

Town Council Meeting Summary

March 8, 1988

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Approved a transfer of \$15,500 for the Police Department.

Adopted AN ORDINANCE APPROPRIATING THE SUM OF \$410,000 FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL 1988-1989, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

2-6

Adopted AN ORDINANCE APPROPRIATING THE SUM OF THREE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$339,500) FOR THE DESIGN AND CONSTRUCTION ENGINEERING PHASES IN CONNECTION WITH THE ACQUISITION OF AN AIR STRIPPING PLANT FOR WATER SUPPLY WELL NO. 2 AND A FILTRATION SYSTEM FOR WATER SUPPLY WELL NO. 3.

6-16

Waived bidding procedure to award engineering services contract to Whitman & Howard, Wellesley, MA covering the design and construction engineering for treatment systems on Wells #2 and #3.

16-17

Approved amendment of budget to change an open position entitled Chief Distribution Operator to Chief Maintainer, Water & Sewer.

17

Authorized acceptance of 51 acres of land in Spruce Glen Area to Town of Wallingford/transferred parcel to Wallingford Land Trust/amendment on page 19. Approved a transfer of \$500 from Council Contingency to Office Operating Expense for above.

17-19

Waived Rule V to discuss hazardous material in construction area for low level pump station, requested by Raymond F. Smith.

19-20

Approved a transfer of \$3,500 from Contingency to Traffic Study, Planning and Zoning.

20

Approved abandonment of Antonio drainage easement on Clintonville Road, Planning and Zoning.

21

TABLED acceptance of Liberty Court, off South Orchard until March 22, 1981 Town Council Meeting.

21

Progress report on investigation of possible zoning violations associated with portion of Meriden Landfill located in Wallingford presented by Linda A. Bush, Town Planner.

21-24

Progress report from Town Attorney regarding his investigation of the possibility of issuing cease and desist orders to halt the operation of the Meriden Landfill on grounds it is a public nuisance and a public health threat to Wallingford's water.

24-32

Discussion regarding asbestos removal.

32-35

Public hearing set for 7:45 p.m. on March 22, 1988 on AN ORDINANCE AMENDING ORDINANCE #344 BY INCREASING THE APPROPRIATION THEREIN TO \$1,220,000 AND INCLUDING COSTS OF CONSTRUCTION.

35

Status report on creation of a Wallingford Historical District.

35-36

Approved contract agreement between the Town of Wallingford and Electric Division Clerical Workers.

36-37

ADDENDA ITEMS:

Page

Approved a transfer of \$5,384 to Pool Maintenance from various accounts, Recreation Department.

38

Approved a transfer of \$500 from Part-Time Help to Office Supplies, Donald W. Roe.

39

Approved the following merit increases:
Louis Genovese, Building Department, effective 3/25/88-\$326 39
Paul Nadeau, Electric Division, effective 4/6/88 - \$1,968 39
James Kirkland, Water & Sewer, effective 3/1/88 - \$1,786 39
Glenn S. Klocko, Comptroller's Office, effective 2/19/88 - \$686 39
April Cervero, Comptroller's Office, effective 3/2/88 - \$342 39

Approved a transfer of \$460 from Computerized Indexing to Copier Rental, Town Clerk's Office.

39

Waived Rule V & approved a transfer of \$4,214 from Contingency to Professional Service, Comptroller's Office.	39
Approved amendment to Town Council Rules of Meeting Procedure to allow for the adoption of "Consent Calendar" at all meetings for a trial period of one year.	40
Omitted Rule IV pertaining to 11:00 p.m. Council Meeting adjournment.	40
Noted for record financial statements of the Town of Wallingford for the period ended February 29, 1988.	40
Noted for record financial report for the Electric, Water & Sewer Divisions for the month ended January 31, 1988.	41
Accepted Town Council Meeting Minutes dated February 23, 1988, as amended. (Page 11, paragraph 2, last figure should be \$446,297 rather than \$46,297.)	41
TABLED decision on disposition of property of Eastern Land Trust on MacKenzie Avenue.	41
Executive Session.	41
Meeting Adjourned.	41

Town Council Meeting

March 8, 1988

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Public hearing 7:45 p.m. on AN ORDINANCE APPROPRIATING THE SUM OF \$410,000 FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL 1988-1989. AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.
- (4) Public hearing 8:00 p.m. on AN ORDINANCE APPROPRIATING THE SUM OF THREE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$339,500) FOR THE DESIGN AND CONSTRUCTION ENGINEERING PHASES IN CONNECTION WITH THE ACQUISITION OF AN AIR STRIPPING PLANT FOR WATER SUPPLY WELL NO. 2 AND A FILTRATION SYSTEM FOR WATER SUPPLY WELL NO. 3.
- (5) Consider and approve amendment of budget to change an open position entitled Chief Distribution Operator to Chief Maintainer, requested by Raymond A. Denison, Office Manager, Water & Sewer.
- (6) Consider waiving the bidding procedure to award engineering services contract to Whitman & Howard, Wellesley, Massachusetts, covering the design and construction engineering for treatment systems on Wells #2 and #3.
- (7) Consider and approve a transfer of \$3,500 from Contingency to Traffic Study, requested by Linda A. Bush, Town Planner.
- (8) Consider approval of abandonment of the Antonio drainage easement on Clintonville Road, requested by Linda A. Bush, Town Planner.
- (9) Consider acceptance of Liberty Court, off South Orchard, requested by Linda A. Bush, Town Planner.
- (10) Progress report on investigation of possible zoning violations associated with the portion of the Meriden Landfill located in Wallingford to be given by Linda A. Bush, Town Planner.

(11) Progress report from Town Attorney regarding his investigation of the possibility of issuing cease and desist orders to halt the operation of the Meriden Landfill on grounds it is a public nuisance and a public health threat to Wallingford's valuable water supply, requested by Councilman Geno J. Zandri, Jr.

Letter dated February 25, 1988 from State Representative Mary M. Mushinsky pertaining to this issue included.

(12) Discussion and possible action regarding asbestos removal.

(13) SET PUBLIC HEARING on AN ORDINANCE AMENDING ORDINANCE #344 BY INCREASING THE APPROPRIATION THEREIN TO \$1,220,000 AND INCLUDING COSTS OF CONSTRUCTION.

(14) Consider contract agreement between the Town of Wallingford and Electric Division Clerical Workers, requested by Stanley A. Seadale, Director of Personnel.

(15) Status report on the creation of a Wallingford Historical District.

(16) Authorize acceptance of 51 acres of land in the Spruce Glen Area to the Town of Wallingford and transfer this parcel of land to the Wallingford Land Trust and consider and approve a transfer of \$500 from Council Contingency to Office Operating Expense, A/C #001-1300-600-6010, requested by Mayor William W. Dickinson, Jr.

(17) Consider and approve a transfer requested by Police Chief Bevan:
\$2,000 from Wages, Police Chief, Deputy Chief
\$5,000 from Accident & Investigation Wages
\$6,000 from Detective Wages
\$2,500 from Accident & Investigation Wages

\$2,000 to Clerk's Overtime
\$5,000 to Accident & Investigation Overtime
\$6,000 to Detective Overtime
\$2,500 to Traffic Maintenance Overtime

(18) Consider and approve the following merit increases:
Louis Genovese, Building Department, effective 3/25/88/\$326.00
Paul Nadeau, Electric Division, effective 4/6/88/\$1,968.00
James Kirkland, Water & Sewer, effective 3/1/88/\$1,786.00
Glenn S. Klocko, Comptroller's Office, effective 2/19/88/\$686.00
April Cervero, Comptroller's Office, effective 3/2/88/\$342.00

(19) Consider and approve a transfer of \$460 from Computerized Indexing to Copier Rental, requested by Kathryn J. Wall, Town Clerk.

