

TOWN COUNCIL MEETING

MAY 25, 1999

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Approve and Accept the Minutes of the April 27, 1999 Town Council Meeting
 - b. Approve and Accept the Minutes of the Special Joint Town Council/Public Utilities Commission Meeting of April 6, 1999
 - c. Consider and Approve Tax Refunds (#551-558) Totaling \$1,536.98 - Tax Collector
 - d. Consider and Approve a Transfer of Funds in the Amount of \$600 from Recreation Department Photocopier Acct. #4001-999-9958 to Planning Department Office Expenses Acct. #7010-401-4000 - Town Planner
 - e. Consider and Approve a Transfer of Funds in the Amount of \$664 from Regular Salaries & Wages Acct. #001-2035-101-1000 to Purchased Services - Secretarial Acct. #001-2035-901-9000 - Fire Marshal
 - f. Consider and Approve a Request by the Elks Lodge #1365 to Use the Parade Grounds on Saturday, June 12, 1999 at 11:00 A.M. as Part of their Flag Day Parade Festivities - Mayor
 - g. Consider and Approve Accepting a Grant Award for Improvements to the Department of Police Services' Reception Area

- h. Consider and Approve an Appropriation of \$8,000 to the State & Federal Revenue Acct. And the Expenditures Acct. In the Special Revenue Fund, Law Enforcement Block Grant - Dept. Of Police Services
 - i. Consider and Approve a Request to Approve the Proposed Road Name of "Taylor Lane" for a New Subdivision at 9 Mapleview Road as Requested by Attorney Lisa Galati on Behalf of Galati Builders - Mayor
 - j. Consider and Approve a Request to Approve the Proposed Road Name of "Charben Lane" for a New Subdivision at 235 So. Elm Street as Requested by Attorney Joan Molloy for Dighello Brothers Builders and Developers
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve an Appropriation of Funds in the Amount of \$15,000 to Outside Contractor Pay Acct. #001-2005-101-1800 and to Charges for Current Service Acct. #1065-060-6020 - Dept. Of Police Services
 7. Consider and Approve a Transfer of Funds in the Amount of \$50,000 from Underground Conduit Acct. #366 and \$175,000 from Underground Conductors Acct. #367 for a Total of \$225,000 to Office Furniture & Equipment Acct. #391 - Electric Division
 8. Consider and Approve a Waiver of Bid Requested by the Director of Public Utilities for the Purpose of Contracting for Engineering Services as a Second Opinion to Review Documents and Applications of Pennsylvania Power & Light Global Pertaining to the Proposed Merchant Power Plant
 9. Consider and Approve One (1) Appointment to the Position of Tenant Commissioner on the Wallingford Housing Authority to Fill a Vacancy in a Term Which Expires 10/31/2000
 10. Consider and Approve Adopting a Resolution Authorizing the Mayor to File Application with the State Department of Public Health for a 1999 Preventative Health and Health Services Block Grant in the Amount of \$6,501 - Health Department
 11. Consider and Approve a Transfer of Funds in the Amount of \$17,500 to Fund the Golf Course Feasibility Study with National Golf Foundation as Requested by Councilor G. Tom Zappala

12. Executive Session Pursuant to Section 1-200(6)(D) Pertaining to the Purchase, Sale and/or Leasing of Real Estate - Mayor

13. Discussion and Possible Action on Matters Relating to Executive Session - Mayor

TOWN COUNCIL MEETING

MAY 25, 1999

6:30 P.M.

ADDENDUM TO AGENDA

14. Discussion and Action Regarding a Bid Waiver for the Purpose of Hiring a Vendor for Staff Training for New Software (Training must occur in order to implement the software before 7/1/99) - Superintendent of Schools
15. Consider and Approve a Transfer of Funds in the Amount of \$35,000 from Health Insurance Acct. #001-8035-800-8300 to Self-Insurance Workers Compensation Acct. #001-8035-800-8310 - Personnel
16. Remove from the Table to Consider and Approve the Release of Electrical Easements at 168 North Plain Industrial Road - Town Attorney

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MAY 25, 1999

6:30 P.M.

SUMMARY

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10. Approve a Resolution Authorizing the Mayor to File Application with the State of CT. Dept. Of Public Health for a 1999 Preventative Health and Health Services Block Grant in the Amount of \$6,501 - Health Dept.	26-28

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11. **Approve** a Transfer of \$17,500 to Fund the Golf Course Feasibility Study with National Golf Foundation as Requested by Councilor G. Tom Zappala 29-30
12. Executive Session - Section 1-200(6)(D) - Pertaining to the Purchase, Sale and/or Lease of Real Estate - Mayor 38-41
13. Discussion and Possible Action on Matters Relating to Executive Session - Mayor 38-41

Addendum Items

14. **Approve** a Waiver of Bid to Award a Contract to Computer Center Software for Staff Training on New Software - Board of Education 31-32
15. **Approve** a Transfer of \$35,000 to Self-Insurance Workers Compensation Acct. - Personnel 32
16. **Remove from the Table and Approve the Release of Electrical Easements** at 168 North Plains Industrial Road (a.k.a. Davis Property) - Town Attorney 25-26

Waiver of Rule V

- Approve** a Transfer of \$2,999 to Purchased Services - Portolets Acct. - Park & Rec. 33-38

TOWN COUNCIL MEETING

MAY 25, 1999

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, May 25, 1999 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:35 P.M. Councilors Centner, Knight, Papale, Parisi, Renda, Rys, Zandri and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Councilor Farrell was absent due to vacation plans. Mayor William W. Dickinson, Jr. And Corporation Counselor Adam Mantzaris were in attendance. No one was in attendance representing the Comptroller's Office.

A blessing was bestowed upon the Council by Rev. Margaret Jay of the First Congregational Church.

The Pledge of Allegiance was given to the Flag.

ITEM #2 No items of correspondence were brought forward.

ITEM #3 Consent Agenda

ITEM #3a Approve and Accept the Minutes of the April 27, 1999 Town Council Meeting

ITEM #3b Approve and Accept the Minutes of the Special Joint Town Council/Public Utilities Commission Meeting of April 6, 1999

ITEM #3c Consider and Approve Tax Refunds (#551-558) Totaling \$1,536.98 - Tax Collector

ITEM #3d Consider and Approve a Transfer of Funds in the Amount of \$600 from Recreation Department Photocopier Acct. #4001-999-9958 to Planning Department Office Expenses Acct. #7010-401-4000 - Town Planner

ITEM #3f Consider and Approve a Request by the Elks Lodge #1365 to Use the Parade Grounds on Saturday, June 12, 1999 at 11:00 A.M. as Part of their Flag Day Parade Festivities - Mayor

ITEM #3g Consider and Approve Accepting a Grant Award for Improvements to the Department of Police Services' Reception Area

ITEM #3h Consider and Approve an Appropriation of \$8,000 to the State & Federal Revenue Acct. and the Expenditures Acct. In the Special Revenue Fund, Law Enforcement Block Grant - Dept. Of Police Services

ITEM #3i Consider and Approve a Request to Approve the Proposed Road Name of "Taylor Lane" for a New Subdivision at 9 Mapleview Road as Requested by Attorney Lisa Galati on Behalf of Galati Builders - Mayor

ITEM #3j Consider and Approve a Request to Approve the Proposed Road Name of "Charben Lane" for a New Subdivision at 235 So. Elm Street as Requested by Attorney Joan Molloy for Dighello Brothers Builders and Developers

Motion was made by Mr. Rys to Approve the Consent Agenda, Items #3a-d and Items #3f-j as presented, seconded by Mr. Centner.

VOTE: Farrell was absent; all others, aye; motion duly carried.

EM #4 Items Removed From the Consent Agenda

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$664 from Regular Salaries & Wages Acct. #001-2035-101-1000 to Purchased Services - Secretarial Acct. #001-2035-901-9000 - Fire Marshal

Mr. Zandri asked for an update on the staffing situation of the Fire Marshal's Office as well as on the Fire Marshal's plans to fill the vacant position(s) in the office.

Joseph Micalizzi, Fire Marshal explained, presently the department is short a senior clerk and the woman who is serving as a clerical assistant will be off for two weeks. Therefore we do not have any clerical assistance in the office at all.

Mr. Zandri asked, what are your plans to fill the position?

Mr. Micalizzi stated, right now the clerical assistant is a part time position. The senior clerk's position is presently....I have talked to Mr. Sullivan in the Personnel Department and I am getting an updated hiring list hopefully tomorrow.

Mr. Zandri asked, just to satisfy my curiosity, how long has this position been open?

Mr. Micalizzi replied, since before I started.

Mr. Zandri asked, is the testing complete as far as anyone applying for the position?

Mr. Micalizzi answered, yes, I believe so.

Mr. Zandri asked, why is it taking so long to fill this position?

Mr. Parisi explained, I can because I worked with it before Mr. Micalizzi. When we had the first list (of employment candidates) we had two people on it and they were interviewed by Mr. Hanchuruck and myself. Then we requested a new list and after the testing was done for the new list, we still did not have a fire marshal. We were not first in line...I will give you an order of the way the list went around. I could be corrected on the exact order. It went to three people; I may not have the order right but it went to three people; Rosemary Rascati, Town Clerk, because she had two positions open; it went to the Assessor's Office because they had one or two openings; then it went to the Finance Department because they had a number of openings. In the meantime, we had no fire marshal and I was hoping that when the Fire Marshal came aboard, he would pick up on the interval. So when he did come aboard and Mr. Thompson (Town Engineer) was the only one that was left that had openings, I spoke to Mr. Micalizzi and I said, "do you want to take the list and start interviewing do you want to...we'll give it to John Thompson and give you a chance " because he had just started. He said, "Well, let's give it to Mr. Thompson and give me a week or so to get my feet on the ground" and that is what we did. Now we are waiting for John Thompson and I am told that the list would be in Joe's (Micalizzi's) hands tomorrow.

Mr. Zandri asked, why doesn't the list go to everyone simultaneously?

Mr. Parisi responded, to tell you the truth, I don't know. I have not been involved in this end of it forever but that is the way it has been done. I am not saying it is totally right but it is how we have done it.

Mayor Dickinson stated, the Personnel Director should really answer that but I believe the reason is because the choice is made I believe from the top five candidates. In order to know the top five, you have to know who has been chosen. If everyone gets the list, you don't know that someone has been chosen which would move someone else up into the list. It really has to go in a chronological order otherwise you really are not dealing with what you should under our rules which is the top five.

Mr. Parisi answered, that is right, also, sometimes people are on the list and you call them up and they either have another job or are not interested.

