

TOWN COUNCIL MEETING

MARCH 9, 1999

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence - Proclamation designating the Week of March 23-29, 1999 as Wallingford's TV-Turnoff Week - Mayor
3. Certificate of Appreciation Awarded to Daniel Hartsoe for his Unselfish Effort to Raise Funds to Donate to the Youth and Social Services Department - Mayor
4. Consent Agenda
 - a. Consider and Approve Accepting a Donation of \$320 from Daniel Hartsoe to the Department of Youth and Social Services
 - b. Consider and Approve Tax Refunds (#410-425) Totaling \$12,330.58 - Tax Collector
 - c. Approve and Accept the Minutes of the February 9, 1999 Town Council Meeting
 - d. Approve and Accept the Minutes of the February 16, 1999 Special Town Council Meeting at 5:30 P.M.
 - e. Approve and Accept the Minutes of the February 16, 1999 Special Town Council Meeting at 6:30 P.M.
 - f. Approve and Accept the Minutes of the February 23, 1999 Town Council Meeting
 - g. Approve and Accept the Minutes of the March 1, 1999 Special Town Council Meeting
 - h. Note for the Record Anniversary Increases Approved by the Mayor

I. Note for the Record Mayoral Transfers Approved to Date

- j. Consider and Approve a Transfer of Funds in the Amount of \$40 from Office Supplies Acct. #7010-4000, \$91 from Capital - Copy Machine Acct. #7010-9901 and \$250 from Capital - Work Stations Acct. #7010-9904 for a Total of \$381 to Capital - Tape Recorder - Town Planner
- k. Consider and Approve a Transfer of Funds in the Amount of \$3,625 from Salaries & Wages Acct. #012-9000-101-1000 to Furniture & Supplies Acct. #012-9000-999-9904 - Dept. Of Youth and Social Services
- l. Consider and Approve an Appropriation of Funds in the Amount of \$2,607 from Revenue Hwy. Safety Acct. #1050-050-5883 to Police Overtime Acct. #001-2005-101-1400 in the Federal Highway Safety Program, Christmas/New Years DUI Enforcement Program - Dept. Of Police Services
- m. Consider and Approve the Release of Electrical Easements at 168 North Plains Industrial Road - Town Attorney

5. Items Removed from the Consent Agenda

6. PUBLIC QUESTION AND ANSWER PERIOD

- 7. Discussion and Approve the Intention of the Town of Wallingford to Proceed with the Acquisition and Installation of Mobile Data System with Use of the Federal COPS More Technology Grant - Dept. Of Police Services
- 8. Approve One (1) Appointment/Re-Appointment to the Position of Regular Member on the Inland Wetlands Commission for a Term of Five (5) Years to Expire 3/1/2004
- 9. Approve One (1) Appointment/Re-Appointment to the Position of Regular Member on the Zoning Board of Appeals for a Term of Five (5) Years to Expire 1/8/2004
- 10. Report Out on the Status of the Town-Owned American Legion Building as Requested by Councilor Geno J. Zandri, Jr.
- 11. Discussion and Possible Action on the Status of Town-Owned Land in Durham as Requested by Councilor Thomas Zappala

12. Consider and Approve Waiving the Bidding Process to Hire the National Golf Foundation to Perform a Feasibility Study on the Cooke Properties and Town-Owned Property in the Tyler Mill and Woodhouse Road Areas for their Potential Use as a Golf Course at a Cost Not to Exceed \$20,000. as Requested by Councilor Thomas Zappala
13. Executive Session Pursuant to Section 1-18a(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor

TOWN COUNCIL MEETING

MARCH 9, 1999

6:30 P.M.

ADDENDUM TO AGENDA

14. Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Salary Acct. #1600-101-1000 to Overtime Acct. #1600-101-1400 - Personnel Dept.

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6:30 P.M.

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TOWN COUNCIL MEETING

MARCH 9, 1999

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, March 9, 1999 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr. at 6:33 P.M. Councilors Centner, Farrell, Knight, Papale, Renda, Rys, Zandri and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Chairman Parisi was ill. Mayor William W. Dickinson, Jr., Assistant Town Attorney Gerald E. Farrell, Sr. and Comptroller Thomas A. Myers were also in attendance.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Proclamation designating the Week of March 23-29, 1999 as Wallingford's TV-Turnoff Week

Mr. Knight read the proclamation into the record (Appendix I). Mayor Dickinson presented the proclamation to a representative, who went unidentified, in the audience.

Mr. Rys urged everyone to turn off their t.v. during that week and catch up on some reading or go out walking.

ITEM #3 Certificate of Appreciation Awarded to Daniel Hartsoe for his Unselfish Effort to Raise Funds to Donate to the Youth and Social Services Dept.

Mayor Dickinson stated, we are, indeed, in the presence of quite a young man. I will ask Craig Turner, Director of Youth and Social Services to come forward and explain the reasons for Daniel Hartsoe and his parents to be here.

Mr. Turner explained, I received a call from Mrs. Hartsoe who explained to me that her son, having recently seen an advertisement on television for the Children's Defense Fund was moved to ask the question, "are there children in Wallingford that have the same needs as the little girl in the ad that had no shoes on her feet?" and Mrs. Hartsoe had replied that there, indeed, were children of that type in town and that the Department of Youth and Social Services was the department that would try to meet those needs. Daniel said that he would like to help and here is what he did; for his eight year old birthday party, rather than asking his friends to bring presents to him, he asked each of them to bring a donation and he that would then give, on his behalf, to our department for the purpose of

meeting the needs of a child or a family in the Town of Wallingford. Through that effort he raised \$20.00.; not bad for an eight year old. Thank you, Daniel.

Mayor Dickinson stated, that calls for a standing ovation. (Applause). Daniel is an example of real citizenship; let me shake your hand. We really appreciate the example you set; you are quite a young man. I have a certificate of appreciation for you from the Town of Wallingford Council Chairman and the Mayor which states, "Awarded to Daniel Hartsoe for unselfish effort to raise funds to donate to the Youth and Social Services Department, presented on behalf of the Town of Wallingford." You have done something for people that you don't know and you have done something far more than many other people have ever done in their whole lives and you are only eight years old. You are special, congratulations. (Applause) I also have a letter of appreciation for two people who also take credit, Mr. & Mrs. Hartsoe and we salute you as well for the example you set for your family; all of them, the others are here, and Daniel, of course. We applaud your efforts as parents and citizens. (Applause).

At this time the Mayor turned over the donation to Craig Turner asking him to see to it that the funds are used on behalf of young people who Mr. Turner has recognized through his efforts. (Applause)

Correspondence

Mr. Farrell stated, last evening a number of us who are involved with the Linear Trail Committee attended the Annual Meeting held by the Quinnipiac River Watershed Association and I was very pleased that two of Wallingford's citizens received awards from that group; State Representative Mary Mushinsky received an award for all of her efforts on behalf of the Quinnipiac River as did one of our own, Councilor Rich Centner who received a River Conservation Award which reads, "Presented to Richard Centner, Jr. In recognition of being an environmental advocate for the Quinnipiac River and working to improve recreational opportunities in the Wallingford area. Presented by the Quinnipiac River Watershed Association at their annual meeting." I think that is a tribute to both Rich and Mary and the many other people from Wallingford who are working very hard both on the trail and on a lot of other river-related issues. (At this time Mr. Farrell displayed the award for all to see.) Congratulations. (Applause)

ITEM #4 Consent Agenda

ITEM #4a. Consider and Approve Accepting a Donation of \$320 from Daniel Hartsoe to the Dept. Of Youth and Social Services

ITEM #4b Consider and Approve Tax Refunds (\$410-425) Totaling \$12,330.58 - Tax Collector

ITEM #4c Approve and Accept the Minutes of the February 9, 1999 Town Council Meeting

ITEM #4d Approve and Accept the Minutes of the February 16, 1999 Special Town Council Meeting at 5:30 P.M.

ITEM #4e Approve and Accept the Minutes of the February 16, 1999 Special Town Council Meeting at 6:30 P.M.

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ITEM #4g Approve and Accept the Minutes of the March 1, 1999 Special Town Council Meeting

ITEM #4h Note for the Record Anniversary Increases Approved by the Mayor

ITEM #4I Note for the Record Mayoral Transfers Approved to Date

ITEM #4j Consider and Approve a Transfer of Funds in the Amount of \$40 from Office Supplies Acct. #7010-4000, \$91 from Capital - Copy Machine Acct. #7010-9901 and \$250 from Capital - Work Stations Acct. #7010-9904 for a Total of \$381 to Capital - Tape Recorder - Town Planner

ITEM #4k Consider and Approve a Transfer of Funds in the Amount of \$3,625 from Salaries & Wages Acct. #012-9000-101-1000 to Furniture & Supplies Acct. #012-9000-999-9904 - Dept. Of Youth and Social Services

ITEM #4l Consider and Approve an Appropriation of Funds in the Amount of \$2,607 from Revenue Hwy. Safety Acct. #1050-050-5883 to Police Overtime Acct. #001-2005-101-1400 in the Federal Highway Safety Program, Christmas/New Years DUI Enforcement Program - Dept. Of Police Services

Motion was made by Mr. Knight to Approve the Consent Agenda, Items 4a-l, seconded by Mr. Farrell.

VOTE: Parisi was absent; all ayes; motion duly carried.

ITEM #5 Items Removed from the Consent Agenda

ITEM #4m Consider and Approve the Release of Electrical Easements at 168 North Plains Industrial Road - Town Attorney

Motion was made by Mr. Knight, seconded by Mr. Farrell.

Councilor Farrell had requested the removal of this item from the consent agenda, therefore the discussion regarding this matter was turned over to him.

Mr. Farrell stated, I requested that this come off the consent agenda. What is involved here is, the Town of Wallingford has electrical easements that are running across this private property. I have the map here this evening and other Councilors are welcome to take a look at it. But if you do look at it, it is a very large easement that goes across this entire property. Several months ago we were involved in a similar situation with the Barberino family, where we did ask and received a \$2,500 consideration in exchange in removing the easement. I took it off the consent agenda because, as passed by the P.U.C., there was no requirement of \$2,500 being paid to the town. My own feel for this is that we need to treat all parties equally; that we ask this of the Barberino family in exchange for moving an easement. As you know we have also had similar utility situations such as Seiter Hill where we have tried to act in a business-like manner. That is why I took this off the consent agenda and I would be prepared to make a motion after what ever discussion.

Asst. Town Attorney Gerald Farrell, Sr. Stated, I would make note that the funds from the Barberino closing, the property was sold by the Barberino family to either United Concrete or Norman Gavin. Both the Barberino family and United Concrete are good businesses, well-run, they sought bid to pay the \$2,500 consideration. The properties are similar in that the easement really ran right down the middle of the properties. They are really unmarketable for building any structures on them with the easement present. As an alternative if the person wishing it to be removed feels that the price is too much, an alternative would be to have an appraisal done of the value of the property with the easement and the value of the property of the value without the easement and then the Town would charge the difference between them which would be a very equitable approach as well.

Mr. Zandri stated, I believe there were some other concessions made that evening at the P.U.C. as far as gaining additional easements or something, wasn't there Attorney Loughlin? The reason I mentioned it is because I feel we should get all the information available on this topic.

Attorney Loughlin of the firm of Loughlin & Fitzgerald representing Mr. Jim Davis stepped forward to answer Mr. Zandri's questions.

ty. Loughlin stated, Councilman Farrell acted, I presume, honorably on behalf of his father in having this (item) removed from the consent agenda. The amount of \$2,500 I would agree is not a huge amount of money. What we are dealing with here, however, is something that is either basically right or basically wrong. In my opinion, and I have done considerable research and asked people who know more about property law than I do, to ask for money for the release of this easement

amounts to extortion. It is an arrogance of power; there is no easement. The Town does not own an easement on the Davis property. It has no right to ask for money for something it does not own. As far as good businessmen are concerned; Mr. Davis has been a businessman in this town since 1967, thirty-two (32) years. I happen to be a client of his and that is how I happen to be here this evening. I would like to distribute to you a letter that we addressed to the P.U.C. on January 11, 1999. Attached to that letter is a survey of the property acquired by Mr. Davis. It should be noted as outlined in the first paragraph of this letter that Mr. Davis purchased this property in May of 1998. At that time he was represented by Counsel who advised him that these easements had, in fact, been extinguished by abandonment. He also inquired of the Electric Division in the Town who gave him a similar opinion and said that those easements were no longer in effect, that the lines had been relocated elsewhere. He also checked with the Wallingford Planning & Zoning Commission who told him that he could disregard those easements and build wherever he wanted to on that property because those easements were no longer in existence. Now there is a very good basis for those opinions and those opinions are, in fact, correct. Historically, as outlined in my letter, there were two easements and if you look at the survey I gave you, I have outlined (drawn yellow lines indicating the location of the property) the two easements in question. There is a 60' BEW (Borough Electric Works) easement and a 40' L&P (CT. Light & Power) easement. They meet and proceed further north on the property bisecting Mr. Davis' property by 100'. There are two other easements on the property; a 15' sanitary sewer easement and a 20' AT&T easement with which we have no concern what so ever. Those are active easements. We are talking about the two easements outlined in yellow. Those easements were granted in 1922 and in 1942. At that time the BEW ran power lines from the North End of North Cherry St. Extension north across this property and ten other properties in order to transmit electricity into the Yalesville and Tracy section of town. This was long before there was any North Plains Industrial highway or anything else. During the 1960s and 1970s those lines were all replaced. I checked with the Electric Division myself and electric power has been since the late 1960s and '70s transmitted via lines on Route 5 and more recently by transmission lines which follow North Plains Industrial Road. The important factor here is, subsequent to the installation of those new lines, the BEW, itself, went in and removed all the telephone poles and all of the lines and what ever other infrastructure and paraphernalia existed to make use of those two easements. The law on this subject is very clear. I certainly hope that Attorney Farrell and the Mayor who is a lawyer himself, is familiar with the law, an easement, whether it has been abandoned, is extinguished; it no longer exists. I would agree that mere non-use, mere non-use of an easement may not be sufficient to extinguish it and render it void however, when you have non-use of the easement coupled with a clear intent to abandon its use in the future and if there are acts taken by the holder of that easement that are inconsistent with the retention of that easement then that easement is extinguished; it no longer exists. This has taken place many, many times throughout the history of land. It must be that way otherwise the lands would be cluttered with all sorts of old farm roads, wood roads, water lines and everything else. For instance, we can all recollect the day when people, side by side would dig a well on someone's lot. We could be neighbors and you and I would chip in and build a well on your

