that.
Mark, you don’t think any of the stipulations are unreasonable?

ATTORNEY SCIOTA: No. Actually, they’re excellent.

MR. POCOCK: Did you write them, sir?

(Chuckles)

THE CHAIR: They have been approved by the Town Attorney.

ATTORNEY SCIOTA: No, actually, they’re very --- they are actually very normal when you have something anywhere associated with town property, we require most of these, especially the $2 million insurance.

MR. POCOCK: You said that with a straight face.

MR. D’ANGELO: I just had, I need a clarification on the insurance part of it. If something happens, if a brick falls off the overhang, who is responsible? How does the insurance work with this?

ATTORNEY SCIOTA: How it works is any lawyer worth their salt is going to sue the property owner and the Town of Southington.

MR. D’ANGELO: Um-hum. And, we know who has the deepest pockets. This is my concern.

ATTORNEY SCIOTA: Let me finish, sir.

The two insurance companies get involved. There’d be a recorded hold harmless on the land records, which we would then immediately give over to our insurance company and the property owner’s insurance company would be primary. And, that’s the whole point of the $2 million. Hopefully, it wasn’t Einstein that the brick fell on. But $2 million should cover most liability cases.

MR. D’ANGELO: Thank you.

MR. POCOCK: I had brought that up. One of the things was you’re walking down the sidewalk and a brick fell off the building to the front, I didn’t really see that much of a difference between it breaking off the side of the building and landing on somebody, but nonetheless.

MR. D’ANGELO: But it was over town property. That was my concern and the town is named on the insurance. Whereas in another building, the town is not named on the insurance. I just needed clarification on that part of it.
I don’t have a problem with it.

ATTORNEY SCIOTA: Actually, being named on the insurance is what we need to have done because what happens is is that the town itself, they’re paying their insurance to cover the Town of Southington. We have our own insurance but their payment they make every quarter or whatever also covers the Town of Southington and that’s why you want to be a certificate holder and additional insured.

MR. RICCIO: It’s no different than our sidewalk dining policy. We’re named as additional insured.

ATTORNEY SCIOTA: That’s correct.

MR. DEPAOLA: But, Mr. Chairman, if I may? In all fairness to the contractor and to the gentleman putting up the building, while we do put the stipulations in, every project I’ve ever worked on and some of them have been as high as 20 or 25 million dollars, we have always allowed--- what shall I say --- a request for change or plea and if it makes sense, then we would change it. In fairness to the contractor.

If we didn’t believe in it, no way. Do you know what I’m saying? And, so, I think you’re being fair and I just want to make sure and I’m sure you do, too, that the contractor does have some way to appeal something should something not go right.

Okay?

MR. POCOCK: And, this very unique. We’ve never done this before and I want ---

MR. DEPAOLA: Clarify it, I’m sure.

MR. POCOCK: I mean, the way I look at it while they’re talking is the fact that, I mean, it’s 690 sf of additional taxable space in a place where we could only fly a kite anyway. I wouldn’t fly a kite down there ---

MR. ZONI: Not easily.

MR. POCOCK: --- nonetheless. Right, exactly.

MR. ZONI: Is this the first time we’ve granted air rights to the best of your knowledge in the Town of Southington?

ATTORNEY SCIOTA: They’re called encroachment rights but yes. This is the first time I’m aware of it. But we do have historical encroachment rights. If you go down Center Street, there is, I recall a couple of signs, awnings, that since the
dawn of time have encroached over Center Street. So, encroachments have happened historically, but this is the first time we’re actually doing it officially.

MR. ZONI: Being concerned with equal protection in the future, if another individual wanted to exercise air rights or ask for air rights, I have some concerns with the fronts of buildings. This is a side application. I probably don’t have a real big concern with side or rear applications but front applications I would.

I mean, would we be, would we have a leg to stand on if somebody wanted air rights in the front of their building and because we granted air rights perhaps to this individual they could make a case in court and say, well, you have to give me air rights, as well.

ATTORNEY SCIOTA: The equal protection clause is what you’re referencing and is specific that like kind situations deserve like kind treatment for any governmental agency, which of course, you are.

This one here has specific facts to it and they’ve been raised by this particular board as well as the applicant. And, if someone came to you with identical facts as these, then you would have an equal protection issue, but they would, if there is something with different facts, then there technically is not an equal protection issue.

THE CHAIR: Just explain to me one item. The issue of the $2 million, a minimum of $2 million. It sounds good now but let’s say in 30 years or 10 years, is that still going to be in place or will the town have the ability to then say make it 4 million.