Mr. Zandri asked, is there a timetable? Obviously, you have to be fair to all department heads and it would not be fair to give one department head a list and have them sit on it for two weeks, as an

example. I am not saying that does happen but it also lengthens the process of getting these positions filled in a timely manner.

Mr. Parisi answered, I can tell you in this instance, and this is the only one that I was remotely involved in so I will speak to, this appeared to be reasonably prompt. I can't say, in my mind, any one lied, I am being very honest. Rosemary was pretty quick with the list when she got it and all the others, to the best of my knowledge, were also.

Mr. Micalizzi stated, I might add that over the past few weeks there was some talk about downgrading the position and I had spoken to Mr. Sullivan (Personnel Director) and said, "if that, in fact, is going to be the case, it does not seem sensible to interview someone for a senior clerk's position when it is going to be downgraded. I believe Mr. Sullivan has decided not to downgrade the position as of today and he told me that the list would be forthcoming today or tomorrow.

Mr. Zandri stated, one other thing I want to get clear on as well is, it is my understanding that, if someone leaves a position, which happened in this office, and moves to another part of Town government and decides that they want to go back to their old position they have the right to do that. Is that a fact according to the union rules?

Mr. Parisi answered, I am not going to comment on that.

Mayor Dickinson replied, I don't believe that is the case. It is not an automatic right to go once you have been accepted in another department. There may be circumstances under which that could occur but if there were an automatic right, it could create chaos. You would never know whether someone was going to stay one place or go to another. I don't think there is any automatic right to go back to a position once you have accepted a different one.

Mr. Zandri asked, there is nothing under a timetable? In other words, in so many months? It is just, once you move, that is it?

Mayor Dickinson answered, I am not going to say that I can quote chapter and verse of the details. I think the rule really relates to, should you not keep the position that you have gone to, then there is a right to a similar classification or position that is open. But all of this also depends upon the department in which you currently are employed as well. There are a number of factors involved and I am not going to pretend to know it all chapter and verse but I don't think there is an automatic right to move from one department to another.

Mr. Zandri asked, Mayor, could you get what ever that policy is to me so that I can review it? I want to clarify some issues in my own mind where there seems to be some confusion here. I would like to

know what the policy is as far as someone transferring; whether there is a timetable involved as far as the ability to go back. That is really what I am targeting.

Mayor Dickinson answered, O.K., sure.

Mr. Zandri stated, that is basically all I have. I just wanted to clarify that for I knew there was some confusion over this position and I also wanted to make sure there wasn't any delay for you to get your department completely staffed and on board. I would recommend that we move along as swiftly as possible.

Mr. Parisi stated, may I ask where there was confusion? I am not understanding that.

Mr. Zandri replied, the confusion I had was regarding comments people have made to me about individuals wanting to go back to an old position and I just wanted to get that clarified.

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

VOTE: Farrell was absent; all others, aye; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive thanked the Fire Department for their prompt and kind response to help him when he fell over the Town's drop in the sidewalk over by the school. He stated, I would also like to thank Mr. Knight, Mr. Rys and Mr. Zandri for having the decency to come out in front of Town Hall and examine the sidewalks there that I had mentioned before. I don't think that anyone else has ever taken the trouble to examine the points that I have brought up. On the other side of the coin when we had the third meeting the other night and I was rather disappointed with the showing here. The Mayor seemed to be more occupied with the tall gentleman with the beard over there (pointed to a member of the audience) who was sitting in the public sector. We had only three people (Councilors) up there (Council bench). I was told that previous commitments....that third meeting, in itself, is a commitment to the public. It was forced on the public many months ago. I think that if the public is forced to come here to get the point of view across, I don't think any commitment that comes up in the next couple of weeks or a week beforehand goes before that commitment. The commitment that the Councilor is to come to that third meeting just like he would any regular meeting. And there are faces up there, Mr. Rys, Mr. Knight, Mr. Zandri, etc. who come here every time and stay here and I would like to thank them for that. I would like to thank them for the courtesy of listening to me all the way through the meeting. Also, I would like to thank whoever it was up there, either Mr. Knight or Mr. Rys, when I pointed out a tree which was in a dangerous condition up by Choate and I brought it to their attention, they took full notice of what I was talking about; the tree was up there for forty-five days. Allowing one day for communication to

The tree company, the following day, first thing in the morning, that tree came down. I would like to thank whomever that was who did that. When people (Councilors) are not paying attention when they are here, or showing up late for a meeting or talking over here (in the audience) instead of taking their place, not listening and then leaving early, I think they have as much obligation to be at the third meeting as they have to be at the others. They brought it up; that is their first obligation as Councilors.

Pasquale Melillo, 15 Haller Place, Yalesville asked if the Special Town Council/PUC Meeting of April 6th was televised?

Mr. Parisi answered, yes.

Mr. Melillo stated that he has been reading a lot of information about the problem the Town is having with toilets for the Wallingford Girls' Softball League....

Mr. Parisi informed Mr. Melillo that the item will be on the agenda; it does not appear on the public's agenda but it will be an agenda item that will be dealt with under Rule V.

With regards to the Durham property; Mr. Melillo asked for an update.

Mr. Rys read a letter into the record from the Office of the First Selectman in Durham stating that a meeting will be held on May 27th to decide if a referendum will be scheduled to purchase the land owned by Wallingford, in Durham. If the vote on May 27th is affirmative, the referendum will be held June 29, 1999 and the purchase price will be \$790,000.

Mr. Melillo expressed his opinion that the land should be placed on the open market for sale.

With regards to the Tyler Mill Land purchase, Mr. Melillo asked, why is it that the appraised value of 21 Tyler Mill Road jumped 158% in the course of several months? No other property that he is aware of has experienced a similar situation.

Mr. Parisi answered, that has been explained.

Mayor Dickinson added, appraisals are based upon many factors....one being market conditions and market conditions determine what property is worth; location is part of the equation but what other properties are selling for is a determinant. The appraisers had their own code of professionalism, that they follow, they give us the results of their judgment and analysis. I assume that market conditions and other factors all contribute to having the property increase in value.

Mr. Melillo stated that he has called many real estate companies and all of them were unanimous in stating that it is unheard of in the present real estate environment that a property would jump 158% in the course of several months.

Mayor Dickinson replied, you are basically indicating that you do not believe that the appraiser who did the report did a professional job. He is well-recognized appraiser and is frequently an expert witness in court cases. As far as I know there is no reason to distrust his findings and his judgment. Anyone can have a different opinion. That is just the way life is.

Mr. Melillo suggested that all the Town Councilors who voted in favor of buying the Tyler Mill Property pay for the land, themselves.

Robert Sheehan, 11 Cooper Avenue asked what the status of Garden Road was with regards to the Governor's Office? Is it on the Governor's agenda for sure this upcoming month?

Mayor Dickinson answered, I have no new update. The last I heard it was not on the agenda for this month (May). D.E.P. continues to make it a priority and is requesting it on the Bond Commission's agenda.

Mr. Sheehan asked, aren't we under a time limit next month?

Mayor Dickinson answered, I believe next month and then there must be a re-negotiation of dates.

Mr. Sheehan stated, two months ago I mentioned the condition of a certain corner or both corners of this room to be cleaned or looked at. I have not heard if it is possible, impossible or what. (Mr. Sheehan pointed to the northeast corner and southeast corners of the room).

Mayor Dickinson answered, your interest in the issue has been communicated to Henry McCully (Director of Public Works). I don't have a report on it right now.

Francis LeBarron, 39 Sunrise Circle stated, as of 4:15 P.M. tonight.....I came here tonight to make a statement about the Port-o-Potties. I took a ride at 4:15 P.M. tonight before I got here and I found the toilets are in place at Cedar Lane, Doolittle Park, Vietnam Field, one each; at Pragemann, there are two. I would still like to read what my thoughts are; The Town of Wallingford should be aware that there has been lack of job responsibility. I understand the Town's Park and Recreation Department is in charge of providing service, placing Port-o-Potties at our many ball fields. To name a few, Vietnam Field, Woodhouse, Pragemann, Community Lake, Cedar Park and all the other fields I have not mentioned; these parks are without rest room facilities. These fields are used by soccer, softball, baseball, with young girls and boys. The players have been told to hold, put on hold for forty days now. I understand it will be until Memorial Day before we can see results of Port-o-Potties in our

main parks. It isn't just the players needing to use these potties, it is others attending the games from the volunteer coaches to umpires, relatives and friends. We are talking about 400-700 people nightly during the week and most every Saturday all day long. I have here, two articles from the Record Journal addressing this important matter. An apology was made by Tom Dooley (Director of Parks & Recreation) for being late in bids providing the toilets. I, for one, do not feel I can accept an apology from Mr. Dooley. He knows as well as his staff that bids have to be made yearly in a timely manner. The season is almost over. I am hoping the toilets will be in the parks by Memorial Day as mentioned in the newspaper article. Let's hope this does not happen next year, or should I say in the future. Thank you for your attention and time.

Mr. Parisi stated, I read the articles you read and shared the same concern. I did call Mr. Dooley, as I am sure all the other Councilors did, and I was told that the potties were bid but the company that had accepted the bid did not follow through. They went out of business and left everyone high and dry. That was the explanation I got and I have no reason to doubt that. It is an unfortunate situation and it is going to be remedied, part of it, tonight. Thank you for your concern.

Wes Lube, 15 Montowese Trail stated, yesterday was the deadline for the opening of the bids at 3:00 P.M. for the American Legion Building next door. I wondered if the Council has had any information as to how many proposals were opened?

Mr. Parisi stated, I have not had any information on it as of yet.

Mr. Lube asked if the Mayor's Office has any information on the subject?

Mayor Dickinson replied, I am not aware of what has occurred on that. I don't know what the results are.

Mr. Lube stated, I am not overwhelmed by your (Council's) interest. We have a white elephant sitting here next door that you are hoping to rent. I would have thought that somebody would care. Could we please have it on the agenda and decide, if no proposals come in, what else or what other alternatives you have in mind for the building?

Mr. Parisi stated, it is pretty easy to criticize people that are working every day and the majority of the Councilors do work every day. I am not working; I am retired, but I spent most of my day today on Town business, which I was happy to do. One day late does not mean that everyone up here does not care. It means that first of all the Purchasing Department has to review the bids, verify them, make sure they are legitimate and are bona fide. When that is done, they are accepted, that information is usually forwarded. It does not happen the same date it is opened. I know that because I did a lot of bidding in my day. It is not an immediate decision; you open them up and pass them down and that is it, it's done. They have to be verified and certified for lack of a better term.

