

TOWN COUNCIL MEETING

DECEMBER 9, 1997

6:30 P.M.

AGENDA

Blessing - Rev. Mark Angerosa - White Oak Baptist Church

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#187-203) Totalling \$29,462.05 - Tax Collector
 - b. Approve and Accept the Minutes of the 11/12/97 Town Council Meeting
 - c. Note for the Record Mayoral Transfers Approved to Date
 - d. Note for the Record One Anniversary Increase Approved by the Mayor
 - e. Note for the Record Quarterly Reports of the Senior Citizen Center, Visiting Nurse Association and Wallingford Public Library
 - f. Consider and Approve a Transfer of Funds in the Amount of \$1,000 from Map Viewer - Printer Acct. #001-6030-999-9913 to Office Supplies & Expenses Acct. #001-6030-401-4000 - Town Clerk
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Discussion and Possible Action Pertaining to the Taxation of Certain Properties as Requested by Councilor Peter A. Gouveia
7. Executive Session Pursuant to Section 1-18a(e)(5) of the CT. General Statutes Pertaining to the Appeal of a Pending Arbitration Case - Corporation Counselor
8. Discussion and Possible Action Regarding an Appeal From a Labor Award - Corporation Counselor

(over)

9. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Pertaining to Pending Litigation Involving the Tax Appeal Captioned Middlebury Road Development Corp. v. Town of Wallingford - Town Attorney
10. Consider and Approve Settlement of Pending Litigation Involving a Tax Appeal - Town Attorney
11. Remove from the Table to Discuss and Possibly Act Upon the Certified Local Government Grant Program of the CT. Historical Commission as Requested by Councilor Stephen W. Knight
12. Remove from the Table to Discuss and Possibly Act Upon the the Appointment of an Historic Properties Study Committee Pursuant to CT. General Statutes Section 7-147q(a) as Requested by Councilor Stephen W. Knight
13. Remove from the Table to Discuss and Possibly Act Upon the Appointment of Councilor Stephen W. Knight as the Council Liaison to the Historic Properties Study Committee as Requested by Councilor Stephen W. Knight
14. Remove from the Table to Consider and Approve an Appropriation of Funds in the Amount of \$8,619 to the Magnet School Transportation Grant Revenue Acct. and to the Magnet School Transportation Grant Expenditure Acct. in the Special Revenue Budget of the Town
15. Consider and Approve an Appropriation of \$18,500 from Yankee Gas Company to Recovery of Expenses Acct. #001-1065-060-6200 and to Department of Education Repairs and Maintenance Acct. #001-8600-860-4300 to Facilitate the Purchase of Fuel Burners - Mayor's Office
16. PUBLIC HEARING on an Ordinance Appropriating \$190,000 for the Acquisition of Real Property Consisting of 23 and 25 Silk Street, Wallingford, and Authorizing the Issuance of Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.
17. Consider and Approve the Granting of a Utility Easement from C.E. Lirot House to Proposed Tank Site, Gaylord Farm Road
18. Consider and Approve the Granting of a Utility Easement Across Property of Gaylord Hospital, Inc. from Gaylord Farm Road to Shoebox Road, Wallingford, CT.
19. Consider and Approve Abandonment of Portions of the Original Fairlawn Drive Cul-de-sac to the Owners of Lots 18, 19 & 20 - Town Planner

(next page)

20. Consider and Approve Accepting the Following Streets Accepted by the Planning & Zoning Commission at their December 8, 1997 Meeting:

- Shweky Court - off of E. Center, next to RR
- Bridle Lane - off of Woodhouse, next to Town Open Space
- Hitching Post - off of Halsey
- Megan Lane - off of Pond Hill, next to CL&P Right-of-Way
- Quarry Run Road - off of Route 68, near North Branford Road

Requested by Town Planner, Linda Bush

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6:30 P.M.

SUMMARY

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19. Withdrawn	
20. Withdrawn	

TOWN COUNCIL MEETING

DECEMBER 9, 1997

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, December 9, 1997 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:33 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr. and Comptroller Thomas A. Myers were also present. Town Attorney Janis M. Small arrived at 6:44 P.M.

A blessing was bestowed upon the Council by Rev. Mark Angerosa of the White Oak Baptist Church of Wallingford.

A moment of silence was observed for Johanna Manfreda Fishbein, a member of the community who was active in all facets of its social activities, but most widely known for her involvement with the Public Celebrations Committee.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence - No items were presented.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#187-203) Totalling \$29,462.05 - Tax Collector

ITEM #3b Approve and Accept Minutes of the 11/12/97 Town Council Meeting

ITEM #3c Note for the Record Mayoral Transfers Approved to Date

ITEM #3d Note for the Record One Anniversary Increase Approved by the Mayor

ITEM #3f Consider and Approve a Transfer of Funds in the Amount \$1,000 from Map Viewer - Printer Acct. #001-6030-999-9913 to Office Supplies

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Frank Wasilewski, 57 North Orchard Street asked the Council if they read the commentary on the editorial page of the Meriden Record Journal pertaining to party caucus prior to Council meetings?

A few of the Councilors responded that they had.

Mr. Wasilewski asked if the parties of the Council caucus before the meetings?

Mr. Parisi responded, yes, on occasion, sure. It is not a secret.

Mr. Wasilewski explained that there have been a number of times when there is something on the agenda and a Councilor discussing this item, both parties at times, have said, "I have already made up my mind, I am going to vote yes or no."

Mr. Parisi stated, that is not at a caucus; that is not the reason. Every person can read the agenda and the back up material.

Mr. Wasilewski stated, how can anyone say they will vote yes or no when they have not yet heard from the public?

Mr. Parisi explained that the caucus is an informational meeting. It is to see if there is any further question; if there is any new information. There are no decisions made.

Mr. Wasilewski went on to say, a number of times I have heard some councilors say, "I am against this but I will vote for it." I cannot figure out how you can be against something and vote for it. That has happened a number of times. With the new year coming you should vote for something if you are for it and against something if you oppose it.

Mr. Centner responded, to answer the question of how someone can vote for something and be against it; you can be personally against something but vote in favor of it based on the response from the public coming out here to these meetings. It happens to me all the time.

Mr. Knight responded to Mr. Wasilewski, isn't that what you just asked? Didn't you ask that the public's input be considered when somebody makes a vote?

Mr. Wasilewski replied, Mr. Centner may say that but the councilors come out and say that they will be for something or against it before the public speaks and they don't change their minds. Mr. Centner may change his mind, fine, but other council people don't do that.

On a separate matter, Mr. Wasilewski stated that he read in the Hartford Courant that building permits were taken for 45 South Main Street for renovations in the amounts of \$124,511 and \$50,570. What renovations are going to be taking place?

Mayor Dickinson responded, there are plans with regards to the roof. He was not sure what other renovations Public Works may be

involved with. He offered to get the information to Mr. Wasilewski.

Mr. Wasilewski reminded everyone that the bid went out for an architect for the roof. Someone from Granby or Avon were the lowest bidder for a little over \$5,000. Someone must know what is going on in this building.

Mayor Dickinson answered, it may be related to the roof I am sure and without being able to check there is no place I can turn right now. That is something Engineering or Public Works would be aware of.

Mr. Wasilewski reminded the Mayor that he questioned the Mayor at the last meeting about the handicap ramp on Simpson Court. He asked the Mayor if he had found out who was liable for the ramp?

Mayor Dickinson answered, yes, the determination was that all of that is on private property. The sidewalk extends from public property onto private property. The portion where the ramp is is on private property owned by the bank.

Mr. Wasilewski asked, is the town liable for that at all?

Mayor Dickinson replied, could we be added in a lawsuit? I suppose we could be but my feeling would be that we would not ultimately be liable for an injury occurring on private property. We could be named as parties but based on the information I have received the ramp is on private property and the owner of private property has the right to make lawful improvements on his or her property.

Mr. Wasilewski asked, is most of that sidewalk private property?

Mayor Dickinson responded, the area where the handicapped ramp is located is private property, or so he has been told. He was not sure exactly how much of the sidewalk was private.

Mr. Wasilewski asked how much of the sidewalk belongs to the Town from the curb in? Eight feet, ten feet?

Mayor Dickinson did not have that figure.

Mr. Wasilewski explained, the reason he is asking is because he visited the Planning & Zoning Department to get the information but the Town Planner was on vacation, the Assistant Town Planner was out of the office and the one girl staffing the office was not able to answer the question. That is why he is asking the Mayor, he thought the Mayor would know.

Mr. Wasilewski next referred to the October 14, 1997 Town Council minutes. Upon exiting an executive session the Council settled

a case with the U.S. Postal Service. He asked what the details of the case were? How much was the settlement for?

Mayor Dickinson explained, it was a settlement of claim for payment of taxes. There was a dispute over past taxes owed and we arrived at a compromise of some kind. He deferred to the Town Attorney.

Janis M. Small, Town Attorney stated, that she could not recall precisely what the figure was that was settled upon.

Pasquale Melillo, 15 Haller Place, Yalesville asked if the Council was aware of the most important latest developments in the power generation industry?

The Councilors could not provide an answer to Mr. Melillo's question.

Mr. Melillo began to inform the Council on the matter when Mr. Parisi asked if Mr. Melillo had a specific question on the matter?

Mr. Melillo stated that he has the right to make comments also.

Mr. Parisi responded, no, you don't. It is question and answer, it is question and answer, it is question and answer.

Mr. Melillo warned the Chairman to check the Council's rules of procedure. He is allowed to make comments and he did not want to be deprived of his constitutional right to do so.

Mr. Parisi argued, the meeting procedure is that you can ask a question.

Mr. Melillo stated that he will not take any bologna with regards to his right to free speech.

Mr. Parisi stated that no one is infringing on that right. All you have to do is ask a question.

