

MINUTES OF THE TOWN COUNCIL MEETING
OF THE TOWN OF SOUTHWINGTON
October 13, 2009

The Town Council of the Town of Southington held a public hearing and regular meeting on Tuesday, October 13, 2009. Chairman John N. Barry called the meeting to order at 7:12 o'clock, p.m.

The following Councilpersons were present, viz:

Arthur Secondo*	Christopher Palmieri
David Zoni	Nicholas DePaola
Anthony D'Angelo	John Carmody
Michael Riccio	John N. Barry, Chair

Ex-officio members present were as follows, viz:

Anthony J. Tranquillo, Director of Public Works/Town Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney
John Weichsel, Town Manager

Absent: Edward S. Pocock, III

A prayer was recited by Councilman Anthony D'Angelo.

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

There were approximately 25 other persons in attendance.

JOHN N. BARRY, Chairman, Presiding:

II. Minutes

Mr. Palmieri made a motion to accept the Minutes from the last meeting. Mr. Carmody seconded. Motion passed unanimously on a voice vote.

III. Councilman Communications

The Chair introduced the winner of the Southington ICON Competition which was part of the Southington Apple Harvest Festival. Chris Palmieri officially introduced the Southington ICON winner.

Mr. Palmieri advised this was a new competition we had this year seeking talent. Over 100 people originally auditioned and it was narrowed down to twelve finalists and they performed and were eliminated as the contest progressed. We have our winner.

It's my pleasure to introduce Jillian Caillouette from Meriden and she's 13 years old. She is going to sing the National Anthem for us, so if everyone could please stand.

(Sang the National Anthem)

(Applause)

Jillian thanked everyone for having her here to sing the National Anthem. I am just so excited to be the very first Southington ICON and I want to thank everyone who voted for me in the competition and the judges and everyone for being so supportive. Thank you.

(Applause)

Mr. Palmieri added: I think everyone can see we chose wisely for our first winner.

Mr. Palmieri also acknowledged Melissa Erickson who was our sponsor coordinator this year and thanked her.

(Applause)

The Chair informed the Council that there were a lot of competitions that happened at the Festival this year. Mr. Carmody would also like to recognize someone who participated.

Mr. Carmody presented a Proclamation to Michael Riccio for winning the pie-eating contest.

(Proclamation Attachment 1)

Mr. Riccio thanked his family, parents, wife for baking those apple pies everyday for practicing. And, thank you to Councilman Zoni. See you next year!

Mr. Zoni commented throughout the millennium man has always made discoveries based on watching nature from close observation. I have already contacted the Hoover Company and they're coming to interview Mike to get his take on this. He certainly could give them some pointers.

(Laughter)

Mr. Secondo brought up to Mr. Tranquillo that during the Festival, he noticed in the center of town, right at the main traffic light, that it was very dark. It was hard to see the people that were there at the festival. We noticed the light that was intended to shine on the flag - can never reach the flag because it's too far away --- we just turned that light around in a different direction and shined it down on the intersection and it totally illuminated the whole center of Riccio Way, North Main Street, Center Street. Mr. Riccio agreed that illuminating the intersection would be a good idea. It's as simple as just putting a new bracket on that light. Mr. Tranquillo said he would look into it.

**A. Resignation of Roger Jones from Board of Assessment Appeals
(Attachment 2)**

The Chair noted a resignation from Roger Jones from the Board of Assessment Appeals. We want to thank Mr. Jones for his long time service to that board and thank him for all of the work he's done for the people of Southington through his volunteer efforts on that board.

IV. Town Manager's Report and Communications

**A. Resolution: Refunding of 1996 & 2001 Bonds - \$12,500,000
(Attachment 3)**

Mr. Weichsel introduced Matt Spoerndle who is involved with Phoenix Advisors, our financial advisors on bond issues for the last several years.

Mr. Spoerndle explained to the Council the benefits of taking advantage of the low interest rates opportunity to refinance two of its bond issues. One from 1996 and the other from 2001 to realize significant savings. He passed around a summary of where we are as of this morning with the issue. You are refinancing roughly \$10 million in bonds with roughly \$10 million of bonds. The difference is the bonds that you are refunding potentially have coupon rates of somewhere in the 5 percent ballpark and you would be refunding them with bonds with a 2.6 to 2.7 percent. You can see that would be a favorable scenario for the town.

Per statute and the regulations, we can't extend the term of the bond issue. They will have the same term.

You have to show savings in every year which we're doing.

We work with an underwriter to time the market appropriately and make sure the interest rates are where they need to be and try to act as expeditiously as we can to capture the market.