Mr. Lubee stated, you are reading into my words something which I did not say. I am not asking for the quality; I am not asking for the details; I just wanted to know if anyone had called up to see whether or not, in the six week period that they had for submitting the proposals, if there were any received, that is all.

Mr. Parisi answered, no, I guess no one had that information.

Mr. Lubee replied, right. And I am not paid, I am a volunteer, too. You are paid, I am not.

Mr. Parisi stated, you are saying you are disappointed due to a lack of interest and I do not think that is the way to put it, I think we are all very interested.

Mr. Lubee stated, If I were interested, I would call.

Mr. Lubee stated, with regards to Mr. Melillo's comments earlier on the property at 21 Tyler Mill Road increasing in value over an eight month period, which was extraordinary, and the Mayor made the sincere effort to try and explain that but admittedly was guessing what might have been in the appraiser's mind, I was equally bothered by the rather lengthy article that was in Sunday's paper that indicated that there were so many questions to be asked and a reluctance on the part of those involved to answer those questions. I don't think this is the image that the Mayor wants to have and I would like to ask the Mayor through the Chairman, would you (Mayor) be willing to release Don Nitz and Realtor McLaughlin and let them discuss any questions that may remain on the table? Because they apparently feel that they should not do that. I don't think that you would mind that they did. It would be very constructive.

Mayor Dickinson stated, I don't know what their position is on it. I think both of them are professional individuals. I have no reason to doubt the judgments they brought to the table. I have concerns about placing them in an inquisition that brings to question their own professionalism and judgment. At this point I am not disposed to encouraging them if they are not disposed to going and answering questions. They are professionals and if they choose to answer questions, they can do so. If they do not want to, that is their judgment.

Mr. Lubee stated, it is one thing not to answer questions because they think it would be unprofessional. It is another thing to not answer questions because they feel that that would be your wish.

Mayor Dickinson stated, at no time did we communicate to them not to talk with anyone.

Mr. Lubee stated, it is an assumption on their part, no doubt.

Mayor Dickinson repeated, we have not communicated to them that they should not talk with anyone. That is their judgment as a human being, as a person in business, that is their judgment.

Mr. Lube asked, it would not bother you?

Mr. Parisi stated, as I recall, Mr. Lube, Mr. McLaughlin's position was very clearly stated in the article that appeared in the Record Journal on Sunday. I don't have any doubt on his position. I read the article several times. I don't understand your confusion.

At this time the Chairman declared the Public Question and Answer Period closed.

Mr. Zappala stated that he wanted to respond to a comment made by a previous speaker regarding the last Council meeting (third meeting of the month; Public Speaking Meeting.) He was of the belief that the meeting was not a legal meeting, for it did not have a quorum of Councilors in attendance, and he went home. He questioned whether the meeting was legal or not.

Mr. Parisi replied, all of us that weren't there, weren't there for what ever reason. I was here too, I understand. It is one of those things where you are held to the gun and that is it.

Mayor Dickinson stated, it is a good point that Mr. Zappala is raising; no one should believe that it was an official meeting because there was no quorum.

ITEM #6 Consider and Approve an Appropriation of Funds in the Amount of \$15,000 to Outside Contractor Pay Acct. #001-2005-101-1800 and to Charges for Current Service Acct. #1065-060-6020 - Dept. of Police Services

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

Correspondence from Chief of Police Services, Douglas Dortenzio, explains his request to increase the expenditure account entitled, "Outside Contractor Pay" which the town pays police officers from who are hired by various external contractors. In turn, the Town bills these same contractors and deposits their payment money into a corresponding revenue account entitled, "Charges for Current Services" which will be increased accordingly. There is no way the department can accurately know the frequency or duration of the potential jobs for which officer coverage is necessary. Expenditure levels have increased in each of the last few weeks as contractor work related to weather conditions has grown.

Mr. Zandri suggested, in future budget years we might want to "bump" this account up to avoid the paperwork since it does not affect tax dollars at all.

Chief Dortenzio agreed stating, you're right, it does not. It is a non-cash item; it has been much higher in years past. Then, of course, we don't realize the revenue so it is corrected each year based on what the business trends, construction trends, seem to be in Town.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$50,000 from Underground Conduit Acct. #366 and \$175,000 from Underground Conductors Acct. #367 for a Total of \$225,000 to Office Furniture & Equipment Acct. #391 - Electric Division

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

Dave Gessert, Chairman of the Public Utilities Commission explained, in the system of accounts we use the computer is listed as office furniture. In the computer conversion that the division is currently undergoing at the moment, the Comptroller recommended that the expenditures all be made from the Electric Division. The other departments that have a responsibility to pay their fair share will reimburse the Electric Division after the installation is complete.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #8 Consider and Approve a Waiver of Bid Requested by the Director of Public Utilities for the Purpose of Contracting for Engineering Services as a Second Opinion to Review Documents and Applications of Pennsylvania Power & Light Global Pertaining to the Proposed Merchant Power Plant

Dave Gessert, Chairman of the Public Utilities Commission stated, the requesting of a bid waiver is not something we take lightly and I know the Council does not either. The request before you this evening is for us to get an outside analysis of the proposal that PP&L is going to make. The reason for it is to look out for the interest of the people of Wallingford. We realize the developer is going to have his opinions and he is going to present his data and we have no reason to believe that his data won't be accurate and valid. But we also think a second opinion is vital. To have another set of eyes looking out for the interest of Wallingford is wise. The reason we are requesting a bid waiver is, when this document is delivered to the Town of Wallingford, we will have sixty days to have input on it and then it goes on to the Siting Council. If we were to develop (bid) specifications, but those specs out to bid, wait the allotted time, take the bids in and then award them, by the time we had an acceptable bidder the sixty days would be just about gone. We don't want to bring someone in and that they only have a few days to look at it. We felt it would be a good idea to waive the bid to seek proposals from outside vendors which Mr. Smith (Raymond F., Director of Public Utilities) has done. He has contacted a number of different companies, obtained some excellent proposals and will

be happy to discuss them with the Council. We think it is in the best interest of the town if we have our own independent eyes look at this and look at it from the perspective of our citizens in our community and not from the perspective of the developer. That is the reason for the bid waiver.

Mr. Knight stated, in reading through the literature, you are leaning towards Environment Risk Ltd., and if I am not mistaken, one of their qualifications is that they are working on the New Milford project. Is that still a viable project?

Raymond F. Smith, Director of Public Utilities responded, it is still going, yes.

Mr. Knight asked, why did this firm respond in a letter dated May 18th and then drafted a second letter on May 19th addressing a sound study; the total amount they are estimating is \$23,000, correct?

Mr. Smith answered, there is a range of between \$20,000 and \$30,000.

Mr. Knight asked, what was it that prompted them to write the second letter? It was based on a conversation I had with your office.....

Mr. Smith answered, I asked them for clarification. In their original proposal they talked about reviewing the developer's study. We wanted to know what the price would be if we wanted to conduct our own full-blown noise survey outside of the developer's. Not that their meters are any better but we might want an independent party and we may not. We might find that the developer's readings are legitimate. We have not defined what the scope of needs will be at this point but I wanted to get from them a specific quote on the noise study.

Mr. Knight asked, if we waive the bid and you start tightening up exactly what you want, it looks like the major component of all is going to be a review of the PP&L's noise abatement activities?

Mr. Smith answered, that would be one primary area. I see three areas; the air emissions from the stack; the cooling tower - the whole process including the emissions and discharge from the cooling tower...the plume abatement; and of course the noise is the other element. Although there may be other things that surface as the full package is presented and we may find other areas we need to look at.

Mr. Gessert added, water supply usage would be another area that might be looked at.

Mr. Zappala asked, who recommended that this company (PP&L) come to Wallingford to lease our plant?

Mr. Smith answered, we took proposals from the open market. It was my recommendation along with Bill Cominos' and another party at CMEEC who evaluated the six proposals we received. We thought of the six that were received, it was the best one that we could work with.

Mr. Zappala asked, was it the P.U.C.'s recommendation that we lease the Pierce Plant? Was it the Mayor's recommendation; who generated this interest to have the Pierce Plant leased?

Mr. Smith answered, I think it was a combined effort on my part. I think the P.U.C. concurred that we ought to investigate what opportunities were available to us. I know it was discussed on numerous occasions with the Town Council that we ought to find out if there could be value brought to the Town's Electric Division as far as the re-establishing a generating site there.

Mr. Zappala stated, then for the record it is the P.U.C.'s recommendation that we have.....

Mr. Gessert stated, it was the P.U.C.'s recommendation that we investigate the uses of that site and one of the uses years ago that the Town Council looked at was installing new generation of our own; putting our own generators in there and upgrading the whole operation. That was reviewed and later the Town Council decided that was not a direction in which they wanted to go. With the increasing interest in developing merchant power plants, we indicated that we had a site that might be a possible application; CMEEC had people approaching them asking if they were aware of potential sites in CT. and they contacted the municipal utilities throughout the state and asked each of them if they had any locations that could prove feasible in their town that either they own or are private. They asked a number of different companies to come in and review all of the potential sites. Some of the sites were not feasible and the ones that were, were subjected to a sorting process. A number of different vendors were asked what their proposal might be with the Pierce Plant site. Some of the vendors' proposals were rejected because they did not have the financial wherewithal to effectively deliver a project. We went through and finally selected one that we felt had the most likelihood of being able to build a successful project in the confines of that property (Pierce Plant site). Then we came back to the Council to present what we found and we started meeting with the Council on a regular basis to keep you informed so that you can follow the process all along.

Mr. Zappala stated, I could not find a formal P.U.C. recommendation that this project go forward

Mr. Gessert replied, there has been an interest on the part of the P.U.C. all along. There have been discussions; if we had a formal vote on it, I would have to go back through the minutes and try to find that.

Mr. Zappala stated that he did not remember seeing a formal vote on the recommendation.

Mr. Smith stated that he was certain that a vote had been taken because the P.U.C. had to come back to the Council in order to get authorization to deal with PP&L. We signed a letter of intent, if you will. We went through a whole formal process with the bid waiver.

Mr. Zappala asked that he be informed of the date that the vote was taken, if it did take place. He stated that a major problem PP&L is faced with is water resources. In speaking to Mr. Smith this afternoon, it appears as though PP&L has no concrete plans with regards to how their water needs will be met at the plant. How can we go out and spend money for a second opinion if PP&L has not yet solved the problem of where it will get its water from?