(20) Consider amendment to the Town Council Rules of Meeting Procedure to allow for the adoption of "Consent Calendars" at all meetings for a trial period of one year, requested by Councilman David J. Doherty.

Consider omitting Rule IV pertaining to 11:00 p.m. adjournment, requested by Council Chairman Albert E. Killen.

(21) NOTE FOR THE RECORD the financial statements of the Town of Wallingford for the period ended February 29, 1988.

(22) NOTE FOR THE RECORD the financial report for the Electric, Water & Sewer Divisions for the month ended January 31, 1988.

(23) Accept Town Council Meeting Minutes dated February 23, 1988.

(24) REMOVE FROM TABLE and consider decision on disposition of property of Eastern Land Trust on MacKenzie Avenue, requested by Adam Mantzaris, Assistant Town Attorney.

5) EXECUTIVE SESSION for the purpose of discussion regarding offer to purchase American Legion Property.

TOWN COUNCIL MEETING

March 8, 1988

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:31 p.m. by Chairman Albert E. Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Adams, Bradley, Doherty, Holmes, Papale, Parisi, Solinsky, Zandri and Killen. Also present were Mayor William W. Dickinson, Jr., Thomas A. Myers, Comptroller, and Town Attorney Adam Mantzaris. The pledge of allegiance was given to the flag.

Mr. Killen asked for a Moment of Silence for Mr. Anthony R. Dorsey, who passed away recently. Mr. Killen explained that Mr. Dorsey was a friend to many people in Wallingford and was a member of the Parks and Recreation Commission, and it was a great pleasure knowing him.

Public question and answer period.

Mr. Ronald Gregory, 59 Hill Avenue, suggested that the department heads, during budget workshops, spend some time planning the budgets of the year, so that a month after the budget is adopted, they won't be in here taking up the time of the Council and the time of the public, on transfers that should have been planned ahead.

Mr. Peter Gouveia, 39 Lincoln Drive, stated that he would like to commend columnist Ted Moynihan, for his article concerning the report that was received on the Police Department and the recommendations. He feels that the system failed the Police Department and the Town of Wallingford.

A motion was made by Mr. Doherty to move up Item 17, seconded by Mrs. Papale.

VOTE: All ayes; motion duly carried.

ITEM 17. Consider and approve a transfer requested by Police Chief Bevan:

- \$2,000 from Wages, Police Chief, Deputy Chief
- \$5,000 from Accident & Investigation Wages
- \$6,000 from Detective Wages
- \$2,500 from Accident & Investigation Wages

- \$2,000 to Clerk's Overtime
- \$5,000 to Accident & Investigation Overtime
- \$6,000 to Detective Overtime
- \$2,500 to Traffic Maintenance Overtime

moved by Mrs. Papale and seconded by Mr. Holmes.

Chief Bevan introduced Mr. Daryl E. York, the new Deputy Chief, to the Council. The Council congratulated Mr. York.

Regarding the unfilled positions, Mr. Bradley asked if these positions were new positions and Chief Bevan explained that some of them are new and some of them are from people that have left, and the new positions have been in the budget from last year.

Mr. Zandri asked how many positions are unfilled and Chief Bevan replied 6. Chief Bevan explained that these positions probably will not be filled until December because, the process is very slow. Mr. Killen pointed out that he does not believe that the money for these positions should be put in a budget time until the bodies are there and Chief Bevan stated that he understood what Mr. Killen was saying.

VOTE: All ayes; motion duly carried.

ITEM 3. Public hearing on AN ORDINANCE APPROPRIATING THE SUM OF \$410,000 FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL 1988-1989, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

Mrs. Papale moved and read the following Ordinance:

AN ORDINANCE APPROPRIATING THE SUM OF \$410,000 FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL 1988-1989, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

Section 1. The sum of Four Hundred Ten Thousand Dollars (\$410,000) is appropriated for costs to be incurred in connection with the multi-year phased closure of the Wallingford landfill and compliance with environmental statutes and regulations in connection therewith, as more fully set forth in a report entitled "Wallingford Landfill Report to Town Council, February, 1985", including design costs, engineering fees, administrative expenses, costs of marketing temporary notes pending the sale of bonds, legal expenses and all other expenses customary and incidental thereto.

AN ORDINANCE APPROPRIATING THE SUM OF \$410,000 FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL 1988-1989, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

Section 2. To meet said appropriation \$410,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be dated as of the first or the fifteenth day of a calendar month in which they are issued or as of the first or fifteenth day of a calendar month within the three calendar month period next prior thereto, or as of the date of issue, be issued in fully registered form or in bearer form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by and payable at The Connecticut Bank and Trust Company, N.A., in Hartford, Connecticut, and be approved as to their legality by Messrs. Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, at public sale or private sale. If sold at public sale, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net interest cost to the Town. A notice of sale describing the bonds and setting

AN ORDINANCE APPROPRIATING THE SUM OF \$410,000 FOR COSTS TO BE INCURRED IN CONNECTION WITH THE CLOSING OF THE WALLINGFORD LANDFILL 1988-1989, AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION

forth the terms and conditions of the sale shall be published at least seven days in advance of the sale in a recognized publication or media carrying municipal bond notices and devoted

primarily to financial news and the subject of state and municipal bonds. If the bonds are sold at private sale, the purchase agreement shall be approved by the Town Counsel.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at or certified by The Connecticut Bank and Trust Company, N.A., in Hartford, Connecticut, and be approved as to their legality by Messrs. Robinson & Cole, Attorneys-at-Law, of Hartford. They shall be issued with maturity dates not more than two years from the date of issue, but notes issued with shorter maturities may be renewed from time to time by the issue of other notes provided the period from the date of issue of the original note or notes to the date of maturity of the last renewal note or notes shall not be more than two years or, subject to the provisions of Section 7-378a of General Statutes of Connecticut, as amended, not more than four years. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Nothing herein shall prohibit the advancement of expenses by the Comptroller from available cash funds of the Town for the purposes authorized by this ordinance and the reimbursement thereof from the proceeds of bonds or notes authorized by this ordinance.

seconded by Mr. Holmes.

Mr. Zandri pointed out that different phases have taken place and asked what has taken place to date. Mr. Myers explained that phase I cost \$590,000, phase II cost \$480,000 and phase III was \$410,000. All three phases are still active. Phase I and II are near completion but, they have had a problem getting the seed and plantings to take root on the slopes, without it being washed away. These two phases should be completed this year, and phase III will still be in process. This Ordinance appropriates the money for Phase IV, which is a 4 year project. Phases I, II and III were paid for by cash. We issued no debt on the first 3 phases. We also intend to pay for phase IV in cash.

Mr. Zandri explained that the first phase was the mound on the right hand side, which was completely covered, and then they started filling the left hand mound of the landfill. As that area started filling up, they even filled in the entrance road. The first mound was completely covered with soil and seeded. Since then, there has been an additional height to the overall landfill, including the first mound. If we spend money closing that first section, I would like to know why we closed it, to start off with, if there was the intention of filling it or, if we ran into a problem along the way and then had to expand on the first section again, which is just my observation not knowing all of the details.