All savings are net of costs.

We are looking at net present value savings and aggregate budgetary savings of just around \$550,000 spread throughout.

This is a good thing. It's up to the Council tonight to approve the resolution and give us the go ahead.

This does not include the two school projects. It only covers bonds that are currently callable which would be the '96 issue and the 2001 issue.

It was discussed that the new bond rating the town received played into some of this savings.

The costs would be the same as any normal bond issue: terms of ratings, bond counsel, financial advisor, agent - just the normal stuff. You have a couple of additional costs, a verification agent just because it's a refunding and an escrow agent. The costs are roughly about 75 to 80 thousand dollars that's built into the issue size. Those proceeds get issued and 95 percent of them go into the escrow to pay the outstanding principle and interest when we called the bonds on the others.

There was some discussion and an explanation about why there is a large bump in the savings in 2012. That's where a lot of the savings fall it was explained. But that could be refined.

Timing is of the essence, everyone agreed. The process going forward was discussed.

Mr. Weichsel said the administration's position is to move as quickly as possible to get the authorization from the council and then we are ready to move in a moment's notice.

B. Bids - Snow Plowing Town Streets

C. Bids - Snow Removal - School Access Walks

Mr. Weichsel said these two items are not ready and Supervisor Wlodkowski is still going over certain insurance situations to make sure things are precisely correct. So B & C will have to be tabled.

V. Town Attorney's Report

A. Trash Hauling & Recycling Bids

Attorney Sciota explained the continuation of a kind of centralized purchasing plan we've been working on for the last several years. These are the RFPs for trash hauling and recycling for all municipal buildings.

There's a recommendation, short order the town saves approximately \$736 per month for a total of \$8,800 for the next year.

We had eight different contractors bid on this which is very good. We've had mostly locals: Southington, Cheshire and Bristol involved.

We recommend these with the only proviso being that it is contingent upon contracting with my office.

B. 8-24 Referral for former Drive In

Attorney Sciota explained you have issued an 8-24 before on the drive in property when we purchased it. This is a separate 8-24 that is required because of the \$200,000 grant we received from the State of Connecticut.

The administration has received authority working with the parks department to perform two functions right now. The new pavilion and the new restrooms and the all purpose field. We anticipate after meeting on site with the public works director, myself and the Chairman and the Vice Chairman of the Parks Board that we will have the funding to do that. That is step number one.

We did remove a lot of the soil from South End School. Mr. Jones has been working with us very closely on that. We anticipate at least going in front of the PZC for the site plan on that on Tuesday.

If there are any additional funds, we'll be coming back to the Council to talk about what the next step would be. Possibly the parking lot. But that'll be the Council's decision if there is any money left over.

Mr. Secondo asked about lights being included in the proposal. At least the field?

Attorney Sciota said right now there are no lights proposed in the all purpose field. We have the entry lights that are going to be on two separate circuits, one being with the parks and the second being with the water pollution control. Based upon the funding at this moment, we're doing the all purpose field mainly with volunteers and material that we currently own, topsoil, et cetera.

Mr. Secondo asked if they were anticipating donations for lights. Attorney Sciota said at this point, performing the completion of the field we are working on and where it goes from there would be with the volunteers coming back to you.

Mr. Secondo asked if there was still access from Recreation Park into the drive in theater or will that be closed? Mr. Sciota explained we are going to be using that as a parking area with an access road not for the general public at this time.

Mr. Riccio asked, if we approve this tonight, if the location of the pavilion moves in one area a little bit or another, does that make a difference? Attorney Sciota responded you are referring this for 8-24 which goes to the PZC and then it comes back to you for a vote.

The site plan aspects of it are strictly with the PZC. If it does have to be moved because of utility purposes, or whatever, it could move around and not come back for an 8-24. Mr. Riccio said his only comment is that --- Tony --- that I think that the pavilion should be moved to the north closer to the parking lot to Rec Park only because if and when we show movies at the theater, it just kind of sits in the middle of everything. If you are going to have any kind of parking or anything on that grass area, it is kind of in the way. Mr. Tranquillo said he would bring that up to Mr. LaPorte. This layout was developed in conjunction with the Parks Department.

There is latitude for the administration to move the building around a little bit even under site plan, added Mr. Sciota.

Attorney Sciota ended by saying he would need two brief matters for executive session.

Mr. DePaola asked about soil testing prior to putting in the field and the pavilion. Mr. Tranquillo said no testing has been done in the area of the field. We have tested the material where we stored hazardous waste and that has been cleared. There is no trace of pollution left on that site. We really don't feel additional testing is necessary.