Mr. Smith explained, PP&L will present all of the plans of which they think will solve all of the problems, including water supply. My own feeling is one of confidence that the D.E.P. is going to permit them to get an underground water supply out of North Haven down in the tidal regions of the Quinnipiac. It will not be river water but from that area. Apparently someone has some geological information that says there are some good groundwater sources down there that could be piped up. D.E.P. was encouraged because it would not have any negative impacts on the river. The Quinnipiac River Watershed Association has endorsed this concept to this point. I think they are going ahead with confidence that this can be achieved. Do they have the property? No. Do they have the water rights at this point? No. But you may get far along in the project and it may not be this issue, it might be something else, that once they get through the process they find out that there is an Achilles' heel that prevents the project from ever getting completed. Maybe it will be financing. Even after you get approval from the Siting Council, it could take a year to get your air quality permits. It is an ongoing approval process.

Mr. Zappala stated, I agree that the main component of the project is the water. Without it they cannot open the doors to operate. How can we spend money when they don't have a plan as to how they will get their water?

Mr. Smith stated, you're right; as Southington found out, water is the critical element in the process. One of the primary reasons Southington got rejected is because they did not want them using a potable water supply or a drinking water supply. But they are going to be submitting an environmental impact statement very soon. At that point our sixty day municipal review period in which we put additions on, we review their submissions and question the items of concern to us kicks in. The actual water supply is farther down the road but there may be elements of height, the emissions, the modeling that they are going to be using on the stacks or the cooling tower. What are they going to use for plume abatement? Honestly, I am not in the position to judge that. I am not an environmental engineer but I think that is where these folks would come in and give us that assistance to challenge or to confirm that the application is appropriate for plume abatement.

Mr. Zappala asked, can the cost be passed along to PP&L?

Mr. Smith replied, I questioned whether the developer would consider reimbursing the Town for this expense. My problem is, if we want a truly independent judgment, I think that Town ought to pay for that rather than have them feel that they are working almost at arm's length for PP&L.

Mr. Gessert drew the following analogy; if I went to a doctor and then I wanted to get a second opinion, I would not have the first doctor pay for the second opinion. I would pay for it to make sure that I had a very independent second opinion. I think it is cleaner and neater this way (the Town pays for the second opinion). It eliminates even the appearance of any conflict of interest.

Mr. Zappala was of the opinion that the firm giving the second opinion doesn't care who is paying him; his professionals would come first in the best interest of his client.

Mayor Dickinson pointed out, in Planning & Zoning matters the Town does have an applicant pay for an expert sometimes on traffic studies. I think this is a project that far exceeds most of the applications before P&Z. It is extremely complex and has a multitude of potential environmental impacts. I agree with the (P.U.C.) completely; we want to be in a position to pay for the expertise we and we may have to add to what ever the assignment is depending on what comes along in the way of additional filings by the proposer. I don't want this to stand for the proposition that the Town should pay for all experts because with P&Z, that is not the case. This is a very large project and needs that objective decision.

Mr. Zandri stated, it is very important that the Town hire a consultant to protect the Town's interest in this big project but it concerns me a little bit when we are using the reason for not going out to bid as a time restraint. The reason I say that is, this project has been delayed for many months for numerous reasons. Right along we all knew we were going to hire a consultant to protect the Town's interest. When we come here at the last minute, just prior to receiving the packages from the vendor, and use the reason for not going out to bid is a time restraint, that bothers me. If we started early enough in the process, and we have had enough time to do that, we would not be here tonight discussing the waiving of the bid.

Mr. Gessert replied, I appreciate your point and the Mayor and I discussed this particular situation the last time we had a presentation from PP&L. Time had lapsed and I brought it before the P.U.C. several weeks ago and the commission elected not to take action at that time. They said, "we need some more data before we are prepared to ask for a bid waiver". Mr. Smith developed that information and it was voted on at the last meeting to bring it to this meeting. The process of doing this did not start last week but it was a matter of getting the P.U.C. on board and everyone in agreement.

Mr. Zandri answered, you can say that when you are targeting waiving the bid but if we started early enough in the process, we would not necessarily have had to waive the bid. What I am saying is, we had plenty of time to go out to bid, if time was the only restraint and that is what it seems...what you stated tonight, the reason being a time constraint.

Mayor Dickinson explained, as I understand it, the significant issue here is writing the specifications. It is almost impossible to write specifications for an expert to respond to a proposal we don't have. If we wait until we have a proposal and then go out to public bidding, the sixty days is the problem for us because most of that sixty days will be taken up in the bidding process. Without the proposal in the end, it is very difficult to write specifications to have someone adequately respond to something that we have to imagine what its details are and potential consequences.

Mr. Smith added, we had told these vendors that we need their services; we don't exactly know what for. We have ideas in areas that we know we need them to look into such as air quality or sound. I don't know specifically what they will be doing or how they will be retained. One way to accomplish that is to have them do work on a per diem basis. My problem with that is that it does not take enough into account the experience factor that you want for someone to work with you for a very short window, sixty days. I went to the D.E.P., I asked for their recommendation and even though they do not give formal recommendations, they gave me a list of people who they have worked with extensively and we selected from that list. It would be very difficult to write a tight specification because I don't know what the submission is going to be at this point.

Mr. Zandri stated, I think we have a pretty good idea as to what areas we are going to target. You can state that the vendor has to have expertise in this field, this field, this field and this field and also you can hire them on an hourly basis as well. Some of the arguments you are using now are fine and maybe you can say that one of the reasons why you want to waive the bid is because of limited expertise in this field but the only thing I heard Mr. Gessert mention was the time restraint. And that is what concerned me if that is the only reason. I still think we could have potentially worked in a list of specialties that we require to perform the review and work on an hourly basis if we had to as far as going out to bid.

Mr. Gessert stated, I think I mentioned the time but I think I also mentioned the specifications. The other thing I would like to suggest to the Council and you is, this is not an unusual request before the Council, especially in the area of special services. I know attorneys and other professional services...it is easy to go out and get one guy at \$50/hr. and one is \$75/hr. but the guy who is doing the work at \$50/hr. has not handled the kind of litigation that you have in front of you then the guy at \$75/hr. is a better investment. So you not only have who is available and what their price is but what their qualifications are. There may be people, and if you look at the proposals we have, some of these folks say they can do the work but if you look at where they have done it before, they are

● somewhat limited. Then there are others who have documented where they have been involved in this particular type of work and their price may be higher but their experience level is higher.

Mr. Zandri stated, I understand that and I think we have even done that with the bidding process. Regarding the payment for the service, I agree that the Town should pay for this because we want to make sure the people are working for us. There is one other part of the equation, of the final deal if this package is signed, sealed and delivered and that is, what the Town is going to get. I do believe that is still open for negotiation and that is the time to put this (cost for the study) in as part of the equation.

Mr. Smith replied, we have not rushed the host community agreement to you even though the developer would like to have it. You have placed certain conditions, we have placed certain conditions and the developer understands those. Something may develop as a result of the review process that we may want to further implement. That would be incorporated into a host agreement.

Mr. Zandri added, it is possible to get them, when you are finalizing the dollars, to say that they should throw in the \$20,000 that it cost the Town for the independent study. That would be my commendation.

Mr. Smith answered, good idea.

Mr. Gessert added, at that point it might be appropriate.

Mr. Centner stated, I think the bid waiver idea for the independent review, paid for by us, is a good thing. I appreciate within the scope of their services as shown the diligence towards the noise pollution and the noise generation. For me, the biggest concern I have had with the project is the noise. It is not only in the sound pressure level that we measure in decibels but the frequency bands that I keep hitting at all the time. I know one speaker months ago came forward and said that none of the Councilors are engineers but a significant part of my engineering occupation is spent on noise and audio concerns. I was really pleased to see that PP&L was planning to employ the octave band analyzer and/or spectrum analyzer to actually break out the frequency bands in which the noise is occurring. It will not only identify key bands of sound but it will also help us to better understand how they will reflect off of services within the plant and outside to the community. I also noticed they are planning on multi-point checks with sound throughout the work shifts. I appreciate the checks ● being in their because, in addition to the water concerns, cooling and our overall air quality, a real sound stable noise output from the plant is kind of important to that community down there. It is just nice to see that it is being incorporated into the scope.

Mr. Smith asked, can we call upon you?

Mr. Centner answered, I will be happy to come down at any time and give you what I know and what I have seen and done in business towards noise.

Mr. Parisi questioned Item #3 on the third page of Environmental Risk Limited's proposal referring to "Acceptance fees, terms and conditions".

Mr. Gessert read, "subcontractor miscellaneous expenses such as laboratories, blueprinting, reproductions, will be billed at cost plus 10% and shall be in addition to our services".

Mr. Parisi stated, that is my question, there is no cap.

Mr. Smith explained, if they go out and hire a sub-firm to do a portion of the work, atypically if they get charged \$5,000 they add the 10% handling fee but they are still responsible. That is typical in the industry when you have to hire a secondary firm to do a certain phase of the work.

Mr. Parisi asked, and we are going to pay for that?

Mr. Smith answered, yes. They anticipate that that is within their budget. They do not know who they may have to retain at this point. We may ask them to perform a certain task for which they do not have the expertise. They will have to go out and hire someone who does and we have already established the price mechanism.

Mr. Parisi stated, I understand what you are saying but I am a little apprehensive when I don't have any kind of a cap.

Mr. Smith stated, I wish I could be a little more firm on what the total cost may be. After the presentation comes to the Council you may raise a couple of issues that we had not anticipated and suddenly we ask them to go study it. I don't think we will have to get a full-blown modeling of the air emissions but if they review the numbers and say that something looks out of whack, we may say to go ahead and model and they give us some prices and that may be something that is not planned at this time.

Mr. Parisi responded, I have a problem with that subject, quite frankly.

Ms. Papale asked, does it ever happen that maybe a second opinion isn't always better than the first, even though someone may come in and have a different idea about that; about what has to be done? Do you go with the first person or the second opinion? How does it work?

Mr. Smith answered, if our consultant raises an issue and says, "we do not agree with the findings of whomever submitted the material, we challenge their numbers", we will go back to the developer and

that they justify their numbers. Our consultant is representing us and they will tell us if the information is good, questionable or faulty. Someone will have to prove one or the other right.

Ms. Papale asked, when do you think that PP&L will submit the application?

Mr. Smith answered, the last I heard it was May 13th, then I heard that it may be as early as tomorrow; I will believe it when I see it. There is a lot of last minute things they are going through. I, myself, have questioned the transmission line routing because I wanted to make sure that was part of the package; when originally proposed PP&L was waiting to do that separately. I wanted that element of the project to be addressed now because we want everyone to be aware of what that is going to look like, where it is going to traverse and connect into the system. We want a full package and identify all the environmental impacts.

