

TOWN COUNCIL MEETING

JULY 29, 1997

6:30 P.M.

AGENDA

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Approve and Accept Minutes of the 6/17/97 Town Council Meeting
 - b. Approve and Accept Minutes of the 6/24/97 Town Council Meeting
 - c. Consider and Approve Tax Refunds #1-6 Totalling \$1,500.68 and Tax Refunds #7-9 Totalling 279.15 - Tax Collector
 - d. Note for the Record Mayoral Transfers Approved to Date
 - e. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - f. Consider and Approve a Transfer of Funds in the Amount of \$588 from Contingency General Purpose Acct. #8050-800-3190 to Center St. Cemetery Acct. #3070-600-6880 - Mayor's Office
 - g. Consider and Approve a Transfer of Funds in the Amount of \$65 from Meetings, Seminars and Dues Acct. #001-7011-701-7990 to Office Expenses & Supplies Acct. #001-7011-401-4000 F.Y. 1996-97 - Environmental Planner
 - h. Consider and Approve a Transfer of Funds in the Amount of \$300 from Regular Salaries & Wages Acct. #001-6030-101-1000 to Vital Statistics Acct. #001-6030-600-7180 F.Y. 1996-97 - Town Clerk
 - i. Consider and Approve a Transfer of Funds in the Amount of \$805 from Fire Department Expense Acct. #2030-401-4100 to Dispatch Chair Acct. #2030-999-9984 F.Y. 1996-97 - Dept. of Fire Services
 - j. Consider and Approve a Transfer of Funds in the Amount of \$700 from Maintenance of Pool Acct. #4001-560-5110 to Safe Acct. #4001-999-9950 F.Y. 1996-97 - Parks & Recreation

(OVER)

- k. Consider and Approve a Transfer of Funds in the Amount of \$20 from Finance Transportation Reimbursement Acct. #1401-300-3201 to Office Expenses & Supplies Acct. #8060-401-4000 F.Y. 1996-97 - Probate Court
 - l. Consider and Approve Granting Permission to Wallingford Center, Inc. to Use the Town Green and Municipal Parking Lot for Celebrate Wallingford Festivities to be Held on October 4 & 5, 1997 - Wallingford Center, Inc.
 - m. Consider and Approve Granting Permission to the First Congregational Church of Wallingford to Use the Parade Grounds on Sunday, September 21, 1997 for a Dedication Ceremony
4. Items Removed from the Consent Agenda
 5. Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Salaries Acct. #001-5010-101-1000 to Consulting Engineer Acct. #001-5010-901-9040 - Engineering Dept.
 6. Consider and Approve an Appropriation of Funds in the Amount of \$625,000 from Retained Earnings Acct. to Purchased Power Acct. #555 F.Y. 1996-97 - Electric Division
 7. Consider and Approve an Appropriation of Funds in the Amount of \$7,500 from Appropriation to Cash Acct. to Maintenance of Structures & Improvement - WTP Acct. #651-000 - Water Division
 8. PUBLIC QUESTION AND ANSWER PERIOD
 9. PUBLIC HEARING on an Ordinance Appropriating \$850,000 for the Planning, Acquisition and Construction of Various Municipal Capital Improvements 1997-98 and Authorizing the Issuance of \$850,000 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.
 10. Consider and Approve Confirming One Appointment to the Zoning Board of Appeals to Fill a Vacancy in a Term Which Expires 1/8/99
 11. Consider and Approve Confirming One Appointment to the Town Council to Fill a Vacancy in a Term Which Expires 1/5/98
 12. Report Out on the Use of Softball and Football Fields at Pragemann Park - Parks & Recreation

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13. Consider and Approve the Abatement of Property Taxes in the Amount of \$1,005.62 for Property Purchased by the Wallingford Historic Preservation Trust at 153 South Main Street as Requested by Councilor Stephen W. Knight
14. Discussion and Possible Action on the Practice of Naming Streets of the Town as Requested by Councilor Gerald Farrell, Jr.
15. Consider and Approve the Sale of Property Known as #98 Center Street to Habitat for Humanity for a Sum of \$5,000 Subject to Such Easements Water/Sewer Dept. or Other Purposes May Require as Requested by Councilor Stephen W. Knight
16. Consider and Approve a Resolution Authorizing the Mayor to Sign an Agreement Between the State of CT. and the Town of Wallingford for the Construction, Inspection and Maintenance of the Quinnipiac Street Corridor Project - Mayor's Office
17. Consider and Approve a Transfer of Funds in the Amount of \$13,300 from Contingency General Purpose Acct. #8050-800-3190 to Town Share-Quinnipiac Corridor-Wallace Park Acct. #001-5011-999-0002 - Mayor's Office
18. Discussion and Possible Action Pertaining to the Offering of a Reward in the Amount of \$500 for Information Leading to the Arrest and Conviction of the Person(s) Responsible for the Burning of the American Flag in Wallingford as Requested by Vice Chairman Raymond J. Rys, Sr., Chairman of the Public Safety Committee
19. Consider and Approve a Resolution Pertaining to the Use of Public Sidewalks by Businesses in the Town of Wallingford - Mayor's Office
20. Report Out on the Status of the Former Simpson School as Requested by Councilor Tom Zappala
21. Report Out on the Status of Town-Owned Land in Durham as Requested by Councilor Tom Zappala
22. Discussion Regarding the Possibility of Locating the 911 Emergency System at the Pierce Plant as Requested by Councilor Tom Zappala
23. Discussion Pertaining to the State D.E.P. and Their System of Stack Testing as Requested by Councilor Tom Zappala

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24. Request to Establish a Committee to Answer Questions Surrounding the Deposit of an Additional \$900,000 into the Pension Fund Outside the Normal Budget Process of the Town Council as Requested by Councilor Tom Zappala
25. Consider and Approve Waiving the Bidding Process to Hire Appraisers for Pending Tax Appeal Litigation - Town Attorney
26. Consider and Approve a Transfer of Funds in the Amount of \$4,000 from Health Insurance Acct. #001-8035-800-8300 to Medicare Tax Acct. #001-8020-800-8010 - Personnel
27. Executive Session Pursuant to Sections 10-153d; 1-18a(e)(5) and 1-19(b)(9) of the CT. General Statutes with Respect to Collective Bargaining - Personnel
28. Consider and Approve Reclassification of the Building Official Position of the Town of Wallingford - Personnel
29. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale/Purchase of Property - Mayor's Office

TOWN COUNCIL MEETING

JULY 29, 1997

6:30 P.M.

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8. PUBLIC QUESTION AND ANSWER PERIOD - Tyler Mill Area Dirt Bike Race; Lacey Property Unsightly; Status of Yankee Gas Co. Testing near Community Lake; Suggestion to Name Rec. Cntr. Dave Doherty Rec. Cntr.; Town's Tree Planting Program; Sidewalk Repair/Replacement;	
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For the Purpose of Naming a Street David Doherty Dr.

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TOWN COUNCIL MEETING

JULY 29, 1997

6:30 P.M.