property and because I helped you pay for it and work on it and so forth, you would, in fact, give me an easement to come on to your land to maintain the well and draw water from it. About fifty years later or so, the Wallingford Water Dept. puts water in the street and I hook into it and you hook into it and the well falls into disuse and is abandoned; we don't take care of it, we would probably put a cover on top of it and I build a garage between me and the well and so forth. Those acts; that non-use, affirmative action would indicate an intent not to use it any longer, factually, it would suffice to show that there was an abandonment of that easement so that I could not come back twenty years later and say to you that I am going to re-open the well and use that easement because there has been an abandonment of it. That is exactly what happened here. Number one, there has been non-use of those easements. There have been delivery of electricity which was the purpose of those easements by other routes, Route 5 and the newly-created North Plains Industrial Road and the town, itself, removed the means by which those easements could be used, i.e., it removed the poles and all the lines. Consider this, this easement went across eleven properties. The Town has already released that easement on some of those properties and they all were not paid for, by the way. I represented Walter Sawallich some years ago and the town released that easement for nothing for the exact reason that I am stating tonight; because it new that there was no easement. What good is the easement? The Town could not re-use this easement under any circumstances and they have already given away part of it. It is like a chain; you bring one link and the chain is broken. This easement can no longer be used because it is no longer a continuous line. The Town of Wallingford did that, itself and it did not always do it for money. It did it as a matter of law like it should have been done and like it should be done now. Most of all, the clearest intent and statement of intent to abandon this line was made by the P.U.C. of this town. In response to this letter, the P.U.C. conducted a hearing. We attended that hearing, staff was present and they agreed that the line has been abandoned. If, in fact, the P.U.C. itself says it is abandoned, the P.U.C. being the administrator of that easement, in view of the deliberate acts of the Town during the past thirty years, how can anyone seriously question the fact that these easements have been abandoned. Mr. Farrell says that this adds value of the property, how can the Town sell something it does not own? It is extortion in this sense; if you demand of Mr. Davis \$2,500 that you have no right to ask for and you are, in my opinion, exercising an arrogance of power because he cannot afford to fight that. It would be as if you made your last payment on your mortgage and you asked the bank for a release of the mortgage to record on the land records and the bank says they want another \$2,500. And you say that you paid your debt; there is not debt anymore. And the bank said to you, well, you need a release and we are the only ones who can give it to you therefore we want money for it, that is the situation we are facing here, tonight. Mr. Davis wants to build a building on this property. He has been to the banks; he is in an industrial zone to which he conforms to the zoning. He wants to relocate his business on the property. Of the matter of record, these easements dated 1922 and 1942 no longer exist. The only way we can prove that they no longer exist is to ask this Council to release an easement that no longer exists, just like a bank should give you a receipt stating that the debt no longer exists. They should not charge you extra money in order to give you that receipt. That is what we are asking for. Mr. Mayor, I don't know if you have

any serious disagreement with the history of this as I have outlined it, but it has been confirmed by the overseer of this easement, the Wallingford P.U.C., that is why they recommended that it be released without payment of money, because that is not only the decent thing to do, it is the legally-required thing to do.

Mr. Farrell stated, you are probably the first person who has accused me since the time I have been on the Council of acting on my father's behalf. We are independent players the same way that you and your son are as well.

Atty. Loughlin responded, I am sure it is mere coincidence and I apologize if I have offended you.

Mr. Farrell stated, my own feel for this is that, indeed there are easements on the land records. You may call it extortion but many other players that are out there, banks, private land owners, they don't give these things away for free and you are here asking the Town to do that.

Atty. Loughlin replied, no I am not. I am not asking you to give away anything. There is nothing for you to give away Mr. Farrell. And a very brief review of the law....I will give you case law if you want it. You have nothing to give away, you don't own anything there, these easements do not exist. If, in fact, mistakes have been made in the past by this Council and mistakes have been made by other businessmen, this is no reason to continue those mistakes now and in the future.

Mr. Farrell stated, we are very often approached by people who feel that utility matters should be cleared up in a way that has no expense to them. My feel for this, and you have offered a sophisticated legal argument and I give you credit for that but my feel for it is, from a policy standpoint, we have to be very consistent with people. We had lots of people out on Seiter Hill who thought there was wrong, the Town could have hedged in their favor....

Atty. Loughlin replied, there is no similarity what so ever to Seiter Hill, Mr. Farrell and I don't want to make a supreme court case out of this but if we are going to compare this to anything then at least let's talk apples for apples. There have been portions of this easement and other easements that have been released for no charge, I have gotten them myself when the P.U.C. has determined that there has been an abandonment and when there is an abandonment, there is nothing for you to give away; it is already gone away. If there is an administrative fee of \$25 we will pay it but don't tell me it costs you \$2,500 to prepare a release, I will do it myself for nothing.

Mr. Farrell stated, there are two issues here.....

Atty. Loughlin continued, and you cannot say there is a policy. You cannot adopt a policy of extortion.

Mr. Farrell replied, I think that is a heavy word to use.

Atty. Loughlin responded, yes it is, what you are trying to do is heavy.

Mr. Farrell stated, I think from a policy standpoint that we need to be consistent. We have already asked this of the Barberino family and without any hesitation that went forward. I would like to give the Town Attorney's Office a chance to answer the legal issues you have raised because I think they are much more familiar than the Council would be with that.

Mr. Rys stated, I was going to suggest that. Perhaps you can answer the question as to whether we have easements or we don't.

Atty. Farrell, Sr., stated, it is my opinion that we definitely have a legal easement, it is on the land records, it has never been signed off on. If the Town of Wallingford right now decided that it wanted to go back on that land and establish some electrical utility use, there is nothing that the present owner could do to prevent that. It is a valid, legal, binding easement.

Atty. Loughlin responded, I take issue with that, it is untrue. You have no right on that property, absolutely no right on that property and if you review the law very briefly, Mr. Farrell, you would realize that. Once those easements are extinguished by abandonment, you have no more right on that property than I do. Once the Town abandoned those easements and relocated them elsewhere and relocated the service elsewhere and removed all of its accouterments from that property, it had no further right to enter onto that property for any reason, what so ever. The only thing I am asking you for is an acknowledgment of what your commission, the P.U.C. has already stated, that, yes, Mr. Davis, it has been abandoned and you owe Mr. Davis a release. When I say that he cannot afford to fight it, Mr. Davis could, at this point, bring what they call a "quiet title action", he could go to court and he could ask the court to order the Town of Wallingford to release it and I am 100% confident that I checked with the titled companies, title insurance companies on this matter, relating the facts, I am 100% confident that the court would order the Town to release this easement for no charge. But how can Mr. Davis economically fight this in court. Delay the building of a commercial building will produce taxes for this town in an industrial zone, pay legal fees and wait two years to do it. That is what I refer to when I call this an arrogance of power and that is what we are dealing with if anything this evening.

Mayor Dickinson stated, there appears to be a difference of opinion on the legal matter and I suggest that the Town Attorney's Office and Atty. Loughlin representing his client prepare briefs and supply the Council with those arguments and you can sit as judges in determining which legal argument is the one that carried the most weight. I think the issue does carry with it an aspect of precedent and If

● We are to distinguish it from other pending matters or future matters, it would be in the interest of the Town to be able to review the legal arguments and let a judgment be made and the record will reflect what the arguments were and on what basis it was made. That is my suggestion.

Mr. Knight stated, I concur with the Mayor's course of action. I would only ask that there were a couple of things that struck me in your comments Atty. Loughlin, especially what we are striving for is no \$2,500., I think that should be obvious to everybody. We are striving to get some consistency in the application of either policy or law and I kind of resent being called arrogant for trying to do so.

Atty. Loughlin replied, I did not refer to you as being arrogant. I was saying, if, IF, you were trying to adopt a policy, regardless of how well-motivated we are, if the policy, in fact, runs afoul of the law, then you can't adopt that policy.

Mr. Knight stated, understood. I think you brought a lot of points out about the law to this room that possibly and quite probably, most of us are not as familiar with as you are. I can only speak for myself on this on the topic. I would like to ask though, I am interested in two things; your statement that disuse equals abandonment.....

● Atty. Loughlin corrected Mr. Knight stating, I said disuse "plus". Disuse plus an act on the part of the owner of the easement, it is inconsistent with a presumption of continuance of that easement. I gave you reasons why non-use, this has not been used since the 1960s, plus, plus the removal of all the equipment from the site. That is in addition to non-use. This is far more than non-use.

Mr. Knight continued, non-use, etc., has legal ramifications that at some point in time we must have abandoned this and there must be a point in time that you can point to to that affect. That would be of interest to me. Also, if there is precedent for releasing this easement without compensation because there are other properties farther north or south that had this exact same easement and the town released them, that is a powerful argument to me. Those are two things I would be interested in.

Ms. Papale stated, after hearing two different ideas of how this may work out, maybe we, as a Council, set the wrong precedent when we charged Gavin and Barberino. Maybe it was because it was two private property owners and we thought that it was O.K. Then we get this from a party that is part of the Town of Wallingford and the P.U.C. approved the release of the easements without any additional fees. I would be curious to know what the P.U.C. was thinking of that they did not feel that there were any additional fees necessary but the P.U.C. attorney does think fees are necessary; there is a difference of opinion right there. I believe the word "extortion" was a little too strong for us up here. I don't think anyone up here (Council) would ever think of anything....because extortion is too strong a word for us up here. I just don't get it; either it was abandoned or it wasn't abandoned.

You seem to have records that will show us it was. If it was abandoned then we don't own it. Attorney Farrell seems to look at it a different way. Maybe the best thing was that we table this.....

Atty. Loughlin stated, Attorney Farrell has given me no evidence tonight that it has not been abandoned. The only thing I am asking you (Council) to do is the same thing I would ask the banker to do when I paid off the note; I want a receipt so that I can take it off of the land records. Mr. Farrell seems to think that anything that appears on the land records obviously lasts forever and ever and ever, regardless of circumstances. What I am saying is that is totally untrue, that this is extinguished. What we do need is a receipt from the Town, in writing, acknowledging that it has been abandoned. The P.U.C. has already made that determination only it is not authorized to give that receipt. They are authorized to make the determination that it has been abandoned and they have made that determination. This Council has to authorize his honor to sign a receipt confirming what the P.U.C. has already determined.

Ms. Papale asked, there is no set rule of law in the Town that states after so many years it just automatically gets abandoned?

Atty. Loughlin answered, no. You can have an easement that lasts 1,000 years if, in fact, it was continually used.

Ms. Papale clarified her question, I mean if it hasn't been used in a certain amount of years, is the easement abandoned?

Atty. Loughlin answered, you get into another area where you might talk about adverse possession or something like that over fifteen years and that is another argument that I didn't even bother stating because it has been more than fifteen years, yes, since this easement has been used. In addition to that there had been acts, affirmative action by the Town of Wallingford, which would contradict any claim they intended to retain this easement. For instance, they took down the poles and removed them from the property; they removed the guidelines, they put the wires up on North Plains Road and Route 5 and they have not been in on this property for any electrical uses since the 1960s. That constitutes abandonment in response to Mr. Knight's question. I say the day they took down the poles and drove home with their wires was a pretty good indication that it was an abandonment of that easement. If not then, when they re-strung the lines up on the new location, that would be another indication; when the P.U.C., itself, had determined that it had abandoned it, that is pretty conclusive that it had been abandoned. For those three reasons and none other, I claim that this has been extinguished by abandonment.

Atty. Farrell, Sr., stated, as to the aside that adverse possession might be another argument that could be advanced by Atty. Loughlin, the law is very clear that the Town is not subject to adverse

possession laws and the courts have consistently held that because of the vast amounts of lands that states, municipalities and other governmental units. It really could not be raised because the law is very clear on that.

Atty. Loughlin stated, I am not interested in adverse protection, I am talking about what the Town of Wallingford, itself, has done.

Mr. Zappala stated, there seems to be a strong disagreement of opinions and maybe as the Mayor suggested the attorneys should clarify their position. I can't see how we can establish a price to charge someone when the P.U.C. says that there should be no more additional fees. I think it should be tabled until this gets resolved within the Law Office and Atty. Loughlin's office.

Mr. Zandri asked, was there any other consideration for the sanitary sewer easement there?

Atty. Loughlin stated, it is a separate issue. I can assure you that Mr. Davis has made every indication that he intends to cooperate 100% with the Town. I don't want this on a quit pro quo basis. There is a right way to do things and there is a wrong way to do things. Mr. Davis wants to do the right way.

Mr. Zandri stated, the only reason I mentioned it was because I believe that the Sewer Division is looking to gain some additional easements with the sanitary sewer and it is almost like a swap type of scenario. It is very important to the argument here, this evening.

Atty. Loughlin replied, it does not alter the fact that Mr. Davis presented a case to the P.U.C. that made sense. We indicated to the P.U.C. that we would be 100% cooperative with them. The next thing we heard was, it was pulled off the consent agenda. We are not happy about that.