A Phase I study was done on the property when we bought the property by DES. The only thing they found in the area was some lead in the current building which we are going to raze.

Attorney Sciota added he expected no action outside of the executive session.

VI. Reports of Special Committees

A. Bulky Waste Transfer Committee

Mr. D'Angelo reported they did meet on October 1st and had a speaker come in, Mr. Michael LaPorte, who talked about a recycling program for all residents. It really did not pertain to bulky waste but he wanted to bring together a proposal for us to look at.

I did submit a permit system to the committee that basically is like what the Town Engineer developed. We are going to discuss that at the next meeting to see whether or not we would implement that right after Christmas. There will be public hearings before then, of course. We are delaying any implementation of any fee structure at this point.

Our next meeting is November 5th and we will hopefully by then come up with some type of concrete proposal that we could put together or something for the Council to look at.

Mr. Riccio said the important thing is that we determine what the real problem is without having the taxpayers incur additional costs. We feel as though this is the way to do it.

Mr. D'Angelo noted Art Cyr is on the committee, as well. He has been gathering a lot of information and doing a lot of research. It is very helpful.

B. Apple Harvest Festival Committee

Mr. Palmieri reported we had a very successful couple of weekends thanks to all of the members of the community that really pitched in

to make it so successful. I would like to acknowledge some people and especially to thank them for all their hard work.

First of all, I'd like to recognize the Apple Harvest Hostesses for 2009 and the Apple Harvest Queen (named the girls individually).

I'd like to also acknowledge and thank our committee heads (named individually). We were fortunate to have over 150 volunteers this year to help make the festival a success. We're all truly grateful for everything everyone did and the time they dedicated to the festival.

I'd like to thank the members of the Supervisory Committee (named individually).

I could go on forever thanking everyone but those were our committee heads that took an active role in coordinating all the other volunteers that we had.

I'd like to thank all our civic groups, businesses, sponsors and again everyone that made the festival a success.

We'll have a more detailed financial report for you later.

I'd like to acknowledge and especially thank - we are very fortunate to have our festival coordinator and he's here with us tonight - Jim Champagne. It really has been a year long employment getting ready for the festival and coordinating all the committees, all volunteers, every aspect of the festival.

Jim, we thank you for all your efforts in making the festival a success.

Mr. Champagne thanked everyone for their kind words. It harkens back to the volunteers. He explained the network of volunteers. We wanted to do a job equal to our predecessors. We wanted to make sure we did as good as they did and if we got lucky, we could make some improvements. We had a tremendous year. It's difficult to thank everyone because you are going to miss someone. We continue to thank those people involved personally.

The Chair acknowledged the great job Mr. Champagne is doing. This is a celebration of Southington. I did drive by downtown 8:00 am Friday and there was Jim Champagne out there picking up garbage and boxes. He takes it seriously and has really done a fantastic job. It is a wonderful family oriented event for everyone in Connecticut and we thank the volunteers who along with you make it a success. Thank you for all you do.

Mr. Secondo added Mr. Champagne is from Southington and it makes a big difference. I see and feel the passion in you. Congratulations!

Mr. Zoni noted Mr. Pocock could not be with us tonight, but at the last meeting we discussed some of the issues at the denitrification plant and the sewer infrastructure committee will be meeting later this week.

I have read recently in the newspaper about the treatment plant and it seems the public perceives there has been some cost overruns. I didn't get that impression from Tony's report at the last meeting.

The cleanup of the pcbs that were found was noted in the article and that wasn't part of the original project.

Mr. Tranquillo elaborated. In terms of round numbers the bid on the project came in at 13.9 million. We had a contingency of 580,000 which made for a project total of 14.5 million. Extras paid included engineering and contractor costs for the pcbs and the final construction cost was at 14.25 million which is less than the 14.5.

He explained the pcb issue was a special site condition and you really can't count that against the construction costs because it is almost impossible to predict when it is going to occur and how much it is going to cost to dispose of it. It's not a blemish against the designer or the construction contractor when you have a special condition like that.

What we did anticipate was done professionally, on budget and on time.

The additional cost for the pcb issue was funded by the state. It was an additional 1.3 million with a 30% grant and 70% low interest loan (2 percent over 20 years).

Phase IV will be an additional cost in the future and we don't know what that will be. We did do due diligence, the engineer and the Council, in putting some borings down in an attempt to show pollution. Unfortunately, we went right around the pollution, but we did use due diligence in looking for it. All being reasonable, the project was run professionally and it was brought in within budget under the conditions stated.