Mayor Dickinson stated that there has been no formal plan to reopen anything. The phasing of the closure will continue. The closure refers to active phases no longer able to receive garbage. As other areas of the landfill reach maximum grade, there will be continuing costs, to close that phase and provide final cover and seeding. This is not the end of closure costs unless and until CRRA or someone else takes over the responsibility of covering. The closure does not refer to the day to day covering of garbage, which is a separate requirement.

Mr. Killen asked if Section 5 means that they do not need the o.k. of the Council and Mr. Myers replied yes. Mr. Killen commented that he cannot go along with that. Mr. Myers explained that this has been written in there because of the restrictions placed on the community by the 1986 Tax Reform Act. What we have done is, rather than borrow notes, we have used our own cash and then we replaced our cash with the proceeds, notes or bonds when they are issued so, it simply is a cash advance, not an appropriation of money. The Ordinance appropriates \$410,000. So, this is just a clause to allow us to use our own cash and then replace that cash by issuing bonds or notes. Mr. Killen added that he is not knocking the job that has been done but, little by little they are eroding this particular body from making decisions.

Attorney Joseph Fasi pointed out that this certain provision may be removed by the Council if they wish and explained that it is a cash flow tool that allows money to be advanced, prior to the need. It also enables the town to avoid the rebate provisions of the Tax Reform Act of 1986.

Mr. Adams asked if it was important that the town have this cash flow and Mr. Myers explained that it is of the utmost importance because it is one of the primary criteria by which the town's credit worthiness is measured.

Mr. Killen stated that he finds it hard to believe that the Comptroller can't take care of this after notifying the Council at a regular meeting (referring to Section 5). The Council are the ones that will be approving the bond sales.

Mr. Holmes explained that 2 years ago, Mr. Myers came before the Council and laid out a financial plan for the Council. One of the things that he mentioned was that, when he sold bonds, he wanted to include a provision (such as Section 5) in the bonds and that would allow him the financial flexibility to use cash funds to pay off bonds and this has worked well.

Mr. Bradley asked Mr. Myers to explain what a private sale is and Mr. Myers explained that a private sale would be a negotiated sale and would not be offered publicly. The rate would be negotiated with an underwriter. Mr. Bradley then asked (referring to Section 4) what temporary borrowings meant and Mr. Myers explained that temporary borrowings refers to the notes.

Mr. Parisi asked to have "advancement of cash" explained and Mr. Myers that this is simply a use of available cash that the town has and it is not an appropriation of money. One of the negative consequences of the Tax Reform Act is that, if we fall into certain conditions, we have to rebate money to the IRS. We have to pay the money that we earned back to the IRS.

VOTE: Killen voted no; all other ayes; motion duly carried.

ITEM 4. Public Hearing on AN ORDINANCE APPROPRIATING THE SUM OF THREE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$339,500) FOR THE DESIGN AND CONSTRUCTION ENGINEERING PHASES IN CONNECTION WITH THE ACQUISITION OF AN AIR STRIPPING PLANT FOR WATER SUPPLY WELL NO. 2 AND A FILTRATION SYSTEM FOR WATER SUPPLY WELL NO. 3.

Mrs. Papale moved and read the following Ordinance:

AN ORDINANCE APPROPRIATING THE SUM OF THREE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$339,500) FOR THE DESIGN AND CONSTRUCTION ENGINEERING PHASES IN CONNECTION WITH THE ACQUISITION OF AN AIR STRIPPING PLANT FOR WATER SUPPLY WELL NO. 2 AND A FILTRATION SYSTEM FOR WATER SUPPLY WELL NO. 3.

Section 1. The sum of Three Hundred Thirty-Nine Thousand Five Hundred Dollars (\$339,500) is appropriated for costs incurred during the design and construction engineering phases in connection with the acquisition of an air stripping plant for Water Supply Well No. 2 and a filtration system for Water Supply Well No. 3, including design costs, engineering fees, administrative expenses, costs of marketing temporary notes pending the sale of bonds, legal expenses and all other expenses customary and incidental thereto.

AN ORDINANCE APPROPRIATING THE SUM OF THREE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$339,500) FOR THE DESIGN AND CONSTRUCTION ENGINEERING PHASES IN CONNECTION WITH THE ACQUISITION OF AN AIR STRIPPING PLANT FOR WATER SUPPLY WELL NO. 2 AND A FILTRATION SYSTEM FOR WATER SUPPLY WELL NO. 3

Section 2. To meet said appropriation \$339,500 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be dated as of the first or the fifteenth day of a calendar month in which they are issued or as of the first or fifteenth day of a calendar month within the three calendar month period next prior thereto, or as of the date of issue, be issued in fully registered form or in bearer form, be executed in the name and on behalf of the Town by the manual or facsimile signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them bear the Town seal or a facsimile thereof, be certified by and payable at The Connecticut Bank and Trust Company, N.A., in Hartford, Connecticut, and be approved as to their legality by Messrs. Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, at public sale or private sale. If sold at public sale, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net interest cost to the Town. A notice of sale describing the bonds and setting

AN ORDINANCE APPROPRIATING THE SUM OF THREE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$339,500) FOR THE DESIGN AND CONSTRUCTION ENGINEERING PHASES IN CONNECTION WITH THE ACQUISITION OF AN AIR STRIPPING PLANT FOR WATER SUPPLY WELL NO. 2 AND A FILTRATION SYSTEM FOR WATER SUPPLY WELL NO. 3

forth the terms and conditions of the sale shall be published at least seven days in advance of the sale in a recognized publication or media carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold at private sale, the purchase agreement shall be approved by the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at and certified by The Connecticut Bank and Trust Company, N.A., in Hartford, Connecticut, and be approved as to their legality by Messrs. Robinson & Cole, Attorneys-at-Law, of Hartford. They shall be issued with maturity dates not more than two years from the date of issue, but notes issued with shorter maturities may be renewed from time to time by the issue of other notes provided the period from the date of issue of the original note or notes to the date of maturity of the last renewal note or notes shall not be more than two years or, subject to the provisions of Section 7-378a of General Statutes of Connecticut, as amended, not more than four years. The notes shall be general obligations

of the town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing, and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Nothing herein shall prohibit the advancement of expenses by the Comptroller from available cash funds of the Town for the purposes authorized by this ordinance and the reimbursement thereof from the proceeds of bonds or notes authorized by this ordinance.

seconded by Mr. Parisi.

Mr. Peter Gouveia, 39 Lincoln Drive, asked if there was going to be any filtration for well #2 and Mr. Oliver Poirier from Whitman and Howard, explained that there is no filtration planned for well #2. Well #2 and well #3 are only 300 feet apart but, they take their water from totally different aquifers and the water in well #3 is contaminated with manganese and the water in well #2 is contaminated with TCE. The air stripper is primarily used for stripping the TCE. Each of those facilities will be designed so that they can be easily expanded. In the event that well #2 did become subject to contamination by excess iron or manganese, the greensand filter right next door would be capable of being expanded to treat the water before it went on to the air stripper.

Mr. Poirier explained that when they first began the pilot study to remove manganese from well #3, the EPA was just about to publish their new regulations for TCE, and as it turned out, they announced that they were going to reduce the maximum contamination level for TCE, from 20 parts per billion to 5 parts per billion. Well #2 water meets the requirements of the existing MCL but, at the end of this year, it will no longer meet those requirements.

Mr. Gouveia asked if the cost of \$15,000 was the final cost for the pilot-study, and Mr. Poirier replied yes.