Ms. Papale stated, no one is rushing you, we would all feel more comfortable if the proper time is taken to make sure everything is done correctly.

Mr. Smith stated, I am disappointed that it has taken this long. But every time I question their progress their claim is that they want to make sure that they do the job right the first time. They have taken a lot of input. Our process is different than a lot of other towns. We went out and solicited them; we own the property. We put other restraints or caveats on this program that other towns did not.

Andy Kapi, 6 Deme Road asked, will the document be coming to the Town from PP&L tomorrow? Or will the application be made by PP&L to the Siting Council tomorrow?

Mr. Smith answered, it would be to the Town. They would have to put the paperwork in for a sixty day municipal review first.

Mr. Kapi stated, what do you know about the hydrogeological information regarding the area down in North Haven that PP&L may be looking at to drill some wells? Who obtained it?

Mr. Smith answered, I am told that their consultants are familiar with the area. I don't have any more information than that. I questioned exactly where it is going to be, whether they had control of the property or not or an option on the land.

Kapi stated, those are the very same corollary issues that Meriden faces, trying to get right-of-way to lay down its pipe. In speaking with Chuck Berger of the Inland Water Permitting Area of D.E.P., he informed me that PP&L will have to have someone drill a test well and do some actual drawing of water to get some correlation between what happens in the ground water versus above the ground water flow. Mr. Berger stated that sometimes that information which is submitted by a

consultant to D.E.P. and it is sometimes rejected by D.E.P., that is a possibility as well. They may take a look at the conclusions drawn from the raw data of that type of testing methodology and come to a different assessment from PP&L's consultant and decide that they would not go for it. Secondly, I asked about the aquifer in Wallingford; whether the wells would be drilled five miles down to North Haven, or six or seven. I asked, would it be a mandatory issue that they would want to have addressed in the accumulation of data, to see if noticeably there were any lowering of the aquifer in Wallingford as well as an outcome of drawing those amounts of water down in North Haven. Mr. Berger stated, in his view, he would require them. We don't have a clue yet as to where they are going for this water. Since Mr. Smith raised the issue about the transmission lines that had to be included in this document that we will accept which will formally trigger the sixty day period. This is establishing the basis of the kind of give and take that we will undertake with these folks, the kind of negotiations we will have. Are you saying that we are without the ability here to say "hold on a minute, the sixty days come when you put that water plan on paper and give it to us"; are you saying that we are at the mercy of them saying that they are dropping the document on us and therefore the clock starts ticking?

Mr. Smith replied, the process is, when the application is viewed as complete and acceptable for the D.E.P. and the Siting Council, then the clock does start, yes. Just as Meriden does not have a guaranteed water supply, they have to demonstrate or identify what their water sources will be. They must prove to the various agencies how that will impact. Quite frankly, I don't think there will be any impact on the Wallingford water as a result of wells three miles downstream. The zone of influence does not go that far. Just as Cytex has their own well does not influence our well field up in the north end of town.

Mr. Kapi asked, in your view, as part of our sixty day review process, we should not yet have from them a commitment as to which of these two directions they are going for water?

Mr. Smith answered, they have talked to Meriden; I am aware of that. At one point they were considering doubling up the pipeline or joining in the pipeline as it came across Meriden.

Mr. Kapi replied, that has implications on rights-of-way within Wallingford and connecting to Wallingford and engineering issues and we don't know that and we are going to let them start the sixty day clock?

Mr. Smith answered, I don't know that until I receive the application.

Kapi stated, if they drop a document off tomorrow, I don't even know which of the two laws are in effect on this issue.

Mr. Smith explained, I don't know what the date is but the last I knew the cut-off would be in July.

Mr. Kapi stated, we may be operating under the old statute. At the last meeting I stated that I did not want to see the Town trigger a sixty day review period based on partial information in some critical areas that have overriding.....

Mr. Gessert interrupted to correct Mr. Kapi stating, you keep saying "we". We don't trigger a sixty day period. The sixty day period is triggered when PP&L presents their proposal; it is not us deciding when the sixty days start. One of the things you keep saying is, "we don't know anything about the water". Part of their proposal has to be how they are going to provide cooling water and how the wastewater that is left over is going to leave; whether it is air borne or ground borne and in which direction it goes. That all has to be addressed in their proposal. We have not seen their proposal yet but when we do see it, those items will have to be addressed; they will have to be in their report.

Mr. Parisi asked that the speaker stay on the topic of the waiving of the bid. We are not reviewing the whole project all over again.

Mr. Kapi stated, remarks were made earlier this evening about the time/urgency which necessitates the waiving of the bid. That is what I am speaking to. Why doesn't the type of input you are looking in the form of a second opinion include the business model? Some of the financial implications that we may be faced with in a de-regulation climate? Why would you limit the need for an outside consultant strictly to engineering questions?

Mr. Parisi replied, I don't think that is any concern of ours.

Mr. Smith stated, the business plan we are working on is part of the host community agreement. We retain an attorney whom we are working with as a side element.

Mr. Parisi stated, that will be done later on in the process.

Mr. Smith explained, it is being done concurrently. What do we want out of this deal? We have stipulated that there is no tax abatement so the Town will receive full taxes. We have laid out certain terms and conditions. Again, not to be redundant, our process has been far more public than most of the others. If you know the process, typically, it all triggers when the applicant walks in the door in Meriden or Southington and drops the papers on the window and says "we are going to build a plant up here, take a look at this because we are going to the Siting Council in sixty days. Give us your input." We have been dealing with this for well over a year and we have put a lot of terms and conditions on the project already and we expect to put more on. That is part of the host community agreement; figuring out what the rent payments are going to be; whether we will have options on the power supply.

Mr. Gessert added, whether they operate at a profit or loss is not up to us. As far as negotiating what economic benefits should come back to Wallingford, that process is in the works.

Mr. Kapi asked, when we do have a hearing or what ever it is that we are going to do to make some use of the sixty days to bring it to the public and have an exchange, will we have something of the business model to discuss?

Mr. Smith answered, we have already discussed many of the elements of the business field. They are going to pay full taxes; they are going to lease the property; we want a ring bus constructed over their with another source for our distribution system. That is something that is important to us; it enhances reliability so we have already laid that out as part of the financial deal. The non-oil requirement; they are all conditions. When we put the non-oil back-up as a requirement on this project, we are looking now at having two pipeline sources to make sure that they are going to have a dual source for natural gas. That is a business commitment. Every time they walk away from one of these meetings and we put another layer of requirements on there, they go back and re-evaluate the project, I am sure. They have to justify to themselves and their own Board of Directors that this project is still viable. At some point another financial group is going to review it and say, "the Town of Wallingford requires you not have oil back-up. We don't think this is a good business deal therefore we are not going to finance it." I am just speculating about the subject but I don't expect that the business deal will be closed before this engineering review is done. Something may come out of this process that we say we want to make sure is a requirement of the host community agreement.

Mr. Gessert pointed out how another issue that economically affects the utilities, namely, what volume of water will be processed by the Sewer Treatment Plant, could result in a very large, new customer of the Sewer Division. This will give the division a very good income stream. That is another part of the business effect that will impact Wallingford.

Mr. Kapi asked, has anyone talked about a de-commission and de-construction phase?

Mr. Smith stated, we have put some requirement in our initial proposal; it is still in its draft form, yes. We have taken that into consideration; what happens after twenty or thirty years. We talked about a decommissioning fund being established. Or there is an option, if we decide twenty or thirty years down the road that we want to keep it, we refund the trust fund and keep operating. That is a decision that would be in the Town's hands at that time.

Mr. Kapi stated, in that sixty day review period, that is the sort of thing that will draw my attention; that is the sort of thing I want a chance to comment on. Those are critical issues.

Rick Hillegas, 3 Promentary Drive stated, I apologize; I dozed off back there listening to this conversation. I thought we were talking about a second opinion because there were some issues with

the concern of air quality, water quality and sound pollution. I want to speak in favor of the second opinion. I think it is a wise thing to do before we commit anymore time, money and effort to it. It is a reasonable thing to do.

Robert Sheehan, 11 Cooper Avenue asked, is this similar to a peer review? This firm that you are proposing to hire is familiar with all the workings, building and erection of a power plant?

Mr. Smith answered, they are familiar with power projects.

Mr. Sheehan stated, the ultimate decision as to whether to go forward with this or not lays with the Council; whether it gets to the Siting Council or not. It is a good idea to get a second opinion or peer review; Planning & Zoning does it all the time. If I were you sitting up there, I would want every "t" crossed and every "i" dotted. I would not deal in speculation that they are going to do anything. If something happens and there is an alternative, believe me, where there is a will, there is a way. It will get done and I would hate to see one drop of potable Wallingford water go to generate a spark. After it leaves your hands, if you give it the O.K. and it goes to the Siting Council, one of the main things that stopped Southington was citizens; the everyday citizens. They got up and went to the Siting Council, don't shake your head no because I know people who were involved. I am getting tired of this; of standing up here and watching people react in negative ways as though we don't know what we are talking about and giving that impression. I talk for myself up here. I don't talk for anybody else and I expect attention. You had better make sure everything taken care of. You are the final answer because after it leaves here, it is a 50/50 shot whether enough people who would be listened to if there is an objection to this, which I think there should be. If one of the main elements is in water, PP&L had better have the land acquired and ready to go, not that there may be a possibility to acquire the land.

Mr. Smith stated, they will be a Water Division customer. They have domestic needs and we will supply them supplemental water. It will not be for their cooling tower purposes.

Reginald Knight, 21 Audette Drive stated, I share Mr. Zandri's thoughts about all of a sudden, as the door is closing, we suddenly have to get experts and it could have been done a lot earlier. Is this the first power plant that has ever been built?

Mr. Smith answered, no.

Reginald Knight asked, have other communities called in experts to qualify the situation before taking the advice of the "experts".

Mr. Smith answered, yes and no. Some communities did and some didn't.

Reginald Knight asked, did you make any effort to contact these experts who went in to qualify these places?

Mr. Smith answered, yes and the experts who were used in two of the projects were the same ones who are working for PP&L in this project so we could not use them.

Reginald Knight stated, within the New England area and across Pennsylvania there must be electronic engineers, heating and cooling engineers; we have engineers coming out of our ears from all of these colleges. I think that you could have gotten a selection of someone who has expertise in the field.