Mr. Zandri replied, I can understand your concern but the reason I am mentioning it here tonight is because we have something to gain here by this swap, if you will, of easements. I think it is very important to bring this forward this evening so everyone understands the whole picture. The whole picture here, the way I understood it that evening at the P.U.C. meeting was that they were willing to give this up regardless of the legalities to it and they, in turn, would like to get additional footage on the sanitary sewer easement. One hand washes the other so think about that as part of the whole decision-making process here.

Atty. Farrell, Sr., stated, after that meeting I did have Mr. Dann look into and he did investigate it and he decided that because of inland wetlands in the area, he really could not expand the easement so he decided that he was not going to seek a quit pro quo on that.

Mr. Zandri stated, again, the only reason I mentioned it was because during the meeting it was my understanding that he was interested in widening that easement.

Atty. Farrell Sr., stated, that is true and I did follow up on that with him.

Ms. Papale suggested that a procedure be adopted by the Council by which all the Councilors are alerted when an item is removed from the Consent Agenda. It is not fair to walk into a meeting on a Tuesday evening and find out about the matter last minute.

Mr. Farrell responded, for clarification, since I was the one who removed the item, I had received the agenda packet on a Wednesday evening and at 6:00 a.m. the next morning I called the Council office and let it be known that I wanted it to be removed. I did follow the procedure.

Ms. Papale stated, if you don't mind Kathy, (Town Council Secretary) when that happens it would be helpful to us if we were contacted.

Kathryn F. Zandri, Council Secretary responded, I will ask Mr. Parisi what he wants to do in the future. I did make him aware of it right away and then I don't know what he does with it at that point. He never informed me whether or not he was going to pull it (the item) or he wasn't going to so I assume that he lets everyone know or he discusses it with them. I will make sure in the future to ask him what he wants to do about it.

Ms. Papale stated, I guess that it should be our Chairman's decision.

Mr. Centner stated, I have a statement to make from my perspective of it and it is just a statement and it does not need any response from anybody. What it is for me is, in trying to follow this whole scenario, with an easement just because someone takes away the poles and all of that does not mean anything, especially when it is from the power company because all over town we are doing a lot of undergrounding of utilities and all. For me to sit back and listen, the mere fact that one method of transforming power has been removed, would not indicate to me a certainty of not needing that area to transmit electricity in another method.

Mr. Farrell stated, since I removed it from the Consent Agenda, maybe it is appropriate that I make the motion to table this. My feel is that the suggestion that was made that we get legal briefs on this is probably the most correct and least arrogant way of going about it. We can give both sides ample opportunity to state their case and us to digest it. I make that motion tonight.

Motion was made by Mr. Farrell to Table the Item, seconded by Mr. Centner.

VOTE TO TABLE: Parisi was absent; all ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Frank Wasilewski, 57 N. Orchard Street stated, according to the Charter the Department of Law has to come out with a report of all the cases that they handled and settlements that they have had during the past year and the report should be in by the 31st of December. Here it is in March and we have not....I haven't seen any of these reports yet.

Mr. Rys responded, we have received one. The Council has received one.

Mr. Centner stated, I got mine.

Mr. Wasilewski asked, when did you receive it?

Mr. Rys, Mr. Centner and Mr. Knight all responded, a while ago.

Mr. Rys stated, it is in my files at home.

Mr. Wasilewski asked, is that report out?

Atty. Farrell, Sr., answered, I remember it being prepared.

Mr. Wasilewski asked, is it out?

Atty. Farrell Sr., answered, it is my understanding that it is.

Mr. Wasilewski asked, I could go to the Law Department and get a copy of it?

Atty. Farrell Sr., answered, I would certainly think you could.

Mr. Wasilewski answered, thank you very much. I know one year they were pretty late; last year they were right on time. This year I have not heard of anything. I want to talk about the upcoming budget. How far in the budget have you gotten so far, Mayor?

Mayor Dickinson answered, we have not reviewed all of the departments yet but we are in the process.

Mr. Wasilewski asked, are you in the process of taking money out of the reserve and putting it in the budget?

Mayor Dickinson answered, no.

Mr. Wasilewski asked, you have done that before, haven't you?

Mayor Dickinson answered, as you know, that is part of the budget message as far as to what the recommendations are and at this point I have not formed any opinions.

Mr. Wasilewski asked, if you take money out of the reserve does that keep the tax rate down? What does it do to the budget?

Mayor Dickinson answered, the use of the reserves offsets new money that would have to be raised in taxes.

Mr. Wasilewski asked, you rarely ever use that money in the budget, do you?

Mayor Dickinson answered, I believe it is frequently used in the budget.

Mr. Wasilewski asked, in this past year you put \$3.4 million in the budget and you didn't use any of it, did you?

Mayor Dickinson answered, it is in the budget.

Mr. Wasilewski asked, does it have an account number?

Mayor Dickinson answered, it is indicated as revenue. It is a revenue item that avoids having to raise the taxes.

Mr. Wasilewski asked, if you did not put it in last year, how would that affect our tax rate?

Mayor Dickinson answered, you would have to raise that \$3.4 million in taxes in order to balance the budget.

Mr. Wasilewski stated, but when we got through with the year we had a \$5.1 million balance.

Mayor Dickinson answered, that is correct.

Mr. Wasilewski stated, that included the \$3.4 million that you put in.

Mayor Dickinson stated, but the revenues exceeded expenditures but the money, once appropriated, is in the budget. You have to reduce expenditures by the same amount if you were to remove it from the budget.

Mr. Wasilewski stated, I could see you putting that money in if you were to say that we were going to repair the roof on this building and we are going to pay for it out of this balance or surplus or whatever you want to call it where you don't have to borrow that money, I can see you doing that every year so that we don't have to borrow as much money every single year. But that does not happen, we still keep borrowing and borrowing. The reason I am bringing it up now, once you publish your budget you have a terrible chance of trying to change it. As long as you have been mayor, I have never seen that budget change. Whatever you present to the Council usually, that is it. That is the way it is. I hope we are not putting too much money from our reserve into the budget because if you were to take that money and invest it, you would be ahead of the game.

Mayor Dickinson replied, just so that you understand, in the existing budget, if \$3.4 million were not appropriated as revenue, taxes would be \$3.4 million higher.

Mr. Wasilewski answered, yes but at the end of the year you still have that money; you still have that money. You are taking it the first of the year and putting it in this hand and at the end of the year you are putting it in this hand. We don't seem to do anything with it.

Mayor Dickinson answered, if you had a year's experience in which revenues did not exceed expenditures you could end up with a deficit even using the reserves.

Mr. Wasilewski asked, did that ever happen?

Mayor Dickinson answered, fortunately, no. But that could happen, it has happened in other communities.

Mr. Wasilewski stated, I don't care about other communities. I just worry about Wallingford.

Mayor Dickinson answered, that is correct and that is why we look to use the best judgment and avoid deficits and have a sound financial situation which we have.

Reginald Knight, 21 Audette Drive stated, I think that apart from Mr. Farrell, very few of you (Councilors) have any legal training at all to judge this. I wouldn't touch it with a barge pole, I think the proper procedure would have been for Mr. Davis' lawyers to sit down and talk with the Town

lawyers and if they cannot thrash it out, take it to court and let a judge sort it out. I don't think the Council, with all due respect, has got the right to judge that situation. Secondly, I am concerned about an article in the paper by Mr. Gerry Powers (Bldg. and Grounds Supervisor) talking about the condition of Lyman Hall High School. The word "horrendous" comes into the situation and the cost of fixing it up running from \$7 million to \$15 million. I am perturbed about this because here we are being told we have a \$4.2 million surplus and buildings are not being maintained. It is like a motor car, if you change the oil and grease it, it will run a lot better than if you don't maintain it.

Apparently, to simplify the view for myself, these buildings have not been maintained and it makes the \$4.2 million look a little bit erroneous. We are saying that we have all of this in our pocket but the house is falling apart, it should have been maintained. I think the \$4.2 million is a phony number. Another situation I would like to remark on is the lottery the Electric Division is conducting where they are going to give \$100 back to the people. That sounds a little odd. I wonder if you have to have a license for this. Here you are overcharging customers and because of that you are going to run a lottery to give back \$100 to give back to specific customers. You are overcharging me when I don't want to be in a lottery. There must be a lot of people who don't. Why should we have to pay over the amount and then the Town run a lottery? I don't think that is fair or right. One other article in the newspaper that I would like to remark on is, both the Mayor and the Chairman have often asked that more citizens become aware and come up here and not be afraid to speak. That is fair enough and that is the way it should be. A local paper gave us the title of "grumpy old men". I would like to ask the Mayor, do you think that concerned senior citizens would be a better way of saying it rather than grumpy old men? After all we are septuagenarians, we do care about the community, we are unpaid and we come up here and politely put our point across.

Mayor Dickinson answered, I agree with you.

Reginald Knight stated, I appreciate that, thank you, Mr. Mayor. Most of the men have been in the armed service and I am sure that even some of them have shed blood for people to come up here to speak. They do speak intelligently and well, much better than I do and I think to call them a bunch of grumpy old men because they are concerned, I think the message should go out that if anyone has some question or point to bring to the Council, they should be encouraged to come up here.

Philip Wright, Sr., 160 Cedar Street stated, I was not offended by that (title). At the last Town Council meeting we were talking about the project to utilize the Wooding/Caplan property and a plan that was presented some time ago. I had mentioned that there was a property owner who had not been contacted. Mr. Knight and Mr. Farrell asked, "who is it?" and I told them it was Mr. Slaker. Mr. Farrell, you stated that this is not true; that you had spoken to.....that Mr. Slaker had been spoken to. I spoke to you after the meeting or aside from the public Q&A and I have been back to Mr. Slaker. Mr. Slaker assures me that I am correct; no one has ever in an official manner asked him how much money he wants or made an offer. I believe I was correct at that time and I would like.....if

you have any difference Mr. Farrell, speak up. But that is the way I understand from Steve (Slaker) and I talked to him on Monday morning.

Mr. Farrell responded, Mr. Slaker and I have had multiple conversations, his business is right across the street from mine. I know of his desire to sell his property to the Town. I guess I heard about it infinitum so when you say that no one has talked to him, people have talked to him.

Mr. Wright stated, people have talked to him like I have talked to him but no one with any official position has spoken to Mr. Slaker. I spoke to him just the other day. Be that as it may, that is my opinion of the situation. The other thing is, I drove around Simpson School the other day. Is there a way of in some way legally doing something about dereliction of duty, we ought to be taking that step. If one goes by there and sees how rusted it is, what a mess, the thing is falling down, it reminds me of Yalesville School that was let go to hell in a handbasket and we were going to spend \$100,000 to put a new roof on it and about the same time the School Building Expansion Committee was tearing it apart. The Town does not have a reasonably decent record of handling property and since you (Council) are the keepers of the keys on this, I believe you ought to be taking your responsibility seriously. I cannot believe that we....we have known for some period of time that Simpson School was going to be abandoned as soon as the Visiting Nurses got out of there. Why does it take 'til all of that is done before we start to make a move? When are we going to bring in the bulldozers? I wish it would be soon. I cry when I go over there and look at the mess. It is just dereliction of duty on somebody's part, either you the Council or the Mayor, whomever is assigned the responsibility for that. I wish you would take your responsibilities seriously.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he has read in the paper that Southington has had its funding for its linear trail cut back. Is it possible this will happen to Wallingford, he asked?

Mr. Centner stated, I am not aware of all the details surrounding Southington's trail, however, in terms of our funding, our funding that we have stated in the paper is secure. I have spent some time in Senator Lieberman's office the other day downloading more grants and I just received today a disk from the Senator's office on how to properly apply to secure more of the grants we downloaded. It looks pretty good for our trail. I am not aware of the scenario that is going on in Southington.

Mr. Melillo stated, I understand that there is a possibility that a golf course may be built on the Cooke Property we brought. Is this a possibility or at least a strong possibility?

Mr. Rys pointed out that the golf course will be a topic of discussion later on since it is an agenda item.

Mr. Melillo asked for an update on the status of Community Lake?

Mayor Dickinson stated that he was not aware of any new developments surrounding the issue. He believes the Town is waiting to hear back from the State with further information regarding the modeling of the river and heights of possible dams and the effects of potential flooding upstream.

Mr. Melillo suggested contacting our State Representatives and legislators to let them know there has been little movement on this issue. He stated that the name of Community Lake will have to be changed to Community Puddles which would be a more practical and fitting name.

With regards to the proposed generation site, has anything new developed in that situation?

Mr. Rys responded, no.

Mr. Melillo stated that he is interpreting the situation to be that any company, it does not have to be a utility, can make a proposal to build a generating plant on the site similar to Pennsylvania Power & Light's (PP&L) proposal because PP&L no longer has an exclusive contract to do so. Is that correct?, he asked.

Mr. Rys stated, I don't believe that is true. I think it was represented at the meeting we had that we are going to continue with PP&L.

Mr. Melillo stated, we did not finalize anything with them, legally. If you recall initially, they had a legal, exclusive contract for three months with the Town. That was about a year ago. That time has expired so legally, according to the information I have, I have not come across any news at all in the papers or on T.V. showing that legally, the Town has renewed an exclusive contract with PP&L. I have never come across it. Have any of you?

Mayor Dickinson stated, I think we are beyond the period that we have the exclusivity agreement; the terms of that agreement. But at this point, I don't believe that there is any reason for us to not continue to proceed with PP&L.

Mr. Melillo stated, legally, I am write in assuming that any other type of business can come in at any time and make the proposal, legally, to build a plant on the site. PP&L no longer has an exclusive contract with us for that site, do you agree, Mayor?

Mayor Dickinson answered, I believe another developer could make a proposal, yes.

Mr. Melillo asked if there were any new developments with regards to the Senior Center project?

Mr. Knight stated, the committee is working with the architects toward final design as authorized by the Council a few weeks ago.

Mayor Dickinson added, and we bought the additional property.

Mr. Knight pointed out that there is a display outside of Council Chambers in the hallway on the bulletin board which shows the proposed schematics. They (Senior Expansion Committee) is always looking for public comment.