Mr. Melillo continued, the big utilities across this country are making deals with other utilities relative to taking over power generations and other utilities' territories. Outside of the biggest utilities the medium and smaller sized utilities will go predominantly into the transmission process; distributing the power. It is good for the Council to know that so that they could relate to their Pierce Generation Station. He read an article recently regarding the Pierce Generation Station whereby the Public Utilities Commission (P.U.C.) has decided to develop Geno Zandri's idea that he came up with a couple years ago to explore generating electricity at the Pierce Plant area. That could bring in an awful lot of big bucks. We could lease quite a bit of that land that we

own there, make a lot of money by leasing and also by the taxes which would take a big tax burden off of the public as a whole. Big business and industry always gets the lion's share. He hopes that in the future the trend will be changed so that the homeowners share equally with the big and small businesses and big and small industries, sharing the taxes equally. We should do our homework regarding the leasing of the Pierce Generation area and all the land surrounding it.

Mr. Parisi interrupted Mr. Melillo stating that he was waiting for the question.

Mr. Melillo responded, I am giving comments too, I am not giving in. I am standing up for my rights.

Mr. Parisi interrupted once again stating, I want to hear the question. There are other people that would like to speak tonight.

Mr. Melillo stated, your format, as I said, gives us the right to make comments and I am making comments.

Mr. Parisi stated, this is question and answer Mr. Melillo.

Mr. Melillo responded, no one is going to shut me up. I don't care who they are.

Mr. Parisi stated, you are holding up your friends out there.

Mr. Melillo responded, I have given you some very important information now because I saw a couple of articles in some of the newspapers. We do have big utilities interested in leasing the Pierce Generation site. We should all dig in and encourage that as much as possible and give credit for all of that to where it belongs the most, to Geno Zandri.

Mr. Melillo next referred to a recent Town Council meeting at which Mr. Rys was Acting Chairperson due to Mr. Parisi's absence. He stated, at that meeting the status of the Town Council Secretary's job was discussed relative to her dispute between the town government and herself. The reactions I got from you Councilors was in effect, the bottom line, don't worry about it everything will turn out all right for Kathy (Zandri). Now I come across some articles in the newspapers that go the other way quoting some Town Council members and some others in town government that they are going to pursue a dispute with Kathy, the Town Council Secretary. Would any of you care to make any comments on that?

That is a 360 degree contrast from what reactions we got a few weeks ago. Under God with liberty and justice for all are much more than words; much more than lip service. Does anyone want to make any comments on something so important as this?

Mr. Parisi asked, what comment do you want?

Mr. Melillo asked, why was I told only a few sessions ago by several Town Council members that there would not be any problem relative to Kathy with her job?

Mr. Parisi refused to talk for other Councilors. If you have a question why don't you give the Councilors a call and ask them? Call them on the phone and ask them what ever you want to ask them.

Mr. Melillo stated, it should not be on the phone but out here in public.

Mr. Parisi disagreed. This is not to be done here. I'm sorry, no.

Mr. Melillo reiterated that there is quite a contrast in reactions. Some people have a lot to be proud of.

On a separate matter, Mr. Melillo asked, what has been done regarding the linear park situation, senior citizen center project and others relative to taxpayer's money? Who knows, the senior center project could climb up to \$30-40 million before the project is all done. The same with the linear park trail. He supported the project, within reason. Let's keep the projects practical. If we don't get on the ball the cost of the linear park trail could also climb to about \$30 million. Years ago the Board of Education came up with an initial estimate of \$9 million to repair all the schools, re-opening Yalesville School and after it was all said and done the cost was up over \$30 million. Let's dig in and do our homework and get a good grasp on all of this before we pass these projects. If all the projects are approved the homeowner could end up paying \$200-\$300 more per year in taxes.

Mr. Parisi explained, the linear park is in process with seventy-five or eighty people working very diligently on the project; the senior center committees are gathering research in other areas and Towns. Those people are doing their homework and are going to follow the procedure that we normally follow, generating the necessary facts and figures. Then the decisions will have to be made.

Mr. Melillo asked if anyone has contacted big business and industry to see how much they may be willing to contribute?

Mr. Parisi stated, the report out by the linear park committee at the last meeting stated that the committee is going after every bit of possible funding, private donations, everything. They have a lot of enthusiasm so let's give them a chance to see what they are going to generate.

Mr. Melillo asked the Council to consider a new policy; having the Pension Committee in attendance at the Town Council meetings to answer questions the public may have?

Mr. Parisi explained, the Pension Committee holds open meetings which are posted in the Town Clerk's Office. Mr. Melillo can attend the meeting if he so wishes.

Mr. Melillo replied, those meetings are held at 3:30 P.M. They should be on television to answer questions. The public would have a better idea of what goes on.

Mr. Parisi explained, there is a limit to what Government Access Television can do. We cannot possibly televise everything.

Philip Wright, Sr., 160 Cedar Street wished everyone a Merry Christmas. He stated that the Town had a pretty good year in 1997, however there are a few things that need to be commented on. In watching the November 12th meeting at which time there was a rather lengthy discussion concerning Mrs. Zandri's status, there were a lot of people who spoke, opponents and proponents and it was a lengthy meeting. It was very interesting.

Mr. Parisi asked if he could make a comment?

Mr. Wright relinquished the floor to Mr. Parisi who stated, I, through the Council secretary, researched that and found that there were at least three situations where Council seats were vacated for what ever reason and the same procedure was followed that we followed.

Mr. Wright replied that was not the subject that he was discussing.

Mr. Parisi stated, you reminded me that I did that. If you don't mind.

Mr. Wright continued, in reviewing that meeting Mrs. Zandri certainly came out the winner in that conversation of proponents and opponents and the public is definitely in her corner. He also recalled how back in March there was a very long conversation concerning shortening her hours. That was the biggest conversation that was held relative to the budget. Mrs. Zandri has been dragged through the mud pretty well and he hoped that she will have a better year in 1998 than she did in 1997 and he hoped that she has a little forgiveness in her heart for those who have treated her poorly. He wished Mrs. Zandri a Merry Christmas.

He went on to say that in observing that meeting along with a few of the other recent meetings he suggests that it is time that the Council got a parliamentarian or someone here to keep score and keep them from going off in left field. He is afraid that one of these times the Council will find itself in legal problems.

With regards to the question that was raised earlier by Mr. Wasilewski pertaining to the settlement of a case with the U.S.P.S., a settlement was made. The specifics are that just short of \$17,000 was paid to the town for the taxes that were due during the time that the U.S.P.S. was stiffing the Town of Wallingford. It was a penalty of \$12,000 that was forgiven by this Council upon recommendation by someone in the Law Department but there was a \$12,000 penalty forgiven to the U.S. Government. Today he read in the paper that someone was fined \$50. because he was a little late on his taxes; there is something wrong here. He hopes that everyone in the listening and viewing audience realizes that you can get up to three-quarters of the penalty forgiven by the Town of Wallingford because that is what they just did for the U.S. Government. He urged the people to fight for their rights.

Mr. Parisi stated, the two situations are a little different.

Mayor Dickinson explained, the post office, Federal Government does not pay taxes to the Town of Wallingford; they are tax-free. The issue, however revolved around taxes owed by the previous owner on the property that the post office purchased. The question was whether they owed those taxes being subsequent owner. It was determined by the Law Department in consultation with lawyers representing the postal service that the matter was resolved through a compromise but there were legal arguments on both sides. Instead of saying that we did not collect all of it we should look at the fact that we do not collect any taxes from the Federal Government and we were able to collect some through the efforts of the Law Department.

Mr. Wright stated that it was his understanding that it was written in the deed or a settlement that the postal service was going to pick up the taxes for the period of time that they were owed. Was it stated somewhere in the sales agreement or settlement?

Mayor Dickinson replied, the Federal Government had legal arguments on its side that it does not owe taxes to a local municipal government. We had our arguments and the matter was compromised.

Mr. Wright stated, that is the kind of compromise that every taxpayer in Wallingford should keep in mind.

With regards to Community Pool; Mr. Wright stated that he hates to drag it through the mud again but feels that there are some facts and factors that have not yet been brought out. In researching information in the Purchasing Department records he found that things were pretty clear. At the October 14, 1997 Town Council meeting, Mr. Dooley was present asking for a \$10,000 transfer of funds for custodial fees. He spent a considerable amount of time justifying why the pool would not be open for 1998. Mr. Dooley stated at a meeting on August 6th it was determined that he would not be able to get the paperwork, permits, etc., done in time for

construction to be completed so that the pool would be open in 1998. At the October 28th meeting the Mayor stated, "There was never any expectation that we could do all the work without losing the pool for one summer." He also stated, "I always understood that the pool would be closed for at least one summer. It was never represented that the pool would always be open." My research at the Purchasing Department along with a letter from Timothy Brewer from TLB Architecture dated 2/14 definitely states that the schedule presented the pool would be re-open July 1st 1998. Again, the Mayor stated that it was never represented that it would be open but the public bid shows that a certificate of occupancy will be obtained by the summer of 1998. What's up? Don't you (Mayor) know what you are talking about or are you trying to mislead the public?

Mayor Dickinson explained, when I stated that it wasn't represented I speak that it was not represented by my office that we would not lose a summer regarding the pool. There were efforts and interest in trying to avoid having it closed for a summer but as you can see that has not worked out and I don't believe that I have ever represented, and I don't remember it ever being represented at a public meeting that we would definitely fix the pool without losing a summer primarily because it is the prime construction season and to try and squeeze the construction around the period of the summer creates some other difficulties that the Town was not interested in pursuing. When I say it was not represented I am saying that I don't believe I have ever represented that we would not lose a summer for construction of the pool.

Mr. Wright replied, you (Mayor) may not have said that but every piece of paper and every bit of information that anybody can look at and every conversation had here with everybody but you, it seems, it was definitely that we were going to have the pool open in 1998 at the beginning....look at the documents. The contract says that it was going to open in the summer of 1998.

Mr. Parisi asked Mr. Wright what he was trying to do? Are you trying to get an answer or are you trying to discredit the Mayor? What is your objective?