A re-scheduled regular meeting of the Wallingford Town Council was held on Tuesday, July 29, 1997 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:34 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. Assistant Town Attorney Gerald Farrell, Sr. arrived at 6:37 P.M.

A blessing was bestowed upon by the Council by Youth Pastor Kent McLaughlin of the Calvary United Pentecostal Church of Wallingford.

The Pledge of Allegiance was given to the Flag.

ITEM #3 Consent Agenda

ITEM #3a Approve and Accept the Minutes of the 6/17/94 Town Council Meeting

ITEM #3b Approve and Accept the Minutes of the 6/24/97 Town Council Meeting

ITEM #3c Consider and Approve Tax Refunds #1-6 Totalling \$1,500.68 and Tax Refunds #7-9 Totalling \$279.15 - Tax Collector

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

ITEM #3e Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$588 from Contingency General Purpose Acct. #8050-800-3190 to Center Street Cemetery Acct. #3070-600-6880 - Mayor's Office

ITEM #3g Consider and Approve a Transfer of Funds in the Amount of \$65 from Meetings, Seminars and Dues Acct. #001-7011-701-7990 to Office Expenses & Supplies Acct. #001-7011-401-4000 F.Y. 1996-97 - Environmental Planner

ITEM #3h Consider and Approve a Transfer of Funds in the Amount of \$300 from Regular Salaries & Wages Acct. #001-6030-101-1000 to Vital Statistics Acct. #001-6030-600-7180 F.Y. 1996-97 - Town Clerk

ITEM #3i Consider and Approve a Transfer of Funds in the Amount of \$805 from Fire Department Expense Acct. #2030-401-4100 to Dispatch Chair Acct. #2030-999-9984 F.Y. 1996-97 - Dept. of Fire Services

ITEM #3j Consider and Approve a Transfer of Funds in the Amount of \$700 from Maintenance of Pool Acct. #4001-560-5100 to Safe Acct. #4001-999-9950 F.Y. 1996-97 - Parks & Recreation Dept.

ITEM #3k Consider and Approve a Transfer of Funds in the Amount of \$20 from Finance Transportation Reimbursement Acct. #1401-300-3201 to Office Expenses & Supplies Acct. #8060-401-4000 F.Y. 1996-97 - Probate Court

ITEM #3l Consider and Approve Granting Permission to Wallingford Center, Inc. to Use the Town Green and Municipal Parking Lot for Celebrate Wallingford Festivities to be Held on October 4 & 5, 1997 - Wallingford Center, Inc.

ITEM #3m Consider and Approve Granting Permission to the First Congregational Church of Wallingford to Use the Parade Grounds on Sunday, September 21, 1997 for a Dedication Ceremony

Motion was made by Mr. Rys to Approve the Consent Agenda with One Correction Noted to Item #3b, Approval of the Town Council Minutes of June 24, 1997.

Page 1, Line 3 stands corrected to read, "...Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr. at 6:31 P.M."

With said correction noted, the motion was seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

ITEM #4 Withdrawn

ITEM #5 Consider and Approve a Transfer of Funds in the Amount of \$6,000 from Salaries Acct. #001-5010-101-1000 to Consulting Engineer Acct. #001-5010-901-9040 - Engineering Dept.

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

Mr. Centner asked, what is the status of the open engineer position? Are we close to hiring a Town engineer?

Mayor Dickinson responded, we should be filling the position in the very near future.

Ms. Papale stated that she was under the impression that it would be filled within a few weeks of the last time the question was answered. We are spending money on professional engineering services month after month.

Joel Cassista, Acting Town Engineer, stated that there is necessary work that can only be taken care of by a professional engineer.

The Mayor stated that the funds that are not used for the Town Engineer's salary will return to the general fund if not used.

Pasquale Melillo, 15 Haller Place, Yalesville asked, why is it taking so long?

Mr. Cassista responded, it is a lengthy process to test, qualify, interview, perform a background check, etc.

VOPE: All ayes; motion duly carried.

ITEM #6 Consider and Approve an Appropriation of Funds in the Amount of \$625,000 from Retained Earnings Acct. to Purchased Power Acct. #555 F.Y. 1996-97

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

Mr. Knight asked how the department keeps tabs on the money it spends for purchased power? Do they monitor the account daily, weekly, monthly?

Raymond Smith, Director of Public Utilities responded, there are a series of complicated transactions which occur at CMEEC (CT. Municipal Electric Energy Co-op). We are just now receiving our bill for June. It is difficult to forecast what the monthly cost will be for the last day of the month could result in peak usage and run us over budget.

Mr. Renda asked, how much money is in the Retained Earnings account?

William Cominos, General Manager responded, \$40,491,514.83 of which \$11,067,131.42 is cash.

Mr. Parisi asked if CT. Steel is part of a special summer program of electrical distribution?

Mr. Smith responded, they are on an interruptable power program which affords the Town the option of cutting back on their power should we need to shed some of our load during peak usage. If we do interrupt their power the Town has to pay CMEEC for the period of time that power is interrupted. Northeast Utilities bills CMEEC who, in turn, bills us.

Albert Killen, 150 Cedar Street asked, where would the money have come from if not for the Retained Earnings account?

Mr. Smith answered, the division would have to either raise rates or borrow money from another source and recover it in future rates.

Pasquale Melillo, 15 Haller Place, Yalesville asked, where are we purchasing our power from?

David Gessert, Chairman of the Public Utilities Commission explained how CMEEC has a contract with Northeast Utilities to supply its (CMEEC's) customers with power.

Mr. Melillo asked if the ratepayers will pay for Northeast Utilities' problems?

Mr. Gessert responded, CMEEC is looking very closely at the legal aspects of NEU passing along increased costs associated with its crippled energy plants.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve an Appropriation of Funds in the Amount of \$7,500 from Appropriation to Cash Acct. to Maintenance of Structures and Improvements - WTP Acct. #651-000 - Water Division

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

On July 21st the Water Division experienced leakage from one of the bulk sodium hypochlorite storage tanks located at the Pistapaug Pond Water Treatment Plant. In order to respond to the problem it was necessary to provide emergency trucking services. In addition, funds will be required to investigate the cause of the leakage, identify corrective actions to be taken and to complete the identified repairs.

Mr. Centner asked if there were any preventative measures that could have been taken to avoid this problem?

Roger Dann, General Manager of the Water and Sewer Divisions explained how contamination dikes are constructed around the tanks for the purpose of catching up to one and one-half tanks' worth of spillage. A hazardous materials response team was called to monitor the situation.

Mr. Parisi asked, how was the leakage discovered?

Mr. Dann explained that the operator on duty noticed it.

Mr. Parisi asked, is there any preventative maintenance performed on the tanks on a regular basis?

Mr. Dann answered, not frequently. The tanks are drained and inspected every five years. It appears to be related to a mechanical failure. Something may have been lodged under the tank that caused its failure. We are uncertain as to what the final repairs will entail or cost. We may need to come back before the Council for additional funds. The total spillage amounted to approximately 3-5 gallons of liquid.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Frank Wasilewski, 57 N. Orchard Street informed the Council that a dirt bike convention of some sort was recently held down at the Tyler Mill area. He asked if the Town is liable should someone be injured?