Mr. Rys closed the Public Question and Answer Period at this time due to the fact that twenty (20) minutes had lapsed since the start of it.

ITEM #7 Discussion and Approve the Intention of the Town of Wallingford to Proceed with the Acquisition and Installation of Mobile Data System with Use of the Federal COPS More Technology Grant - Dept. Of Police Services

Motion was made by Mr. Knight, seconded by Mr. Centner.

Correspondence from Police Chief Douglas Dortenzio states that his agency has received a grant award in the amount of \$176,304. The grant was awarded to this agency through a competitive application process which began last spring for the acquisition and installation of a mobile data system which included as a feature, an automatic vehicle locator component. Such a system was to be the last phase of the currently funded police computer migration project. The project was estimated last year to cost \$235,072. The grant award covers seventy-five percent of the estimated expenses.

Mr. Centner stated, I did attend the workshop that you had and this seemed like an important component of it but at that time it was not affordable. I am very happy to see that we have the opportunity to secure this funding. How many vehicles will this program serve?

Chief Douglas Dortenzio answered, twenty-one.

Mr. Centner asked, what percentage of the entire vehicular force is that?

Chief Dortenzio answered, two-thirds.

Mr. Centner stated, great.

Mr. Zandri stated, since this grant does not cover the entire cost of the project, will the balance be requested through the budgetary process?

Chief Dortenzio answered, yes.

Mr. Rys asked, is this something that will be in the budget that is coming up?

Chief Dortenzio answered, yes. It is already included both on the revenue and expenditure sides of the budget.

Mr. Rys answered, very good. We are moving ahead.

Chief Dortenzio explained, there were only about four or five municipalities in the state that have received grant funding and we have gotten one of the largest awards, it was a competitive process.

VOTE: Parisi was absent; all ayes; motion duly carried.

ITEM #8 Approve One (1) Appointment/Re-Appointment to the Position of Regular Member on the Inland Wetlands Commission for a Term of Five (5) Years to Expire 3/1/2004

Motion was made by Ms. Papale to Re-Appoint Nicholas Kern to the Position, seconded by Mr. Zappala.

Ms. Papale stated, Mr. Kern has been a member of the Inland Wetlands Commission from the very beginning; serving in the past as Vice Chairman. I believe he really knows what is going on.

VOTE: Parisi was absent; all ayes; motion duly carried.

ITEM #9 Approve One (1) Appointment/Re-Appointment to the Position of Regular Member on the Zoning Board of Appeals for a Term of Five (5) Years to Expire 1/8/2004

Motion was made by Ms. Papale to Re-Appoint George Lane to the Position, seconded by Mr. Zappala.

Ms. Papale stated, we are all familiar with the name of George Lane who has served on the Zoning Board for many, many years and would like to continue to do so.

Mr. Farrell commented that he has had a chance to observe Mr. Lane in the capacity of Zoning Board member and he brings a lot of expertise both from many years on the ZBA and if I recall correctly, he was also on the Planning & Zoning Commission. That is pretty valuable experience and I very often seen that brought to bear in his work as a commissioner on the ZBA. I whole-heartedly endorse him.

Philip Wright, Sr., 160 Cedar Street asked, will Mr. Lane be sworn-in?

Mr. Rys replied, yes, after we vote.

Mr. Wright stated, I am glad to see that Mr. Lane is here. I wish that someone who is managing these appointments and re-appointments would notify the people who are going to be re-appointed that they should also come and be sworn in. The question was asked two weeks ago; I checked with one person who was re-appointed to the Ethics Committee and that person was told that he need not come (to the meeting). It seems to me that when we appoint people to the commissions and boards, it an honor and a duty and the people should show that they recognize that and they should come and be sworn in as Mr. Lane will be. I believe it cheapens it when people are told that it is not necessary that they come; it also cheapens it when we through mismanagement do not keep abreast of the vacancies and the need to re-appoint; a very simple management procedure. At the beginning of each year you have some assigned clerk in the Mayor's office go down the list and see how many people and when they are or have to be re-appointed and do it until waiting until the time comes as we did with the Ethics Committee; until the time comes that we are going to have them sit. I believe that people should come here and be sworn in as Mr. Lane will be. I endorse Mr. Lane's re-appointment.

Ms. Papale stated that due to a previously scheduled commitment, Mr. Kern could not be present this evening to be sworn in. He did say that he would have liked to be in attendance to be sworn in but he could not alter his schedule. He will be in to see the Town Clerk to be sworn in.

Mr. Rys stated, I believe that sometimes people exercise the option of not coming because they can be sworn in by the Town Clerk in her office.

Ms. Papale stated, I can only speak for the Democratic Town Committee in saying that every candidate that is endorsed by the party is made aware of the time of the meeting at which they will be appointed. They all try to make it but sometimes they just can't.

VOTE: Parisi was absent; all ayes; motion duly carried.

At this time Rosemary Rascati, Town Clerk performed the Swearing-In Ceremony for Mr. Lane.

(Applause)

ITEM #10 Report Out on the Status of the Town-Owned American Legion Building as Requested by Councilor Geno J. Zandri, Jr.

Mr. Zandri stated that he put the item on the agenda because a few weeks back at one of our meetings Wes Lube had questioned the status of the building and the R.F.P. (request for proposals) for leasing that facility. As of this past Tuesday, to my knowledge, there was nothing done to that date as far as soliciting the R.F.Ps on this building. He asked the Mayor, has anything been done to date?

Mayor Dickinson replied, yes, I believe the request for proposal, for bids is out; it has been published I believe and due back some time in April.

Mr. Zandri asked, do you have any idea when that was done?

Mayor Dickinson answered, I don't have the date.

Mr. Zandri stated, it must have had to be done recently because as of last Tuesday, nothing was done so I am assuming that it was recently.

Mayor Dickinson responded, then you know more about it than I do then.

Mr. Zandri asked, about three months back, I had Henry McCully (Director of Public Works) meet me and we did a tour of that building and the inside of the building was a mess as far as debris, furniture strewn about; there were a couple of walls that were knocked down inside there; do you know if anything has been done to clean up the inside of that facility?

Mayor Dickinson answered, I don't believe the Town has spent time or effort in dealing with the building. As you know several years ago we had a proposal to renovate/utilize the building that was presented. It was not approved and nothing has transpired with regards to the building since. Our intention never was to spend money on the building. We purchased the property for the real estate and we have made it pretty clear that my position is that the Town should not spend money on that building.

Mr. Zandri replied, actually the condition of the inside of the building is really in bad shape as far as cleanliness and if we are going to be going out for R.F.P.s for someone to put a bid in on it for the use of the building, I would think that we would at least want to put it in some sort of condition that is semi-appealing to a proposed renter who may be interested in it.

Mayor Dickinson replied, I can speak with Mr. McCully. I don't think there is a dangerous condition but I think a dangerous condition would be one that we would want to address. Otherwise, the building will need significant work on the interior and whatever party is interested in doing that will create a mess in the process of just renovating so I would not want to see us spend a lot of time and effort in cleaning up just so that it becomes another mess as a renovation occurs.

Mr. Zandri stated, I don't know if you have been inside that building or not, Mayor, but my recommendation would be to take a look at it. I think it is in no condition to have anybody even walk in there to look at it for possible use. It is in terrible shape and I don't know how we can even think about putting it out in this condition when people I am assuming are going to go in there and inspect this to see what they are going to be able to do to give us a decent request for proposal. The least that we can do is housecleaning; I am not talking about renovations. We should at least put it in a presentable state.

Mayor Dickinson answered, I will speak to Mr. McCully but I think that the earlier proposal was that they were going to spend between \$20,000-\$30,000 in fixing up the interior. Significant money has to be spent on the interior and I think anyone undertaking that as a project will clearly understand that the work must be done by them.

Mr. Zandri responded, again, I am not talking about any renovations, I am talking about housekeeping; you have to see it to believe it; believe me. The main reason for putting this item on was that I wanted to make sure that we are moving forward with this but I also thought it noteworthy to mention the condition of that building.

Mr. Rys asked the Mayor if he would speak to Mr. McCully to see if there is something that we can do about the situation?

Mayor Dickinson replied, yes, if it is a condition that prevents someone from being able to see the interior then certainly that should be alleviated but anyone who takes on that project will be well aware that they will have to do a lot of work in order to make it useable.

Philip Wright, Sr., 160 Cedar Street stated that the bid notice was in the paper today but the bid package is not available. I called the Purchasing Department today and the bid package is not available yet. Three and one-half years ago was the first time that someone made some sort of feeble attempt to do something with this building and it didn't fly. But for three and one-half years it sat there and has deteriorated to some degree since that time. That, too, is unconscionable. It is like the Wooding/Caplan property; we bought that in 1991, spent \$1.5 million to buy it, and we have spent ninety or one hundred thousand dollars leveling old buildings and cleaning it up and the information I get from the street is that the project that was proposed some number of months ago will not fly. I

think you Councilmembers, it is incumbent upon you to find out when you are going to get a yes or no on that and if that is a no, then let's get it out there again. We just sit and do nothing and properties deteriorate day by day.

Wes Lube, 15 Montowese Trail thanked Mr. Zandri for putting the item on the agenda. The conversation so far has me bewildered. I guess it has been five months now since the Council has made the decision to rent the property and I don't understand the focus. The Mayor seems to be focused on the land and as far as the building is concerned, it is immaterial. But at some point didn't the Council decide that if we are going to retain the building we should rent it and use it to produce income? Am I correct in that? Why are we renting it? Why does this come up five months ago? Who proposed it and what is it all about?

Mayor Dickinson answered, I think there has been certainly not unanimous opinion on the Council although the prevailing view has been that the Town purchased the property for the real estate, not to fix up another building and have another responsibility. Thus, far, there was an effort in the interim to have someone utilize the property. That did not work out and it again exhibited some disagreements amongst people who were sitting at that time over what is the proper course for the building but the Town never purchased that property in order to own another building. The property was purchased in order to allow the possible use of that property for this Town Hall should it be needed some time in the future. That property was purchased and the Lacey property was purchased in order to square off this position on this corner for Town Hall purposes. I have never heard anyone on the Council voice the position that we wanted to create another office building with separate phone systems, separate copiers, separate this and separate that for Town Hall use. If a private party wants to fix it up and use it, that is what we have inquired about and it has been talked about. I never heard anyone say the Town Hall, town government, should fix that building up and use it for another center of government activity.

Mr. Lube stated, I don't mean in any way to imply that I was talking about a Town Hall annex. We have one of the largest town halls in southern Connecticut. What I am referring to is that the land and building were originally purchased for the land for a parking lot and didn't we intend, at that time to demolish the building for a parking lot.

Mr. Rys answered, that is correct.

Mr. Lube asked, are you still intending to do that?

Mayor Dickinson answered, there are plans for the parking lot but there are no plans to tear down the building.

Mr. Lube asked, the parking lot will be in conjunction with the building remaining on the property?

Mayor Dickinson answered, right. The building will remain on the property and the parking lot is approved for the rear. One thing I said is that I did not hear anyone proposing it being fixed up for government use; I believe Mr. Zandri mentioned to use the building for Civil Preparedness which should be moved from the location on Silk Street.

Mr. Lube stated, we have purchased the property for parking purposes and we have also decided, in conjunction with that, that it will not be necessary to tear down the building to provide the parking that we are seeking. We are going to leave the building up and if we are not going to tear it down we are going to either sell the building, that portion of the lot, or we are going to retain it for rental purposes. If you are, and that seemed to be the direction in which you were going, as a landlord, you do have certain responsibilities that the Mayor is not recognizing. You have the responsibility of ownership and whether you have a tenant or not, unless you come up with net, net, net, net, lease, you are going to have to do the function of a landlord. One of the functions of any landlord, in attempting to market a property, be it for sale or rent, is to present it in a desirable condition. Someone has to want to be in that building. I don't think that we are using a very sophisticated approach to the marketing of it. Three months ago, after your decision was only two months old, I approached the Purchasing Department. At that time the head of the department said to me, "the bid proposal is almost finished." That was three months ago. Now we have an ad in the paper that Mr. Wright has explored and found out that the proposal is still not available. Why? After five months, this your (Council's) responsibility even though you say that you have turned it over to other people, you (Council) have to follow up on these things. Why, after five months are your wishes not being carried out? Something is wrong. Somebody is hiding something. Are you all speechless? It is your job.

Mr. Rys stated, no, we gave that to the administration.

Mayor Dickinson stated, you are offering a conclusion that something is wrong. The presentation that the.....

Mr. Lube asked, what else are we to think, Mayor?

Mayor Dickinson stated, we can check with Purchasing tomorrow. My information is that the bid package is there, it has been in the paper. I don't know what question was asked of them. My information is that it has been published so I am not willing to accept exactly what is stated here, tonight, until I talk with Purchasing but my information is that it was published which would mean that a copy is available.

Mr. Lube stated, I will check with them again, tomorrow. Thank you.

Pasquale Melillo, 15 Haller Place, Yalesville stated, the building could be either leased or sold, am I correct? The party would have the option....

Mr. Rys replied, no, no, no, no sold. Leased.

Mr. Melillo asked, just leased?

Mr. Rys answered, that is correct.

Mr. Melillo asked, what kind of rights would the person leasing the building have with regards to parking for themselves or the building?

Mr. Rys stated, they would have to abide by the Zoning regulations as to how many parking spaces are necessary for the type of business that they are going to operate. I would guess that it would have to be looked at as to what type of business they would be operating. It could be a business that does not generate traffic. We have to wait and see what the bids come in at.

Mr. Melillo stated, the smart thing to do is to clean it up as much as you can. People go by looks quite a bit, I don't have to tell you that. It does not cost much money to clean it up; the smart thing to do is clean up that building as much as you can.

Mr. Rys stated, I agree with you.