Mr. Wright stated, I would have to say that he is either misrepresenting or he is ill-informed. He reminded the council how Ms. Papale was upset when she, too, found out that the pool would not be open.

Reginald Knight, 21 Audette Drive asked, why is Item #14 on the agenda concerning the magnet school? Why is it on there? Is it Hamden that will be talked about?

Dr. Cirasuolo, Superintendent of Schools explained that it had

nothing to do with the Hamden school. It is funding that we are getting because we are transporting children to the educational center for the arts in New haven. We have had children in that program for about ten years.

Reginald Knight next asked, on what page of the Town Charter does it say that a person who comes up to speak to the Council must immediately ask a question and not put some.....

Mr. Parisi stated, it is not the Charter it is in the Council rules. It is only question and answers allowed.

Mr. Melillo suggested that Mr. Parisi check the Council rules.

Mr. Centner read Rule IV of the Town Council Meeting Procedures revised 3/27/96 into the record as follows:

"IV. Individuals wishing to speak either during the Public Question and Answer Period or on individual agenda items will be required to address their questions or comments to the Council Chairperson and limit his/her speaking time to three (3) minutes."

Reginald Knight stated, people come up here with good intentions in their heart to put in comments which are for the good of the town and I don't think it should necessarily be a question. There is a lot of good information out there and the Council members cannot be all over town seeing everything that is going on. These are the people who do see it and bring it to your attention and I don't think they should be squashed for it. With regards to the three minute limit Mr. Parisi was not in attendance the night I brought up that West Haven tried the three minute limit and that was smashed down as being unconstitutional; it was brought up in Middletown and it was smashed down and called unconstitutional and it resulted in a lawsuit against the town of Middletown which is pending. I find it hard that these people, just a few weeks ago were out begging and asking for the job of serving the people, yet cannot find the time to listen to us.

Mr. Parisi replied, you are welcome to call any one of these Council people, and you have on occasion, at their home. I am sure they would be more than happy to take your call and answer your question or get the answer for you. I don't know what the big deal is, this structure has been here since twenty-some odd years that I have been on the Council. We did not just invent the wheel.

Reginald Knight commented, I understand that but I think a little bit of patience.....there was a very elderly gentleman in attendance at the last meeting and he kept getting interrupted. The man was confused and all he wanted to do was to compliment the town on its good treatment of his wife.

Mr. Parisi responded, it is all a matter of perception.

Reginald Knight extended gratitude to Mr. Gouveia for stepping in and finishing out the term for the Late David J. Doherty. He thanked him on behalf of all the citizens of Wallingford for doing the very best he could in such a bad situation.

Robert Sheehan, 11 Cooper Avenue thanked Mr. Parisi and Mrs. Zandri for the prompt response he received from the Town Council Office over the question he proposed on the consent agenda last time. Evidently, Mr. Doherty was under the same impression he (Mr. Sheehan) was, that the consent agenda should be passed unanimously. But that has been revised so that only a majority vote is needed to pass the consent agenda.

Mr. Gouveia asked that Item #14 be moved up for it seems like it would be an item that can be easily disposed of.

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

Mr. Knight suggested that Item #15 be moved up also since the Superintendent is here for that item as well.

Mr. Gouveia stated that he was going to make a separate motion to move item #15 up after #14.

Mr. Parisi stated that a motion has been made to Move Agenda Items #14 & 15 Up to the Next Order of Business and called for a vote.

VOTE: All ayes; motion duly carried.

ITEM #14 Remove from the Table to Consider and Approve an Appropriation of Funds in the Amount of \$8,619 to the Magnet School Transportation Grant Revenue Acct. and to the Magnet School Transportation Grant Expenditure Acct. in the Special Revenue Budget of the Town

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

VOTE TO REMOVE FROM THE TABLE: All ayes; motion duly carried.

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

Dr. Cirasuolo, Superintendent of Schools explained how the Board of Education has been paying tuition for high school students with artistic talents to attend the New Haven based Educational Center for the Arts for at least ten years. Recently the State legislature made available funding to defray the cost of transporting students to this program. Up until this year the

students who attended the facility had to arrange for their own transportation. The Board, this year, decided to take advantage of the State's offer of funding and authorize transportation of about twelve students to the center. Those students leave Wallingford around noon time and spend the afternoons, four days a week, at E.C.A. (Educational Center for the Arts) and then return to school. The State set up a funding formula based on the number of dollars appropriated and the number of children statewide for whom application was made. Based on that formula Wallingford has received the amount that is before the Council tonight. That does not pay for the entire cost of the transportation which is around \$24,000. This appropriation helps to defray that cost.

Mr. Gouveia asked, who will pick up the balance of the costs, the Board of Education or the students?

Dr. Cirasuolo responded, the Board of Education will pay for the rest of it.

Mr. Parisi asked, how long has this been going on?

Dr. Cirasuolo responded, longer than I have been here so I would say at least eight years but more like ten, eleven or twelve years. E.C.A. has been around for twenty-five or thirty years. There are a lot of things that have been magnet schools for a long time that people are now putting the word "magnet" in front of.

Robert Sheehan, 11 Cooper Avenue stated that the account should reflect the proper title, "Educational Center for the Arts" instead of magnet school because they are two different things. The Board of Education is thinking about a magnet school in Hamden. If this was properly titled at the last meeting it would not be back before the Council this evening. Who applied for the grant?

Dr. Cirasuolo responded, the Board of Education.

Mr. Sheehan stated that the Board of Education should be coming before the Council to apply for the grant no different than any other department. At the last meeting a fellow had to come before the Council to apply for a grant for the Linear Park Trail. The Council controls the money and the Board of Education has sixty percent of the Town's budget. The Board of Education should come before the Council to get its o.k. no different than any other department in this town.

Pasquale Melillo, 15 Haller Place, Yalesville asked if it is against the Charter for the Board not to come before the Council to ask for approval to apply for a grant?

Mr. Rys stated, it is irrelevant to this issue. This does not have anything to do with the magnet school proposal with Hamden.

Dr. Cirasuolo stated, the only decision that the Board made was to provide transportation for the children who have been attending this program for many, many years. The Board has paid the tuition for these children for at least ten years to attend this program. The only thing they have added is, the Board is now willing to transport them to New Haven as well.

Mr. Melillo asked, is this strictly optional?

Dr. Cirasuolo replied, yes, the transportation is optional and it is optional for the Board to pay tuition for children to attend any magnet school. It is optional in and of itself. You have probably been reading in the paper controversy in a neighboring community where people are talking about the obligations that Boards now have under the recently enacted legislation to do something to increase racial diversity. Every Board has to make a good faith effort; there are nine options for action. One of them is to encourage children to participate in interdistrict magnet schools. So by virtue of what the Board has been doing for many, many years we are moving in the direction we are required to by law.

Wes Lube, 15 Montowese Trail asked, how many students are involved, how are they selected, is it a four year program and once a student is enrolled in this program does he continue or do they continue for the full four years? In this school that they attend four time a week, is it a broad spectrum of artistic endeavors or do they have areas of specialization?

Dr. Cirasuolo responded, this year twelve students attended the program. They are selected by joint process. We identify some students who we feel are artistically talented; the staff of the Educational Center for the Arts reviews and evaluates those students and when both we and they agree that they are talented enough to attend that school they attend that school within the limits set by the Board in its budget for the number of children it is willing to pay tuition for. I am not sure if it is a four year program; it is either a three or four year program. I can get that information for you. Students who attend that program can remain for the entire three or four years if they do not perform satisfactorily at the Educational Center for the Arts they are asked to leave the program or they can leave it voluntarily if the program is not to their liking. The program concentrates on a particular talent so that if a child is particularly talented in the graphic arts that child would spend his or her time at the school working on painting or sculpting and those arts. If a student is particularly talented in music they would work on that. It is not a general program; it is specialized in that regard.

Mr. Zappala stated, in the eyes of many towns Lyman Hall High School is considered a magnet school.

Dr. Cirasuolo agreed stating, in its nature, yes, it is. What a magnet school is is a school that by its program attracts, therefore the word "magnet", students from a number of districts. There are approximately 225 students in the Vo-Ag program. Last time he checked approximately 100 students were from other districts.

Mr. Centner asked, if the Council were to deny the receipt of the grant money would the Board still continue to transport the students to New Haven?

Dr. Cirasuolo responded, yes, the Board has decided by policy before they ever got the grant money that they would transport the students.

VOTE: All ayes; motion duly carried.

ITEM #15 Consider and Approve an Appropriation of \$18,500 from Yankee Gas Company to Recovery of Expenses Acct. #001-1065-060-6200 and to Department of Education Repairs and Maintenance Acct. #001-8600-860-4300 to Facilitate the Purchase of Fuel Burners - Mayor's Office

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

John Quinn, Business Manager of the Board of Education explained how this is a reimbursement of expenses that were made out of the Board's operating budget in 1994-95 to convert the Stevens School and Moses Y. Beach School to have the capacity to burn dual fuel, gas and oil. That was done when the burners were replaced there. Yankee Gas gives an incentive to do that hence the \$18,500 reimbursement. That money will be used to replace one of the two original dual fuel burners at Lyman Hall High School which are very old since they are original. This will help increase the fuel efficiency and comfort at the school; consequently it will help reduce the heating costs at the school. Any leftover money will be used to replace steam traps at Lyman Hall High School which will also help increase the heating comfort and efficiency. This expenditure of \$18,500 from Yankee Gas will reduce the F.Y. 2001/2002 budget by \$18,500. That is when the two burners at Lyman Hall were scheduled to be replaced in the five year plan. The advantage to going to dual fuel burners is, for example, last year we burned oil rather than gas because it was cheaper. This year we are burning gas rather than oil because it is 10% less than the comparable cost of oil. It will save approximately \$20,000 in heating costs this year alone. Fuel is budgeted for over a five year average so over time we will see the heating costs reduced.