Mr. Weichsel pointed out Phase IV has nothing to do with the construction. He explained in the 70's and 80's things were done which now would never be done. When we talk about that that is completely different.

There was some discussion of when Phase IV would be done and what it would entail.

Mr. Tranquillo responded to a question by Mr. Riccio. He stated, in round numbers, we had 367,000 in extras on the treatment plant and probably 20,000 of that was for pcb issues. And, then we have 1.3 million of clean up costs and consultant costs. So, I would estimate about 1.5 million was allocated to the pcb issue.

VII. Public Communications

Rich Meister, 1048 South Main Street, Plantsville, CT in the Glen Hollow Condominiums. I sent you all an email about a week ago regarding noise and a noise ordinance here in town.

Mr. Meister spoke in favor of a noise ordinance and its usefulness in protecting the health and well-being of the residents here in town. He noted the state has had a noise ordinance since 1978 and Southington does not have one, yet. I am hoping there can be some dialogue that can work us towards a noise ordinance that is at least as stringent as our state ordinance.

He referred to the noise by JJ Ryan Corporation, Rex Forge. There was a lengthy discussion.

I hope you will agree we need to have an ordinance.

The Chair thanked him for coming noting that he worked through the process, through the administration and some Council people. I understand the seriousness of the issue. However, this issue has been discussed at great length at previous councils and due to the impact that the ordinance could have to our industrial base, we did adopt a nuisance ordinance which we hoped would address some issues concerning noise.

The Chair noted the business referred to has been in Southington for decades and it's an existing business that was built prior to many of these requirements that you are referring to. You make valid points and the factory is noisy. It was a very difficult decision for the Council weighing the need for the industrial base and existing businesses versus what you're talking about.

Mr. Secondo pointed out he also lives in the condominiums referred to. We were told Rex Forge was grandfathered and there was no way we could stop what they were doing. In the meantime, people have moved out because they were unaware of what was next door. I will agree with Rich, it is tough. He explained the noise is every day, sometimes early in the morning, and sometimes the phone rings constantly outside.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Continuing discussion about the noise from Rex Forge.

Mr. Meister noted on the grandfathering point, the state ordinance does include some decibel allowances for older facilities but it does not exempt them. I am working with the State DEP right now.

The Chair said there is a history behind this issue. Attorney Sciota commented he drafted a noise ordinance probably ten years ago or more. At the time, there were some of our older factories that there was no way these factories could comply without putting a substantial amount of currency into their capital. We tried to work with the DEP and took the numbers right from the state's ordinance.

We passed it with the grandfather clause. We had everything else in there but we did have the grandfather clause for several of our factories in town if they pre-existed a certain date. At that point, the DEP approved it and approved every one of our sections except for that. The only way they would approve it is if we took out the grandfather sections that your older factories had to meet a certain decibel number. And, there was no way some of our factories would have complied.

If the DEP had that position, the Council said we were not going to move forward with a noise ordinance.

Mr. Weichsel concurred with Mr. Sciota's comments.

Mr. Carmody suggested the Town Attorney make contact with the management at Rex Forge and see if they're willing to talk to us to find a middle ground. Maybe find a cost effective measure that can be made to help the residents out.

Mr. Meister brought up the fact that realtors aren't disclosing the noise which does devalue the condominium.

When asked if the Council would consider an ordinance, the Chair stated that for him it would be very difficult to force a business out of Southington because of an ordinance that they couldn't meet. That would be a concern.

Mr. Meister stated there are solutions out there and grants for some of them. Further he stated he has started a petition based on Section 311 of our Town Charter. I do plan on continuing to gain support in town for this. I have a lot of voting residents that agree with me. This isn't going to go away.

The Chair asked the Town Attorney to contact the management at Rex Forge and see if an agreement can be reached.

There was a discussion about some of the condo foundations cracking. Mr. DePaola spoke about the vibration through the ground of the drop forging operation. Just research it and see what you can do to come to a meeting of the minds.

Arthur Cyr, 103 Berlin Avenue. Good job on the Apple Harvest. It was very nice this year.

It has come to my attention we may have a problem with the email system in this town. I've sent various emails to the director of public works who never got them, several members of planning and zoning who never got them. Someone in our IT department needs to check to find out why various people don't get emails from residents.

The Town Manager said he would have it looked into.

As to the trash contracts, the only word of caution is to make sure it's not an automatic renewal. They love burying those in the bottom of the second page.