Philip Wright, Sr., 160 Cedar Street stated, it is my understanding that we can't tear that building down. Without a special dispensation or something? Is that correct, Mr. Farrell?

Mr. Rys answered, that is correct.

Mr. Farrell stated, I am not going to get involved in these conversations. If you want to determine that we can't tear it down, I guess you will have to go get a legal opinion to that effect.

Mr. Wright stated, It is my understanding that the building is in what ever district we have and you cannot tear it down without going through some legal procedure so it is going to be there. If we either let it fall down or maintain it.

ITEM #11 Discussion and Possible Action on the Status of Town-Owned Land in Durham as Requested by Council Thomas Zappala

Mr. Zappala stated, this will probably be the last time I put this item on the agenda. Unfortunately, when it was discussed last by the Council back in November, I was unable to be part of that discussion due to an illness in the family. I don't fully agree with the decision that was made at that time. Since maybe I was the instigator with the land in Durham about six years ago, I felt that every time someone got up to say something about it, I should have been here to respond, but I was unable to. I don't fully agree with the action this Council took with regards to selling the land to Durham. It gave Durham the chance to stall the option to purchase it for whatever appraisal was made. I feel that whatever the appraiser came up with for a figure, it does not necessarily mean that the buyer should be paying that money. I recall that we did pay more for Mr. Cooke's property because we wanted to buy it for what it was appraised at. I feel that if we market the land in Durham, which I think we should; marketing by means of putting a for sale sign on the property or give it to a realtor so that it can be marketed, then give Durham the first option that they deserve to either buy it or refuse it. How do we really know how much that land is worth unless we put it on the market? To wait for Durham to make up their mind as far as purchasing it, I don't feel that they don't deserve it because, as a town, it is a good gesture on our part to give them the option, mainly because it is a state law. But I don't see where Durham has been so appreciative of what Wallingford has done. We have been paying taxes on that land since 1966 and Durham has never said, "Wallingford, don't pay any taxes because you have provided us with open space". I don't see why, now, we should wait for them to make up their minds to purchase the land. I think it is going to be three years in August since we decided to sell this land and I know that we have to do it by a process and I think we have done it by process, Mr. Mayor. It is now time to put this land up for sale, get the best price we could possibly get out of it and then ask Durham if they want to buy it or not. I don't think we should be waiting any longer for Durham to make up their minds as to whether they want to buy it or not. It is our duty to the taxpayers of Wallingford to put it on the market, see what the value is, regardless what the appraisal comes in at, then we know what the taxpayers of Wallingford deserve.

Mr. Farrell commented, one of the things that has come out of our own search for open space is that it does take municipalities, we have learned in our own case, an incredible amount of time to move forward. We have learned of certain parcels of land that the Town of Wallingford is interested in that in some cases we have been pursuing for twenty years or more. I appreciate what Mr. Zappala is saying, that I don't think we should let them drag their feet. I am not necessarily of the opinion that they are dragging their feet; that we know, especially if you want to use state funds which is my understanding that they want to use for the purchase, that it is not the fastest track process you could have. I am not sure that I quite want to shove a fellow abutting municipality out on that kind of ledge, especially when there is a benefit to Wallingford in having that kind of open space. Yes, it is not in Wallingford, itself, but it directly abuts our town, a lot of our watershed area that I don't know that I want to risk going down that road of putting it out to a realtor because I don't ultimately want to see homes there anymore than anyone in Wallingford or Durham would. I appreciate your sentiments but it is not something that I feel I can support.

Mr. Zappala responded, as I said before, I was unable to be here when the discussion occurred at an earlier date and I do understand what Mr. Farrell is saying. I hope that Durham would purchase the land, there is no question about that but what I am trying to say is, how do we really know how much that land is worth unless we put it on the market? We know that the land is no hazard to our reservoir although we don't want anything to be built on it because it has been released by the Water Division. I have a letter from Roger Dann, General Manager of the Water Division, which states that there is no hazard to our reservoir; there is nothing that we have to be worrying about no matter how that piece of land is transformed. That fear of worrying about what goes on that land should be a concern of ours. We would love to see Durham buy the land but I don't think we should bend over backwards to say, "here, Durham, please buy this land." I say, let's get the best price we possibly can and then ask Durham if they are willing to pay it. We owe it to the taxpayers of Wallingford.

Mr. Zandri asked, do we have a firm, definite commitment from Durham that they are going to purchase this land regardless of the funds coming from the state or not?

Mr. Knight stated, I think the party that can answer that (Mayor) is not in the room at the time.

Mr. Zandri stated, that is important to me because to me, I think that Durham should make a commitment to the Town one way or the other. Obviously, I realize that they would like to get state funding to help them purchase the land, but just like we, in Wallingford, have gone out to bonding to purchasing open space for our community, I think that they should commit themselves one way or another if they are even interested or not. If they can't get state funding, then let them bond it but we should not be waiting months and months and months and then if this should fall through from the State of Connecticut, we are going to be here looking for someone to buy it. They should commit to us and it should not take all this time as a community to make this decision. That decision could be made at their next Council meeting or Selectman's Meeting or what ever form of government they have over there. I don't think that we should be waiting in the sidelines here, for the State to say yes or no. If they want the land, they have two choices; they can get state money or they can bond it but they should make a commitment to us now on whether they are going to purchase it or not.

Mr. Knight stated, I wouldn't disagree with you on that score but I would like to add that we did make representation a few months ago that we had an interest in selling that property to that community.

Mr. Zandri responded, I am not arguing that.

Mr. Knight continued, to pull the plug on them is something that we would not want done to us either.

Mr. Zandri replied, I agree and I am not saying to pull the plug. I think they owe it to us to make a firm commitment that, yes, we have voted on it, we are going to purchase the land and all we are waiting for is, how are we going to fund it. It is going to be funded in either of two ways; either by the state application or if that falls through we will go to bonding but we are committed, in writing, that we are going to purchase the land.

Mr. Rys stated, I think right now what we are doing is debating something that we don't really have a concrete answer on so why don't we wait for the Mayor to get here and ask him.

Mr. Farrell stated, the Mayor is not here therefore my suggestion would be that we try to look at how we can try to lock them into some type of contract. Obviously, contracts sometimes have contingencies to them and they probably want to negotiate some into this but I would think that maybe we could move the process along slightly by asking for that type of contract that goes beyond just an oral promise which, to my knowledge, is what we have at this point.

Mr. Zandri stated, I totally agree with Mr. Farrell, I think we need a written contract with them, something to firm this deal up. We should not be waiting on the sidelines here.

Mr. Rys stated, it was mentioned by Mr. Zappala about the taxes that we pay to Durham. It amounts to about \$21,000 for thirty years, if you take an average of \$700 per year. I don't think that is a very significant argument in this but I think that the argument that has come out here on the table about getting a commitment from Durham is definitely a positive for this Council to do. As soon as the Mayor gets back perhaps we can get an answer from him on that. I am not in any rush in selling open space, I don't care if it is in Durham or Middletown or Middlefield, if we own it, I am not in a big rush right now. If we were paying \$100,000 a year in taxes, I could see that we may be overlooking the public but this has gone on for a while and \$21,000.....I believe the property has appreciated a lot more than that. I just don't want to see development on that property; it is a beautiful piece of property and I certainly hope that we can secure some kind of action with Durham so that they can purchase it.

Mr. Zappala stated, \$1.00 a year (for taxes) is too much. That is my feeling. It is not the amount of money that we pay, it is the principle involved. I feel that open space belongs in Wallingford and the taxpayers of Wallingford should have it and not Durham. The only reason I am saying this, and I am not bitter by any means, but I did not get any participation from Durham when I was trying to put a golf course out there on the land. They did nothing to help us in the cause so why should we now do anything to help their concern? How can you ask them if they want to buy it if we don't know what the price is? How can you come up with a price unless you put it on the market?

Mr. Rys answered, the appraisal figures would be the amount...

Mr. Zappala stated, the appraisal is not enough. We had an appraisal made on the Cooke Property and we paid \$280,000 more if I am not mistaken. What does that mean? Does that mean that they have to by what ever the appraisal is? Why don't we put it on the market before we know how much we have to ask for it?

Mr. Rys replied, my main purpose is that I would like to see that stay as open space even if it isn't in Wallingford. If you put it out there I bet you will get some developer out there who will offer hundreds of thousands of dollars more.

Ms. Papale stated, but if we put it for sale, we get an idea of what people are willing to spend in that area. We would still give Durham the priority to purchase it for that amount of money. Nobody is looking to sell it to developers, believe me.

Mr. Rys stated, it is just a matter of opinion, I guess.

Robert Sheehan, 11 Cooper Avenue asked, we are not selling all of that property to Durham anyway are we? We are only selling about 158 acres and we are going to keep 70-80 acres ourselves.

Mr. Rys stated, to protect our watershed area.

Mr. Sheehan stated, I said this four or five months ago; we brought land on one side of the hill for \$16,500 (an acre) and we got our land appraised on the other side of the hill for \$5,000 an acre. A \$5,000 an acre, you would have every developer in the country out there looking for it and there is no way that any appraiser is going to justify that the land is only worth \$5,000 an acre; I don't care who buys it, I don't care what we paid in taxes on it in thirty years, I don't even care what we paid for it thirty years ago. My parents bought a house forty-seven years ago for \$10,000. That house today sells for \$130,000 - \$139,000. That is a hell of an appreciation. There is one thing about land, they aren't making any more of it. The idea is, why not? It does not hurt to get what somebody will pay. All it takes is your time. We have sat on it for thirty years, we can sit on it for another month or two while Durham makes up their mind. I like the idea that you should get something in writing from them if they are committed to buying it, fine, we sell it for the \$780,000 or what it is appraised at. That is 158 acres at \$5,000 an acre. If you don't know these figures, I suggest that you take a five minute recess.....

Mr. Rys referred the questions asked previously by Mr. Zandri and others to the Mayor. He asked, have we gotten a firm commitment at all from Durham? Whether or not they plan to purchase this property if they do not secure state funding? Can we have an agreement that they will try to pursue

funding whether it is through taxation or what ever it is? Can we try and get a commitment from them on this property?

Mr. Zandri stated, I felt that we should get a commitment in writing that they are going to purchase this property regardless of whether state funding is available to them or not. If they want the open space, they have a choice of either getting state aid or bond it but we should get a commitment in writing that they are going to purchase this, regardless.

Mayor Dickinson replied, certainly we can seek to obtain that. I doubt that they would be in a position to commit in that way until they have an appraisal. They have expressed interest in purchasing the property and they wanted their own appraisal, which they are in the process of getting, as far as I understand. They have a different form of government, it is a town meeting form of government which functions differently then we do. The first selectman indicated an interest on the part of Durham to purchase the property. I think they want to know what their appraisal shows and, at that point, we certainly could ask them for a commitment regardless of whether the state grant comes through for them or not.

Mr. Zandri stated, we definitely should get a commitment from them and I would put a timetable on that because we should figure out how long it would take them to get a normal appraisal done whether it is six weeks or two months or what ever it happens to be and put a time limit on when we expect an answer from them. We tell them that we want, in writing, a firm commitment from their community regardless of funding, whether they will purchase the land or not otherwise we are sitting here on the sidelines not knowing what direction we are going to take without having a commitment on this property.

Mayor Dickinson stated, I will look to speak with the first selectman and find out where they stand on it and try to get a firm idea as to when they will have the appraisal and see what the situation is. I also do have some of the same feelings as expressed by Councilman Farrell to the effect that we are dealing with another municipality and whereas I don't think that we should abandon any of our rights, we should be sensitive to the difficulties that a governmental unit has in purchasing property. If there is a way of having their municipal purposes met and ours, too, I think it is in both of our interests to proceed in that direction. If that is impossible, if they don't agree with our appraisal or some other elements come into conflict, then you know that we have done the best we can and that is all we can do. Let me find out if we can get a firm date on when they will have an appraisal and a surer idea as their intentions.

Mr. Rys asked, do you think you can accomplish that before our next meeting?

Mayor Dickinson answered, I believe so.

Mr. Knight stated, this Council months ago, several months ago, indicated that it wanted to cooperate with the Town of Durham and that it would enter into an agreement to sell them the property for the appraised value that we determined and I would expect that, at this point, that they would also take that into account.

Mayor Dickinson replied, I will remind the first selectman of that.

Mr. Farrell stated, I concur with Mr. Knight. Wallingford and Durham have been dating, if you will, for a while. We somewhat need to know what their intentions are and where the light at the end of the tunnel is. I don't want to rush it too much but we don't want the taxpayers to think that we are being let on.

Mayor Dickinson replied, so we are dating and you want to know if they want to go to the big dance, is that it?

Mr. Farrell responded, something like that Mayor.

Mr. Sheehan stated, I want to confirm that our appraisal for that property over there was \$5,000 an acre for 158 acres, was that the amount?

Mayor Dickinson did not recall the exact amount per acre but it was 158 acres.

Mr. Sheehan added, it was something like \$780,000 which comes out to about \$5,000 an acre. I was saying before, \$5,000 an acre for land is a steal and if they think that they are going to get an appraiser to appraise it less than \$5,000 an acre, wow, I want to meet that guy.

Steve Holmes, 159 Parker Farms Road stated, when you are dealing with municipal property, I think, although you try to accommodate Durham, you have to look at the fact that it is municipal property and the responsibility you have should be to try and get the highest price possible. We don't get any sweetheart deals when we look to purchase land and I think we should try to say, "O.K. Durham, you have a specific amount of days to try to respond. If not, we are going to put it on the market and proceed that way." But if you want to sit on it for two or three years while they try and get their act together, I think we should try to maximize the profitability of that piece of property. Yes, open space is nice but if we sell it, it is up to Durham to regulate what goes on there.

Wes Lube, 15 Montowese Trail stated, Councilman Farrell mentioned that towns tend to move exceedingly slowly as does our own. This is true but if we were in Durham's shoes, the first thing we would do is try and determine if there was, in fact, state aid available for the purchase of the property.