Dr. Cirasuolo explained further, the heating costs will go down so long as the cost per unit remains the same, our consumption will go down. If all of a sudden we get a big increase in the price of

oil or gas then it will be a different story.

Frank Wasilewski, 57 N. Orchard Street asked for an explanation of where the \$18,500 expenditure appears in the budget. Is it in repairs and maintenance?

Mr. Quinn replied, yes. Then if we need to put it in a different account the Board of Education would transfer that according to their transfer procedure. Yankee Gas is essentially paying for the change over.

Mr. Wasilewski asked, how many more of these burners are you interested in?

Mr. Quinn answered, we need another one at Lyman Hall High School and that is in the budget for F.Y. 2001/2002.

Mr. Wasilewski asked, instead of buying a new burner can you rent a burner from Yankee Gas?

Dr. Cirasuolo did not think so.

Mr. Quinn never explored the option but was not sure if it would be cost efficient.

Mr. Wasilewski pointed out that the Gas Co. is going into the business of renting heaters and furnaces but he was not sure if they do that to large buildings as well. The furnaces are purchased however the maintenance and repairs are the responsibility of Yankee Gas.

Dr. Cirasuolo stated that they were never aware of such programs and will look into them.

Philip Wright, Sr., 160 Cedar Street asked, will the burner cost \$18,500?

Mr. Quinn responded, he is guessing that it should only cost \$15,000 including installation. Any monies left would be used to replace steam traps.

Mr. Wright asked, why wait until F.Y. 2001/2002? Why not replace both burners at Lyman Hall now and get this over with?

Mr. Quinn answered, if money were not limited we would do it now but because we have a lot of competing demands for limited budget dollars we have to set priorities. That is why this is set for F.Y. 2001/2002. It would be a wonderful opportunity for us to be able to do it now and take advantage of it now and by having two burners at the school we would get a lot more use out of this burner. This new burner would be the lead burner and will give most of the use at the school so we would get a lot more efficiency

out of this one unit burner out of the incremental second unit burner.

Dr. Cirasuolo stated, we spend about \$2 million a year on maintenance. Every year like any other operation, it is a question of setting priorities. Our Supervisor of Buildings and Grounds has established a five year capital plan and a five year maintenance plan which is implemented and revised every year. When things are placed into a particular year for funding it is the result of a considerable process of evaluation and judgment and that is how we arrive at it. This grant gives us a chance to jump start it a little bit which is to our advantage.

Pasquale Melillo, 15 Haller Place, Yalesville asked, what are the guidelines pertaining to safety and ensuring the maximum safety of the students to make sure that we don't have a gas explosion or anything dangerous like that?

Dr. Cirasuolo responded, all of our facilities are inspected on a regular basis. If there are any problems we respond immediately. Anything that impinges on student safety is monitored closely by our maintenance department and by our custodians. There are no written guidelines that address every aspect of this but by virtue of close monitoring we have been able to maintain a very safe environment and will continue to.

Mr. Wasilewski asked, does the Board of Education have maintenance insurance on the gas burners?

Dr. Cirasuolo responded, we don't have a maintenance agreement on the burners, no.

Mr. Wasilewski has one on his burner at home. It may save money to have one.

Mr. Parisi stated, they don't offer it to commercial customers.

Reginald Knight, 21 Audette Drive asked, are the burners dual action and can you switch over immediately?

Mr. Quinn responded, yes.

Reginald Knight highly recommended the use of the dual burners. If the price of one fuel goes sky high or in an emergency if one is not available you can always jump over to the other.

VOTE: All ayes; motion duly carried.

ITEM #16 PUBLIC HEARING on an Ordinance Appropriating \$190,000 for the Acquisition of Real Property Consisting of 23 and 25 Silk Street, Wallingford, and Authorizing the Issuance of Bonds of the

Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - 7:45 P.M.

Mr. Rys read the title of the ordinance into the record and made a motion to Append a Copy of the Ordinance to the Minutes of this Meeting, seconded by Mr. Knight (Appendix I).

Wes Lube, 15 Montowese Trail referred to Section 6, Public Hearing on Ordinances, on page 7 of the Town Charter which reads, "At least one public hearing, notice of which shall be given at least five (5) days in advance by publication in a newspaper having a circulation in the town, and by posting a notice in a public place...". The words of concern to him are "notice of which" and "posting a notice". If one was a preservationist and wanted to see properties of historic consequence maintained in their judgment, they would not have known by the Council's posted notice that they are intending to demolish the structure. All the notice said was, "for the acquisition of real property". Whereas the ordinance itself includes the words, "for demolition of the structures thereon, tenant relocation expenses, and for such purposes as the town may, from time to time, determine". None of which have anything to do with acquisition. Acquisition is purchase. That is all you announced that you intended to do was to purchase this property. Is there a representative of the Bonding Attorney in attendance this evening?

Mr. Parisi responded, no as did the Mayor.

Mr. Lube stated, if you don't have, you would be remiss in proceeding without properly advertising what you are intending to do with this ordinance.

Mr. Parisi replied, all we are doing is purchasing property right now.

Mr. Lube responded, not according to your ordinance, sir. Your ordinance....looking at page 1 of your ordinance, section 1., third, fourth, fifth line.

Mr. Rys stated, I see that. That was not in the newspaper?

Mr. Lube answered, no, it was not, sir.

Mayor Dickinson explained, the title as well as the body of the ordinance are prepared by bond counsel. The purpose of the notification in the paper.....

Town Clerk, Rosemary Rascati explained, I published the ordinance exactly as the bond counsel gave it to me and where it says, "legal notice" and it was published on the 2nd of December, "An Ordinance Appropriating \$190,000...." like Mr. Lube just read, the caption.

That is all we have to do for the public hearing. That is why we have the public hearing so then the people could come and question it.

Mayor Dickinson explained to Mr. Lube, I think what you're asking goes beyond what is required. We don't typically put the body of an ordinance in the paper as part of the notification. The purpose of this is to purchase the real property. Improvements on the real property may or may not be of interest to the community. The purpose for us is to acquire the real property itself. The house is an improvement and there is no plan to use the house given there may be other purposes for the real property in question. I don't believe there is a legal requirement for us to get into the details of an ordinance when we deal with notices and let people know there is an opportunity to address the acquisition at the time it is put in the notice.

Mr. Lube replied, no one has eluded to the fact that the ordinance consists of two and one-half pages and that it should be published in its entirety. All I have said is that the phrase, "for demolition of structures thereon" and "tenant relocation expenses" is part of the intent of the ordinance as well as acquisition. I don't think that it would be too much to ask that a full explanation of intent be included in a public notice so that if one were a preservationist and concerned about properties of this vintage going back into the 1800s we have intended to demolish and we are not telling them that. I think that is wrong and I don't think it conforms with the intent of the Charter which is very specific that the people shall be notified. The people were not notified, sir.

Pasquale Melillo, 15 Haller Place, Yalesville asked, how much land is encompassed in this property?

Janis Small, Town Attorney responded, there is actually two pieces of property; one where the house sits and the other is raw land. The vacant land amounts to 14,370 sq. ft. The other parcel with the house on it is 1.13 acres.

Mr. Melillo asked, was there any competitive bidding on this land? How was this negotiated?

Mr. Parisi responded, we are buying the property and the Mayor has the authority to negotiate it, which was given him by the Council.

Mr. Melillo asked if a decision has been made yet with regards to the senior center project? Are we going to have a whole new site or just add on to the existing structure?

Mr. Parisi replied, that has not yet been determined.

Mr. Melillo asked, is there any technical violation if this appropriation is approved and we buy the property and we have not yet decided whether the senior center will have a new site or an addition built to the existing building?

Mr. Parisi responded, no. We were concerned about that also.

Mr. Knight stated, these are very separate transactions. The feasibility of placing the senior center expansion, alteration, replacement, what ever, is one project. This is completely separate. Are the two transactions connected? No, they aren't. All of us indicated an interest in purchasing that property primarily because it is property located on the shore of Community Lake and it fits in with property we presently own.

Mr. Melillo stated, this sounds like a good deal and should be approved.

Reginald Knight, 21 Audette Drive stated that he, too, had a problem with the wording of the ordinance. It states "acquisition of property." Mr. Lube told us last time that this property was advertised for \$159,000 then \$149,000. If you are just buying the property which is what the ordinance says, why aren't you buying if for \$149,000 and why isn't that the figure in the ordinance?

Mayor Dickinson explained, the full amount, \$190,000 covers several features; the purchase price, demolition, potential relocation costs, bond costs and environmental testing.

Reginald Knight reiterated that the ordinance states that the amount is to be used to purchase the property, not for demolition and other reasons.

Mayor Dickinson stated, the advice that we have received is that we have done it properly and we will verify that with Attorney Fasi. I have no reason to believe that we have done this improperly. Our purpose is to acquire the property and what we have done is follow legal advice in bringing this to the public hearing. At this point I see no reason why we should not proceed with it.

Reginald Knight commented, it does not seem right. The wording seems sloppy. It should read \$149,000 to acquire the property and if you have to do anything else after that then it should be a separate vote.

Mayor Dickinson explained, depending upon what the findings may be from the environmental testing can effect how much we pay for the property.

Reginald Knight stated, the price could go down, sir. Why such an

exorbitant figure for something that the price could even go down on because the ground could be contaminated in some way from the lake front property carrying some effluents down through the ground? Wouldn't that make the property even less valuable? Why \$190,000 for something that is for sale at \$149,000 and possibly the ground could be poisoned and not even worth buying at that price?

Mayor Dickinson answered, we are not able to enter into a contract to allow us to even test the ground without having the money appropriated. We cannot sign a contract for purchase until we have money authorized. The ordinance authorizes the money.

Frank Wasilewski, 57 North Orchard Street stated that he was glad to hear about the environmental testing however, the seller should pay for the testing. Once we buy the property and find that it is contaminated then it will be our responsibility to remove it as you remember from the Wooding Property.