Mayor Dickinson responded, the general liability plan of the town protects us against injuries.

Mr. Wasilewski commented that many other towns will not hold such an event due to the cost of insurance to cover it and the increased liability to the town.

Next Mr. Wasilewski commented that it was good that the Town got the property owner of the former Shawmut Bank to cut the grass and clean up the area. He pointed out, however, that the Town is the owner of the Lacey Property on Prince Street and it is very overgrown and unsightly. Public Works should clean the lot up for the sake of the neighbors.

On yet another matter, Mr. Wasilewski pointed out that the handicap ramp portion of the sidewalk at the back exit way of Simpson Court and Church Street is crumbling away. The curbing work on Wallace Rowe looks great although at first the storm sewers did not tie into the curbing. Henry McCully checked into it and is having it fixed.

Pasquale Melillo, 15 Haller Place, Yalesville asked how the Yankee Gas Co. testing is proceeding near Community Lake?

Mr. Farrell answered, it is a long term project. There will be no quick answers derived from the testing. He promised to keep an eye on the matter for Mr. Melillo.

Mr. Melillo asked if a representative from the Town is monitoring the work?

Mr. Farrell will check on it.

Mr. Melillo suggested re-naming the Recreation Center the David

Doherty Recreation Center since Mr. Doherty worked with the youth of the Town.

The Council will take the suggestion under consideration.

Phil Wright, Sr., 160 Cedar Street referred to the tree planting program in town asking, who decides where the trees are planted and precisely how many?

Mayor Dickinson informed Mr. Wright that the decision is made by Public Works.

Mr. Wright asked, how much money was spent on South Main Street plantings? In his opinion, too many trees have been planted in this area of town.

Mayor Dickinson was not sure how much has been spent and offered to look into the matter. Approximately \$3,000 per year is budgeted for the plantings and that figure is augmented by the Electric Division tree planting program as well.

Mr. Wright next commented about the system of sidewalk repairs/replacement being performed. It appears as though sidewalks that have been put in only three years ago are being replaced already on South Main Street. This seems to be occurring in the South Main Street area between Ward and Cedar Streets. Portions of the new sidewalk are being torn out and replaced randomly like patchwork. Why wasn't the entire job done at once?

Mr. Parisi explained how the sidewalks used to be replaced based upon if they were deemed unsafe for what ever reason.

Mr. Knight asked if the Town had a sidewalk inspector?

Mayor Dickinson informed the Council that Joel Cassista, Acting Town Engineer is also the Town's sidewalk inspector. Approximately \$200,000 per year is budgeted for the replacement of sidewalks. Occasionally one will see black patchwork in a sidewalk. That is a means of temporarily patching an area until it is scheduled for repair/replacement.

The Public Question and Answer Period was closed at this time.

ITEM #10 Consider and Approve Confirming One Appointment to the Alternate Position on the Zoning Board of Appeals to Fill a Vacancy Which Expires 1/8/2000

Motion was made by Ms. Papale to Appoint Steve Bertucio to the Position, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

Mr. Bertucio was not present at the meeting therefore the Swearing-In Ceremony was not performed at this time for his position.

ITEM #11 Consider and Approve Confirming One Appointment to the Town Council to Fill a Vacancy in a Term Which Expires 1/5/98

Motion was made by Mr. Zappala to Appoint Peter A. Gouveia to the Position, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

Town Clerk Rosemary A. Rascati performed the Swearing-In Ceremony for Mr. Gouveia.

Mr. Gouveia took a seat at the Council bench.

At 7:42 P.M. the Chair declared a five minute recess to allow Mr. Gouveia the opportunity to prepare himself for the remaining Council business yet to be addressed. The meeting was reconvened at 7:49 P.M.

ITEM #9 PUBLIC HEARING on an Ordinance Appropriating \$850,000 for the Planning, Acquisition and Construction of Various Municipal Capital Improvements 1997-98 and Authorizing the Issuance of \$850,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

Motion was made by Mr. Rys to Dispense with the Reading of the Ordinance in its Entirety and to Append a Copy of it to the Minutes of this Meeting, seconded by Mr. Centner (Appendix I).

Frank Wasilewski, 57 N. Orchard Street stated his objection to the way the project is being financed. He suggested that the Town fund the entire project itself, pay for it with cash. Almost 50% of the project cost has been fronted by the Town by way of cash on hand, why not fund the remaining the same way? It costs the taxpayers approximately \$500,000 to borrow \$1 million. Why not save the interest and pay for the rest in cash?

Robert Sheehan, 11 Cooper Avenue asked, where did the \$400,000 come from at the last meeting to start the project?

Mayor Dickinson responded, from on-hand cash in the Capital and Non-Recurring budget.

Mr. Sheehan echoed Mr. Wasilewski's sentiments with regards to self-financing or funding the remainder of the project.

Mayor Dickinson reassured everyone that the ordinance is put in place in the event that money is needed. Passing an ordinance does not necessarily mean that the funds will be borrowed.

Phil Wright, Sr., 160 Cedar Street stated that he is bothered not so much with the budgeting process but with the fact that the ordinance was not advanced in the appropriate timeframe. He wanted to know who was responsible for the error? Someone should be held accountable for the action or lack thereof.

Mayor Dickinson responded, the ordinance should have been brought forth during budget period for its public hearing. Unfortunately, it was an oversight on his part. In order to get the project started as soon as possible money was fronted by the Town.

Dave Canto, 4 Meadows Edge Drive stated that he has waited five years for this project. Highland Avenue is in dire need of repair and if it cost \$1 million do the work.

Pasquale Melillo, 15 Haller Place, Yalesville was also of the opinion that the Town should pay cash for the project.

Albert Killen, 150 Cedar Street commented that the Town has failed to follow a five year capital plan for years. An ordinance was adopted in the past in an effort to help prepare the town budget for such projects. Over the past ten or so years the only projects that appear in the six year capital fund are roads, roads and more roads. A new recreation center was built that never appeared in the six year capital fund; Community Pool does not appear; the Senior Center expansion project does not appear; the purchase of the Wooding/Caplan property did not appear; there is no planning or foresight on the part of the town.

Tim Cronin, 47 Ridgeland Road was astounded that the Council has approved funds for a project before there is a public hearing on the ordinance. What happens if the ordinance is brought to referendum? #

Mayor Dickinson responded, it is not an unknown fact to begin a road project before the ordinance is presented.

Mr. Wasilewski pointed out, after this year's project there are no road improvements budgeted for over the next five years.

The Chair turned the public hearing to the Council at this time.

Mr. Centner stated that Section 1 of the ordinance reads, "The sum of \$850,000. is appropriated..." If there is concern that the ordinance is allowing an additional \$850,000 over and above the \$400,000 already advanced, the language clearly shows that the total should not exceed \$850,000.