As of two days ago, after some five months had elapsed, David Stygar says that he has received nothing but telephone calls from Durham. No one has written to him requesting approval of a grant to enable them to purchase. I would also like to bring you back to the point of my reporting to you having attended a selectman's meeting that there were a large interest amongst the citizenry of the town to buy the property but they are of three divergent opinions; one group wanted it to remain status quo, open space, strictly untouched; another group wants to have intensive development, tennis courts, softball fields, basketball courts, nine hole golf course, the whole works, which would be contrary to a deed restriction on the property which says that it must only be used for residential purposes. There is a lot of conflict within the town and whether or not they are ever going to be able to solve this and whether the selectmen are ever going to have the backbone to say, this is the direction we are going to go in, knowing that two-thirds of the town is going to be annoyed by it is something else that only a politician can answer. Right now, they have said nothing more that they would like to explore the subject. No one has said, "we will buy it, with or without assistance." There has been no indication of that and we are patiently sitting by waiting for them in hopes that they might turn around and do it. Councilman Rys said that he doesn't care if we ever sell; I think we ought to bear in mind the attitude of the Council when the sale of this land was proposed, it was to be applied to the purchase of the Cooke property which has already been consummated and one of the prerequisites of doing this is that a transfer of the grant to buy the Durham property, if it were to be applied to the Wallingford Cooke property, it is not supposed to be applied to existing town-owned open space. In effect, we would be doing that because we already closed on the Cooke property but they (state) are willing to do it within a reasonable period of time and assume that the two deals go together. If we wait an interminable length of time as the Council Chairman is proposing, we are going to lose that. They are just not going to do it in ad finitum down the road. It has to be done in a fairly timely fashion. The Mayor mentioned the fact that a month ago, two meetings ago, that the Town of Durham was waiting an appraisal. That was three or four months after this had been thrown at them and I will tell you, having been in the business, an appraisal on land takes ten days, it does not take three months, four months, five months. This is no longer a rational excuse for the time that has elapsed. Councilor Zappala and Mr. Sheehan both have mentioned value, what we paid on this side of the hill and what we are asking on the other side of the hill. I wonder if anyone stopped to think that just a couple of meetings ago, all of the Councilman voted to approve spending \$463,000 per acre for a parking lot. Did you realize that we did that? \$463,000.00; \$463,833.00 per acre for a parking lot. You purchased 43 Silk Street for \$230,000. It is 21,600 sq. ft. of land and that is all you are going to have when you get through paying the title insurance and the closing attorneys and you get through with relocating the people and demolishing the building, you are going to have 21,600 sq. ft. of parking lot for which you paid \$230,000. If you extrapolate that on a per acre basis, that is \$463,000. I am pointing out that you pay for location and the need and you wanted it badly enough to pay that premium for that parking lot land. If you want to develop in Wallingford, we have a proven demand for that land on the Cooke property because of what has happened to the adjacent properties, it is there, it is real value. Over in Durham, there is not the type of growth impact that we

have in our town and the price of \$5,000 per acre may or may not be the correct price but I am sure it is a lot less in value than the Wallingford land. That is my only point. If you decide that you want to put it on the market, Dave Stygar said.....and although qualified on this topic, Mr. Stygar is not an attorney, his opinion is not something that you can say is the law of the land; Mr. Stygar said, it would seem imprudent to sell that land to a residential developer without first transferring the present encumbrances on that land to the Cooke property because a developer cannot develop that land which now has an encumbrance on it in perpetuity. That was a condition of the federal and state grants. If you do decide that you want to sell it to a residential developer you should first apply to have the encumbrances converted to the Cooke property and secondly, you have to set a price. You cannot call up a realtor and say, "bring me an offer", you have to tell the realtor what you are asking for the property. Neither of those steps have been done yet. David Stygar said, not only has he received no request from Durham for aid in buying the property, he has received no request from Wallingford to convert the encumbrances to the Cooke property.

Mr. Rys asked, was that originally part of the deal with the Cooke property, that we were going to transfer the encumbrances.....what Mr. Lubeer was just saying. I don't think that was part of it, no.

Mayor Dickinson replied, it was a part of the purchase if we were going to sell the Durham property, we would look to apply the proceeds against one of the pieces of the Cooke purchase, not all three.

Mr. Rys stated, O.K. That would kill the golf course.

Mayor Dickinson continued, you have got to have the information in place to be able to make the application.

Reginald Knight, 21 Audette Drive stated, I noticed in the paper the other day that Southington cannot get the money to go along with its linear trail because the state is cutting back to one-third the amount of money that they are granting for open land. I don't know if any of you noticed that. Durham would be in the same position if they were to acquire that for open land. Does this land straddle the Wallingford/Durham line?

Mayor Dickinson replied, yes it does. I believe the piece we are selling does not bound directly on the Town of Wallingford line. I believe that some of the property that we still own goes over the actual boundary so all of the property is in the Town of Durham. We are not selling property in the Town of Wallingford to the Town of Durham.

Reginald Knight asked, does the majority of land, the largest part, straddle into Wallingford across the line?

Mayor Dickinson responded, we are not selling any property that is inside the Town of Wallingford to the Town of Durham.

Reginald Knight asked once again, I am saying that the piece of land that we are talking about, does it straddle across the line?

Mayor Dickinson answered, if by straddle you mean that part of it is in Durham and part of it is in Wallingford, that is what I indicated. None of the land that we are selling to my knowledge is inside the Town of Wallingford. None of it.

Reginald Knight asked, how far is it from the town line, sir?

Mayor Dickinson answered, it is not very far, it is just over the line.

Reginald Knight asked, can you give me an idea; 100 yards, one-half a mile.....does anyone have any idea?

Mr. Zappala stated, we have hundreds of acres of land in Durham. This land that we are talking about is a large piece of land that was purchased in 1966, it is called the Fitzgerald property. It is 158 acres of land which is the end of the property that we own. Originally, the Water Division gave the Golf Committee over 200 acres to be used for a golf course. When it was finally decided that the golf course was not to be built in Durham, the Water Division extracted fifty some-odd acres that was close to our property line. There is 158 acres which are the last pieces of land in Durham. Everything is in Durham. From our property line it is at least a mile.

Reginald Knight stated, that is the answer I was looking for. I thought, if it is 100 yards or so, why not buy the strip and have it connected and move the Town line. It is as simple as that. But I guess things don't turn out that simple. If it is a mile, you are not going to buy that section. That is why I asked if it straddled the line or not.

Mayor Dickinson stated, the Town of Wallingford owns all of the contiguous property. We own the property all the way to the Fitzgerald property. There is no gap in there where someone else owns the property. We own it straight through. We cannot change the town line because that would take much more than the Town of Wallingford buying property.

Reginald Knight asked, if Wallingford owns all the way up to this property, why doesn't the town line follow to it?

Mayor Dickinson answered, because a municipality can own property inside of another municipality. The Town boundaries were established by the state many, many years ago. To change a town boundary I believe it would take an act of the General Assembly.

Reginald Knight replied, give it a shot.

Pasquale Melillo, 15 Haller Place, Yalesville stated, I am amazed that there aren't more people here, in this room, that are thinking like Mr. Zappala. More and more people should be thinking like Mr. Zappala because he is going to the heart of the matter, he is emphasizing the main points of the situation. What he is saying is, let's have competition here. Competition seems to be a word or concept that too many people in town government don't like to relate to or hear for different reasons. You know as well as I do, without competition, how are you going to get the best price for this property? The mindset here seems to be, let's wait for Durham on this and let's wait for Durham on that. Would anyone up there offer your property for sale to just one buyer and eliminate all other prospective buyers? No way. Who is calling the shots on this, Durham or Wallingford? Who really owns the property, Durham or Wallingford? I am wondering more and more, legally, who owns the Town. How does it figure that we can't get much more than \$5,000 an acre?

Mr. Knight replied, Mr. Lube explained that pretty carefully. It depends somewhat on the demand in each locality.

Mr. Melillo asked the Mayor, through the Chairman, are we legally obligated to Durham in any way for them to have, what seems to me, the exclusive right to buy this land? Have they got exclusive legal rights to buy this land?

Mayor Dickinson answered, I don't believe they are exclusive legal rights, no.

Mr. Melillo stated, that means that we can put this property on the market like Tom Zappala suggested.

Mr. Zappala stated, they (Durham) has the right to first refusal.

Mayor Dickinson replied, I am not aware of that.

Mr. Zappala added, it is given to them by the state. Legally, under the state's rules, Durham has the legal right to first refusal on the property.

Mayor Dickinson stated, I am not aware of that as being a legal right. Maybe the state looks to allow another municipality, but that would be the state process as part of their grant process. It is not really a legal right that attaches to the property.

Mr. Melillo stated, given that, we could put this property on the market right now if we wanted to.

Mayor Dickinson answered, yes, you are correct. We can look to avoid any kind of dealings with Durham but, in my opinion, we have municipalities that bound us on all borders and I think it is incumbent upon us to show courtesy and respect for the policies and plans and projects for other municipalities in the same measure that we would like them to accord us. The effort of governments to cooperate with one another helps in the providing of priorities and programs that serve all citizens. I do believe we should treat them as a municipality in the same way that we would like to be treated if the roles were reversed.

Mr. Melillo pointed out that there is no way we would know that they would do the same thing for us, you have to admit that.

Mayor Dickinson replied, no, they might treat us very poorly and there may be those who would feel that there is no way to know what they would do so let's treat them poorly first. I don't think that is a proper approach.

Mr. Melillo stated, it is one thing to respect them. It is another to get carried away with over-respect. We are going too far, in my opinion, as far as respect is concerned.

Mayor Dickinson stated, I believe you must be referring to the appraisal. The appraisal we received is a bona fide appraisal. We have utilized the services of that individual for other purchases, there is no reason for me to believe that that appraisal is wrong in some substantial way. The requirements of the state are that an appraisal be obtained. I believe that we rely upon appraisals in purchasing property then we can't go far wrong if we rely upon an appraisal in the sale of property.

Mr. Melillo agreed with Mr. Zappala, the land should be put on the real estate market. Why don't we put it on the market?

Mr. Rys responded, because the Council authorized the Mayor to negotiate with Durham; it's simple. We are still dealing with Durham. At any time if any Councilor wishes to make a motion and go the other way, they have the right to do that. We can debate this and debate this but the fact of the matter is, we have already authorized the Mayor to negotiate with Durham. Until something else is brought up, or Durham rejects, we can't do nothing.

Mr. Melillo urged one of the Town Councilors to make a motion to put the property on the market.

Mr. Zappala stated, since this Council has committed to deal with Durham and the appraised value, by all means, I don't agree with it but that is me. At this point I would like to table this item until next meeting. In the meantime, I hope that the Mayor has an answer for us from Durham to see where they stand plus maybe a feel for whether or not the appraisal was done correctly or not. I would like to table it at this time.

Motion was made by Mr. Zappala to Table This Item, seconded by Ms. Papale.

VOTE TO TABLE: Parisi was absent; all others, aye; motion duly carried.

ITEM #12 Consider and Approve Waiving the Bidding Process to Hire the National Golf Foundation to Perform a Feasibility Study on the Cooke Properties and Town-owned Property in the Tyler Mill and Woodhouse Road Areas for Their Potential Use as a Golf Course at a Cost Not to Exceed \$20,000. As Requested by Councilor Thomas Zappala.

Motion was made by Mr. Knight, seconded by Ms. Papale.

Mr. Zappala stated, I had a meeting with the Golf Committee at which we discussed the wishes of this Council. Chairman Parisi was in attendance at that meeting. We also had a meeting with the Water Division and Town Engineer at which we reviewed the properties in question. After reviewing the Tyler Mill Road locations, we decided the George Cooke properties that were recently purchased by the Town would be a more appropriate subject of a golf course feasibility study. I met with the Town Engineer and an architectural planner, Mr. Sullivan, who was of the opinion that the Cooke Properties could potentially support a golf course. I would like to waive the bidding process to have the National Golf Foundation (NGF) perform a feasibility study of the Cooke Properties to see if the land, itself, is adequate and if the roads are adequate and if the golf course would be able to support itself on that piece of land. The reason I am proposing that NGF do the study is because they are the ones who have already performed a thorough study on the same topic some time ago, but involving a different piece of property. Much of the data would not change, some would have to be updated; their service was very good and to hire them would be more or less to update the previous study since 1997. I don't think the cost would be astronomical.

Mr. Zandri stated, I will support this motion because I think the Town has to do this study in order to find out whether or not a golf course, regardless of the site it will be located at, will pay for itself. I have said before and I will continue to say that I will support a golf course providing that it would sustain itself and would not be a burden on the tax dollars of the community. I think in order to make

that determination and this Council to make that decision, we have to have this information. That is my reason for supporting the motion this evening.

Mr. Knight stated, I support, as we demonstrated in the last Council meeting, we support; all of us support studying the possibility of using some of these properties that we own as a golf course. If memory serves me correctly, we went through Phase I of a three phase study about three years ago and we got done with the first phase which was a very general overview of the feasibility of the economic feasibility of a golf course period, regardless of where it may be located in the town. What we have in front of us now is something where we are getting right down to specifics. Over this past several years it has been fairly demonstrated elsewhere that there is plenty of demand for the sport. What we are getting down to in this particular case is, is this feasible at the Town-owned properties that Mr. Zappala has outlined in his motion? My concern is that the NGF is not the only entity that can bring us that information. I don't think their qualifications are so unique and that the prior work that they have done is so specific in its nature that it disqualifies other companies from participating in this study. I have no interest in holding up the process but I do think, especially in view of the fact that we are talking about \$20,000., there are a lot of companies that are capable of producing a very complete study of these specific properties and I think that they should be given an opportunity to do so.