My last comment is going to be regarding my participation on the Bulky Waste committee. Everybody agreed to my suggestion to have the next meeting in November, the 5th, which puts it a month away from when we met. I was so tired of wasting my time, seeing the Ass't Highway Superintendent waste his time, the Town Attorney and the Town Manager waste their time and not getting anything done.

Mr. Cyr commented on the guest speaker at the last meeting of the Bulky Waste Committee. The meeting went 1.5 hour and this guest speaker, who had nothing to do with bulky waste, used an hour of our time. I didn't appreciate it and I know others didn't appreciate it.

The committee is even further behind than this Council was back in April when Mr. Tranquillo gave you a suggestion. That committee has gone nowhere and done nothing, accomplished nothing in the last three months. If you want to frustrate and aggravate people, put them on a committee and watch it go nowhere for three or four months.

Everyone knows we have a problem at the bulky waste. Hopefully come next month we can put some different people on that committee and we can move forward on resolving some of our problems instead of people worrying about silly things they shouldn't be worrying about.

Ron Stevens, 154 Rahlene Drive. Brought up the sign at the pollution plant - He commented it is an issue at this time but it should have been taken care of much earlier. It's ridiculous. Whose fault is that? Who made that decision to spend that much money?

There is a lot more to be concerned about than the sign. What we'd like to know is how much is the 42,000 liters of extra media costing the town that's not needed? And, the containers to store it. It is never going to get used.

He also discussed the lighting system. We had to have training on the light system. How much did that system cost? The number of lights should have been addressed a long time before they were bought.

Further discussion on the roadway, the gate location and the parking. Who made the decision to combine the roadway with the park? That roadway needs to be for the plant, only.

Who is making these decisions? There needs to be better planning in this town. A need for better communication. Who is in control and looking over some things?

The Chair thanked the speaker for his long time service to the sewer plant and as an employee of the town we appreciate you coming forward. I hope a lot of the concerns you've raised here you've raised with your supervisor at the sewer plant. These are important issues for us to further investigate.

Mr. Palmieri commented the people on the Council were looking to prevent additional excess spending. If there was something that could have been done from when we saw it was visible, we wanted to move forward to prevent any additional spending. We weren't looking to point the finger and just blame someone. We were looking to prevent additional spending.

The position of the sign now is behind another sign so you can't really see it. When this was planned, there was a different sign there for the old drive in. Now there's a new marquee for the park and rec facility. Therefore, the placement of the new sign is not really appropriate. We're not suggesting tearing it down and not using it, we are suggesting just moving it. We are trying to be proactive and move forward and try to address some of your concerns. We are looking for the communication and the oversight. That's what we're trying to do.

Mr. DePaola brought up and elaborated on the fact these plans were started about six years ago and completed about two years ago and all of the issues are spelled out within the plans. Once the plans are approved, that's when all these items were approved. They are not approved one at a time.

Discussion of the driveway location. If there was a problem, that should have all been brought up before the final plans were approved. No one said anything when the plans were approved. That is when all the questions should surface and any changes should be made.

The Chair asked Mr. Tranquillo, in response to a comment by Mr. Stevens, to go over the sign issue.

Mr. Zoni said he spoke with Mr. Stevens about a week ago and he wrote down everything. We have a sewer infrastructure committee meeting this Thursday afternoon and I'm going to bring all the things you articulated to me up at that meeting. I'll get answers for you and I'll call you back. We'll have a report from the sewer

infrastructure committee at our next meeting and we can discuss some of your issues.

Mr. Tranquillo said he would give a brief response and if Mr. Stevens wants a more detailed response, he can certainly come and see me. The price of the sign was buried in the lump sum price of the plan. It wasn't paid as a separate item. John DeGioia was given a catalog of signs and told which signs he could pick. It had nothing to do with price; he just picked the one he liked. That's the one the contractor put in. If we change it now, it will cost us more money. The committee is going to address that on Thursday and make a decision.

The lights were designed based on one half foot candle minimum illumination. The national standard is one foot candle. Again, the committee is going to look at that and there may be some changes made, but there were certain standards that were used in designing the lights. It wasn't a willy nilly thing.

The media, I have no answer for you. I'll ask Metcalf and Eddy what they specified and why we have the extra media. There may be a very good reason for that.

The roads, that is an interesting question because what is the cost of building one road versus two roads. Why would you build two? This is why we built one road to service both facilities.

The road was built to the east of the old marquee sign because we have a 200' radius on the municipal well there. State regs say they don't want any construction or impervious areas within 200' of the well head so we had to move that road as far away from the well head as possible. And, that is what was designed.