Mr. Gouveia asked for an explanation of language in Section 5 pertaining to the "reimbursement of expenditures paid sixty days prior to and after the date of passage of this ordinance." He did not recall this language being included in the body of past ordinances. Although the wording does not violate the Charter, he does feel it violates its intent.

Joseph Fasi, Bond Attorney, explained that the language is included in the ordinance more so to recognize and satisfy Federal Income Tax Regulations.

Mr. Zappala stated that he would vote in favor of the ordinance based on the fact that the road is in dire need of repair.

Ms. Papale commented, although a mistake was made the project is needed and should go forward.

Mayor Dickinson suggested that the amount of the ordinance be amended downward to \$450,000. if it makes everyone feel more comfortable with the final total of the project and possible bonding.

Motion was made by Mr. Zappala to Amend the Ordinance Down to \$450,000 for a Total Project Cost of \$850,000., seconded by Ms. Papale.

VOTE: Gouveia, Papale and Zappala, aye; all others, no; motion failed.

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

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V Motion was made by Mr. Gouveia to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Naming a Street Doherty Drive, seconded by Mr. Zappala.

Mr. Farrell stated that he had submitted an item for the agenda, specifically the naming of the driveway into Sheehan High School David Doherty Drive. Mr. Farrell was asked that the item be forwarded to the Board of Education/Council Liaison Committee for their input since the property falls under the jurisdiction of the Board of Education. He had agreed to forward the item prior to Peter's request.

Mr. Parisi pointed out that Mr. Melillo suggested naming the Recreation Center after Mr. Doherty as well. Since there seems to be a great deal of interest in honoring Mr. Doherty in some fashion throughout the town perhaps all the suggestions should be forwarded

to one committee for review and a recommendation. The suggestions can also be passed by Mr. Doherty's family for their input as well. He asked that Mr. Gouveia hold off on the discussion of this topic until Item #14 is presented.

Mr. Gouveia agreed and withdrew his motion, Mr. Zappala withdrew his second to the motion.

ITEM #12 Report Out on the Use of Softball and Football Fields at Pragemann Park - Parks & Recreation Dept.

Motion was made by Mr. Rys to Hear the Report. There was no second to the motion.

At the Town Council Meeting of June 24, 1997 the Wallingford Girls' Softball League (WGSL) appeared in hopes of gaining support to rectify a problem they are faced with namely, the lack of availability of playing fields to the league, poor field conditions, and safety measures in place at other fields throughout the Town yet absent from the fields on which the girls are assigned to play.

Tom Dooley, Director of Parks & Recreation proposed a solution for the WGSL and Pop Warner Football leagues. In reviewing Pragemann Park it was determined that the handball field is no longer being used therefore two new fields will be cut in and turfed on the inner part of Pragemann. This will save the Town money. One field will be built in the Northwest corner of the complex and fenced in. Presently, a 200' field is planned with the hopes of getting it up to 225'. WGSL will have four fields in one area by this Fall if the proposal goes through. Scheduling arrangements have been made and agreed upon with the adult softball league.

WGSL President Howard Greenberg is very pleased with the proposal. Although it is not all that his league had hoped for it is a big leap forward and very much appreciated.

Mr. Centner noted that two new fields were installed at Lufberry and Marcus Cooke Parks, what will happen to those fields?

Mr. Dooley assured Mr. Centner that they will be well-utilized and reminded everyone that the proposal still requires Planning & Zoning approval.

Mr. Greenberg explained that the fifty-two teams will be rotated through the fields at Pragemann.

Ms. Papale asked, how will the field be paid for?

Mr. Dooley responded that dollars are budgeted each year for field improvements. The money this year will be targeted at Pragemann.

Mr. Zappala asked if anyone has discussed the condition of the playing fields which are under the Board of Education's jurisdiction?

Mr. Rys informed everyone that there is a Public Safety Committee Meeting scheduled for Monday, August 4th. One of the topics of discussion on the agenda will be parks.

Mr. Knight stated, in his opinion, the fields at Moses Y. Beach School are deplorable.

Mr. Dooley disagreed. He admitted that they were in need of upgrading but did not feel they were deplorable.

Mr. Knight asked, what will be put on hold while the funds in the budget are used for the new fields?

Mayor Dickinson responded, there is \$50,000 currently budgeted with an additional \$55,000 for the football fields for a total of \$105,000. No work will be left undone or on hold. Henry McCully has an ongoing fence replacement program in his budget as well.

Mr. Knight asked, how much utilization will the football fields get in the Fall?

Mr. Dooley responded, heavy use in September, October and November. The fields will then rest until the Spring.

Mr. Centner expressed his concern with the fact that he would like to see some of Pragemann Park remain a park.

The question was raised, where are the additional vehicles going to park?

Mr. Dooley responded, there are presently 200 parking spaces. It is possible that we will have to look at increasing the number of parking spaces.

Jeff Dunne, 7 Jennifer Lane responded to Mr. Centner's concerns regarding the park stating, the act of bringing the girls together makes a park.

The proposal will be presented to the Planning & Zoning Commission in the near future.

No action taken.

ITEM #14 Discussion and Possible Action on the Practice of Naming Streets of the Town as Requested by Councilor Gerald Farrell, Jr.

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

Mr. Farrell suggested that the Planning & Zoning/Council Liaison Committee be given the task of developing standards or procedures for the naming of streets. Such standards or procedures can be referred to by Planning & Zoning during their application review process.

Linda Bush, Town Planner stated that the developers making application have always been allowed to submit names for their subdivision streets. It would help to have standards so that the developers would know precisely what the Council is looking for with regards to street names.

Reginald Knight, 21 Audette Drive stated that the government should be kept out of people's lives as much as possible. It stands to reason that street names should not be similar to avoid confusion to fire, police and ambulance personnel. The maze of streets in the Ridge section is a good example. There are all kinds of streets with the word "ridge" in them; 5th Ridge; 6th Ridge; Ridgeview; Ridgecrest, etc. It can be a nightmare to emergency personnel when a person is calling in an emergency under duress. He has no problem with first or second names assigned to streets so long as they are distinctive. It should not have to come before the full Council.

WAIVER OF RULE V Motion was made by Mr. Gouveia to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Discussing the Naming of a Street Doherty Drive, seconded by Mr. Zappala.

VOTE: Centner, Knight and Rys, no; all others, aye; motion duly carried.

Mr. Gouveia distributed a subdivision map to the Council exhibiting an area off of Williams Road which a developer has made application for. The applicant is willing to name one of the streets Doherty Drive. Mr. Gouveia felt that if the Council voted in favor of the street name, should Planning & Zoning approve the subdivision application the name will already have been approved of by the Council.

Mr. Knight explained, the reason he voted in opposition of Waiving Rule V is, there are several proposals that have been made regarding the naming of a street or building after Dave Doherty. It would be a measure of respect to analyze and study all of the proposals before the Council votes on any one of them.