Mr. Gouveia asked if they had a cost estimate and Mr. Poirier explained that they made an estimate (assuming that the greensand filter might have to be regenerated every 5 days) which would be about \$31,000.

Mr. Gouveia asked if the Council has been presented with a scope of work for the air stripping tower. Mr. Poirier explained that they did negotiate with the State regarding the piloting for the stripper. We convinced them that because the quantities of TCE were so low, and technology was so widely accepted, we suggested that rather than spend the money on a pilot program, we would prefer to see the money go into a more conservative design on the air stripper. Mr. Ray Smith added that the whole concept was to look at the manganese problem and we were able to convince the State that the piloting would not be necessary because the technology has been proven and there are a number of wells in the State that have it. I asked the engineers for 2 separate proposals and then one combined proposal for the services. Design services is combined in this money tonight, plus engineering during construction and does not include any construction costs, so you are still talking about \$2 million dollars in construction costs.

Mr. David Hetzel, 7 High Street, Yalesville stated that he is in favor of the air stripping and greensand filter.

Mr. Hetzel made the following oral presentation to the Town Council:

ORAL PRESENTATION TO TOWN COUNCIL 3/8/88 BY MR. DAVID HETZEL:

There is one question which needs to be addressed pertaining to the air stripping tower for the TCE. What happens to our air when the TCE is removed from the water and set off into the air?

As for the manganese problem, I wish to start with some observations on the Whitman & Howard, Inc. report dated 2/5/88.

On page 4, they explain that well #3 has a current pumping capacity of 800 gpm, but that it is normally throttled to 750 gpm, and it could produce 1200 gpm with different equipment. They also tell us the aquifer has a potential safe yield of up to 2000 gpm.

On pages 5 & 6, they recommend, based on historical levels of manganese and pilot test results, that Wallingford construct a greensand filter to handle the current 750 gpm flow rate. What happens as demand gets greater next year and in future years as the town starts taking more water from well #3 - up to that 2000 gpm they say the aquifer can supply? Up until now, as more water has been used the manganese contamination has increased! Will the filter they recommend handle higher levels of manganese? Will it handle increased flow? They base their recommendation on the past (historical), but what we build must be based on the future needs of our town. We can not be satisfied to try to maintain the status quo when we are experiencing the growth that Wallingford is presently experiencing. I recommend that instead of a filter that will just handle the 750 gpm, we should be designing and building a filter that will handle our future needs as well.

Again on page 7, they estimate the total construction cost at \$975,000, based on 750 gpm and not our future needs. Also, they have not given us an estimate of the cost to get rid of the manganese once it is removed from the filter. How much more will the removal cost us?

On page 19, they raise the question that it may be detrimental to have the backwash from cleaning the sand enter our sewage treatment plant. I spoke with John Trax at the EPA, and he told me this is very likely to be the case. The concentration of the sludge is very likely to kill the bacteria in the treatment system. Although this is not covered by their study and another study will be necessary, they offer their alternative solution: on-site lagoons. This would take the pollutant, concentrate it, and pour it on top of our water supply. The purpose of the filter is to clean our water, not to concentrate pollutants and pour them on top of our already-polluted water supply. Mr. Trax agrees with me that this is a real concern and he also indicated that liners in the lagoons may not be the answer because nationwide many of the liners leak.

On page 8, they state: "Since its initial use in 1972, Well No. 3 has had unacceptable levels of manganese (Mn). Manganese concentrations have ranged from 0.2 milligrams per liter (mg/l) to more than 0.63 mg/l. This is approximately 4 to 12.6 times greater than the EPA suggested secondary water quality standard." (see page 1 for EPA standard of 0.05mg/l) "The manganese concentration in Well No. 3 has reportedly increased over the past several years."

On data page 1, they give us 38 test results for a period of 25 days (9/28 - 10/22/87). While their results show that the filter will do the job, they also show an average level of .57 mg/l. This is an increase of .09mg/l over the .48 mg/l average for 1987, which is in excess of 11 times more contaminant than that recommended by the EPA.

Back on page 8, they continue by saying that "manganese presents no health hazard at the concentrations found" but admit "it has created a substantial nuisance for water customers ... for several years."

At this point, I would like to address the health hazard. There is a disease known as manganese intoxication and also manganism. The symptoms are gastrointestinal irritation, headaches, leg cramps, edema, increased muscle tonus, lethargy, temporary double vision, and the list goes on. More than one source indicates that an excessive intake of manganese interferes with iron absorption and can produce iron-deficiency anemia. Manganese is stored in vital organs, primarily the liver, spleen and nerve cells of the brain and spinal cord. Another source indicates that "the brain appears to sustain permanent cellular damage at exposure levels which do not otherwise affect a person." Continued exposure leads to a disease like Parkinson's disease. In extreme cases death has occurred. There have been very few

been able to establish a safety level for manganese in drinking water. They know the problem exists; they just haven't been able to define it.

A week ago, I spent the weekend canvassing my neighborhood. I spoke with people in about 45 homes. I did a survey of those who had suffered some of the symptoms of manganism and I also circulated a petition to close the well. In 9 of the homes at least 12 people had suffered the symptoms of manganese intoxication and on their own had gone to bottled water and the symptoms ceased. At least as many more people indicated they were suffering the symptoms, but they had not given up drinking tap water. The indication from this sampling is that 20 to 25 percent of the homes in the area have people suffering from manganism. Based on this information, Dr. John Andrews at the Center for Disease Control in Atlanta asked the Connecticut Department of Health Services to do a health study. The following day, Paul Schor from DOHS called to request that I forward the data to him. I did, Special Delivery. In talking with people in the area, I find that the outward sign of the high levels of manganese, the brown staining, occurs in houses over about 1/6th of the land area of Wallingford. I estimate that means 6,000 to 7,000 people who live in town are exposed to manganese poisoning.

Of my 6 letters regarding manganese sent to the mayor, only 2 received any response. The first letter on 11/27/87 was answered on 12/3 stating that the water "is deemed fit for human consumption." Another on 1/11/88 brought a phone call from his assistant to tell me to go to the water department and look at water test reports as it would be too much for the town to copy them for me. I did just that.

The Record-Journal on 2/3/88 quoted Mayor Dickinson as saying "... the town is obligated to protect the public ..." This had to do with the fireworks. As a former chairman of Public Celebrations I am well aware of the safety concerns involved with our annual fireworks display. If the town has an obligation to protect the public in matters of entertainment, then it most certainly has an obligation to protect the public in health matters, especially those concerning the pollution of its public water supply. We would not be having a hearing tonight, if there were not a serious manganese pollution problem at well #3. You would not be considering spending \$1,000,000 to remove the manganese, if there were not a serious problem. I contend there is enough of a health problem that the well should be closed until the filter is up and running.

In the Record-Journal on 2/4/88 Mayor Dickinson was quoted as saying "Until we violate a federal or state standard for water quality, it would be difficult to justify shutting down part of our water system." In other words, since there is no established maximum safety level, he is unwilling to take any action on his own. People can suffer the symptoms or even worse and he is covered because no one at the state or federal level told him to do something. There comes a point in time, and we have passed that point, where the local elected officials must accept their responsibilities, make decisions, and protect their citizens. Just because the state and federal governments do not do their jobs does not allow the local government to abdicate its responsibility. The mayor and town council have a responsibility to protect the citizens of Wallingford from this manganese poisoning by shutting down well #3 until such time as the filtration system is in full use.