Mr. Parisi stated, we don't have to buy the property and the protection for the town is to test it.

Mr. Wasilewski understood the reason for testing the property but felt that the seller should pay for it.

Mayor Dickinson replied, we would like that to occur however, in this case the owner of the property is unwilling to have the property tested. At least that was an initial position. If we really want to purchase the property we are pushed into a position of forcing the issue and potentially having to go to eminent domain or condemning the property in order to purchase. If you had a truly willing seller anxious to sell under our terms, what you are saying would work out fine. That is not the case here and in order to protect ourselves we are interested in doing the testing which could effect the value of the property and we need to have that flexibility before we can sign a contract.

Mr. Wasilewski asked if we have gotten any reports yet from the Gas Co. with regards to their testing for contamination?

Atty. Small responded, they did tell us the results of the well near this property. It came up clean.

Mr. Wasilewski stated, the senior center property may be contaminated because it used to be our old electric division. They do have contamination manufacturing electricity. There should be a lot of testing there before we go that far with the senior center.

Mr. Lubee clarified his earlier statements about being a preservationist. I am not trying to say that someone would want

to maintain that building on that property and thereby prevent anything else from being built there. They may have an interest in moving that building. There are lots in the immediate vicinity for sale and there may be someone who can see salvage value which will be attractive to them in lieu of the town incurring expensive demolition. You have failed to let those people know by the way this was advertised and that was not in the Town's interest.

Mayor Dickinson stated, we can advertise and ask for interested parties assuming we end up owning the property and if someone wants to acquire the house and move it off of the property there would be no objection to that.

Mr. Parisi explained, we have done that before. Whenever we have a house that is ready to be demolished we usually ask Habitat for Humanity and they have taken windows and what have you out of the house before it is demolished.

Mayor Dickinson added, what we are trying to do in the ordinance is cover the basics of what we would need in the way of expenses in order to provide a property useable by the municipality. If we left that out there would also be an argument that we did not put in there that we could spend up to "X" thousands of dollars for demolition; that was part of the cost and yet it wasn't in there. We are trying to be up front about what the potential costs are. It would be nice if we could avoid it, I agree it would be nice if a useable home could be moved to other property. There is no objection to that.

Mr. Gouveia stated, once this resolution is approved and signed by the Mayor it would have to be publicized in the newspaper in its entirety. That will, in fact, give an opportunity to those people if they really want to come forth and do something with the property. He was not disputing Mr. Lubees argument but there is another mechanism to let the people know. That will probably take place next week if this passes today.

Mr. Lubees stated, and I gather from the comments that were made that the decision to go to eminent domain is still in abeyance, is that correct?

Atty. Small responded, it is still a possibility that it would be the alternative if we can't work out final details with the sellers. They have been advised that it is one way or the other and I told them that this ordinance would be heard tonight and we are taking it from there.

Mr. Lubees asked, is the break down of the \$190,000 privileged information at this point?

Atty. Small answered, with respect to the properties, the Town's

appraisals puts the house at a value of \$120,000; the raw land piece at \$15,000. They claim that the total of the two properties together is worth \$156,000 so we are at a difference of \$21,000.

Mr. Lubee stated, they were only asking \$149,000. The realtor still has the listing.

Atty. Small responded, they may have been through the realtor but they are trying to get more out of us (Town). There are other conditions they are looking for that are not acceptable. If those cannot be worked out we will do the condemnation and our appraisal says the property is worth \$135,000.

Mr. Lubee asked, in addition to the fact that we are not in agreement on terms we are also not in agreement as far as price?

Atty. Small agreed, we are \$21,000, maximum, apart.

Mr. Knight reminded Mr. Lubee how last spring there was an attempt to enact an ordinance regarding the demolition of older structures. Several of the Councilors brought to the Council an intended ordinance that would make the requirement to notify, to publish the intent to demolish structures over a certain age. It had very few teeth in it and it did not have any force of law but it was soundly defeated by this Council. In terms of strictly notification of people regarding the demolition of an older structure, at this point it is not a requirement. It is the intent of the community to do so and municipal government has done this in the past but it is not a legal requirement.

Reginald Knight asked, when you buy a house from a person and you move in and find that it has termites or something that would be hazardous to your health, can you not nail the previous owner for not divulging that information?

Atty. Small responded, maybe, maybe not depending on what the contract says. Generally that testing is done prior to, in the normal residential purchase, it is done prior to the purchase and as a condition of purchase that those tests be satisfactory. If you did the testing then you may have fault with the person who did the testing. If they made a representation as to the condition and you accepted that representation then you may be able to sue if that representation turned out to be false. Sometimes if you know there is something wrong with your property and you fail to tell someone there is something wrong with your property that is also considered a misrepresentation when you fail to state it. Generally, a residential purchase, the buyer as one of its conditions prior to purchasing includes various testing that it deems appropriate.

Reginald Knight stated, we have to assume then that the owners of this property do not definitely know that there is something wrong with that. Of course, we don't know that there isn't anything wrong with it either. Should the Town buy that property and it is found to be highly contaminated, could that leave us in a situation where the environmental people could slap us with a very expensive procedure of having to remove soil, etc., etc. and running into the many thousands of dollars for a piece of property that is contaminated.

Atty. Small replied, if we come to an agreement with the sellers then all of that will be worked out. If we have to go the condemnation route we will not deposit what we believe to be the value of the property absent contamination into the court. We will put a lesser amount into the court subject to our testing. I could then get a court order permitting us to do the testing before any of the full value is paid.

Reginald Knight asked, couldn't we spend the money to test it first?

Atty. Small responded, I have been trying to get an agreement to do that with the sellers and have been unsuccessful.

Reginald Knight asked, if we test the ground first then we will know to back off, right?

Atty. Small agreed with Reginald Knight but has been unsuccessful in obtaining the owner's consent to test. They are uncooperative in that area.

Mayor Dickinson explained, if the condemnation route is necessary it means we own the property upon deposit of money with the court. If we deposit a lesser amount and there is discovery of a pollution we could end up with an exposure and expense of cleaning up what ever the problem may be which could be an expensive proposition. There is an exposure there that we could inherit because we would become the owner. There is a risk and it is a judgment as to the need of the Town and the recourse against potential other parties to offset any expenses we might incur and also the history of the use of the property which is pretty limited to residential use. If we were to back away it would mean that the property would not be municipally-owned in the foreseeable future and in our judgment the Town should own that property and we feel that the risk is not of a size of risk that would tell us not to proceed with a purchase.

Frank Wasilewski, 57 N. Orchard Street asked, does the person who owns this property come from New York?

Atty. Small replied, their company is in New York. I have not talked to them in Connecticut so I am not sure whether or not someone does not reside here.

Mr. Wasilewski asked, are they related to the person who sold us Fairfield Boulevard?

Atty. Small answered, not that I know of.

Mr. Wasilewski asked, they are not Connecticut West or what ever that outfit was are they?

Atty. Small responded, they are the R.J. Allen Company.

Mr. Wasilewski asked, did they ever look at the Choate property that is up a little higher on the hill for the senior center? Was Choate willing to sell the property which would be a lot better for the senior center than the lower part because they are up high and all the pollution would go down into Community Lake. Choate would not offer that property to Wallingford as a good neighbor? Did anyone look into that?

Mayor Dickinson replied, off hand I do not know if there has been any contact with Choate regarding sale. We have interest in this property not necessarily just for a senior center. This property connects with ours and is bounding what the future tells us will be Community Lake.

Mr. Zappala stated, there is no question that the senior center is going to have to expand and the land is going to become vulnerable for us to hold it. I think that the Town is going to take every precaution possible that we don't get involved with a "mud hole" as someone referred to it earlier. That is why we have to test the soil and take certain other precautions for us to be able to do that. In any case I believe the Town should own the property regardless of what the senior center is going to do. The feeling is that most residents want the senior center to remain where it is on Silk Street. We have many purposes for the property for it is near Town-owned property, will be near the linear park trail and next to the senior center as well. If we are going to condemn the land I would like to see the Town give the owner the amount that they paid for the land, \$80,000. I know that they bought the property in foreclosure and I am very disappointed that we did not buy it when it was in foreclosure. At this point we have to bite the bullet and buy it at a more expensive price. I hope we use caution as far as what we give them for a deposit in case we do have an exposure.

Mr. Gouveia stated, I want to make sure that we all understand that the reason why we are really purchasing this property is because there is a real identified municipal need for it; that is the

senior citizens. The possibility of obtaining this property through eminent domain is extremely real and unless someone could convince me, and I have been convinced, that there is a strong municipal need for it I would never vote for condemnation of property through eminent domain. I want to make sure that those remarks are made for the record. To purchase it through eminent domain is very, very real. Pertaining to Section 5 of the Ordinance, do you, Mayor, plan to expend any funds at all prior to the final adoption of this ordinance, meaning thirty days after its been published in the newspaper?

Mayor Dickinson responded, no, I don't believe that we would be spending any funds until the appeal period has passed.

VOTE: All ayes; motion duly carried.

ITEM #6 Discussion and Possible Action Pertaining to the Taxation of Certain Properties as Requested by Councilor Peter A. Gouveia.

Mr. Gouveia thanked Frank Barta, Assessor of the Town of Wallingford, for coming before the Council this evening. He apologized for the long wait in getting to this item. He explained that he had no idea the two items he requested be moved up would have taken as long as they did. He anticipated them taking only about three or four minutes each. He apologized for it was not his intent to make Mr. Barta wait.