Mr. Gessert stated, I don't know where you are getting the idea that the people to whom we are talking, don't have any expertise in the field. The particular companies that we have talked to and based on Mr. Smith's recommendation, they have done a significant amount of work throughout the State, New England and they have worked with other power companies. They have worked with people going through the application process at both the State and Federal level. They have done environmental consulting services for a number of companies in a number of power projects. These people are not wet behind the ears coming out of college. They have been doing it for a while and for power plants.

Reginald Knight stated, I did not put any doubt on the company that you have chosen or picked or what ever you would like to call it. I am only saying that there must be a lot of them out there and I think that if you started in time, you could have picked out someone just as good. It is the waiver of bid business that bothers me all the time. To come to a certain point and then to have to take one group as a pick instead of going through a whole process....I think the power production, apart from atomic power, is not that....there are a lot of brains out there and if you started in time you could have found a process where putting the service out to bid would have paid the Town to do so.

Frank Wasilewski, 57 N. Orchard Street stated, Mr. Smith had a list of six or seven companies who were interested in providing this service. Does the Council have the list of the companies?

Mr. Smith answered, yes.

Mr. Wasilewski asked, if the Council agrees that the company recommended by the P.U.C. is the one to do business with, vote for it. If not, reject it.

Luca Melillo, 15 Haller Place, Yalesville was of the opinion that the Council should not approve the waiver of bid since there was and still is plenty of time to put the work out to bid. We should wait until we hear what the Siting Council has to say about the water resource issue.

Motion was made by Mr. Rys to Waive the Bid and Award the Contract to Environmental Risk Limited of Bloomfield (CT), seconded by Mr. Centner.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #16 Motion was made by Mr. Centner to Move Agenda Item #16 Up to the Next Order of Business, seconded by Mr. Knight.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #16 Remove from the Table to Consider and Approve the Release of Electrical Easements at 168 North Plains Industrial Road - Town Attorney

Motion was made by Mr. Rys to Remove the Item from the Table, seconded by Mr. Knight.

VOTE: Farrell was absent; all others, aye; motion duly carried.

At the March 9, 1999 Town Council Meeting a Request (Item #4m) was made of the Council release electrical easements running across private property known as 168 North Plains Industrial Road (a.k.a. Davis Property). The item originally appeared on the consent agenda and was removed by Councilor Gerald Farrell, Jr. based on fact that he, personally, felt that a monetary consideration should be paid to the Town in exchange for the easement, the same as other private property owners have paid for the release of easements in other matters. Since the Council could not come to a resolution that evening the matter was tabled so that it could be researched further as well as give all parties involved additional time to negotiate the release.

Correspondence from Attorney Gerald Farrell, Sr. Dated May 20, 1999 states that he has been informed by the Electric Division that their research of the matters shows the Town did not pay for the easement across the Davis Property and that it was given to the Town without consideration. He also found that the Town has previously signed a release on the property to the north and did not request or receive payment for that release. With the easement having been released to the north and the statement of the Electric Division that it has not further use of the easement over the Davis property, Atty. Farrell, Sr., recommends to the Town Council that it release the easement over the Davis property without payment.

Motion was made by Mr. Rys to Approve the Release of Electrical Easements at 168 North Plains Industrial Road, seconded by Mr. Knight.

Mr. Gessert stated, I want to point out that the release of this electrical easement will provide for the development of a piece of industrial property which will significantly increase the value of it and increase the taxes for the Town of Wallingford and it is of no value to us.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #9 Consider and Approve One (1) Appointment to the Position of Tenant Commissioner on the Wallingford Housing Authority to Fill a Vacancy in a Term Which Expires 10/31/2000

Motion was made by Mr. Rys to Appoint Mr. Chet Wojcik to the Position, seconded by Mr. Knight.

Mayor Dickinson stated, we checked on what requirements there are for being a commissioner and the only requirement is that you be a resident of the Housing Authority for more than a year and there is no requirements as to being a citizen or a voter or anything. It is related only to being a resident of the Housing Authority and you cannot vote on any matter concerning rent increases.

Mr. Parisi stated, I don't have a problem voting on this. I don't know if anyone else does.

Mr. Zappala stated, I have a problem because I talked to Ms. Theresa Cellotto who was selected unofficially and the(inaudible)...here is that she is not a citizen. I happen to know Ms. Cellotto very well and she is a very caring and diligent person and I don't know if it will change people's minds but I don't think the commission has a right to dictate to us who we should select. It seems that is what is being done because she is not a citizen. I don't think we should be dictated to by the Housing Authority.

Philip Wright, Sr., 160 Cedar Street asked if the vacancy is a result of someone leaving the position?

Mr. Parisi explained, someone has passed on (died).

Mr. Wright asked, does the person whose name you are putting up meet all the requirements as stated by the Mayor?

Mr. Parisi answered, as far as I know, yes. I called down there and supposedly the person is qualified, yes. They came recommended by the Housing Authority.

VOTE: Farrell was absent; Papale, Zandri and Zappala, no; all others, aye; motion duly carried.

ITEM #10 Consider and Approve Adopting a Resolution Authorizing the Mayor to File Application with the State of Connecticut Department of Public Health for a 1999 Preventative Health and Health Services Block Grant in the Amount of \$6,501 - Health Department

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

Mr. Centner asked, I know that when we went through budget session, you were looking at something like \$7,000., is the grant money for that line item or is this in addition.....?

Maryann Cherniak-Lexius replied, no, this is a different grant. The \$7,000 we were talking about at budget time was coming out of per capital block grant money that the Town is eligible for. This is a federal grant of which the title is "Preventive Health and Health Services Block Grant" and comes directly from the federal government. It is pass through money through the State to local health departments. They have some specific criteria as to how the money can be used.

Mr. Centner stated, I know we spoke about, in addition to the \$7,000 you could have used something like \$6,000. Is this dollars along that line, is that what it is, to help your operation there?

Ms. Cherniak-Lexius replied, no, I was going to use this money for Sanitarian hours on a per diem basis, a food service inspector. What we are talking about prior, during the budget hearing, was a health promotion campaign/program where this is more on the environmental health side, the enforcement side.

Mr. Knight asked, how is this going to work? I am picturing that you are going to hire someone and on a given Saturday, they may....what are they going to be doing precisely?

Ms. Cherniak-Lexius replied, this position will have two uses; one will be to help out the Sanitarian we have in place now on an hourly basis. My hope is that this person is already working as a food service inspector at another Health Department that wants to moonlight, who wants to pick up another part time job. They would be available to give us a hand if we found that we could use assistance in getting into our usual routine inspections. Primarily my hope is to formalize our, what we call "temporary food events" inspections. By definition a "temporary food event" is any event that takes fourteen days or less. The longest event I have seen so far in Wallingford is Celebrate Wallingford or the Polka Fest which are two day events. This person would formalize what we are already attempting to do right now, get a handle on food source and safe food handling and would actually be available to go out and inspect the booth on the weekends.

Mr. Knight stated, I have attended many events put on by non-profit groups. Unlike the permanent restaurant facilities the people who work the events probably are not up to snuff on the rules and regulations pertaining to food handling. How do you balance not discouraging this kind of event with enforcing legitimate health standards? This appears to be an enforcement action and I am not aware of too many events in town.....what I am driving at is, is there information that your department offers

groups that they need to know in order to comply with the inspection that you may bring upon them in the middle of their event?

Ms. Cherniak-Lexius replied, as a matter of fact I met with some people today and earlier this winter from Wallingford Center and we just finished a packet of information that will be provided by Wallingford Center to the food vendors. In the packet.....we are giving them what I call the "answers to the test". It is called the Sanitarian's check list and it lists the items that the person performing the inspection will be looking for. This information targets more the booth-type of food vendors; people who typically do not do this for a living. We address areas such as, how are they going to do their dishes; handwashing facilities, etc. Our approach is not intimidation by any means. You cannot help the way people may feel when they hear the Health Department is coming down to see what their booth looks like but we do everything we can to provide education ahead of time. So there are three items in the packet; the application for the temporary food license (which is waived for all non-profit organizations), the answers to the test and a general information packet on food borne illness, the type of organisms, how you are supposed to be doing your dishes, how you prevent cross-contamination of raw cutting blocks in an area where you may be cutting bread, for example. The final piece we are going to try to do this year for larger events is.....this past year we were able to purchase, with grant money, a portable TV and VCR with videotapes. I have done this in other locations; we have a question and answer period for those interested in viewing the tape and asking questions about their menu and food management. It is an educational opportunity. By the time we get to the booth inspections everyone is fully aware of what we will be looking for.

Mr. Zandri thanked Ms. Cherniak-Lexius for pursuing this particular grant and encouraged her to keep her eyes and ears open for any other potential grants that may enhance her department.

Reginald Knight, 21 Audette Drive asked, can a citizen call up the Health Department office and ask questions about situations they are concerned about or is the office steering its efforts towards commercial food business?

Ms. Cherniak-Lexius replied that a member of the public is most welcome to call the office with questions.

Reginald Knight stated, a while back I approached the Town Council to ask if anything could be done about teaching adults C.P.R. classes. Students are being taught in the schools which is excellent but the Town should pitch in and teach C.P.R. classes to adults for free. I am aware that the classes are expensive but perhaps the Town could get a cheaper rate if they use firemen or E.M.T.s to provide the training. You would be surprised as to how many concerned citizens would be interested in learning basic C.P.R.

Ms. Cherniak-Lexius stated, that is an interesting thought; I will talk with them.

Reginald Knight next commented, with regards to the earlier discussion on port-o-lets, what I don't understand is, at West Side Field there are toilet facilities and they always open. At Pragemann Park there are toilet facilities and they are never open. There are toilet facilities over at Doolittle Park and they are never opened. Can you not use your office to see that.....the players and others going over to trees to relieve themselves, it is not good for the health of the community. It is not necessary. We have the facilities there and they are not open.

Ms. Cherniak-Lexius asked, and this is for baseball events?

Reginald Knight replied, baseball, soccer, softball, etc., especially Pragemann Park. That is loaded with playing fields all the time. It can be embarrassing to see someone performing a body function which they think is not being witnessed while children are walking around there and it is completely unnecessary.

Ms. Cherniak-Lexius stated, I have to claim ignorance but I will learn more about this and find out why because I hear what you are saying.

Pasquale Melillo, 15 Haller Place, Yalesville supported applying for the grant. He felt that there is enough interest and support for local Health Departments. He was of the opinion that the department should receive more funds that it currently receives.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$17,500 to Fund the Golf Course Feasibility Study with National Golf Foundation as Requested by Councilor G. Tom Zappala.