Mr. Farrell pointed out, after President John Kennedy died there was a great rush to name many things after him. History tells us that some of the things so named in his honor, because of the proliferation of them, had to be re-named because of the confusion. We all have the right sentiment but maybe we need to have it all come to the surface. Perhaps we can then speak with Mrs. Doherty and her family as to which one they may think is most appropriate.

Mr. Centner stated that he also voted in opposition of Waiving Rule V for the same reason as Mr. Knight.

Mr. Farrell suggested that Mr. Gouveia accompany him on a visit to Mrs. Doherty.

Mr. Parisi recommended first finding out what all the proposals are. Once identified then a visit could be paid to Mrs. Doherty.

Mr. Gouveia withdrew his motion, Mr. Zappala withdrew his second.

It was decided that the Planning & Zoning/Council Liaison Committee would meet with Planning & Zoning in the future on the topic of developing standards by which to name streets.

ITEM #15 Consider and Approve the Sale of Property Known as #98 Center Street to Habitat for Humanity for a Sum of \$5,000 Subject to Such Easements Water/Sewer Department or Other Purposes May Require as Requested by Councilor Stephen W. Knight

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

Mr. Knight, Chairman of the Habitat for Humanity/Council Liaison Committee stated, after much review by his committee they are comfortable with the idea that they would like to sell one of the Town-owned lots more commonly known as property shown on Map 33, Block 1, Lot #96 of the Town Assessor's Office to Habitat for Humanity for the sum of \$5,000. The committee recommended that the payments be made over a period of five (5) years to lessen the impact on the organization.

Mr. Centner stated that he is in favor of the action. He was very concerned at first with the fact that it is taxpayer property and how the Town would convey it and what use it would have. He is very pleased with the whole project. He wished Habitat good luck and Godspeed.

Mr. Zappala stated that he was in favor of having a price established for Habitat from the very beginning. He is aware of the value of the property but has no intention of obtaining it from Habitat for the land will benefit some unfortunate family's need. He fully supports the act.

Mr. Farrell expressed his thanks to the local chapter of Habitat for Humanity. It has been a lot of work for them getting the Wallace Rowe project off the ground and it is great to see they are moving on to the next one. It is wonderful what they are doing for the community and something the public should be proud of for it is the type of project that offers a hand up and not a hand out.

Philip Wright, Sr., 160 Cedar Street felt that the Town should not be charging Habitat at all for the land. We should be giving a hand out and not a hand up. Why are we monkeying around with \$5,000 when we spend it with a batt of the eye any other time? He asked, who established the \$5,000 figure?

Mr. Parisi responded, it was something that was agreed upon. This is not a unanimously-supported project. There are some people who do not feel that land should be given away and that a nominal fee should be received.

Sam Sargent and Robbie Robinson, Representatives of the Local Chapter of Habitat for Humanity were very grateful for the offer which would help their organization achieve its goal of providing the opportunity for a family to afford homeownership.

Mr. Centner explained, he was satisfied with the final cost of \$5,000 due to the fact that the committee had obtained a rough estimate of \$40,000 for the parcel. The \$5,000 is approximately 12.5% of its worth.

Ms. Papale stated, she has viewed the site which she thinks is ideal since it is close to the center of Town. Habitat is a great organization and she would have been very happy to give the land to them for nothing.

Mr. Gouveia stated, it is in the best interest of any community to address the issues of housing and the less fortunate. On one hand I agree with Iris and on the other I am aware that there are a lot of people out there that are less fortunate and have not achieved the american dream of owning a home. Habitat for Humanity embodies the most basic of american values of sweat equity. He was in favor of the \$5,000 price tag since this is a lot that is worth at least \$35,000 to \$40,000. It is a good faith effort on the part of the Town.

Mr. Rys Re-stated the Motion to Approve the Sale of Town-Owned Property Known as Property Shown on Map #33, Block #1, Lot #96 of the Town Assessor's Office, seconded by Mr. Farrell.

Mayor Dickinson stated that the property will be surveyed soon and may be subject to easements.

VOTE: All ayes; motion duly carried.

ITEM #16 Consider and Approve a Resolution Authorizing the Mayor to Sign an Agreement Between the State of Connecticut and the Town of Wallingford for the Construction, Inspection and Maintenance of the Quinnipiac Street Corridor Project - Mayor's Office

Motion was made by Mr. Rys to Approve the Resolution and Append a Copy of the Exhibits to the Minutes of this Meeting, seconded by Mr. Knight (Appendix II).

Mayor Dickinson stated that the designs are complete and the State has given this contract for signature. There is an intention on the part of the State to move forward on the project.

Mr. Farrell stated, with regards to the improvements on Center Street, one of the things that I have heard many complaints about is, at the time the sidewalks and brickwork was installed the curb work was not replaced which is in contravention to what was done on South Main Street. It has resulted in a rougher scale and more of a lip to where the curbing meets the rest of the sidewalk and brick. The time to replace the curbing is during the project. If we are going to great lengths to put in new sidewalks and brick it would also be the appropriate time to do the curbing.

Mayor Dickinson responded, most of the project is signalization and not streetscape. It is pavement of Quinnipiac Street. Around Wallace Park the streetscape will be constructed. It is a relatively small part of the project.

Richard Doll, Traffic Maintenance Officer stated, from the area of Washington Street westerly to just past Bull Avenue the roadway will be reconstructed which will include new curbing. The rest of the project is basically upgrading of the traffic signalization throughout the downtown area. Curbing will be replaced all around Wallace Park.

Mr. Farrell stated, I think it would be nice to have more community input into the designs of some of the projects. In the future I would like a more look see at these things.

Mr. Knight asked, is the AmTrak pre-emption program still working in conjunction with this project or is it stalled?

Officer Doll explained, the AmTrak pre-emption portion of the project has been taken out by the State. It has been assigned a new project code #148-180 which will include all of the intersections along the AmTrak run for approximately \$1.5 million. It is no longer a part of our Quinnipiac Corridor package.

Mr. Knight stated that he was very much disappointed that Ward Street was not included in the project because it is in absolutely deplorable condition. He had hoped that it would have been part of the project. I have been telling constituents that we have postponed that portion of Ward Street until such time as the Quinnipiac Corridor Project was under way.

Officer Doll stated, we are still looking at Ward Street with Henry McCully, Director of Public Works. What we had planned to do originally was to mill the entire area down to that point and repave, however, when we had the test pits done it was the engineer's recommendation that the entire roadway on Quinnipiac Street be reconstructed. At the time our Town Engineer was in agreement with that. That resulted in an increase in cost of the project and therefore we had to take Ward Street out of the project. Mr. McCully is re-looking at Ward Street in hopes of including it in part of his projects.

Mr. Gouveia asked for an explanation of what enhancements will be made around Wallace Park?

Officer Doll answered, under the ISTEA funding a portion of that includes enhancement funds. These funds will be used for streetscape improvements such as period lighting, brick accent work, new sidewalks, etc. No improvements will be performed to the inside of the park, itself.

Mr. Gouveia asked, who will be designated as the Town representative to the project?

Officer Doll responded, I have not had a conversation with the Chief of Police on this yet however, I probably know more about this project than anyone in Town.