Mr. Gouveia explained, this issue before the Council today is an issue that Dave Doherty was working on when he passed away. When he took over for David he decided to take on this issue. The more he looked into the issue the more he was convinced that the Town Council should take a look at it, hence its presence on the agenda today. The question is, should the Town of Wallingford tax homeowners for maintaining their homes to keep them looking as close to their original appearance as possible? To be more specific, should the town increase the taxes on a home when its owner replaces the old siding for new siding; an old porch for a new, same size porch or an old roof for a new roof? Let us keep in mind that I am not talking about aluminum siding on a house where none existed before. I am not talking about a new addition or new features. I am talking strictly about like for like replacement; one for one. The information that I have provided the Council members has illustrated, in part, the research or the attempted research that I have done. In addition to that I would like to inform you that I have also spoken to State Rep. Mary Fritz, the Office of Policy and Management in Hartford and I even talked to an attorney from another town. The bottom line, it seems to me that the State Statute is extremely vague on this issue. Some towns do, indeed, this type of maintenance work if you will; some towns do not. That is the purpose of the placement of this item on the agenda.

Mr. Gouveia asked Mr. Barta to explain the method by which repairs or construction-like activities are assessed for he feels that not every Council member really understands what type of repairs or construction-like activities will always result in an increased assessment and, therefore, an increase in taxes.

Mr. Barta explained, if a person replaces a 6'X 4' porch with a 6'X 4' porch because of aging and deterioration, I make no change in their market value. If they take and replace a 6'X 4' porch with a 10'X 12' porch then I do.

Mr. Gouveia asked, what about a 15' X 15' porch replaced by a 15' X 15' porch?

Mr. Barta responded, it depends on the circumstances. It depends on what they are doing.

Mr. Gouveia asked, what if it is a replacement in-kind, like for like, same dimensions, an old porch because perhaps it was not too long ago we did not have pressure-treated wood?

Mr. Barta responded, if it effects the value of the property I acknowledge it.

Mr. Gouveia asked, what about replacement of garage doors?

Mr. Barta answered, I would not make a change for that.

Mr. Gouveia asked, outside house doors?

Mr. Barta answered, just a single house door? I don't believe so.

Mr. Gouveia asked, windows, replacement windows?

Mr. Barta answered, on occasion you replace one window you replace them all, it depends on the circumstances. Everything is an individual.

Mr. Gouveia asked, if you are to replace all of the windows in your house with new windows?

Mr. Barta answered, probably not. If they were replaced window for window. If you go ahead and re-design all of your windows in your house...if you replace a single pane window for a triple pane window, it depends on what you do.

Mr. Gouveia stated, understand that all of my discussion involves like for like replacement.

Mr. Barta stated, if you replace a broken window I will not raise your assessment.

Mr. Gouveia stated, I am talking about replacing all of the windows in your house?

Mr. Barta answered, probably not.

Mr. Gouveia asked, what about kitchen cabinets.

Mr. Barta answered, it is very unlikely. I probably wouldn't be notified that it happened.

Mr. Gouveia asked, but if you were notified?

Mr. Barta answered, I would look. If someone had re-created a new kitchen other than kitchen cabinets...if you build yourself a brand new kitchen for twenty or thirty thousand dollars and it effects the value of your property, yes.

Mr. Gouveia asked, what about a new furnace?

Mr. Barta answered, no.

Mr. Gouveia asked, a new roof?

Mr. Barta answered, no.

Mr. Gouveia asked, aluminum siding?

Mr. Barta replied, yes.

Mr. Gouveia stated, on some of those responses you said, probably not. In some cases, emphatically no, such as a roof.

Mr. Barta stated, if someone re-sides their home, changes all their windows, puts all new doors on their property and a new roof, it will effect the value of that property. They have enhanced it.

Mr. Gouveia stated, I don't mean to be argumentative but I guess an argument can be made that no matter what you do to your house, planting shrubs can improve the value of your property. Certainly, we don't assess that. No matter what we do to our house you can always say that we are increasing the value of the house. Replacing the windows increases it; replacing the door increases it but yet, I am not sure what is the determining factor that will make you say, this is what precipitates the change, the new assessment.

Mr. Barta responded, if it effects the value. If I believe that it effects the value of the property, if I see that it makes a change.

Mr. Gouveia stated, but replacing a roof, I would not be in favor of adding any assessment to a roof. That is the essence of a house really. But replacing a roof; it seems to me, especially if you already have two roofs on the house, it is quite an expense and therefore the house...if you were to sell it two or three months after you replace it you would want your property to be more valuable before you replaced it because you've spent quite a bit of money to replace that roof, especially if you have to remove two roofs that were there before. It does increase the value of the property.

Mr. Parisi stated, it might increase the value of the property to the homeowner; and I went through this myself for I had to replace two furnaces and two water heaters; when I went to sell my house it was not worth any more with the new ones than it was with the old ones. But I had to spend the money. Sometimes the owner may think it increases the value.

Mr. Gouveia stated, anything you do could very possibly increase the value of the house. And the aluminum siding, there are no games here, you know that you all received the same letter that was in Dave's packet. That is what precipitated this discussion. The point that I am making is, if someone has aluminum siding, that is considered part of the house no different than clapboard siding. Clapboard siding requires more maintenance whereas the aluminum siding may last ten to fifteen years and when you replace the aluminum siding you will be hit with that expense all at once. It is like one for one, it is almost the same.

Mr. Barta replied, if you were to have two houses on the same street, one with brand new vinyl siding on it and one with 30 or 35 year old siding on it that shows its age and deterioration, the one with the new siding would command a higher value than the one without. It is as simple as that. I recognize that.

Mr. Gouveia argued, that vinyl siding is part of the essence of that particular house and somebody is maintaining it. So they are not maintaining it every three or four years like you do painting, they maintain it once every twenty or fifteen years and why should they be assessed for that maintenance of the house when they are merely trying to bring it back to what it was originally? For these twenty years we did not give these people a break because their aluminum siding was deteriorating or slowly being used. We don't give them a tax break, a discount or a depreciation.

Mr. Barta responded, yes we do. It is done each time we go through a revaluation.

Mr. Gouveia stated, yes, every ten years but it is not automatic.

Mr. Parisi asked, like for like you don't reassess?

Mr. Barta responded, generally, no. If you repair your porch, the steps are broken and you fix them or a deck is worn and you replace a few boards, that is general maintenance. We don't do anything for that.

Mr. Farrell stated, I know there are several instances where older clapboard homes that the owner happened to be a mason and decided that he was going to add a brick facade to it, would that be treated in the same way the siding is?

Mr. Barta responded, yes, it would be.

Mr. Gouveia reiterated, in some cases he does and in some cases he doesn't. Is there any determining factor that would click in the assessment?

Mr. Barta responded, it is subjective. That is what I do, I am the Assessor.

Mr. Gouveia stated, I asked the Town Attorney to answer, in writing, four questions I had pertaining to this matter. One question was, "Does the Assessor have the authority to assess replacement aluminum for vinyl siding and porches?" The answer from the Town Attorney was, yes, if he determines that the replacement increases the value of the property. That is what Mr. Barta also stated tonight however, to me there is a great deal of discretionary power there that I am not trying to take away from Mr. Barta. What I am saying is, that gives you a lot of discretion to say yes or to say no. I am not so sure that the Town would be better served if there was a more concrete policy. Another question asked of the Town Attorney was, "If so, (meaning that if he does have the authority to assess replacement aluminum or vinyl siding and porches) is said assessment mandated by the State or is the Assessor empowered to do so?" In other words is the Assessor empowered by not mandated to do so; he could do it or not do it if he chose to or if the town took the position that they would not want to. The Answer from the Town Attorney was, "CT. General Statutes 12-53a requires the assessment of new construction."

Mr. Gouveia stated, with all due respect Atty. Small, this is extremely vague to me. CT. Statute 12-53a speaks specifically to assessment and taxation of new real estate construction and it also talked about the issuance of certificate of occupancies which you would never need if you were to replace vinyl siding or things like that.

Atty. Small explained, it is for certificate of occupancies or when the new construction is first used, either or.

Mr. Gouveia stated that he supplied all the Councilors with a copy of the State Statute that Atty. Small referenced and stated that

it was extremely vague to him that she would use that Statute as a mechanism to assess aluminum siding.

Atty. Small explained, that is the Statute that is used for any type of real estate improvement.

Mr. Gouveia does not interpret the replacement of siding as an improvement. He recalled how a gentleman appeared before the Council not too long ago on a totally unrelated issue and he complained about a certain section of the town where the property is really deteriorating. Mr. Gouveia recalled a comment that he, himself, made at that point which was, "It is very disheartening, it is very difficult to spend money on your property when you know that your mortgage or the balance of the mortgage on your property is higher than the present value of your property. And then if they swallow hard and make that extra effort because they have neighborhood concerns or pride in their neighborhood or in their community or themselves to spend the money to fix a property that is not even worth what they owe on it and then to be penalized by additional taxes on top of it. It is a total disincentive to have the kind of community pride that we wanted to have with regards to property. If you are mandated then you have no choice. Our step should be to pass a resolution to go to the State representatives and have them change that Statute because I think it is very detrimental to having a good, viable community. If it is the Town's choice I would like to see some sort of policy. I will not be here but I implore this Council to pass some sort of policy whereby these people would be given a break. I think that they are maintaining their property; maintain it to as close as possible to what it was built as, an aluminum-sided house.

Mr. Parisi stated, almost anybody who bought a home in the last fifteen years and tried to sell it, sold it for far less than what they paid for it. It is a fact of life. There are many of those people who still, as discouraging a situation as that was, maintained their property in a very nice, presentable manner. I don't think that you can legislate pride in property. It has to come forward.

Mr. Gouveia replied, you don't just legislate but you could take away the penalty. That is what I am trying to do. Take away the penalty which amounts to....it is not a one time penalty for when you are assessed you will pay for ten years or longer.

Mr. Parisi stated, everybody pays for improvements to their property if, in fact, they are deemed as improvements. If you take it away from some because of their mortgage structure it is unfair to those who do pay.

Mr. Gouveia responded, not if you do it equally to everyone.

Mr. Barta stated, I try to treat everyone equally.

Mr. Gouveia replied, I am not doubting that at all but by the same token it is not clear, even after this discussion that there is a determining factor when you are going to assess property and when you are not. It is still not clear.