Mr. Zappala stated that he did not doubt that other firms are qualified to perform the study but NGF has proven they are but this project or issue has been ongoing for the past thirty or so years. I do not want to rush anything and I am very concerned about the taxpayer's money, but going out to bid will only delay and drag the process out longer than necessary. We are about to enter into the budget sessions and everyone will be extremely busy. We cannot take away the fact that NGF is very qualified for this task and have served us well in the past. I hate to see us lose another three months, I am very tired of waiting this out. If it is going to be, it will be, but if not, let's learn that now for there are many other things that I could be devoting my time and effort to. I would like to see the issue resolved once and for all. To delay this unnecessarily, I don't agree with it.

Mr. Rys asked, will the study be directed to determining whether the land could be used as a golf course or will it also address whether or not the course will pay for itself?

Mr. Zappala replied, it will cover whether or not the location is adaptable to a golf course and whether or not it will support itself, pay all of the bonding costs and the upkeep of the golf course. That is the only way that I, personally, will support it. That is what the study is being made for.

Mr. Rys stated, the reason I asked that is because Geno had brought it up and I was looking at this and all I see this saying is, "potential use as a golf course" and the feasibility study on the Cooke Property.

Mr. Zappala asked that Comptroller Thomas Myers elaborate on the matter.

Mr. Myers explained that the last time the study was done with NGF, if his memory served him correctly, it was performed in three phases. The first phase entailed looking at the land to see if it was suitable; the second phase determined whether or not there was enough market share for another golf course in the area. The third phase was a financial study; what green fees were projected to be for the various classes of customers and how those fees would stack up or what they would look like against the operating costs for a course, including paying the bonds and the interest. The last time the study was performed on the Durham property one phase at a time. Upon reporting back the results of the first phase the Council approved continuing on to phase two, the market study. Upon completion of phase two and a report back to the Council on the findings, the Council next authorized proceeding with phase three.

Mr. Myers stated, my concern is this, with a volunteer group of people, who will write the specifications to place the study out to bid? It is going to take time to prepare the bid specifications to determine where the market is for others who can do this type of work, even if we pool town resources such as the Town Engineer and Purchasing Agent. We would then have to get the bid specifications out and leave them out in the market place in a responsible period of time so that the bidders could put their bid packages together. The bids then have to be evaluated once they are returned. That is the process that must be followed if you wish to put the service out to bid. NGF gave the town a price for each one of the three phases of the study in their proposal last time.

Mr. Rys asked if the \$20,000 will cover the cost of the three phases?

Mr. Zappala was of the opinion that the amount would be sufficient. He seems to think that the last study cost approximately \$18,000 in its entirety.

Steven Holmes, 159 Parker Farms Road stated, the figures sounds correct. NGF will send out a golf architect to look at the land. They will then report back as to whether or not the property is suitable for the course. At that point the Council, if it so chooses, authorizes the expenditure of funds for the next phase, and so on. You are looking at a multi-million dollar investment and you want to cover the cost with user fees. You don't want to get into a situation where you are going to be taking money out of the general fund to support a golf course. You want the leaders in this industry to come out and do the study for you. You don't want to try and save \$500 and look to put in a multi-million dollar golf course and find out that you don't have the correct information. NGF is the leader in the industry. Nobody likes to waive the bidding procedures but we, as a Golf Committee, are not going to be able to develop specifications for a bid. In this instance, it is justified.

Mr. Knight stated, I am not trying to lead the opposition on this and I don't want it represented that this is an attempt to slow down this project after this many years but, by the same token, when the NGF....it does give rise to the question as to whether they are completely objective as to whether a golf course is an economically feasible project in the town. It begs the question of where the objectivity is going to come from.

Mr. Holmes explained, they have no financial interest in the outcome. They will do the study. If you decide to put in a golf course, they get no more revenue from the package. You will have to put that out to a private architect and you are going to decide how to proceed but once the study is done, their role is concluded whether you put a course in or not. They have no follow on revenue.

Mr. Knight stated, we have been admonished for waiving bids in the past and I think it is very prudent; the bid process is prudent where we think that we can elicit other expertise and they have to go and compete for such a project. I can't believe that with all the courses that have been built in the State of Connecticut in the last ten years that we cannot find the expertise in more than one firm in three month's time. The Golf Committee has labored on this project and I acknowledge and appreciate that. I can see how you can taste the progress and the last thing you want is a hurdle placed in front of you and a bid can be looked upon as a hurdle. Nevertheless, it is the way we customarily do business where we feel that more than one firm contains the expertise that we are looking for. That is why I brought up the question. Will you please explain why NGF does, indeed, have a unique perspective that will bring forward something that we could not get from any other firm?

Mr. Zappala stated, NGF is gone once they are through with the study; they have nothing to do with the project at all. They are not retained by the Town to hire an architect or contractor; they are gone. That is why I don't feel too bad about waiving the bid because their qualifications are what we need and their interest ends once their study is done. To place the service out to bid is a delay to the project if there will be a project. There is no advantage to get someone else as qualified as NGF.

Mr. Centner stated, I concur with Mr. Knight's concerns for a number of reasons. One, I don't think a golf course is that complicated type of a project. This I am drawing off of my experience with the Linear Trail. We are doing almost seven miles of trail; it seems pretty unique; our area is pretty unique, we are putting it down by a river in a flood plain with the D.E.P., E.P.A. state and federal, all on us. We went out to competitive bid, we had five firms that bid on it. We ranked them in terms of technical ability, experience, work on similar projects and then price. The overall process was a weighted process. A panel of people sat down and evaluated the bids that we received, voted on them by points, selected by people doing it and I am here to say that we have fantastic firms working for us and I have been in contact with numerous firms that I think would have the ability to evaluate whether that property can handle a golf course. I think for those who are saying it is a stall tactic, I

don't appreciate that. We here, on the Council, did initiate that for the Cooke parcel so for a couple of more months, if that is what it is, and I don't think it will be because my project has been going only about a year and we are moving forward already, I think if we follow the bid procedure and select our firms by qualifications through a process and get started, I think we will be pleased with the outcome.

Mr. Knight stated, it does concern me that if we don't have the time or the people to write bid specifications within the town government or even within the committee, do we know what we want? I am not being a wise guy. I am saying, if to write a bid specification, you have to sit down and put pen to paper and say, "this is what I want." I would like to think that's what you are going to have to do even if the bid is waived. You are going to have to tell NGF exactly what you want. Even in the motion here you have added to the charge by saying not only do you want them to look at specific properties to see if, physically or topographically you want to know whether or not a golf course is feasible on a particular piece of property but you are expanding it in saying, "what is it going to take to make it economically feasible". That is what happens when you sit down and start to write bid specifications.

Mayor Dickinson stated, I would like to suggest something; even on the linear trail, there was interviewing of firms, I don't think that was a public bid. I think there was an interviewing of firms, developing and finding out which one could do a vision.....

Mr. Centner stated, we bid the design, we interviewed for the vision.

Mayor Dickinson continued, but there was an interview in order to select for that purpose because it is nearly impossible to write what the vision was about. If you want to waive the bid then certainly you can look to interview firms as to background and what qualifications there are so that there is not just one player, that would eliminate the necessity to try and write the specifications. I hear what you are saying Steve, but I just think that specifications become a very vital document as to exactly what we are looking for. If we miss anything or aren't familiar enough with what to ask for in the right way, it is held against you, ultimately. You just don't get what you really wanted and then they point to the language and say, "that is what you asked for and that is what we gave you". Whereas the process of interviewing and determining who has, what firm or group has the expertise and then develop what their price is for it and then use that route so that it is not just using one but getting a sense of what other expertise is out there. That avoids the specification issue but enables us to move forward at the same time. I really don't at this point, I don't think that there is anyone in the town government that would feel comfortable in writing specifications for hiring this kind of analysis for a golf course.

Mr. Zappala echoed Mr. Myers' and the Mayors comments that the Golf Committee is not qualified to write the bid specifications for what they want.

Mr. Zandri stated, we have already been through this once before so there is a pretty good understanding of exactly what we are looking for from this vendor. They already went through this whole process with another property, it is just a matter of going through it again to update the steps that have already been taken. I don't think that this requires a long, drawn out specification for what we are looking for.

Ms. Papale concurred with Mr. Zandri.

Mr. Knight asked for clarification on what, exactly, the study is supposed to include besides the feasibility of the Cooke Properties and Town-owned property in the Tyler Mill and Woodhouse Road areas. Aren't we also expanding that to include the economic feasibility of the course?

Mr. Zappala stated that the Tyler Mill and Woodhouse Road properties are being eliminated together. The study will be made on the Cooke Property alone. It will show whether a golf course can be made and will survive as far as finances are concerned. It is going to be made on the Cooke Properties that we purchased; two pieces of property, one is 108 acres and the other is 77 acres. They join and they have access to each other because they are across from each other. That will be the only land that the NGF will be studying.

Mayor Dickinson suggested that a bid waiver be approved and then request that a written document be shared at a meeting so that it is clear as to what it is that is being requested because you have to come back for an appropriation anyway. At that point there should be something in writing that indicates exactly what is being received for the money that is being transferred. There should be a written document of some kind otherwise the firm involved will not know what they are doing. What you need is the written indication from them as to what it is that they will do for what price, then you have it in writing and you have the price for each phase or what ever else is involved.

Original motion and second were withdrawn.

Mr. Farrell agreed with the Mayor. He stated, Mr. Zappala is on the verge of convincing us that these are the people to hire (NGF) but my concern is that they cover all the issues and there is nothing here, in writing, that the Council, itself, could point to and say, this is what we asked them to look at. For instance, one of the issues I feel strongly about is that we have got to know what the cost is of expanding the roads is, if that is an issue out there. That is a cost to the Town and the taxpayers will ask us why we didn't consider that as part of this. We need to know those answers and make sure

those questions are covered in the study. Even if it is only one page, in writing, that delineates, "these are the issues that we want you to study".

Mr. Zappala stated, I think the accessibility to the land is very important; roads.

Motion was made by Mr. Zappala to Waive the Bidding Process to Hire the National Golf Foundation to Perform a Feasibility Study in Three Phases on the Cooke Properties for the Potential Use as a Golf Course at a Cost Not to Exceed \$20,000., seconded by Ms. Papale.

Motion was amended by Mr. Farrell that the Study be Conducted Based on the Condition that a List of Issues be Drafted by Mr. Zappala be Presented to the Council for Editing and Appended to the Specifications of the Study, seconded by Mr. Knight.

Mr. Knight stated, I think public support would grow for the golf course if it could be expanded to include other passive recreational activities. I would hope that the study might include that. That is the sort of thing that I think Mr. Farrell had in mind when he indicated that he wanted to append a list of Council concerns.

Mr. Zappala stated, if this project comes to be, by all means it is the wish of not only the Golf Committee but I think the Council as well that it be a recreational area and not just a golf course. There are many golf courses in Connecticut that do have other recreational activities to offer those members of the public who are not golfers; there are tennis courts, trails and swimming pools. There is one in Simsbury that I plan to visit which really fits the picture that I would like to see in Wallingford. It appeals to a vast segment of the residents who enjoy using the open area in many different ways during many different seasons, not just golfers. I know we have thousands and thousands of golfers in Wallingford and I know they will enjoy the course and Wallingford will be proud to have a place like this.

Mr. Knight stated to Reginald Knight, I would not get my hopes up to do any hunting on the property.

Mr. Holmes, Golf Committee Member stated, we know what is needed; we know what steps have to be followed to make this a success. The problem is, I am not dealing with my own personal money, we are dealing with town money. When we talk about specifications we want to make sure everything is correct. We want the town involved and we want the Purchasing Department involved. We can sit down and write a set of specifications of what we need for you and if you want us to do that, we would be more than happy to but we felt that when we are dealing with the town assets, you would want the professionals to do that.

Lester Slie, 18 Green Street stated, I have been almost seventy-eight years. We had two different studies and both proved that it would be feasible to have a golf course and it would be self-supporting. I hear a lot of comments come back to me about this course. I hear, "if we are going to make money the first day we are going to open the door." That is the craziest idea I have ever heard in my life from politicians in this town. You know you have to have a working period. If you borrow the money to build a golf course, you borrow enough to cover the expenses for the first year so that we can get our foot in the door. I am not doing this only for myself. There are a lot of seniors who can play golf up to seventy-five, eighty and ninety years old. Show me any other sport in this town that the seniors can do. We have been being held down since 1979; we pay our taxes and everything else. Ninety-five percent of the seniors pay their taxes on time. That is more than the other people do. I feel sorry for the middle class people who owe so much money, they don't know what they are doing. If you people cannot support a golf course in this town, I feel sorry for my grandsons who play golf. The trouble in Meriden; I am in charge of the seniors at the Meriden golf course; I have been there fifty-five years and have paid my dues to Meriden to play golf. They have been good to me.....but if this golf course does not go through this time here, I feel sorry for you people because it is going to cost you twice as much within the next five years. Thirty-five percent of the new golfers the entire United States are women. In Meriden they started out with about twenty-five women on the committee; now the number has grown to one hundred twenty-five. We have at least three hundred members in the silver city at the Hunter Senior Golf Course; that is four hundred people playing golf almost every day. You have a lot of transients as well. Three days ago I went up there and there were fifty guys playing golf and I did not know one person, they must have all come from out of town. The other courses are getting overloaded and pretty soon we are going to be edged out so we can't play at all. I wish you (Council) would think this over very carefully this time. This is my third bout about a golf course in this town. Realize that if you give it time, it is a money-making deal. When you read in the paper that they are putting on a benefit for somebody, where do they hold it, at a golf course. I wish you would think it over very carefully. I hope that before I go to heaven above, I hope I will see a golf course here.

Wes Lube, 15 Montowese Trail asked, will the funding legislation be on the next agenda? Where does the \$20,000 come from? Are you borrowing it? Bonding it? Transferring it?

Mayor Dickinson replied, at the point the information is here, the transfer would provide the funds.