Mayor Dickinson stated, it probably will be Officer Doll but I cannot respond until the Chief of Police is part of the assignment. Most of the money on this project is being spent on signalization and Officer Doll is the Traffic Maintenance Officer. One of his primary responsibilities is traffic signals. It makes sense (for Officer Doll to represent the Town in this matter.)

Mr. Gouveia asked for an explanation of the term "design services" in paragraph (2) on page 2 of the agreement.

Officer Doll explained that the State has the right to ask Wallingford to advise them on certain matters of the project. We have also budgeted \$10,000 for Milone & McBroom the Town's traffic engineers in the event that their expertise is required by the Town in this matter.

With regards to paragraph (6) on page 3, Mr. Gouveia noted that it speaks to a reimbursement to the State from the Town in case of errors provided by either the municipality or people working on behalf of it. One of the things it speaks to is construction engineering services. He asked if there are any errors due to construction engineering services the Town is liable for them?

Officer Doll responded, as part of this agreement we have the replacement of a water main which is a non-participating cost. The entire cost of that aspect of the project has to be borne by the Water Division. That is their plans 100%. Inadequate construction engineering services would go back to Milone & McBroom and that is what we have the \$10,000 budgeted for.

Mr. Centner asked, is there any chance that AmTrak may excavate any of the work that we finish with regards to our project since their pre-emption project is still pending?

Officer Doll responded, AmTrak is currently ahead of us. Their contract has been awarded and they are working out there now. AmTrak wants to get their work done and get out of Wallingford by the Spring of 1998. We should start construction on our project by next Spring and by then AmTrak should be out of there.

Frank Wasilewski, 57 N. Orchard Street asked, since this project only entails the portion of Quinnipiac Street from Washington Street to Bull Avenue, what will happen to the remainder of Quinnipiac Street from Bull Avenue to the Quinnipiac Street Bridge and from Washington Street to Route 5?

Officer Doll responded, this roadway reconstruction was only meant to start at the intersection of Washington Street and run to about 100' past the intersection of Bull Avenue. There is a void in there. Cherry Street and Quinnipiac Street intersection was just re-constructed a few years ago.

Mr. Wasilewski asked, who maintains Quinnipiac Street during a snow storm?

Officer Doll answered, the State never raises their plows but it is not part of Route 150.

Mr. Wasilewski commented, the State should do the complete job and not a partial job. They are afraid they are going to have to cross the little bridge on Quinnipiac Street which no one has touched in years. The State is not playing this game fair with the Town. The State is currently working all around the Merit Parkway as we speak, they should do the entire Quinnipiac Street area from the parkway up to Route 5.

Albert Killen, 150 Cedar Street commented, the State seems to be doing more for the Oakdale Theatre than for the rest of the Town. He asked, what is the total cost to the Town for this project?

Mayor Dickinson responded, the costs are estimated at \$209,000 for construction which will be paid for by the Water/Sewer Department and \$13,300 will be paid for by the Town for the streetscape work around Wallace Park. Money has been spent for engineering costs prior to all of this.

Officer Doll commented, engineering costs to date total \$143,000.

Mr. Killen asked, once we enter into the agreement what is it going to cost us and where are the dollars now?

Officer Doll responded, once we enter into the agreement, our total cost right now is \$222,300. Of that \$209,000 is the Water Division's replacement of the water main which they have in place at this time. The remaining \$13,300 is what we are asking for on the next item.

Mr. Killen asked, the Water Division already has the dollars in place?

Officer Doll answered, yes.

Mr. Killen asked, is there any chance of the Town acquiring or leasing the property opposite the old Wallace Office by the Dam? It is just a big parking lot that has become run down. It could be beautified. This is one of the entrances to the Town of Wallingford, all along River Street, it could be beautified with volunteer labor.

On a separate matter, Mr. Killen pointed out that the State highway crew has closed off the entrance ramp of the parkway heading South to New Haven/New York just as you pass under the parkway on S. Turnpike Road. There are no signs directing the motorist how to enter the parkway to pick up that direction of traffic. If you travel further up S. Turnpike across from Masonic Avenue there is a sign that says "do not enter". He asked that Officer Doll look into what can be done about directing motorists to the southbound access to the parkway.

Officer Doll will discuss the matter with the supervisor of the jobsite.

Philip Wright, Sr., 160 Cedar Street asked, will there be any period lighting or work performed on the north side of Quinnipiac Street where the Knights of Columbus Building is?

Officer Doll answered, there will be the removal of some trees and the planting of approximately eighty (80) flowering pear trees in the area. There will be some brick accent work as well.

Mayor Dickinson doubted that there would be brickwork on the north side of the street for there were no dollars available for the streetscape work there.

Frank Wasilewski, 57 N. Orchard Street asked, what will the Water Division be replacing?

Officer Doll answered, a 1898 water main.

Mr. Wasilewski asked, will the work come close to the big storm sewer that they put in to take the storm water out of town?

Officer Doll answered, to my knowledge it does not cross the bridge.

Mr. Parisi asked if the roadway under the parkway overpass heading southwest will be repaved?

Officer Doll stated, it will all be repaved under the ramp project. The whole area will be upgraded. They are closing the looped ramp which goes up and around to the parkway.

Mr. Parisi asked, will Quinnipiac Street be paved?

Officer Doll answered, from Washington Street to Bull Avenue.

Geno Zandri, 37 Hallmark Drive asked, will Ward Street be worked on at all?

Officer Doll answered, the Ward Street portion of the project was taken out because of the increase in cost. Because Ward Street had to come out of the project Mr. McCully is now looking to see what we may be able to do. I believe he is looking at milling Ward Street and paving it.

Mayor Dickinson stated, it is not in this project.

Mr. Zandri asked, is it in any project in the near future?

Mayor Dickinson answered, I know there are discussions around planning it but I don't know that it has been funded yet.

Mr. Zandri suggested that everyone on the Council drive up and down Ward Street a few times and you will see that it is in dire need of putting it in the next project.

VOTE: Mr. Parisi did not vote; all others, aye; motion duly carried.

ITEM #17 Consider and Approve a Transfer of Funds in the Amount of \$13,300 from Contingency General Purpose Acct. #8050-800-3190 to Town Share-Quinnipiac Corridor-Wallace Park Acct. #001-5011-999-0002 - Mayor's Office

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

VOTE: All ayes; motion duly carried.

ITEM #18 Discussion and Possible Action Pertaining to the Offering of a Reward in the Amount of \$500 for Information Leading to the Arrest and Conviction of the Person(s) Responsible for the Burning of the American Flag in Wallingford as Requested by Vice Chairman Raymond J. Rys, Chairman of the Public Safety Committee

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

Mr. Rys stated the issue of flag burning has been one of great concern to him after learning that many of them have taken place on private property, porches, of homes in the center of town. It has been surprising that the fires have not spread considering the areas in which these fires have been taken place. He wanted to see the offering of a reward to the public in an effort to expose the individual responsible for the action(s). The person is not only committing arson and trespassing on private property but is violating a host of other State laws as well. He truly believes that the person(s) committing the act does not realize what they are doing. It is time that we give the Police Department another tool to apprehend this criminal and put him behind bars before someone is badly hurt.