The road will service both facilities. Go in, there's going to be a gate half way down to the treatment plant where they can block off the access to the plant. The drive in facility will be self policing. If you park in front of the gate there, you're going to be blocking the parking lot and no one will do that. The situation is no worse than what they have now where the access into the plant goes through the soccer field and there's parking on both sides of that access road. They can't get out of the existing drive. The new condition will be ten times better than what they have now.

Design is not a simple yes or no. There are many considerations when you are designing something and particularly when you are designing 14.5 million dollar treatment plants. Plans are 100 sheets. The specs goes six inches thick. It's impossible to give a 3 minute answer about an 800,000 dollar design. I would encourage anyone who has questions to come and see us.

Mr. Zoni said anyone is welcome to come to the Thursday afternoon meeting at 4:00 at the Town Council Chambers.

Mr. Stevens thanked the Council and staff for their answers.

Ilio Fusciello, 82 Autran Avenue. Spoke about wanting the town to pay him his money. He asked the Chairman to put him on the Agenda.

Hearing no further comments, the Chair closed public communication.

VII. Old Business

A. Action on Refunding 1996 & 2001 Bonds - \$12,500,000

Mr. D'Angelo made a motion to approve the resolution. Mr. Zoni seconded. Motion passed 8 to 0 on a roll call vote.

B. Action on winter bids

Mr. Palmieri made a motion to table. Mr. Carmody seconded. Motion passed unanimously on a voice vote.

C. Action on Trash Hauling & Recycling Bids

Mr. Zoni made a motion to approve. Mr. Secondo seconded. Motion passed 8 to 0 on a roll call vote.

D. Referral of 8-24

Mr. Palmieri made a motion to make an 8-24 referral for the former drive in property. Mr. Secondo seconded. Motion passed unanimously on a voice vote.

IX. New Business

A. Tax Refunds (Attachment 4)

Mr. Carmody made a motion to approve the tax refunds. All items have an explanation. Mr. Secondo seconded. Motion passed unanimously on a voice vote.

X. Miscellaneous

The Chair announced that Councilman Pocock did call to send regrets he could not make tonight's meeting. His mother is in the hospital and certainly the Council's prayers and best wishes are to Councilman Pocock and his family. We wish the very best for his mother.

Mr. Riccio said there has been a lot of talk about the denite cost, cost overruns, whatever the topic has been for the evening which has been many. My question is, Mark, we hired a contractor to do the job. Who hired the environmental entity that did the testing on the site?

Attorney Sciota responded the town hired GZA.

Mr. Riccio asked, in the contract, does it call out any professional liabilities? We hire them to deem the property clean or dirty. They deem it clean. Attorney Sciota said we hire them to do testing on the property. They don't dig up every square foot of the property. Mr. Riccio asked who determines the test pattern? Mr. Tranquillo said the testing was a combination of GZA and Metcalf and Eddy, in consultation with each other.

Mr. Riccio again questioned: In any type of contract that we have for the town, we have professional liability. What is the out clause in professional liability for environmental companies? How are they not held responsible when they say your property is clean? We did a random pattern of testing and then we go and find 1.5 million dollars worth of pollution. Attorney Sciota responded that like with any type of liability policy which includes general liability, there is a reasonableness clause. In this case there was a test pattern set up, there were tests done. Obviously, as Tony mentioned, we missed the area. At this point there has not been any claims for liability.

Mr. Riccio then asked if it was possible for us to litigate to re coup the \$1.5 million. Attorney Sciota said the town always keeps any options open.

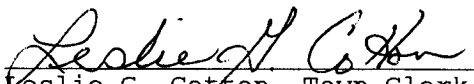
Mr. Riccio requested at the next meeting we have a discussion in executive session.

XI. Adjournment - pending litigation - Connecticut General Statute 1-200(9) (b) and Connecticut General Statute 1-200(9) (c)

Based upon the reasons set forth on the Agenda, Mr. Chairman, executive session would include the Town Manager, myself and the Public Works Director, advised Attorney Sciota. Mr. Palmieri made that motion to adjourn into executive session. Mr. Zoni seconded.

(Whereupon, the meeting was adjourned to executive session at 8:45 o'clock, p.m.)

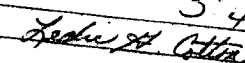
Attest:


Leslie G. Cotton, Town Clerk

Town Council
October 13, 2009

RECEIVED & FILED
TOWN OF SOUTHTON

OCT 16 2009

3:45 PM
By 
Town Clerk

EXECUTIVE SESSION

The Southington Town Council entered executive session immediately following the Town Council meeting with the following in attendance in order to discuss pending litigation.