Mr. Barta stated, value is subjective.

Mayor Dickinson asked, where someone is replacing aluminum siding and putting on new aluminum siding, do we increase the assessment for that?

Mr. Gouveia responded, yes.

Mr. Barta answered, not for October 1, 1997. Previously we did.

Mayor Dickinson asked, we don't any longer?

Mr. Barta answered, that is correct.

Mayor Dickinson asked, if someone is in disagreement over your idea of what the property is worth, their recourse is to go to the Board of Assessment Appeals?

Mr. Barta responded, that is correct. Everyone has the ability to appeal their assessment.

Mr. Gouveia added, and once they appear before that Board and their appeal is denied they have the ability to go to court. What I am saying is, why should we try to drag our own citizens to court? I don't think we should try to do that. We should try and make it as easy as possible for them, not make it more difficult.

Mayor Dickinson stated, my point is, where there is a view that there is some subjective judgment here, it is not judgment that is beyond appeal. That is the function of the Board of Assessment Appeals. The other point was, as I understood it, if it is like for like aluminum and someone puts on aluminum, we are not increasing assessments for that.

Mr. Gouveia asked, what changed the new policy of not taxing a replacement of aluminum siding? Now you are saying that we are no longer assessing the replacement of aluminum siding, is that what I just heard?

Mr. Barta answered, no. We no longer assess the replacement of vinyl siding over vinyl siding or vinyl siding over aluminum siding. If you originally had vinyl siding on your home and you replaced that vinyl siding I do not change your value for that.

Mr. Gouveia stated, but you were doing that up until very recently. What was it that triggered the change?

Mr. Barta answered, discussion with my superiors.

Mr. Gouveia stated, so it is not so subjective after all. If the State law was the same as before and nothing happened, suddenly it changed. All of these Council members received the same letter that I have in front of me from an individual whose taxes were raised 5.5%, \$3,000,. Nobody would listen to that individual. He was told to go to the Board of Assessment Appeals and then they laughed at him on top of it. Now it is o.k.

Mr. Parisi stated, don't chastise anyone.

Mr. Gouveia replied, I am not chastising. What did not change was State Statute; we are operating under the same State Statute. Why is it that it is o.k. now for this particular item but it was not before?

Mr. Parisi responded, because he (Mr. Barta) said it was changed.

Mr. Gouveia pointed out, but only a minute ago we were talking about, "I have the discretion to do it or not do it, basically."

Mr. Barta stated, I still assess aluminum and vinyl siding.

Mr. Gouveia stated, I did not know that this change has taken place. The point to my argument to which you and your superiors agreed that aluminum siding which was put on the house when it was built and has been maintained as aluminum siding should not be assessed for new aluminum siding twenty years later when it is needed. I guess that you are affirming the argument that I am making. I think that the same thing is true of all the other items. This policy, if there is one, should be re-visited again. The people out there should know that if they are going to do some maintenance or home improvements, call it what ever you want to, they should know what it is going to cost them. What has happened is that the law abiding citizen is the one that gets hit. In many cases the one who is not the law abiding citizen, does not take a permit, does the work and gets away with it.

Mr. Parisi stated, that has been forever, if they don't get a permit nobody knows anything.

Mr. Gouveia thanked Mr. Barta for his time. He asked if there was any recourse for the people who were assessed before; just last year or the year before?

Mr. Barta responded, they can appeal to the Board of Assessment Appeals each and every year. It is not just one time. It is each and every year.

Mr. Gouveia commented, don't question anything here, don't question it.

Mr. Parisi asked, don't you have your answer? You're not satisfied with your answers?

Mr. Gouveia responded, I am very disappointed. I am very disappointed to say the least.

Mr. Parisi asked, what do you want?

Mr. Gouveia responded, nothing.

ITEM #11 Remove From the Table to Discuss and Possibly Act Upon Certified Local Government Grant Program for CT. Historical Commission as Requested by Councilman Stephen W. Knight.

Motion was made by Mr. Rys to Remove the Item From the Table, seconded by Mr. Centner.

VOTE TO REMOVE FROM THE TABLE: Farrell abstained; all others, aye; motion duly carried.

Mr. Rys read the item into the record as, Discussion and Possible Action Regarding the Certified Local Government Grant Program of the CT. Historical Commission and moved it. Mr. Centner seconded Mr. Rys' motion.

Mr. Knight referred to a letter written by John Shannahan, Director of the CT. Historical Commission stating, there were several aspects discussed at a previous Council meeting, one of which was whether or not, once your property was so designated and under the jurisdiction of the properties commission, you or a subsequent owner could opt out of such a regulation. It was generally assumed that once you were in that, indeed, the property was so designated and that was the end of that. Mr. Shanahan's opinion in his letter reads, "...yes, the owner or subsequent purchaser of that property could go to the Council and ask to be removed from the properties commission (Appendix II). Whether or not to permit that would be up to the Council to decide. The ordinance creating the properties commission would probably have to be amended to remove that property." In keeping with the opinion of this Council and previous Councils with regard to allowing a property owner as much latitude as possible I believe that this is heartening to find out that there is an opportunity for an individual who has changed his mind once something has taken place to go back and re-visit the issue. A primary issue also was, and I attempted to change the charge of this potential committee that would be established to review these historic properties, to limit them to only those properties where somebody volunteered to have them included in a roster of historic properties. The question arose as to whether

we were able to dilute the State Statute. Our Town Attorney advises against it and has done so in writing since that meeting. One of the other things that is mentioned in the letter, and it is important to understand, that the Council retains all the power. The Historic Properties Committee and the subsequent commission that would be established answers to the Town Council. No property could be included on any roster based solely on the designation by a committee formed for that purpose. It always has to go to the Council, it also has to go through a public hearing. The technical interpretation is, if a person owning a piece of property does not want to have his property included, he will never be forced into that situation. That is impossible under the State Statute. He deferred to the rest of the Council or Ms. Mandes for further discussion.

Ellen Mandes, Vice President of the Wallingford Historic Preservation Trust stated, I come before you again tonight to make it very clear that the only reason that we want to form this commission is to enable us to receive a grant of between \$8,000 to \$20,000 to help take care of the three properties that we now own. It is only our three properties that we are interested in being involved in this commission. These are properties that have been given to us by the generosity of some of our very well known town citizens. One piece has been given to us by the State of CT. We need money to take care of these properties. We are not coming to the Town for money, we have done this with our own hard work and sweat. If any of you were at the tea on Saturday you know how much work that was to put it on just to earn a few dollars to buy the oil for these properties. We need this money. We are not trying to form any kind of a commission to involve anyone else's property, only our three properties.

Ms. Papale stated that it is much clearer now than it was two weeks ago. There are three properties in the Town that the Historic Preservation Trust is interested in keeping up and that is what the grant would be for. If there was another piece of property that the Town thought it would be interested in, before it could ever be part of this Mr. Knight said it would have to come in front of the Council to be voted upon. This has nothing to do with what was presented a few years ago with an historic district. It is altogether a different thing. We are talking about homes that are owned by the Preservation Trust. That is the key that the public should be aware of. If that is true, the next item on the agenda is to appoint an Historic Properties Study Committee. Would this committee be formed to look for other properties in the Town?

Ms. Mandes responded, no.

Robert Sheehan, 11 Cooper Avenue asked for a point of order. He asked if the Council is discussing Item #11?

Mr. Parisi responded, yes.

Mr. Sheehan stated, the Council should stick to Item #11, that is what you say to the public.

Mr. Centner concurred with Ms. Papale on this item. He extended his appreciation to Ms. Mandes for bringing the item forward again. This clarification being made tonight was paramount to his supporting the item.

Mr. Gouveia stated, at the last meeting the Town Attorney did not feel comfortable with the language and she needed more time to look into it. He asked, did the Town Attorney have a chance to look at State Statute and if she now feels more comfortable with what is being proposed here, tonight?

Atty. Small stated, my opinion is that you have to follow statutory procedure. The motion would be the same as what was shown to be at the last meeting.

Mr. Gouveia expressed his concerns over the fact that the onus is placed upon the owners of the property to file a notarized statement within thirty days following a public hearing if they do not want their property to be included as an historic property. What if the person is not in town and the thirty days lapse?

Atty. Small explained, the owners have to be notified by certified mail according to section e of the State Statute.

Mr. Gouveia asked, when do they get the certified notice, thirty days before or after the public hearing?

Atty. Small answered, they get the certified notice fifteen days before the public hearing that their property is on the list of properties being proposed. It requires an affirmative act on their part, that is correct.

Mr. Gouveia stated, I am for historic preservation like the next fellow or more so. The problem that I have with this is what I stated before, we had two attempts at establishing an historic district. If I lived within that historic district I would opt to vote for it. But I am not living in that district and the people who do voted against it. I just don't want to see this as a back door way into an historic district. I don't want to put too much onus on the owners of these properties. Even with fifteen days I have a little bit of a concern because someone could be on vacation those fifteen days and they don't get back in time to let anyone know.

Ms. Mandes commented, the eight members that we are asking to be on this commission are the eight members of the Preservation Trust.

We are too busy and we don't have time to worry about anyone else's property but our own and those are the only three properties that will ever appear on this.

Mr. Parisi stated, I feel the same way. The vote was taken on the historic district twice and it was not successful. I made it very clear that I am not going to be for anything that would allow the establishment of an Historic District at this point. The public has spoken very clearly that they don't choose to have it. My own personal feeling is that I don't see in this any opportunity to get to an historic district.

Mr. Gouveia stated, I know there are good intentions but these committees don't stay the same committees forever. They will re-appoint other people who may not have the same intentions later on.

I fully trust what you are saying with your committee, the eight people you are referring to. I have no doubt of their good intentions but they could very well be replaced at a later date.

Ms. Mandes pointed out that the Town Council could disband the committee at any time anyway. The Council is the watchdog.