Motion was made by Mr. Rys to Approve a Transfer of \$17,500 from Contingency- General Purposes Acct. #001-8050-800-3190 to Town Council - Purchased Services - Golf Course Study Acct. #001-1110-901-9003, seconded by Mr. Knight.

Philip Wright, Sr., 160 Cedar Street asked, how much money is in the Contingency Account?

Mr. Knight answered, \$18,900 as of April 30, 1999.

Mr. Wright questioned why the accounts affected by the transfer were not listed on the agenda?

Mr. Rys explained how, at the time the agenda was being developed, the account from which the money would be taken had not yet been determined by the Comptroller.

Frank Wasilewski, 57 N. Orchard Street stated, this is the third feasibility study that is being conducted on the golf course. You will come to the same conclusion as they have in the past. What we should be talking about is whether or not the course is going to be built. Forget the feasibility studies because they have been done before. You can save yourselves \$17,500. Vote on either building it or not building it for once and for all. If you are not going to do it, get it off the table and don't talk about it again.

Mr. Parisi stated, I understand your frustration. The only difference is that the market changes and there have been substantial changes since the last study which was not done in its entirety.

Mr. Wasilewski stated, there are ninety-seven municipal golf courses in the State and there are 20 million golfers in the United States. If you say it is not going to pay for itself, you are mistaken. Build a golf course; start with nine holes, get it done.

Mr. Parisi stated, I can imagine the criticism if we built a course without even checking on it.

Mr. Wasilewski stated, no matter what you do you will be criticized. We are making everyone else happy in Wallingford, we have swimming pools, we are building senior centers, we are doing linear parks; the golfers have been at it for twenty-five years and have not gotten to first base yet. Either do it or forget it.

Mayor Dickinson stated, we have inquired of the State Health Department just to verify that there is not a permitting or other requirement from them. My recommendation is that we not engage a study, sign a contract, until we know from the State Health Department that there is no problem from their standpoint.

Mr. Melillo suggested that a transfer be put on the next Council agenda for \$17,500 to feed the wild birds in Wallingford.

Lester Slie, 18 Green Street supported authorizing Phase I to proceed. After the information has been gathered, let the public decide. I have been trying to get a golf course in this town since 1979. If the feasibility study comes back showing that the course will make money for the Town, I say it is about time we had a golf course of our own. Meriden has been good to us but they are clamping down on the out of town seniors playing there by doubling the fees. Seniors are on a set income. We need a course that is affordable for the general public with a slight reduction in fees for the senior population.

NOTE: Farrell was absent; all others, aye; motion duly carried.

ITEMS #14 & 15 Motion was made by Mr. Rys to Move Agenda Items #14 & 15 Up to the Next Order of Business, seconded by Mr. Centner.

NOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #14 Discussion and Action Regarding a Bid Waiver for the Purpose of Hiring a Vendor for Staff Training for New Software

Motion was made by Mr. Rys to Waive the Bid and Award the Contract to Computer Center Software, seconded by Ms. Papale.

Correspondence from Dr. Cirusuolo, Superintendent of Schools, which states how the school system will implement new software for fiscal services on 7/1/99. The date was chosen because the software that is being used at present is not Y2K compliant. The new software would have to be implemented even if there was no plan to upgrade technology. The implementation plan included the provision of the necessary staff training through the auspices of Area Cooperative Educational Services (ACES). Unfortunately, ACES informed Dr. Cirusuolo approximately one week ago that it could not provide the training. This has created an emergency situation. Staff training has to begin almost immediately to implement the software on July 1, 1999. This leaves insufficient time to utilize the competitive bidding process. Hence, the reason for the bid waiver request.

Mr. Zandri asked, is this one of only a few companies who teach this particular software?

Dr. Cirusuolo stated, this is the only vendor who sells the software. We would have to go out to bid to see if there would be other people who could meet specifications.

Mr. Zandri asked, how long will it take to do the training?

Linda Winters, Board of Education Business Manager replied, the training would be complete by June 30th.

Mr. Centner asked, how much are we talking about?

Ms. Winters replied, \$16,700 for the training.

Mr. Centner asked, is this going to be another unique situation like the firm (Carter Pertaine) in Texas who used to handle the office computer?

Dr. Cirusuolo answered, no. The software that we are implementing is being implemented in many school systems. If you go back about 10-12 years ago, the Carter Pertaine software.....they appeared on us as well and then we ended up working out arrangements with a firm in Texas to give us support.

Mr. Centner asked, once this is up and going you can see this being serviced by other firms?

Dr. Cirusuolo answered, I am not sure about that but at least this firm is in Maine. We will not need to go as far as Texas to get the support. I don't think we will have anywhere near the problems we had with the Carter Pertaine software.

Pasquale Melillo, 15 Haller Place, Yalesville voiced his intense dislike for waiving the bidding process.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve a Transfer of Funds in the Amount of \$35,000 from Health Insurance Acct. #001-8035-800-8300 to Self-Insurance Workers Compensation Acct. #001-8035-800-8310 - Personnel

Motion was made by Mr. Rys to Approve the Transfer, seconded by Mr. Knight.

This transfer is being requested due to a second injury fund assessment in the amount of \$23,000 was processed yet was not reflected on the worksheet due to an error of omission. The \$35,000 transfer should cover the department's needs until the end of the year.

Mr. Centner asked for an explanation of the worksheet method utilized in the managing of this account.

Mark Wilson, Risk Manager stated, as a result of a special meeting in the past, a promise was made to the Town Council that Mr. Wilson's office would check these accounts on a weekly basis so as not to run out of funds and need to call a special meeting. Upon explaining that to Mr. Wilson's secretary, she began to reconcile the indemnity and the medical expenses but when this special assessment came it, failed to be reconciled.

VOTE: Farrell was absent; all others, aye; motion duly carried.

WAIVE RULE V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering a Transfer of Funds for the Parks & Recreation Department, seconded by Mr. Centner.

VOTE: Farrell was absent; all others, aye; motion duly carried.

Consider and Approve a Transfer of Funds in the Amount of \$2,999 from Park Beautification Acct. #001-4001-901-9018 to Purchased Services - Portolets Acct. #001-4001-901-9921 - Parks & Recreation

Mr. Zappala asked why the department failed to have funds budgeted for this service?

Thomas Dooley, Director of Parks & Recreation responded, the funds in the Port-o-Let account were used up in the contract for last year. We anticipated using the funds from our revolving account. It was recommended that we make this transfer instead. It is an accepted prior practice to use our revolving account in the past to purchase the service. The money is there, it is just a matter of a bookkeeping process.

Mr. Zandri asked, what happened, why were we late?

Mr. Dooley replied, the anticipated bid opening was my mistake, I got it out later than anticipated. Beyond that we only had one company bid originally. They ended up withdrawing the bid due to the specifications. We usually put the bid out April 15th or they are out April 15th. I did not get it out until after the 15th, on the 18th or 19th. We had one bid and they rejected....after looking at the bid entirely they thought they could not meet the standard of the bid specification so we had to re-write the bid specification.

Mr. Zandri stated, obviously this is a very important issue and it should have been handled on an emergency basis where it should have been done, even if we had to call a special Town Council meeting. But to have this much time lapse for this service is inexcusable.

Mr. Dooley replied, the companies that I spoke to would not have put port-o-lets out there with a bid pending; it would have been a waste of money for them, they indicated. We tried to get companies to go in on a limited time, they wouldn't.

Mr. Zandri stated, in this situation we could have just waived the bid and did what ever we had to do to get them out there. It is unfortunate but sometimes you have to deal with that. Again, in the future, should you run across this, I think we have to handle this in a strict manner and have it done immediately.

Mr. Parisi asked, you weren't late with this were you?

Mr. Dooley replied, originally we were later than we normally would be. We usually put this out on the 15th of April. It was put out on the 18th or 19th of April.

Mr. Parisi answered, that is not late.

Philip Wright, Sr., 160 Cedar Street asked, what is in process now that will prevent this from happening again?

Mr. Dooley answered, awareness.

Mr. Wright asked, is there something in writing that says, as of the 1st of the year, you are going to review this type of thing? It is totally inexcusable for this to happen. I argued way back when the Vietnam Fields were first built. Adam (Mantzaris) and I were out there deploring the fact then, that was probably ten years ago, that there were not any girls there in softball or baseball then and it was deplorable to see the little guys running off to the woods. This is not a two-bit outfit here. We ought to be able to get some standard practice that would total obviate the possibility of this ever happening again. Somebody asked the question, is your position an elected one? The answer is no, you are appointed. Therefore I go back to the Mayor and say, "Bill, this really rests on you to make sure that Tom Dooley does something constructive so that this never happens again."

Mr. Parisi reminded everyone that this is not a free-for-all.

Nancy Coppola, 56 Duncan Street stated, it is kind of hard to tell a four year old little girl that there is no place to go, literally, when she is watching her brother play ball. You say the monies are there but in a different fund. Couldn't the monies be set aside for a port-o-pottie.....we have how many parks in town? Shouldn't there be a set amount be put aside each year.

Mr. Parisi stated, it is not a question of the money not being there; the money is there. It went out to bid, the company that bid on it went out of business and we had to re-bid it. It took time.

Ms. Coppola stated, but there was a problem with the type of port-o-pottie that was in the specification. I guess it was the type that you back into with a wheelchair. I don't know how many people come to the games in wheelchairs but line "B" should have the regular port-o-potties that you just walk in. It should have been, if you can't do this, do this. With regards to the timing issue; I heard that the soccer players started playing in March. Where would those children go to the bathroom in March if the bidding is not to start until April? I think the port-o-potties should be there year round. I don't know if people go there in the winter to throw a football? I don't know if that is the Town's responsibility to have those there? Some potties have been locked, I have heard. Who the key when the kids are playing? As far as the health issue, the little children are going and getting poison ivy or what ever because they are squatting. The health of our town with things on the ground that should not be there. It is very close to home and I don't think it should be an issue ever again.

Mr. Parisi stated, your (editorial) letter prompted others to look into the matter and find out about it. I have had sporadic comments about the bathrooms and every time I got one I referred them to Mr. Dooley and I am sure others on the Council have, too.

Ms. Coppola stated, I was told that a letter to anyone would not put anything into action and I don't know who I was talking to at the Recreation Department. I was told the port-o-potties would be there by the 28th of May and a letter from me would not do any good. I didn't like that and I wouldn't stand for that.

Mr. Parisi stated, I cannot answer for that person.

Ms. Coppola stated, I just don't want it to happen again.