Mr. Lube asked, when will that happen?

Mr. Rys answered, when we have the information from the Golf Committee; exactly how much it is going to cost.

Mr. Lube stated, I thought you already knew how much it was going to cost?

Mr. Zappala stated, we don't know what the three phase cost will be.

Mr. Lube asked, will it be more than \$20,000?

Mr. Zappala replied, no, it will be less. I don't know exactly how much.

Reginald Knight, 21 Audette Drive stated, with all due respect to Mr. Slie, I think we should review our priorities here. The public was told that we were buying the Cooke property for \$3.6 million as open space. The man could not sell it anyway because they were three-acre (zoned) lots. Now, all of a sudden it is a golf course. There are three (golf courses) in town already; we have Hunter's Golf Course in Meriden, Indian Lake in Middlefield, Hamden and Northford all have golf courses. There are enough around. Where are we going with this? We would not get on the bus and pay the fare if we did not know where we were heading because when we got there we may find that we don't want to be there in the first place. My priorities are more with the schools. We are reading in the papers that there is still asbestos in there and they need \$15 million for that. Now, when we start talking about the cost of this golf course, we have already invested \$3.6 million in this property and now you are talking about \$20,000 for a feasibility study. When you get to the planning and designing but I don't think you will be able to get anyone to do it for less than \$250,000., probably much, much more than that. Then there is the actual construction of it. Then you have the clubhouse which was going to \$1 million + the last time around. We are talking about a lot of the taxpayer's money when we have other priorities in town. With all due respect to the golf players, I think we have to address some of the other problems in town rather than the golf course. Apart from that, let's get on the Mayor's favorite subject of litigation; somebody getting hurt, we will probably have to be insured and the rest of that; fire insurance on the clubhouse, etc. I think it behooves the Council, as individuals, to look into the cost of other golf courses. How much did it cost to design and when? When was it constructed? Pro-rate that to today's prices; what this will cost this city; the taxpayer when we have all these different factors added in. That will go out to bond which will multiply the cost again. Then we have the area which is supposed to be watershed area and we get into parking lots. The last time I mentioned parking lots, it was out at the soccer fields. Despite what the Mayor says, I don't think they had the right to tarmac that because the ground sloped from east to west into that gully which ran into the brook and ran down into North Haven. At that time I was "pooh-poohed" because it was down below our reservoir but it was a concern to people in North Haven where the effluents of that is where those vehicles were going. We had the same situation with Mr. Orsini; people were talking about parking up in the north end of town and were concerned with car effluents running off. It is the same with the soccer field but they went ahead with the tarmac. I do believe from a person that I spoke to that by the time you are finished, there will be an attempt to purchase land adjacent; the name Hall was mentioned and I don't know if I am pronouncing the other gentleman's name properly or not; Kraniac or something like that, but the time we are finished, we are getting into an awfully

costly mess. Considering the number of golf courses there are and the neighboring areas, I think our priorities in town (should be) to get our schools up to standard before we start talking about golf courses. It is a funny thing; a short time ago we had people here packing the hall, wanting an ice hockey rink which, in itself, could not pay for itself. It is a good active sport; a healthy sport and not only would the children benefit from it, but everyone else. We could have put that on the Wooding property. The children right now have to go to Hamden and other places at 4:00 a.m. to practice ice hockey. There are other things that this money can be used for. This can run into horrendous things. It behooves the Council to check into how much it cost for the designing of other courses, when they were built, the cost for construction and for the clubhouse, itself. That way we can see how far we go down the road with it.

Pasquale Melillo, 15 Haller Place, Yalesville stated, the purpose of purchasing the Cooke Property was for open space. We have to think about the wildlife; the little critters. The intent of the purchase was for open space, open space, open space. How many times do you read in the newspaper how foxes and coyotes are seen more and more in residential areas due to development of wooded areas. We should ponder this carefully and stick to the intent for which the land was purchased. How much are the green fees going to cost?

Mr. Rys reminded Mr. Melillo that the topic is the feasibility study.

Mr. Melillo stated, I am against the bidding process. We should have competition. It would make more sense to use the money for an ice rink.

Mr. Rys stated, we are talking about \$20,000. We are talking about waiving the bidding process for a feasibility study. We are not talking about building a golf course.

Andy Kapi, 6 Deme Road stated, as a boy I caddied for six years at the newly opened Farms Country Club. There are no good surprises when you build a golf course; only bad engineering challenges and additional expenses. A few years after opening the Farms, the sprinkler system had to be ripped out and a new one put in. Can anyone give a ballpark figure as to what the slightest cost may be?

Mr. Zappala stated, the estimated price for building today is \$160,000 per hole.

Mr. Kapi asked, that comes out to about \$4 million?

Mr. Zappala answered, less than \$3 million.

Mr. Kapi stated, the exposure to the town through bonding would be about \$4.5 million?

Someone responded off microphone, it is possible.

Mr. Kapi asked, do we have the slightest idea of how many golfers that live in Wallingford that this would accommodate?

Mr. Zandri answered, that would be part of the study.

Mr. Rys stated, I asked Mr. Melillo to discuss the topic at hand; the waiving of the bid for the study. That is something for future discussion, after they come back with the feasibility study. We are not talking about building a golf course but we are going to study.....

Mr. Rys stated, I can't tell Mr. Melillo that he is out of order and not tell you that you are as well. Stick with the issue, please.

Mr. Kapi stated, for this amount of exposure to the town, to take one opinion from one group is irresponsible. NGF will be gone from the scene once they are finished with the study. What happens if their projections don't pan out? They will be gone. When you expose the Town to this type of liability for expenditure, you should be on firm ground. Major corporations pay not only for one opinion, but a second and sometimes a third astoundingly. They end up paying much more than the technology they are seeking opinions on actually costs because they have to protect themselves for being responsible for that type of decision. If you are going to do a speculative venture such as this, you should have at least two testing methodologies to compare against each other. Bring them to the table together and hammer them out. We need to keep this in perspective, that is why it would be helpful to know the number of golfers. To build a fourth golf course in town; I would not want to rely on one company's study. I think it would be irresponsible to do so.

Philip Wright, Sr., 160 Cedar Street asked the Mayor, are you going to support what is coming up here?

Mayor Dickinson replied, I am in support of having a feasibility study done.

Mr. Wright asked, assuming that it comes out that it is feasible and we come down to some sort of figure, are you supportive of a golf course in the town?

Mayor Dickinson answered, as has been stated by Councilmembers, a golf course must pay for itself and that will be a very critical factor. It must pay for itself.

Mr. Wright stated, I understand that but the Town has to get involved to some degree in the financing of this in order to get it going. Are you in support of doing some financing so it can be done?

Mayor Dickinson answered once again, it must pay for itself. In my opinion, we possibly could have greens fees somewhere in the neighborhood of \$40. That is the revenue stream. It is created by the greens fees. Much of the discussion will revolve around what those greens fees will have to be in order to produce sufficient revenue to handle all operating costs, all capital costs; that will be the focus of much discussion once the additional work is completed.

Mr. Wright asked, assuming that we come up with all these things and the study says, yeah, we can support one if the Town puts up the money to get this going. Assuming that results say that we are going to have 4,000 people paying \$1,000 a round, will you support it if it is feasible?

Mayor Dickinson answered, there are too many variables to say there is an answer, yes or no. I am supportive of the feasibility study and I am supportive, in general, of the concept of a course that pays for itself but one person's view of a course that pays for itself may not be my view of a what is a course that pays for itself. I am not going to color it in generalized terms. I am supportive of a feasibility study but I am waiting to see if a course is possible that will, indeed, pay for itself.

Mr. Wright stated, that is not unreasonable. If you have your mind made up that you are not going to support it, then we should not be spending \$20,000 studying a wild goose chase. That is why I asked the question.

Ms. Papale stated, I will vote to support the item on the agenda tonight. I hope that when the study is done we will all be happy with it. I am hoping that we will have a golf course in Wallingford. I never thought it would happen but now it looks like we may see it in my lifetime. We have been talking about this for as long as I can remember. I consider a golf course recreation which is the reason we purchased the Cooke properties. We don't have a municipal course for people of everyday means to go and play golf at. It is expensive to play at the other courses. It is not just the father or husband playing, my son and grandson go together and my granddaughter is learning to play. It can be a very healthy family recreation. I am hoping some good will come of waiving the bid.

Motion was made by Ms. Papale to Move the Question, seconded by Mr. Farrell.

VOTE: Parisi was absent; Zappala, no; all others, aye; motion duly carried.

Mr. Zappala asked for the opportunity to address some of the comments from the public.

Mr. Rys stated that the amendment will now be voted on.

VOTE ON AMENDMENT: Parisi was absent; all others, aye; motion duly carried.

VOTE ON ORIGINAL MOTION AS AMENDED: Parisi was absent; all aye; motion duly carried.

WAIVER OF RULE V Motion was made by Mr. Knight to Waive Rule V of the Town Council Meeting Procedures to Consider a \$498 Transfer for the Fire Department, seconded by Mr. Farrell.

VOTE ON WAIVING RULE V: Parisi was absent; all ayes, motion duly carried.

Consider and Approve a Transfer of Funds in the Amount of \$498 from Regular Wages & Salaries Acct. #2030-101-1000 to Refrigerator Purchase Acct. (No acct. Given) - Dept. Of Fire Services

Motion was made by Mr. Knight, seconded by Mr. Centner.

VOTE: Parisi was absent; all ayes, motion duly carried.

Motion was made by Ms. Papale to Move Agenda Item #14 (Addendum) Up to the Next Order of Business, seconded by Mr. Centner.

VOTE: Parisi was absent; all ayes, motion duly carried.

ITEM #14 Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Salary Acct. #1600-101-1000 to Overtime Acct. #1600-101-1400 - Personnel Dept.

Motion was made by Mr. Knight, seconded by Mr. Centner

Mr. Zandri asked, the transfer is being requested due to the amount of recruiting that is taking place right now and the work that is being done regarding testing is done after hours, is there any possibility of using any kind of compensatory time to alleviate some of the overtime scenario?

Terence Sullivan, Personnel Director replied, that is a possibility but the problem with compensatory time is, I have to give the employees the time off, therefore I am not getting the work done that needs to be done. Right now we have an historic number of vacancies. To give comp time will slow me down. I would rather pay people. I am looking at combining tests. Maybe we can give two and three tests in one night instead of one test for fifteen people, may be can give one in one-half of the night and another test the same night so long as the durations are about the same and the instructions are clear. Comp time is an option but not the preferred choice.

Mr. Zandri stated, you can't justify the comp time because of your workload?

Mr. Sullivan answered, right. As things slow down and later on in the fiscal year, if we wanted to give that time...but right now it would be counterproductive to give time off.

VOTE: Parisi was absent; all ayes, motion duly carried.

ITEM #13 Executive Session Pursuant to Section 1-18a(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor

Motion was made by Mr. Knight to Enter Into Executive Session, seconded by Mr. Farrell.

VOTE: Parisi was absent; all ayes, motion duly carried.

The Council entered executive session at 10:22 P.M.

Motion was made by Mr. Knight to Exit the Executive Session, seconded by Mr. Centner.

VOTE: Parisi was absent; all ayes, motion duly carried.


The Council exited executive session at 10:55 P.M.

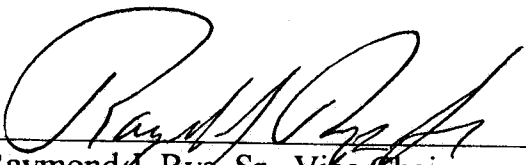
Motion was made by Mr. Farrell to Adjourn the Meeting, seconded by Mr. Centner.

VOTE: Parisi was absent; all ayes, motion duly carried.

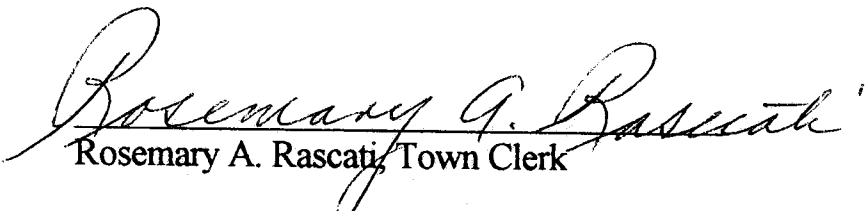
There being no further business the meeting adjourned at 10:56 P.M.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

Approved: 
Raymond J. Rys, Sr., Vice Chairman

4-15-99
Date


Rosemary A. Rascati, Town Clerk

4-15-99
Date



OFFICE OF THE MAYOR
TOWN OF WALLINGFORD
CONNECTICUT

WILLIAM W. DICKINSON, JR.
MAYOR

PROCLAMATION

WHEREAS, during the last decade TV-Turnoffs have been carried out with great success in schools and communities across the United States, and

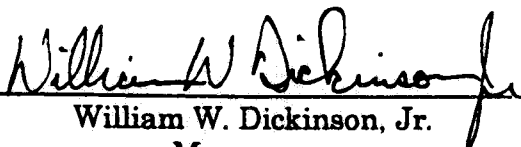
WHEREAS, this extended break from television has proven to be an effective method for reducing the influence of excessive TV watching in the home, and

WHEREAS, this year the town of Wallingford, together with parents, teachers, students, community organizations and the town officials has become a part of this national campaign,

NOW, THEREFORE, I, William W. Dickinson, Jr., Mayor of the Town of Wallingford, do hereby proclaim the week of March 23-29, 1999, as

WALLINGFORD'S TV-TURNOFF WEEK

and invite our families and children to turn off their TV's during this week and to rethink the role television plays in their lives. The TV-Turnoff Committee has planned special events for this week which are available to all children. The Town of Wallingford is proud to support this campaign and encourages participation in this event.


William W. Dickinson, Jr.
Mayor

DATED THIS 23rd DAY OF February, 1999.
WALLINGFORD, CONNECTICUT