I hereby present a copy of the petition for the closing of well #3 signed by 82 people and the results of the survey of the illness suffered.

Presented by:

David Hetzel
High Street
Wallingford, Ct. 06492
203-265-5734

Attached please find a reference page for my sources.

Attached please find a map of the section of town which is effected by the manganese in the water from well #3.

Also attached please find a copy of the petition and the survey.

Sources of information for oral presentation to town council on 3/8/88.

Phone conversations with John Trax at the EPA in Washington, DC.

Phone conversations with Dr. John Andrews at the Center for Disease Control in Atlanta, Ga.

SYMPTOMS AND EFFECTS OF MANGANESE INTOXICATION:

Page 22-23, WaterTest User's Manual, by Rosov, June 1984

Page 71, The Nutrition Desk Reference, by Garrison & Somer, 1985

Reference # 286, Clinical Toxicology of Commercial Products, by Gosselin, Smith and Hodge, 1984.

Page 77-136, Manganese, by Committee on Biologic Effects of Atmospheric Pollutants, National Research Council, National Academy of Sciences, 1973

Page 560, Handbook of Toxic and Hazardous Chemicals and Carcinogens, by Sittig, 1985

A letter dated 12/21/87 to David Hetzel from Michael B. Cook, Director, Office of Drinking Water, EPA, Washington, DC.

"EPA has not set any safety levels for manganese for short-term exposure due to lack of adequate studies." "...the tendency for large doses to cause gastrointestinal irritation,..." "People suffered lethargy, edema, increased muscle tonus, tremor, mental disturbances and even death after drinking manganese-contaminated water"

The same symptoms and much more is addressed in what is commonly called the Japan study. Kitasato Arch. Exp. Med. vol. 18, p. 145-169 1941. "Intoxication by Manganese in Well Water"

I sent Mayor Dickinson a complete copy of this study on 2/3/88.

MANGANESE LEVELS:

The average .48 mg/l to which I refer is mentioned in a letter to me dated 1/22/88 from Robert Rivard of the State Water Supplies Section. This is an average of the 4 test results shown to me at the Water Department on 1/26/88. The 4 tests were dated 1/28/87 (.38mg/l), 6/8/87 (.40mg/l), 8/10/87 (.69mg/l), and 11/17/87 (.46mg/l). Also please note the .57mg/l average reported by Whitman & Howard occurred from 9/28/87 to 10/22/87.

MANGANESE - IRON DEFICIENCY:

Page 71, The Nutrition Desk Reference, by Garrison & Somer, 1985

Page 22-23, WaterTest User's Manual, by Rosov, June 1984

Mr. Edward Musso, 56 Dibble Edge Road, asked what the \$31,000 was for and Mr. Poirier explained that this is to run the filter for one year, which includes chemicals, additional manpower and the additional electricity to heat and light that building.

Mr. Musso added that the people having symptoms should try to get their own treatments for their water so the taxpayers that are not affected won't have to pay for this.

Mrs. Mary Fritz, State Representative, explained that there are 2 Bills presently before the Environment Committee that deals with the situation at well #2 and #3. The Public Hearing on both of these is on Friday, March 11, 1988 at 10:00 a.m. at the State Capital in room W56. Both of the Bills seek \$2.2 million dollars. My opinion is that there is no identified pollutor and suspicions might be made that the Meriden Landfill is the pollutor but they have not legally been declared a pollutor. Therefore, legally Wallingford should have the right to receive money.

Mr. Doherty suggested that some town officials go to Hartford and testify at the hearing.

Mrs. Nancy Hetzel commented that she does not agree with the comments made by Mr. Musso and she added that she is afraid that Wallingford is going to become another Love Canal if they are not careful. She is also afraid that Wallingford is going to become a study.

drinking water on their own and started using bottled water and when they began drinking the bottled water, their symptoms vanished.

Mr. Ronald Gregory asked if there was a projected date for this project and Mr. Poirier replied, that it will take about a year, from the time the design was started and until the time it is constructed, but because the air stripper being added, they are looking at a maximum of 520 days.

Mr. Poirier suggested that from now and until the time that the plants are completed and on line, we would like to blend those 2 wells and reduce the manganese concentration and reduce the TCE concentration in the blended water. At the present time, the way that those two wells are manifolded into the system, there is a water main on Oak Street and each of those wells pumps into Oak Street. Well #2 goes in one direction and well #3 goes in the other direction, so there is very little blending. If we are able to blend both of those well discharges before it gets to Oak Street, there is a good chance that we can blend that water and reduce both concentration of TCE and manganese before the plants are completed and on line. This would be a small cost and could probably be implemented by the Water Division.

Mrs. Mary Fritz pointed out that the problems are not only on the west side of town, these wells service the east side of town which totals to about 25% of the water supplied to the town.

Mr. Bradley asked, to what levels will the proposed air stripping treatment reduce the compounds in our wells and Mr. Poirier explained that the process is able to reduce the organic compounds by 95%, which would fall into compliance. Regarding the capacity of the wells, Mr. Poirier explained that well #3 pumps at 750-800 gallons a minute and well #2 pumps 550 gallons a minute. Even though well test studies in the past have indicated that much greater quantities of water can be taken from the ground, they would prefer that the town take a relaxed attitude about expanding those wells until a lot more is known. To continue pumping at the current rates, it would probably be a lot more conservative and beneficial to the town.

Mr. Bradley asked what the amount of \$225,000 on page 8 of the study was for and Mr. Poirier explained that the \$339,500 is engineering design and construction phase for both the greensand filter and the air stripper. The \$225,000 on page 8 was, design and construction phase engineering, strictly for the manganese greensand filter. At the time that this report was written, a contract fee had not been developed for the air stripper and the greensand filter. (The \$225,000 is for design and construction contingencies).

Mr. Bradley asked what effect the KMNO₄ potassium level will have on the Sewer Treatment Facility and Mr. Poirier explained that once the manganese greensand is no longer to take up manganese from the raw water going through it, it has to be regenerated. The way that is done is, it is backwashed and flushed with a concentrated solution of potassium permanganate. The potassium permanganate re-establishes the surface of the manganese greensand media so it can continue to absorb manganese out of the water. The only manganese that will be in the waste water leaving this process is the excess manganese coming from the potassium solution. The manganese that was in the well water stays on the media and the filter. After about 6 years, some of the media may have to be removed from the filter. If the media stays on the filter, it grows in size. So, the manganese that is in the raw water, very little of that will enter into the waste stream going to the Sewer Treatment Plant. If it is necessary, an equalization tank might be put in the ground, outside the well facility, so all of the backwash water would go into there and then gradually be metered out into the sewer system so there would not be a slug effect on the sewer system.

Mr. Holmes commented that if the people on the west side of town are that afraid to drink the water and it strikes fear in their hearts, then perhaps the Council should investigate a program where the town can set up a bottled water program or water trucks in strategic spots, or something of that nature, because waiting 1 year or 1½ years is a long time to wait. Mr. Holmes suggested that this item go on the next agenda of the Town Council for the meeting of March 22, 1988.

Mr. Doherty asked if there was any way to speed this up and Mr. Poirier explained that the biggest problem is that once the designs

are completed, you go to bid and you are at the mercy of the equipment suppliers and that is usually what determines the overall period of construction. Mr. Poirier stated that he will try to speed up the design a little bit.

Mr. Doherty asked what will happen when the chemicals - fluoride and poly-phosphate are fed into the filter and Mr. Poirier explained that the poly-phosphate will have to be fed after the filter because if poly-phosphate were in the water being fed into the filter, that would inhibit the action of the greensand filter.