The following Councilpersons were present, viz:

Anthony D'Angelo	Christopher Palmieri
David Zoni	Michael Riccio
Nicholas DePaola	Arthur Secondo
John Carmody	John N. Barry, Chair

Ex-officio members present were as follows:

John Weichsel, Town Manager
 Mark J. Sciota, Deputy Town Manager/Town Attorney
 Anthony J. Tranquillo, Director of Public Works/Town Engineer

Absent: Edward S. Pocock, III, Councilman

No motions were made or votes taken during executive session.

Mr. Riccio made a motion to adjourn from executive session. Mr. Carmody seconded. Motion passed unanimously.

(Executive session was adjourned at 9:10 o'clock, p.m.)

REGULAR SESSION

Mr. D'Angelo made a motion to adjourn the Town Council meeting which was seconded by Mr. Zoni. Motion passed unanimously.

(Meeting was adjourned at 9:11 o'clock, p.m.)

Mark J. Sciota
 Acting Secretary

TOWN COUNCIL OFFICIAL PROCLAMATION

Be it hereby known to all that:

The Southington Town Council hereby offers its
sincerest congratulations to:

Michael A. Riccio

IN RECOGNITION OF

Winning the Apple Harvest Festival Pie Eating Contest

Whereas, Mike Riccio withstood weeks of trash talk and bantering by fellow Councilman David Zoni;

Whereas, Mr. Riccio, clearly outclassed by Councilman Zoni's eating prowess, overcame this very difficult challenge;

Whereas, Mike Riccio endured seemingly endless, painful training for this event;

Whereas, Mike Riccio's waist size temporarily grew to that of Councilman Zoni's;

Whereas, Mr. Riccio's friends and family put up with his countless hours of gorging practices;

Whereas, Mr. Riccio has brought the Team Republican stature to new heights in Southington; and

Whereas, Michael Riccio has put to rest the myth that Dave Zoni is Southington's biggest eater.

Now, therefore, John N. Barry, Chairman, and I, Edward S. Pocock, III, Councilman, on behalf of the entire Southington Town Council, do hereby proclaim this day to be the Mike Riccio, Apple Pie Eating Champion of the World Day, in the Town of Southington.

Given the 13th day of October, 2009

TOWN OF SOUTHINGTON, STATE OF CONNECTICUT

John N. Barry, Chairman
Southington Town Council

Edward S. Pocock, III
Councilman

9/30/09
✓ cc Coun 9/

September 28, 2009

Southington Republican Town Committee
c/o Ed Pocock Jr
1252 East St
Southington Ct 06489

Re: Resignation of Roger C Jones Sr
Board of Assessment Appeals

Dear Mr. Pocock:

Due to my change in residency from the Town of Southington, I am submitting my resignation as the Chairman of the Board of Assesment Appeals effective as of this date.

It has been my pleasure to serve the Town of Southington on this board and to have worked with the other board members.

Sincerely,


Roger C Jones Sr

cc: Mark Sciota
John Weichsel

UPFRONT SAVINGS - OMS ESCROW

TOWN OF SOUTHTON, CT SUMMARY OF REFUNDING RESULTS (UNENHANCED - "AA+") : (BANK QUALIFIED)

REFUNDING OF 10/15/1996 BONDS (10/15/2010 - 2011)
REFUNDING OF 05/15/2001 BONDS (05/15/2012 - 2021)

<u>Dated Date</u>	<u>11/18/2009</u>
Refunding Par Amount	9,810,000
Bond Arbitrage Yield	2.639502%
Escrow Yield	1.407626%
Refunded Bonds Par Amount	10,000,000
Average Coupon of Refunded Bonds	4.830161%
Net PV Savings	540,791.84
Percentage of PV Savings	5.407918%
Aggregate Budgetary Savings	567,689.58
Annual Budgetary Savings (June 30)	
Fiscal Year 2010	47,169.58
Fiscal Year 2011	75,840.00
Fiscal Year 2012	413,915.00
Fiscal Year 2013	1,265.00
Fiscal Year 2014	3,665.00
Fiscal Year 2015	4,285.00
Fiscal Year 2016	3,775.00
Fiscal Year 2017	2,600.00
Fiscal Year 2018	1,225.00
Fiscal Year 2019	4,650.00
Fiscal Year 2020	4,650.00
Fiscal Year 2021	4,650.00

