

TOWN OF WALLINGFORD, CONNECTICUT
SPECIAL TOWN COUNCIL MEETING

November 17, 2009

The following minutes are a record of the Special Meeting of the Wallingford Town Council held in the Robert Earley Auditorium of the Wallingford Town Hall on Tuesday, November 17, 2009. The Meeting was Called to Order at 6:47 P.M. Responding present to the Roll Call given by Town Council Secretary Sandra Weekes were Councilors Mike Brodinsky, Nick Economopoulos, Jerry Farrell, Jr., John LeTourneau, Rosemary Rascati, and Vincent F. Testa, Jr. Councilors Vincenzo M. DiNatale, Robert F. Parisi and Michael Spiteri were absent from the meeting. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Comptroller James Bowes were present for the meeting. Jeffrey Borne, Chairman, Conservation Commission, also attended the meeting.

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

1. Consider and Approve appropriation of funds in the amount of \$700,000 to Revenue CRRA Distribution Acct. #200-1050-050-500 and to Property Acquisition-Dibble Edge Partners LLC Acct. #200-1403-818-7010 to settle the pending litigation of Dibble Edge Partners LLC v. Town of Wallingford resulting in the purchase of 35 acres of land off of Dibble Edge Road
- Town Attorney

Town Attorney, Janis Small, said that as discussed in Executive Session is a resolution of pending litigation between the Town and Dibble Edge Partners LLC. The litigation is from May 2005 with the actual lawsuit filed in 2006, and it is still pending. She said that commenced the trial and reached a resolution of the case with the Council's authorization. The resolution of the case results in the purchase of 35 acres of land by the Town of Wallingford for \$700,000. She referred to the map of the property on display. She said that the address would be just Dibble Edge Road. It abuts approximately 90 acres owned by the Town of Wallingford land. This purchase adds 35 acres to that land. She said that the Town paid for the 90 acres \$3.6 million, which is approximately \$40,000 per acre, and the Dibble Edge Road would be approximately \$20,000 per acre. This is in the context of a resolution of pending litigation, a litigation that she guarantees would have gone up on the P.O. She said it would have been protracted litigation for the next two to three years. She said that the Council authorized her to resolve the matter in this fashion and that we are here tonight to appropriate the funds in order to do so.

Ms. Rascati said that once we make this settlement, we have to come up with the money right away, right. Attorney Small said that was correct, and once the Council authorizes that we are committed to it, then you are committed to funding it, so you can't wait like we might over a two-month period or so. We don't have that time when you authorize a resolution.

MOTION

Chairman Brodinsky made a motion to approve the appropriation of funds in the amount of \$700,000 to Revenue CRRA Distribution Acct. # 200-1050-050-500 and to Property Acquisition-Dibble Edge Partners, LLC Acct. # 200-1403-818-7010 to settle the pending litigation of Dibble Edge Partners LLC v. Town of Wallingford resulting in the purchase of 35 acres of land off of Dibble Edge Road as requested by the Town Attorney.

Mr. Farrell seconded the motion.

There was no other discussion.

All Councilors present (6) voted Aye. Councilors DiNatale, Parisi and Spiteri were absent from the meeting.

The motion passed.

Mr. Farrell made a motion to Adjourn the meeting. Chairman Brodinsky seconded. All Councilors present (6) by voice said Aye. Councilors DiNatale, Parisi and Spiteri were absent from the meeting.

The motion passed

The Town Council meeting adjourned at 6:57 P.M.

Respectfully submitted,

Sandra R. Weekes
Town Council Secretary

Meeting digitally recorded by Sandra Weekes

Chairman, Mike Brodinsky Date

Town Clerk, Barbara Kapi Date