Mr. Doherty asked Mr. Smith if he anticipated hiring more people for this project and how many people would be needed and Mr. Smith explained that in this year's budget, they have added an additional pump station person, to start building a better staff to handle the pump station. Half of the \$31,000 alluded to is for labor.

Mr. Zandri asked if the future plan was going to interchange with piping and Mr. Poirier explained that the water is pumped directly through the filter and right out into the system under pressure. On the air stripper, the well pump capacity is going to have to be reduced, to get water from the well, just into the air column and then it is going to have to be re-pumped out of the base of the air stripper, out into the system. The existing pump on well #2, is going to have to be converted from a high lift pump to a low lift pump and then a high lift pump will have to be provided to pump the water from the bottom of the air stripping column, out into the system.

Mr. Zandri asked if the sludge was earmarked to go into the sewer system and Mr. Poirier stated that this would be what they would prefer.

Mr. Bradley asked if a contract is drawn up with a contractor, is there a clause that mandates that the contractor has to meet a deadline and if he does not meet that deadline, will he be penalized on a day by day basis? Mr. Smith replied yes and explained that the construction portion of the specification has not been prepared yet and it can be made a portion of that.

Mr. Parisi asked Mr. Poirier if he felt that the greensand filter was effective and Mr. Poirier replied yes. Mr. Parisi pointed out that it will take a year to design the greensand filter and asked what was used for the pilot study. Mr. Poirier explained that they used a domestic water softener size greensand filter to do the pilot work. Mr. Poirier added that it will take approximately 210 days for total design.

VOTE: Adams was not present for the vote; all other ayes; motion duly carried.

A motion was made by Mr. Doherty to move up Item 6, seconded by Mrs. Papale.

VOTE: All ayes; motion duly carried.

ITEM 6. Consider waiving the bidding procedure to award engineering services contract to Whitman & Howard, Wellesley, Massachusetts, covering the design and construction engineering for treatment systems on Wells #2 and #3, moved by Mrs. Papale and seconded by Mr. Holmes.

Mr. Zandri commented that because of the urgency of this matter, he would be in favor of waiving the bid but, he thinks it is a practice that they are going to have to start looking into in the future, as far as waiving bids on items.

Mr. Gregory asked if in awarding the contract, would that shorten the period for bonding? Mr. Zandri explained that the only way that you can do it is to analyze costs for the additional time and whether or not it is worth it on the cost for the design teams. Until they get a dollar on what the additional design teams, that question cannot be answered.

Mr. Zandri asked Mr. Poirier if they had the manpower to handle the increase in design to shorten the time frame and Mr. Poirier explained that having two different teams working on each project, the coordination alone will take time. Mr. Poirier added that he is going to see if he can have a team work more on this project

the process that way instead of getting two teams involved. Mr. Poirier added that he will give the Council a report on manhours as soon as he can.

Mr. Killen commented that under normal circumstances, he would not vote for waiving of the bid but, because of the urgency in this, it is in the best interest of the town.

VOTE: All ayes; motion duly carried.

ITEM 5. Consider and approve amendment of budget to change an open position entitled Chief Distribution Operator to Chief Maintainer, requested by Water & Sewer, moved by Mrs. Papale and seconded by Mr. Bradley.

Mr. Smith explained that this was an old position which was called Foreman and was renegotiated into a Distribution Operator. That position will be eliminated and go back to a lower level position which is called a Chief Maintainer. There are no people being added.

VOTE: Holmes was not present for the vote; all other ayes; motion duly carried.

A motion was made by Mrs. Papale to move up Item 16, seconded by Mr. Adams.

VOTE: All ayes; motion duly carried.

ITEM 16. Authorize acceptance of 51 acres of land in the Spruce Glen Area to the Town of Wallingford and transfer this parcel of land to the Wallingford Land Trust and consider and approve a transfer of \$500 from Council Contingency to Office Operating Expense, A/C #001-1300-600-6010, requested by Mayor William W. Dickinson, Jr., moved by Mrs. Papale and seconded by Mr. Adams.

Mr. Killen explained that tomorrow morning (3/9/88), D.O.T. and Mayor Dickinson are going to sign this particular contract and if it wasn't for people like Mary Fritz, and other legislators like her, we would not have this particular 51 acres.

A motion was made by Mrs. Papale to accept this land from the D.O.T., seconded by Mr. Adams.

VOTE: Parisi not present for the vote; all other ayes; motion duly carried.

A motion was made by Mr. Holmes to transfer this land to the Wallingford Land Trust, seconded by Mrs. Papale. (Amendment page 19.)

Mr. Bradley asked Mayor Dickinson if this parcel was originally going to be town involved and Mayor Dickinson explained that it is necessary for the town to acquire it from the State (State procedure) but, the town is not in a position to undertake the care and liability of holding this piece of property. It was felt that the Wallingford Land Trust would be the logical place for a recipient for the property. They have done a good job on their other pieces of property and they are the only organization in town that holds property as open space for the benefit of the public.

Mrs. Mary Fritz, State Representative, passed out a copy of the deed and a map of the area to all of the Council Members, the Town Clerk and the Mayor. She also passed out Classic Connecticut pins.

Mrs. Fritz explained that she introduced a piece of legislature and Mary Mushinsky co-sponsored it. They appeared before the Government Administration Elections Committee, and decided that the Wallingford Land Trust would be the proper avenue. Mayor Dickinson was contacted and he was concerned about the liability. When the Land Trust Committee was notified, they were very excited. If there is some way that this can be preserved by the Land Trust, as open space, for the Town of Wallingford, this is the way to go. The Land Trust does have liability insurance under the National Conservancy.

Mr. Ken Dailey from the Wallingford Land Trust, told the Council that this will not cost the Town of Wallingford anything and they have a check from the Land Trust for \$500 (\$10 an acre).

Mr. Jeff Borne showed a picture presentation to the Council and the audience while Mr. Dailey explained that the scope of the land trust in this area include two parcels. The first is Spruce Glen which consists of 51.2 acres which lies along side the Wilbur Cross Parkway (east side) along Wallingford's northern border with Meriden. The second parcel, which will provide access to the Spruce Glen parcel consists of approximately 17 acres and is located between Barnes Industrial Road North and Spruce Glen. FIP Corporation has indicated its intent to convey this land to the Wallingford Land Trust as a gift (Mayor has that letter on file). Once finalized, this will provide the needed legal access to Spruce Glen's parcel, but it is still being negotiated. Spruce Glen itself, is characterized by three special features. First, an evergreen forest, consisting mainly of spruce. It also has a year round stream that flows southerly along the base of the gorge. Over time, this water has worked it's way right down to the bedrock and worn away all of the soil. There is also a very appealing waterfall, which falls into a natural basin. There is a trail that follows the east side of the Glen. This parcel will require all of the energy that the Trust has to offer. The key issue that will have to be addressed is soil stability. We also have to find a prudent route for the falls because they are the major attraction. In addition, the property has an old bridge that we are trying to research. Some engineers have already been contacted for technical assistance on how to address this as a safety problem. We are all getting the chance to participate in one of the best examples of community cooperation. You have two branches of government cooperating, the Mayor's Office, the Town Planner, the Zoning Board of Appeals, the Planning and Zoning Commission, FIP Corporation and the Land Trust. By adding yourselves to this endeavor, you will create another example of state and local, public and private cooperation. On behalf of the Trust, I can guarantee, that if you bring your best intentions, Spruce Glen's environment will do the rest. Thank you for your support.