My question is we assume if this building is built it’s going to be there for decades and I’d hate to see in 40 years that we’re still stuck on this motion that was made in 2008.

ATTORNEY SCIOTA: The reason I say that is because we’re named on their insurance. So therefore, if the building is worth, in my humble opinion it’s worth $40 million down the road, 20 years from now, they’re going to have a $40 million insurance policy.

THE CHAIR: I got it. I get it.

ATTORNEY SCIOTA: So at this point, I’m worried about the 2 million, but it’s going to rise as property rises.

THE CHAIR: Thank you for explaining that.
Any other discussion?

(No response)

Please call the roll.

MS. LARKIN:  D’Angelo:  Yes
DePaola:  Yes
Palmieri:  Yes
Pocock:  Yes
Riccio:  Yes
Zoni:  Yes
Carmody:  Yes
Barry:  Yes

(Motion carries 8 to 0)

V. NEW BUSINESS

A. Rescheduling of Referendum date for Marion Highlands Interceptor to August 12th.

THE CHAIR:  It’s now going to be on August 12th to make everything uniform in terms of the date of the election.

MR. PALMIERI: Make a motion to reschedule the referendum date for the Marion Highlands Interceptor to August 12th.

MR. ZONI:  Second.

MR. D’ANGELO:  Second.

ATTORNEY SCIOTA:  If I may, Mr. Chairman, just add to that: August 12th at Strong Elementary School from 6:00am to 8:00 pm.

MR. PALMIERI: So amended.

THE CHAIR:  We have a motion by Councilman Palmieri seconded by Councilman Zoni. Any other discussion?

MR. DEPAOLA:  Question. Just for the record, since that is a democratic primary, how confusing could this theoretically be for people who are not democrats and have to get out and vote on this?

ATTORNEY SCIOTA:  Well, if you’re not a democrat. It’s very easy because you’re going to go Strong School and vote on the referendum.

MR. DEPAOLA: They will be well made aware of it? I just don’t want to see the people in Marion Highlands lose out because not enough votes were cast.
ATTORNEY SCIOTA: The Registrars have worked very closely with my office and the Manager’s office to make sure it is going to be as little confusing as possible. If there is any confusion at all, it’s going to be that the people at Plantsville, which is one of Representative Mazurek’s district, that will do the primary and then you move from there to Strong School. But that would be no different if it stayed at Derynoski. They’d have to go from Plantsville to Derynoski.

What it does is it certainly would help keeping it at Strong School because number one Strong School is much bigger than the church that’s going to have to be the location of the Plantsville one.

And, the Registrars have worked out a system that they think is as good as possible, but I agree with the Chair that to avoid confusion of having one election on the 12th of August and then another election on the 19th of August, certainly, it would be more confusing than anything we tried to do with Strong School.

MR. DEPAOLA: Now, the people who vote in the primary, when they conclude their voting in the primary, they have to go to Strong?

ATTORNEY SCIOTA: In Plantsville, yes.

MR. DEPAOLA: Will they both be put on the same ballot at the particular school you’re voting in?

ATTORNEY SCIOTA: The reason why they couldn’t and I will explain to you how it was explained to me is the fact that you have a voters list for the, in this particular case for the referendums, two of them.

The Registrars would not be able to control someone who votes at the referendum in Plantsville, goes over to Strong and votes at the referendum. You see? There’s no way to connect those two. So, there isn’t a district in that case.

In this particular case, they made a very good argument that it couldn’t be done and I agree with the argument 100 percent.

MR. DEPAOLA: All right. Thank you.

(Motion passed 8 to 0 on a voice vote.)

ATTORNEY SCIOTA: Mr. Chairman, I apologize, but since this is a referendum issue, all things have to be roll call vote.

THE CHAIR: Yes, that’s right. Thank you.
We’ll call the roll. Thank you.

MS. LARKIN: D’Angelo: Yes
DePaola: Yes
Palmieri: Yes
Pocock: Yes
Riccio: Yes
Zoni: Yes
Carmody: Yes
Barry: Yes

(Motion carries 8 to 0)

THE CHAIR: The meeting is over, so we can have a motion to adjourn.

MR. POCOCK: So moved.

MR. CARMODY: Second.

(Whereupon, the meeting was adjourned 9:47 o’clock, p.m.)

ATTEST:

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Kathy A. Larkin
Assistant Town Clerk