Mr. Centner stated that he supports the measure and feels that it is a good tool to ensure the safety and security and peace of mind of our community. As a veteran of the Air Force he served under the flag and has the utmost respect for it. He hopes the vote is in favor of the measure.

Ms. Papale commended Mr. Rys for placing the item on the agenda. A great deal of people watch these meetings on television and will now become more aware of the issue. She supports the offering of a reward.

Mr. Zappala concurred with Mr. Rys. He felt that the flag burning is a disgraceful act. He is hopeful that the reward will encourage someone who may know something to come forward and turn the responsible parties in to authorities.

Mr. Renda stated, it is a disgrace what is happening especially when we think of the men and women who have died for our freedom in this country. The individuals responsible for this disgraceful act have no respect for their country or themselves. It is a shame when people go to bed at night and have to worry if their house is safe. He supported the offering of a reward and displayed a tee shirt with the words "Try and burn this Flag" on it to the cameras, challenging the individual to try and burn his flag.

Mr. Knight stated, it is obvious that we have a dangerous individual loose in our town and not only is it dangerous but a blemish on this otherwise excellent community. I hope this \$500 produces some information that will stop them in their tracks.

Reginald Knight, 21 Audette Drive stated, no one has more respect than I for the American flag. I am an immigrant no different than some on the Council. We come to this country and respect the flag very much...probably more so than some individuals born here. I get very annoyed when the national anthem is being played and people are talking, chatting, chewing gum, spitting, etc., instead of showing the proper respect for the flag. On the other hand, when we get past the emotional part of it, what we have here is an act of vandalism and of dangerous arson causing possible damage to a house or persons, possibly even death. I think you are selling the residents of Wallingford short when you think you have to buy their loyalty to the flag by offering them money. I know that I would certainly turn in anyone I saw endangering any home in any way. I think what we have here is a criminal act which the Fire Department will have their arson investigators look at and the Police Department has theirs as well. I don't think that there is an amount of money that would instill in a person the loyalty of turning someone in. I think people would turn them in as quick as a flash. You are selling the people of the Town short. We are also setting a precedent. What is next? A missing child? Are we going to start passing ordinances that will offer \$1,000 for information on a missing child or something of that nature? Let the Police and Fire Departments do their work, they know what they are doing. Keep the government out of it.

Mr. Parisi stated, this is not an ordinance but an action which will cause positive attention to the problem and for those who may need a little incentive may create another avenue of help for the authorities. He commended Mr. Rys for bringing the matter forward.

Reginald Knight asked, if you were seated on a jury how much credence would you place on a witness that has been bought or paid to come forward with information? I would believe a witness that came forward because it was his civic duty. I would not put too much faith in anyone who is paid "X" amount of dollars to come forth with information.

VOTE: All ayes; motion duly carried.

ITEM #19 Consider and Approve a Resolution Pertaining to the Use of Public Sidewalks by Businesses in the Town of Wallingford - Mayor's Office

Mr. Rys read the following resolution into the record:

"BE IT RESOLVED:

Public sidewalks may be used by businesses for placement of tables, chairs or similar furniture during daylight hours for the purpose of retail sales of goods, food or services provided that such use is located closest to the structure used by the business fronting the sidewalk and leaves a minimum of 60" between the brick or other streetscape improvement and such furniture for safe passage of the public."

Mr. Rys made a motion to approve the resolution, seconded by Mr. Knight.

Mayor Dickinson stated, this may help address what I suspect may be a large number of complaints. The Council has extended permission to a few businesses to place tables and chairs out on their sidewalks. Other businesses in the center of town have placed items out as well and have held sidewalk sales without coming before the Council. This may appear to be unequal treatment. This is a mechanism to try and weed out very innocuous uses and not have everything come before the Council and receive complaints that the Council did not give permission for a chair with a gorilla sitting in it, etc. This would only be in effect for as long as the Council wants it to be.

So long as there is safe passage which meets the minimum amount of space allowed by the resolution, items will be allowed on the sidewalk. If complaints are lodged then each one will be dealt with accordingly.

Albert Killen, 150 Cedar Street stated, the ADA is a branch of the government and last week I had to help a gentleman in a wheelchair get out of the post office. Most of you are familiar with the post office; no double doors; no way to get out; over the doors it read, "handicapped accessible". If that was handicapped accessible then I will be the next man on the moon. These are the people who lay down the rules (federal government) and then don't follow it themselves.

Motion was made by Mr. Knight to Adopt the Resolution As Presented, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

ITEM #20 Report Out on the Status of the Former Simpson School as Requested by Councilor Tom Zappala.

Mr. Zappala stated that he has been concerned since the Parks & Rec Department has moved out of Simpson School how the building is being maintained. He did not want to see what happened to Yalesville School happen at Simpson School. What is the status of the roof?

Mayor Dickinson responded, to my knowledge there is no problem currently with the roof. Visiting Nurses' Association is still in the building otherwise it is not being used. I am not aware of any problems in the area that has been closed. Could something develop before the winter? It is possible.

Mr. Zappala stated, regardless of what we decide to do with the building we should make sure we close it up properly so that no damage occurs with winter coming.

Philip Wright, 160 Cedar Street asked, when will the VNA get out of there? When does their lease expire?

Mayor Dickinson responded, they are on a month to month basis. They are looking for another location.

Mr. Wright asked, how long do we intend to have them stay there on a month to month basis?

Mayor Dickinson answered, until we are sure what is going to happen with the Senior Center it is hard to make a significant move with regards to the Simpson School property. I would anticipate that we would sell the property, lacking another year term use on the property. Without having finalized the Senior Center issue which hopefully will be over the next six to nine months, until that happens we don't want to make any moves on the sale or disposal of other properties we own.

Mr. Wright asked, are you saying that Simpson School is a possible site for a senior center?

Mayor Dickinson responded, the committee reviewing possible sites did propose Simpson School as a potential site. Until we are sure what the feasibility analysis shows on the primary site, I would be a little reluctant to suggest that we make a move on any other property.

Mr. Wright asked, with the assumption that the senior center is going to stay where it is, what would be your best guess as to how long it will take us to sell that piece of property?

Mayor Dickinson responded, I have no way of knowing.

Mr. Wright asked if the Town has received any offers on the property?

Mayor Dickinson answered, I have not received any information which has led me to believe that anyone was interested in purchasing the property.

Mr. Wright stated, I hope that Simpson School does not end up like the Wooding Property.

No action taken.

ITEM #21 Report Out on the Status of Town-Owned Land in Durham as Requested by Councilor Tom Zappala.

Mr. Zappala stated, next month it will be one year since the Council voted to sell the land in Durham. I know that the Conservation Commission is supposed to be working on it but it is almost a year and I wondered what the status of the sale is? I know that there are some people interested in buying the land. Has anything happened that the Council should know about?