Mr. Jeff Borne thanked everyone that helped with this endeavor, such as meeting deadlines and getting things up to the State.

Mr. Ronald Gregory commented that he did not believe that there was any logical reason why the Town of Wallingford could not have accepted this parcel. The Town of Wallingford is giving away 51 acres of land to a good group, but they are giving it away.

Mayor Dickinson explained that there is a logical reason. First of all, there is no access to this property. The only access to be provided is upon a gift from FIP. FIP is not going to give land to the Town of Wallingford, because there is no tax benefit to that. The deed from the Town of Wallingford to the Wallingford Land Trust, should contain language to the effect that, should the Land Trust ever cease to exist, and it's holdings fail to become owned by a similar organization that the title of the property refer to the Town of Wallingford.

Mr. Borne pointed out that their By-laws do state that.

A motion was made by Mr. Bradley to add the phrase "should the Land Trust ever cease to exist, and its holdings fail to become owned by a similar organization, that the title of the property refer to the Town of Wallingford", to the original motion, seconded by Mr. Solinsky.

VOTE: All ayes; motion duly carried.

A motion was made by Mrs. Papale to consider and approve a transfer of \$500 from Council Contingency to Office Operating Expense, A/C #001-1300-600-6010, seconded by Mr. Adams.

VOTE: All ayes; motion duly carried.

A motion was made by Mrs. Papale to Waive Rule V to discuss Hazardous material requested by Raymond F. Smith, seconded by Mr. Zandri.

VOTE: Adams passed; Bradley and Doherty voted no; all other ayes; motion duly carried.

Mr. Smith explained that last week, they were advised that there were high levels of trichloroethylene and tetrachloroethylene in the construction area for the low level pump station. As a result, the State came in and ordered everyone away from the area and to cease construction and to stop the de-watering process. The state directed them to take some immediate action to take care of this problem. A purchase order has been issued to Cascio, Bechir and Associates under the hazardous emergency situation. The Town

charter requires an approval by the Town Council on the action that has been taken, to retain the engineer. There was an old industrial sewer line in there that was broken during construction and hopefully, the concentration came from that sewer line. If that is the case, then the extent of this should be minimal. It might be possible to come in with a mobile air stripping treatment unit to treat the water before it is discharged to the Quinnipiac River.

Mr. Killen asked how this was going to be financed and Mr. Smith explained that this is part of the construction monies for the Sewer Treatment Plant, as far as the project costs. He has also talked to the State about being reimbursed with Federal and State funds, as their share of the additional construction costs. There will be some additional construction costs because the contractor was told to cease and desist until the problem is resolved. The funds were certified by Ray Denison, who is the Manager of the Sewer Division. Cascio and Bechir have been on the site for several days to get involved in the investigation of the extent of this contamination provide for the laboratory analysis and come up with the conclusions as required by the Department of Environmental Protection.

Mr. Zandri asked if there were any test borings done in anticipation of problems in that area, and Mr. Smith explained that soil borings were taken for the purpose of determining loadings, etc. Going through the records, there is no indication that there any concentrations of TCE at that point. It is believed that the problem is associated with the abandoned industrial sewer line, which was broken.

Mr. Killen asked Mr. Smith if there were any other steps that should be taken along with going before the Town Council and Mr. Smith explained that the Purchasing Agent agreed that this was an emergency situation and the Council would have to be notified. The Mayor was immediately notified.

Mr. Richard Nunn pointed out that this delay could be costly, because they are looking for reasons to assess the town for this delay.

Mayor Dickinson explained that a portion of the Purchasing Ordinance reads: "The head of such Agency, shall send to the Purchasing Agent, a requisition and a copy of the delivery record, together with a full written report of the circumstances of the emergency. The report shall be filed with the Comptroller, Mayor and Town Council as provided in Subsection A1".

Mr. Killen thanked Mr. Smith for his report.

ITEM 7. Consider and approve a transfer of \$3,500 from Contingency to Traffic Study, requested by Town Planner, moved by Mrs. Papale and seconded by Mr. Holmes.

Ms. Bush explained that the proposal from Greiner was the least costly.

VOTE: Bradley, Zandri and Killen voted no; all other ayes; motion duly carried.

ITEM 8. Consider approval of abandonment of the Antonio drainage easement on Clintonville Road, requested by Town Planner, moved by Mrs. Papale and seconded by Mr. Parisi.

Ms. Bush explained that the town acquired this drainage easement in 1978, when there were drainage problems on Clintonville Road. It was never utilized by the town. With the rebuilding of Clintonville Road, there is no need for the drainage easements.

Mr. Killen asked if this has been cleared by P&Z and Ms. Bush replied yes.

VOTE: All ayes; motion duly carried.

ITEM 9. Consider acceptance of Liberty Court, off South Orchard, requested by Town Planner, moved by Mrs. Papale and seconded by Mr. Parisi.

Ms. Bush explained that Mr. Costello and Mr. Deak have already signed off on it and the Commission will accept it Monday night. If it is accepted, then the residents will be able to get their road plowed, if it snows again.

A motion was made by Mr. Holmes to Table Item 9 until the Town Council Meeting of March 22, 1988, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM 10. Progress report on investigation of possible zoning violations associated with the portion of the Meriden Landfill located in Wallingford to be given by Linda A. Bush, Town Planner.

Ms. Bush explained that the zoning regulations that Wallingford has now, became effective on March 7, 1958. The Meriden Landfill is a non-conforming use because it is in a residential zone, which has never allowed landfill. In Wallingford's industrial zone, where our landfill is located, landfills have been permitted with the following stipulations: Garbage and refuse incineration or dumping of matter, not originating on the premises is a prohibited use except by the Town of Wallingford. Obviously, the Meriden Landfill does not conform to zoning. Under zoning regulations, a non-conforming use may continue in existence in perpetuity. The only stipulations are, if the non-conforming use is abandoned and may never be re-established. Also, a non-conforming use may not expand. It appears that over the past 30 years, the Meriden Landfill has expanded. There are now buildings located in the Wallingford portion of the landfill that were not in existence on November 7, 1958, based on aerial photographs from the Engineering Department. There is a question on the area that actually has had refuse dumped on it. So, it appears that there are buildings and uses in Wallingford's residential zone on Meriden Landfill property that were not there in 1958. I met with Meriden officials on Friday, to let them know what I had found out. Their reply was that they did not understand, why at this point in time, the Town of Wallingford was doing this. CRRA must come in for an expansion plan. My office has a draft that we have had for some time, of a proposed expansion, which the Planning and Zoning Commission would have to approve, any expansion of the landfill. My office had a draft for months. There is obviously a holdup with DEP and other issues, which is why it has never been acted on. It is not a finalized draft, it is just a draft expansion plan.

Miss Bush explained that if DEP authorizes the using of the Meriden area landfill for ash and/or raw refuse disposal, the CRRA must come in for an expansion plan and Miss Bush's office has a draft which they have had for some time of the proposed expansion which the Planning and Zoning Commission would have to approve--there is obviously a holdup at DEP and other issues which is why the draft has never been acted on. Miss Bush further stated that because they are working with the Town of Wallingford and other towns on an expansion plan possibly contingent upon DEP approval, they did not understand why Miss Bush was there and she could not give them an answer.