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF SOUTHLINGTON**

AUTHORIZING THE ISSUANCE OF REFUNDING BONDS FOR PAYMENT OF ALL OR A PORTION OF THE OUTSTANDING PRINCIPAL OF AND INTEREST AND ANY CALL PREMIUM ON THE TOWN OF SOUTHLINGTON'S \$5,350,000 GENERAL OBLIGATION BONDS, ISSUE OF 1996 AND \$18,340,000 GENERAL OBLIGATION BONDS, ISSUE OF 2001, AND COSTS RELATED THERETO

RESOLVED,

(a) That the Town of Southington issue its refunding bonds, in an amount not to exceed TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$12,500,000), the proceeds of which are hereby appropriated: (1) to fund one or more escrows, and to apply the balance held in such escrows, together with the investment earnings thereon, to the payment in whole or in part, as to be determined by the Town Manager and the Treasurer of the Town, of the outstanding principal of and interest and any call premium on the Town's \$5,350,000 General Obligation Bonds, Issue of 1996 (consisting at original issue of \$701,000 General Purpose Bonds, \$737,000 School Bonds and \$3,912,000 Sewer Bonds) and \$18,340,000 General Obligation Bonds, Issue of 2001 (consisting at original issue of \$3,540,000 General Purpose Bonds, \$14,000,000 School Bonds and \$800,000 Sewer Bonds), including the payment of interest accrued on said bonds to the date of payment, and (2) to pay costs of issuance of the refunding bonds authorized hereby, including legal fees, consultants' fees, trustee or escrow agent fees, underwriters' fees, bond insurance premiums, net interest and other financing costs and other costs related to the payment of the outstanding bonds described above. The refunding bonds shall be issued pursuant to Section 7-370c of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(b) That Town Manager or the Deputy Town Manager and the Director of Finance or the Treasurer of the Town shall sign the bonds by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds. The Town Manager or the Deputy Town Manager and the Director of Finance or the Treasurer are authorized to determine the bonds to be redeemed and the amount, date, interest rates, maturities, redemption provisions, form and other details of the refunding bonds; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds and escrow agent with respect to the refunding escrow or escrows to be funded with proceeds of the bonds; to provide for the keeping of a record of the bonds; to sell the bonds at public or private sale; to deliver the bonds; and to perform all other acts which are necessary or appropriate to issue the bonds.

(c) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that costs of the refunding may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town

reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the refunding. The Town Manager or the Deputy Town Manager and the Director of Finance or the Treasurer are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(d) That the Town Manager or the Deputy Town Manager and the Director of Finance or the Treasurer are authorized to make representations and enter into written agreements for the benefit of holders of the bonds to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds.

(e) That the Town Council, the Town Manager, the Deputy Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Town's outstanding \$5,350,000 General Obligation Bonds, Issue of 1996 and \$18,340,000 General Obligation Bonds, Issue of 2001, and to issue refunding bonds authorized hereby for such purposes, including, but not limited to, the entrance into agreements on behalf of the Town with underwriters, trustees, escrow agents, bond insurers and others to facilitate the issuance of the refunding bonds, the escrow of the proceeds thereof and investment earnings thereon, and the payment of the outstanding bonds in whole or in part.

(f) That this resolution shall become effective upon passage by the Town Council; provided that the above authorization to issue refunding bonds shall lapse on June 30, 2010.

List of Requests for Abatement or Refund of Taxes for Town Council Meeting October 13, 2009:

Taxpayer's Name	Reason for Refund	Amount of Refund
DCFS Trust	Assessor C/C List #40644 & 40673 M 2007	193.40
Festa, Gregory E & Jill C	Duplicate Pmt List #11449 R 2008	1925.36 *
First American R/E Tax Service	Payment wrong parcel List #18358 R 2008	195.47
Honda Lease Trust	Assessor C/C List #81294 & 81317 M 2008	93.15
MetLife Home Loans	Duplicate Pmt List #5122 R 2008	1849.62 *
Nieves Luis F Jr	Assessor C/C List #141133 M 2007	301.44
Bok Piotr 1	Assessor C/C	64.22
GMAC	Assessors C/C	830.16
GMAC	Assessors C/C	832.30
GMAC	Assessors C/C	891.46
Carmichael T J	Assessors C/C	102.74
Financial Ser Veh Trust	Assessors C/C	359.35
Ogden, Patricia	Assessors C/C	52.93
Irizarry, Denise	Assessors C/C	184.50
Cab East LLC	Assessors C/C	295.23
Bendott, Marianne	Assessors C/C	204.52
Scacco Michael A. Jr	Duplicate Payment (see attached)	2577.21

***explanation attached**