Mr. Parisi replied, I don't either and I don't think any of us really do, including Mr. Dooley. We can try to move this forward and try to get it on the right track.

Reginald Knight, 21 Audette Drive stated that he has been engaged in soccer many years. He is now retired out of it but many years ago...and it has been many a long time, a lot of years, since I have seen the facilities opened either at Pragemann or Doolittle. The only time they were ever opened at Doolittle that I can recall, I can be wrong but I am there quite frequently, was when my children were very small and we went ice skating. I think the brick facilities can be opened. There is a technical point about a door in-between the toilet facilities and an electrical situation room. I still think that the steel door could be welded up and a separate door made from the other side of the building through which to enter the electrical room. I also heard about vandalism. But vandalism is another problem which should not interfere with a health matter. We have facilities there at West Side Park. They are always open and in use and we don't have any problem at all. The umpires lock them up after the games are over. There is no reason why the same situation could not happen at Doolittle and Pragemann. On the other side of it, the brooks and streams...that brook at Doolittle Park runs down to Wharton's Brook. We often get told about the spreading of disease; God knows how many people have something or other. That brook runs right into Wharton Brook Park where people are swimming with children. That is a health situation, apart from the embarrassment and disgusting...if you send a child over to the trees and there is a full grown man or woman performing something that is necessary; it should not happen. These places should be open. It should not have to be like that, port-o-potties aside. Would it be possible for the Town to buy its own port-o-potties and then enter into a contract with a company to dispose of the contents?

Mr. Dooley stated, that discussion came up in short form last week with Mr. McCully and he felt that he did not want to pursue that because of the amount of time it would take in case the facilities were tipped over. With the purchase of the port-o-potties comes full service. He was not interested in pursuing that idea with me.

Reginald Knight asked, there is no way to get a contract for the emptying of it?

Mr. Dooley answered, I did not say there is no way, I am saying, at the present time that is not something that he wanted to discuss pursuing.

Reginald Knight asked, would our sewage facilities be capable of emptying those to a healthful degree if we had bought them?

Mr. Dooley answered, I don't have an answer for that.

Reginald Knight asked, does anyone have any concept of that?

Mr. Dooley explained, we would have to contract out to bring a service.....if we purchase port-o-toilets, we would need to purchase a service contract for the emptying and cleaning of them. In lieu of that I think the placement and movement of them, if something were to occur to them during the course of the time that they are out there such as vandalism or tipping them over, the responsibility that would fall on Public Works...I can't speak for Mr. McCully, but I don't believe that is an issue that he would like to pursue or have me pursue.

Reginald Knight stated, if they are from vendors they don't get vandalized and tipped over? Only when they belong to the Town?

Mr. Parisi stated, I think they get vandalized if they are left out.....

Reginald Knight stated, that is what I am saying sir; a little tongue-in-cheek. As the other woman had stated earlier, the soccer players are out there in March, both the boys and girls. Long before March the bids should have gone out.

Mr. Dooley answered, historically we have put the bids out in the middle of April. We never seem to have a problem until this year or a complaint.

Reginald Knight stated, the only word is "deplorable". The fact that we have facilities in place and they are not open; West Side Field is a good example. The umpires go to the game, open the facilities, umpire the games and then lock the facilities back up when the games are over. There is a problem, it is as simple as that. Yet, the other two fields.....

Mr. Parisi asked, why aren't they opened Mr. Dooley?

Mr. Dooley answered, presently Pragemann and Doolittle are not opened.

Mr. Parisi asked, the reason being?

Mr. Dooley answered, at Doolittle, they have access to the entire building because the doors inside are not reinforced. Pragemann, with the power being down we don't want anyone inside the building.

Pasquale Melillo, 15 Haller Place, Yalesville stated, I am amazed this has been hanging around for so long and I am not about to blame any one individual. I am amazed that all the people involved did not get organized the way they should after all these years. The most important thing is the sanitary conditions. Why can't we build something permanent?

Mr. Parisi stated, we are not here to brainstorm, we are here to get this approved so he can go out and get the port-o-potties. Are you against the transfer or do you want us to get the port-o-potties?

Mr. Melillo replied, I am not against the request. I am saying that this should be organized and we should have much better facilities. More and more children are getting involved in sporting events. They deserve better toilet facilities. There is no reason why we can't have something that is permanent and solid.

Mr. Parisi asked, isn't there some way to solve this problem down at Doolittle?

Mr. Dooley answered, yes. I am meeting with Mr. McCully tomorrow and I will bring it to his attention. He is aware of the situation. It will take a little bit of work.

Mr. Rys asked, don't they have port-o-potties there?

Mr. Parisi answered, no. They have the bathrooms there, they have been there for years.

Mr. Rys commented, when the organization that you hire places the port-o-potties, make sure that the handicapped...are they all handicapped accessible?

Mr. Dooley answered, at the present time, no they are not. They are regular straight up port-o-lets. And as they get handicapped accessible units back in from other places they will start to put them out in our areas.

Mr. Rys suggested, just make sure that they put them so that they are handicapped accessible. There have been a couple placed at parks up on the curb. It is harder for someone with a wheelchair or some other problem to go up the curb to get into a handicapped accessible unit.

Mr. Dooley noted the suggestion.

Motion was made by Mr. Rys to Approve the Transfer, seconded by Mr. Centner.

VOTE: Farrell was absent; all others, aye; motion duly carried.

ITEM #12 Executive Session Pursuant to Section 1-200(6)(D) Pertaining to the Purchase, Sale and/or Leasing of Real Estate - Mayor

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

VOTE: Farrell was absent; all others, aye; motion duly carried.

The Council entered executive session at 9:36 P.M. Present in Executive Session were the Town Councilors (with the exception of Mr. Farrell), Mayor Dickinson and Atty. Mantzaris.

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

VOTE: Farrell was absent; all others, aye; motion duly carried.

The Council exited executive session at 9:55 P.M.

Motion was made by Mr. Rys to Authorize the Modification of the Contract to Reflect that the Town will Pay for the Phase II Environmental Analysis and Such Cost will be Credited Against the Purchase Price of Property Discussed in Executive Session, seconded by Mr. Centner.

Town Council Secretary, Kathryn Zandri, questioned whether the motion related to Item #13 on the agenda, "Discussion and Possible Action on Matters Relating to Executive Session"?

Mr. Parisi replied, we will get you a copy of it (the motion).

Mr. Zappala pointed out the to Chairman that members of the public were waiting out in the hallway. Can we notify them that the executive session is over?

Mr. Parisi answered, I don't honestly know if they have.....they look like they are having a big discussion out there.

Mr. Rys stated,We have a motion.

Mr. Parisi stated, we have a motion and second on the floor.

Mr. Zandri stated, when they come in you can repeat the motion or what ever.

Mr. Rys stated, I don't think it is necessary.

Mr. Parisi answered, yes it is.

Mayor Dickinson stated off microphone, why don't you make the motion again for the people who are coming in.

Mr. Parisi replied, O.K.

Mr. Zandri stated, otherwise you will never hear the end of it.

Mr. Parisi asked of the general public filing into the auditorium, do you want to hear the motion?

Mr. Rys stated the motion once again, to Authorize the Modification of the Contract to Reflect that Town will Pay for the Phase II Environmental Analysis and Such Cost will be Credited Against the Purchase Price of Property Discussed in Executive Session, seconded by Mr. Centner

Mr. Parisi asked if there were any questions on the motion; any questions from the public?

Pasquale Melillo, 15 Haller Place, Yalesville asked, what is this all about?

Mr. Parisi answered, we cannot discuss it.

Mr. Melillo asked, can you describe the situation as much as you can; give us much more information?

Mr. Rys answered, no.....no.

Mr. Parisi stated, we really can't discuss it. You can hear the motion and right now that is all that can be discussed.

Mr. Melillo asked, you can't discuss it in any way?

Mr. Rys replied, nope.

Mr. Knight replied, that is right.

Mr. Parisi stated, no we can't, Pat. If we could, we would.

Mr. Melillo stated, so what you are saying is, the public in this situation has no legal right to give any input? Is that what you are saying?

Mr. Knight stated, it jeopardizes.....the parcel...

Mr. Parisi interrupted, it is under negotiation.

Mayor Dickinson asked, give us a second.....(consulted with Corporation Counselor Adam Mantzaris)....this does deal with property that was approved in an ordinance in February so it relates to the Barnes Road property; 66 Barnes Road.

Mr. Melillo asked, what is it all about, Mayor? What is it all about?

Mayor Dickinson answered, a Phase I analysis was done and some piles of debris were discovered the property so there is now an effort to verify that there is no serious contamination on the property.

Mr. Melillo asked, that's what it is all about?

Mayor Dickinson answered, right.

Mr. Melillo replied, O.K.

Mr. Parisi stated, Mayor, in the future I would like to have a clarification on just what is an executive session and what isn't, O.K.?

Mayor Dickinson answered, yes, but we are modifying a contract which means that.....

Mr. Parisi interrupted the Mayor to say, that's fine, you know exactly what I'm saying, O.K.? We are operating under rules of an executive session but it isn't and if that's the case then we should give the explanation.

Mayor Dickinson replied, well....the question though relates to the location of property and I don't know that that would be rightfully the subject since we have an ordinance on the topic, however, the details as to the modification is a separate thing and our discussion of it. We arrived at a conclusion which I think was a legitimate subject of executive session but once I became aware that we had adopted an ordinance on it, I think the location is well-known.

Mr. Parisi asked, do you want to vote on this?

VOTE: Farrell was absent; all others, aye; motion duly carried.

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

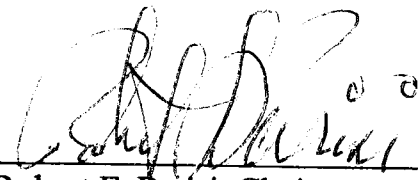
VOTE: Farrell was absent; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 10:01 P.M.

Meeting recorded and transcribed by:

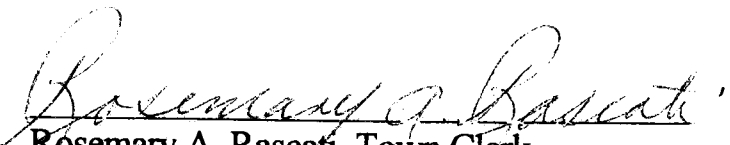
Kathryn F. Zandri
Town Council Secretary

Approved:



Robert F. Parisi, Chairman

8-11-99
Date



Rosemary A. Rascati, Town Clerk

8-11-99
Date