Mr. Zappala asked what the make up of the committee was? He noticed that only five members were listed.

Ms. Mandes responded, there are eight members. The full membership is five and there are three alternates. The eight people that are proposed for membership are all Preservation Trust people.

Robert Sheehan, 11 Cooper Avenue stated that he has not heard anything discussed about Item #11 yet. The Council has been talking for fifteen minutes and he has not heard anything about the grant. What is the grant; who applies for it; that is what Item #11 is. You have eight people on the committee to decide who is going to go for a grant?

Mr. Parisi explained, this newly formed commission wants to be established so that they can apply for the grant.

Mr. Sheehan asked, shouldn't that be before this item then?

Mr. Parisi stated that this issue was discussed at the last meeting quite extensively so maybe Mr. Knight took a shortcut to this topic.

Ms. Mandes stated, technically, the Town has to apply for the grant.

Mr. Knight explained, like any committee under the jurisdiction of the Town Council, they act in some cases on behalf of the Town Council but it is ultimately the Town Council that has the

responsibility to file for these grants.

Mr. Sheehan asked, this commission's main purpose is to inform the Town Council there are certain monies available through a grant and they would like to apply?

Mr. Parisi explained, they are going to apply for it for the three properties primarily that they own. That is really all they want to do.

Rita Katona, 148 North Branford Road stated, this needs to be done by December 31st. We have an opportunity here to get the money as I know that everyone is in favor of keeping the properties that are mentioned but we do have a time limit and we do have people who are willing to serve which is an enviable position for any community to be in.

Pasquale Melillo, 15 Haller Place, Yalesville stated, in view of the fact that this has more pluses than minuses and the people involved with this item strike me as being very sincere in their work and maintenance of the houses relative to their historic value, I think we should go ahead and grant them the opportunity to apply for this grant.

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

ITEM #12 Remove from the Table to Discuss and Possibly Act Upon the Appointment of an Historic Properties Study Committee Pursuant to CT. General Statutes Section 7-147q(a) as Requested by Councilor Stephen W. Knight

Motion was made by Mr. Rys to Remove the Item From the Table, seconded by Mr. Centner.

VOTE TO REMOVE FROM THE TABLE: Farrell abstained; all others, aye; motion duly carried.

Discussion and Possible Action on the Appointment of an Historic Properties Study Committee Pursuant to CT. General Statutes Section 7-147q(a) as Requested by Councilor Stephen W. Knight.

Moved by Mr. Rys, seconded by Mr. Centner.

Ms. Papale asked, what exactly, will this committee do except maybe have to put their names on the grant application?

Ms. Mandes responded, that is basically it.

Mr. Knight read an excerpt of the State Statute into the record as follows: "The Historic Properties Study Committee shall investigate and submit a report which shall include the follow; 1) an

analysis of the historical significance and architectural merit of the buildings, structures, objects or sites proposed as historic properties, 2) a map showing the exact boundaries of the areas to be designated as the historic property or properties, 3) a proposed ordinance or proposed ordinances designed to designate and provide for the protection of an historic property or properties in accordance with the provisions of this part, and 4) such other matters as the committee may deem necessary or advisable." That is the nuts and bolts of what their charge is. As discussion tonight will evidence, the intent is to discuss nothing more than three properties owned by the Wallingford Historic Preservation Trust.

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

ITEM #13 Remove from the Table to Discuss and Possibly Act Upon the Appointment of Councilor Stephen W. Knight as the Council Liaison to the Historic Properties Study Committee as Requested by Councilor Stephen W. Knight

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

VOTE TO REMOVE FROM THE TABLE: Farrell abstained; all others, aye; motion duly carried.

Motion was made by Mr. Rys to Appoint Councilor Steve Knight as Council Liaison to the Historic Properties Study Committee, seconded by Ms. Papale.

Mr. Knight stated, as the person who assisted in these agenda items I am interested in this position but if there are other Councilors who would also like to be considered I would like to hear it.

Mr. Parisi asked if any of the Councilors were interested in serving as Liaison to the committee? He asked Atty. Small if there was a limit as to how many could serve as Liaison members?

Atty. Small responded, you can have what ever liaison committee you would like.

Ms. Mandes joked, the liaison committee is in charge of raking leaves.

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

ITEM #17 Consider and Approve the Granting of a Utility Easement from C.E. Lirot House to Proposed Tank Site, Gaylord Farm Road

Mr. Rys asked that a copy of the easement be appended to the minutes of this meeting; moved by Mr. Rys, seconded by Mr. Centner

(Appendix III).

Mr. Parisi stated that he will abstain from voting on items #17 & 18 due to the fact that he is an employee of Gaylord Hospital.

No questions from the Council or public were put forth on this matter.

VOTE: Parisi abstained; all others, aye; motion duly carried.

ITEM #18 Consider and Approve the Granting of a Utility Easement Across Property of Gaylord Hospital, Inc. from Gaylord Farm Road to Shoebox Road in Wallingford, CT.

Mr. Knight asked that the easement be appended to the minutes of this meeting. Moved by Mr. Knight, seconded by Mr. Centner (Appendix IV).

No questions from the Council or public were put forth on this matter.

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

ITEM #7 Executive Session Pursuant to Section 1-18a(e)(5) of the CT. General Statutes Pertaining to the Appeal of a Pending Arbitration Case - Corporation Counselor

ITEM #9 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Pertaining to Pending Litigation Involving the Tax Appeal Captioned Middlebury Road Development Corp. v. Town of Wallingford - Town Attorney

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

VOTE: All ayes; motion duly carried.

The Council entered executive session at 9:26 P.M.

The Council exited the executive session at 10:00 P.M.

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

VOTE: All ayes; motion duly carried.

ITEM #8 Discussion and Possible Action Regarding an Appeal from a Labor Award - Corporation Counselor

Motion was made by Mr. Rys to Approve an Arbitration Appeal the Town of Wallingford v. AFSCME Local 1183 as Discussed in

Executive Session, seconded by Mr. Knight.

VOTE: Gouveia, no; all others, aye; motion duly carried.

ITEM #10 Consider and Approve Settlement of Pending Litigation Involving a Tax Appeal - Town Attorney

Motion was made by Mr. Rys to Approve Settlement of a Tax Appeal Brought by Middlebury Road Development Corporation for Property Located at 250 Yale Avenue as follows; Grand List 1992 Fair Market Value \$2,100,142.80; Grand List 1993 and Thereafter Fair Market Value of \$1,672,142.80, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #19 Withdrawn

ITEM #20 Withdrawn

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

VOTE: All ayes; motion duly carried.

The meeting adjourned at 10:02 P.M.

Mr. Parisi wished the viewers and residents of Wallingford a very happy and safe holiday season on behalf of his colleagues on the Council.

Meeting recorded and transcribed by:

Kathy F. Zandri
Kathryn F. Zandri
Town Council Secretary

Approved by:

Robert F. Parisi
Robert F. Parisi, Chairman

1 - 13 - 98

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

1 - 14 - 98

Date

MURTHA, CULLINA, RICHTER AND PINNEY

CITYPLACE I
185 ASYLUM STREET
HARTFORD, CONNECTICUT 06103-3489
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MAYOR'S OFFICE

97 DEC -2 AM 10:18

NEW HAVEN OFFICE
WHITNEY GROVE SQUARE
TWO WHITNEY AVENUE
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NEW HAVEN, CT 06503-0704
TELEPHONE (203) 772-7700

JOSEPH P. FASI
(860) 240-6080
JFASI@MCRP.COM

December 1, 1997

VIA OVERNIGHT DELIVERY

Mr. Thomas A. Myers
Comptroller
Town of Wallingford
45 South Main Street
Wallingford, CT 06492

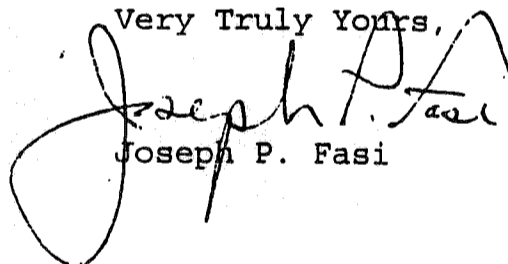
Re: AN ORDINANCE APPROPRIATING \$190,000 FOR THE ACQUISITION OF REAL PROPERTY CONSISTING OF 23 AND 25 SILK STREET, WALLINGFORD, AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Dear Mr. Myers:

Enclosed please find the captioned ordinance and a set of proceedings to be followed in connection with its adoption by the Town.

By copy of this letter, I am requesting the Town Clerk to send me one certified copy of all of the proceedings as they appear in the Town Record Book, and two newspaper affidavits of the publication of both the Notice of Public Hearing and the Notice of Passage.

Very Truly Yours,



Joseph P. Fasi

JPF:sm
Enclosures

cc: Honorable William W. Dickinson, Jr., Mayor
Rosemary A. Rascati, Town Clerk

AN ORDINANCE APPROPRIATING \$190,000 FOR THE ACQUISITION OF REAL PROPERTY CONSISTING OF 23 AND 25 SILK STREET, WALLINGFORD, AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$190,000 is appropriated for the acquisition of land and improvements thereon known as 23 and 25 Silk Street in Wallingford, for such purposes as the Town may from time to time determine, and for demolition of structures thereon, tenant relocation expenses, appraisal, testing, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, including expenses for acquisition by eminent domain, and including administrative, printing, legal and financing costs related thereto. Said appropriation to be inclusive of any and all State and Federal grants-in-aid.

Section 2. To meet said appropriation \$190,000 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. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered 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 a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Murtha, Cullina, Richter and Pinney, 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 the interest thereon. The aggregate principal amount of the bonds to be issued, the annual installments of principal, redemption provisions, if any, 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, in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, the provisions of purchase agreement shall be subject to approval of 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 a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Murtha, Cullina, Richter and Pinney, Attorneys-At-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. 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 said 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. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds"), authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.