Mr. Killen felt that the newspaper indicated that this has more to do with well contamination than CRRA. Miss Bush said their response to that question was, "Does Wallingford have definitive proof that our landfill is polluting your well?" Miss Bush felt there is no definitive proof but it is obvious there is a problem with the well on Oak Street.

Mr. Zandri said CRRA must come before Wallingford for zoning; why should Meriden be exempt? Miss Bush is not saying they should be exempt but she suspects this issue would be resolved one way or the other within the next several months--whether the area can be used for ash disposal or DEP says no--that area may not be used for any further refuse disposal because it is a GB area and all landfilling there ceases once the resource recovery plant is on line; that is anticipated to occur by the end of this year. Miss Bush said the landfill has been there for 30 years; Wallingford has had zoning for 30 years and that was their question. Mr. Zandri asked if they have purchased additional property and Miss Bush said the only property transfers she could find were all prior to 1958.

Mr. Zandri said that land has been stripped of the sand, the landfill was expanded and this was done without zoning approval. Miss Bush said she does not have any record in her office of any approval for the landfill. Miss Bush viewed the aerial photographs from 1965 which were the earliest Engineering Department

had and the area was completely stripped in 1965 and it's possible it was that way in 1958. Stripping is not an illegal activity under zoning; zoning violations must be very specific and you must be able to prove your case in court. The buildings in 1964 and 1965 were not in Wallingford, scale house and vehicle storage building and those are now in Wallingford in a residential zone, added Miss Bush. The area of axle refuse dumping--there is no way to measure them and Miss Bush gaged them on the length of the runway. Miss Bush said it is difficult to determine exactly where on Meriden's property they were dumping garbage in November of 1958 compared to exactly where on their property they are dumping garbage today--it's all in the same general vicinity from the aerial photographs, around the edge of the river because the central area which is now all sand was their sewage sludge pits, shown very clearly on the aerial photographs. Mr. Zandri pointed out that all that area is in Wallingford.

Mr. Gouveia commented that he first brought this to the Council's attention in June, 1987 and he got involved in this because there was a court ruling in effect stating that the Meriden Police did not have any jurisdiction in the landfill because it was located in Wallingford and because of the landfill's proximity to Wallingford's wells, he felt that it was an important issue. Mr. Gouveia spent a great deal of time with the Town Clerk looking through the deeds and researching the purchase of five parcels of land and Mr. Gouveia wanted to know if any survey has been done to determine the boundaries. Mr. Gouveia stated that Meriden is extracting huge amounts of sand from the landfill and sand is \$7.40 a ton and they have never paid a penny to the Town of Wallingford and that is the beginning. In 1965, there was no building in the Wallingford area of the landfill; in 1974 there was a small building but no driveway; in 1985 the small building had been expanded and a driveway was built and in addition, two smaller buildings were erected, all done without having Planning and Zoning approval and Mr. Gouveia thinks this is clearly a violation of Planning and Zoning regulations and he thinks Meriden is polluting Wallingford's water because it will be very difficult for Wallingford to prove that they are and that is what they are counting on. Mr. Gouveia presented this report to town officials, state officials, PUC officials and they indicated that they feel that the pollution on the well fields comes from the Meriden Landfill and Mr. Gouveia feels that strong steps must be taken. Mr. Gouveia is willing to share his report with anyone.

Mr. Holmes asked about the zoning violations and Miss Bush would explain the basic legal process but wanted to comment to Mr. Gouveia first. She said nobody ever surveys private property and she does not understand that comment but if the front property boundary is not known, the Town Engineering Department would delineate it from the town's road property. Miss Bush said one other comment that the City of Meriden made on Friday was when the Town of Wallingford became involved in the CRRRA project, signed agreements knowing that this refuse was going to go to that site, the Oak Street Wells were already there and had been for some time--why again is the Town of Wallingford doing this at this point in time since there was concern about the Oak Street Wells at that time. Mr. Zandri answered that there has been a lot of information during the last two years regarding the ash generated from incinerator projects in utilizing landfill for disposal and the state is now questioning whether or not to use that and obviously, things develop where knowledge was not previously available. Miss Bush agrees but the question is why is cease and desist to them for raw refuse--she is positive the Planning and Zoning Commission and DEP will not approve an expansion unless both are assured that there will not be a problem but the question at hand is what the City of Meriden is doing now. Mr. Zandri also feels that raw refuse is causing the problem and that is why there are incinerators.

Miss Bush explained that if her office issues a cease and desist, so many days are given to comply; most instances that someone feels they are not in violation, the first step is to appeal a cease and desist to the Zoning Board of Appeals. If the Zoning Board of Appeals upholds the cease and desist, Miss Bush would assume the City of Meriden would appeal that decision to the Superior Court and Attorney Mantzaris is better able to answer from there.

Attorney Mantzaris felt that if an injunction process were started first, you would not have to use a cease and desist process. He is not sure Linda Bush can definitely establish that some buildings have been constructed without approval but can definitely establish that the area in which refuse is dumped has been expanded. Attorney Mantzaris has lost a couple of zoning cases of the town and he knows what proof is required for a judge to shut somebody down, let alone a city; this is very strict. He is not so sure that building a couple of structures to house trucks is an expansion (he supposed it was) but the primary concern for his office and the Council is the next item on this agenda, the question of possible contamination of the Oak Street Wells. Attorney Mantzaris felt that if we are going to use any efforts against a neighboring city, it should be for something of vital interest to our citizens and that would be for pure water. Attorney Mantzaris felt that the worst scenario for Meriden would be to have a judge tell them to move the structures for the trucks back on to their own property and get them off Wallingford's section and he is not sure what would be accomplished for the betterment of Wallingford by that action. Mr. Killen asked if Mr. Gouveia's intent is for a clear water supply and if he cares whether Miss Bush's presentation or Attorney Mantzaris' presentation prevails and Mr. Gouveia said it doesn't make any difference and at the last Council Meeting in December of 1987 the motion was to have the Town Attorney look for a cease and desist order, based on public nuisance and health threat to Wallingford.

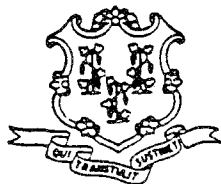
Mr. Gouveia mentioned that every time they move from one parcel to another, the use of the land is being changed and if you want to establish that they have indeed moved into those parcels of land since 1958, you need to survey the land to prove that and even the City of Meriden doesn't know where the boundary lines of those parcels of land are.

Mr. Edward Musso, 56 Dibble Edge Road felt that anyone who owns a piece of property can remove sand or erect buildings on it and this becomes an issue because of all the troublemakers!

ITEM 11. Progress report from Town Attorney regarding his investigation of the possibility of issuing cease and desist orders to halt the operation of the Meriden Landfill on grounds it is a public nuisance and a public health threat to Wallingford's valuable water supply.

Attorney Mantzaris spent the weekend on the reports made available to him, including the manganese report and the stripping report, reports by Fuss and O'Neil and Geraghty and Miller, Inc. Circumstances seem to be strong that there may be contamination from the landfill. There are a couple of Meriden wells north of the landfill, back in 1981, which appeared to be relatively free of contamination; water flows in a general south/southeast direction (groundwater) and there is some indication that the landfill is doing something. Whitman and Howard's report points out that it could be the airport and some properties as well as the landfill. That conclusion was drawn at a time when Meriden's Sawmill Well was in operation. When the Sawmill Well was closed down in 1981, the Fuss and O'Neil study came after that, and they found an increase in contamination in our well which draws from the deeper aquifer.

(Documents referring to above reports follow on pages 25 to 29.)



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