Mayor Dickinson stated, someone has expressed an interest in buying the land for a golf course but we are in the same position we have been in all along, until we can identify a piece we are going to purchase with the proceeds, I don't think D.E.P. will approve the sale of it. We need a list of properties that we intend to purchase to have this then move through D.E.P. I assume the Town of Durham will be included in the process as well. They may either object to the sale or approve of it or possibly buy it themselves.

Mr. Zappala stated, the last time the Conservation Commission appeared before the Council they were reviewing 1,200 acres of land. We don't need to replace that amount of land. What is the hold up? We should be able to choose from 1,200 acres of land which is more than enough.

Mayor Dickinson responded, practically speaking, which piece is better than another? There has to be some bona fide to the process. How do you choose which piece you are going to buy? That is why the Conservation Commission, with their expertise, is looking over the primary pieces that can be identified and rated. Once we have their recommendations as to where the Town should invest its money to purchase property then we will go through that. Hopefully at that time we will find a willing seller in that list which will enable us to offset the acreage we will sell in Durham.

Mr. Zappala does not question the dedication and integrity of the commission but wants to know what is taking so long? Why are we dragging our feet on this matter? One year is long enough, we should be taking some action.

Mr. Gouveia asked, is the D.E.P. basing the replacement on the same amount of acreage or dollar value of the land?

Mayor Dickinson answered, it is unclear.

No action taken.

ITEM #22 Discussion Regarding the Possibility of Locating the 911 Emergency System at the Pierce Plant as Requested by Councilor Tom Zappala.

Mr. Zappala stated, last March the 911 issue was presented to the Council. I have since learned that we have coverage twenty-four hours a day at the Pierce Plant for emergencies. Since we have a man in position at a switchboard already perhaps we can move the 911 system to that location. I know that there will be issues to be worked out that may involve unions and there may be business transactions to resolve to relocate the 911 service. I also know that the Central Fire Headquarters is adding on and most likely updating the 911 system. I would like to see the 911 service remain in Wallingford and I think it is about time we should be making a move in that direction. The idea of locating the 911 system at Pierce Plant is only a recommendation on my part because I heard that we have service there already that we pay for. It could be a move in the right direction. We have not heard anything since March on this issue. Do you, Mayor, have any recommendations?

Mr. Parisi stated, this Council made it very loud and clear that the 911 system is going to stay in town at the meeting. There is no confusion over the issue. I understand that it is being worked on.

Mayor Dickinson stated, the Council sought a report of the options available in town and that is what we are working on. The Pierce Plant can be part of that review. We want to meet with some State officials and there are some communities that have affected consolidation and we want to visit them. There are also moves on the part of the State regarding funding. There is information that needs to be put together. Manning the Pierce Plant is a twenty-four hour a day operation but so is the Fire Department and Police Department. It is a matter of determining what is the optimal direction in which to go. That is what we are reviewing. We will have a report at the point we assess the information.

Mr. Parisi suggested that an invitation be extended to the Council to join the Mayor when visiting any of the sites under consideration.

Philip Wright, Sr., 160 Cedar Street asked, were dollars placed in the budget for the relocation of the service?

Mayor Dickinson responded, the money is in the contingency account. It deals mainly with staffing issues at the Police Department. There were also funds regarding the Fire Department. Most of the funds are in contingency until we have a sure plan. There would be no expenditure of funds to effect a change from what we are doing until a definitive plan is in place.

Mr. Wright asked, is it a Council decision?

Mayor Dickinson answered, it is a joint decision, it is not all one or all the other. It requires administrative cooperation but also involves money.

ITEM #23 Discussion Pertaining to the State D.E.P. and Their System of Stack Testing as Requested by Councilor Tom Zappala

Mr. Zappala explained that his business is located very near the Cytec and CRRRA plants. He works in a neighborhood where people know he can be easily reached. He listens to their complaints and is concerned with them, of course. He received many complaints about odors recently so he contacted Phil Hamel, Project Coordinator of the Resource Recovery Facility who gave him some valuable information. Mr. Zappala wished to pass that information along to the public to ease their concerns.

He explained that there is testing equipment mounted on the roof of the Town Hall to monitor the quality of air.

The town collects and deposits brush at the Recycling Center which it grinds and recycles for mulch. When the leaves and brush are turned over a strong odor is emitted. He believes that the turning of the leave and brush pile coincided with the time that he received the complaints. He encouraged people to call Mr. Hamel's office if they have questions.

Mayor Dickinson added, there is twenty-four (24) hour monitoring at the Resource Recovery Plant.

Mr. Parisi stated, with high humidity odors have a tendency to settle in an area when there is no air movement.

Mr. Gouveia stated, some odor is emitted from the Cytec plant as well. There are times that it is very bad. It is the nature of the beast.

Mr. Knight stated, Cytec is a company that has come a long, long way and has been watched as carefully as any industry in the State for the effluent that is emitted whether it be via air or water. The neighborhood committee that was formed to communicate with Cytec has admitted that the company has done quite a job over the last few years to improve things.

Mr. Parisi agreed that Cytec has demonstrated a commitment to work with the community for a safe environment.

ITEM #24 Request to Establish a Committee to Answer Questions Surrounding the Deposit of an Additional \$900,000 into the Pension Funds Outside the Normal Budget Process of the Town Council as Requested by Councilor Tom Zappala

Mr. Zappala stated, in April a discussion was held on the Pension Fund which lasted until almost 2:00 A.M. There was a question raised by Fred Valenti regarding \$900,000 of additional Town funds that were placed in the pension fund. That question went unanswered and that is the reason the item is back before the Council tonight. Mr. Zappala met with Tom Myers, Comptroller who explained that some of the funds came from the Sheehan High School Cafeteria budget and some from the Water, Sewer and Electric Departments. All of those contributions constituted the additional \$900,000. He did receive an answer to his question with which he is satisfied. He noted that Mr. Valenti is present in the audience and asked if he had any questions of the Council at this time.

Fred Valenti, 73 Liney Hall Lane stated that he raised this question since 1993 and nothing has been done about it. Back in 1979 the Council and the Mayor at that time voted to fully fund the pension plan over a thirty (30) year period. In 1991 we were only \$900,000 short of being fully funded. At that time the actuarial made some adjustments to his report. Instead of using market value he started using actuarial value. In 1992 we were \$1.3 million overfunded. That was accomplished in thirteen (13) years, not thirty (30). If that was an ordinance passed in 1979 it was not followed. As of June 30, 1997 there was \$113 million in the pension fund and the Town's liability, according to the actuary is only \$80 million. That equals some \$30+ million overfunded. You have already voted to place an additional \$800,000+ in the fund in the 1997/98 budget. Every year the actuary comes in and makes out a report of what is needed and how much should be added to it. He makes a recommendation usually in a dollar amount, which is converted into a percentage. In 1996 the actuary recommended \$2 million...when he makes his report it includes the cafeteria workers, utility workers, it is a total. When you get the information in the budget book...in 1996 \$1,710,000 was budgeted. I should think that the whole consolidated pension plan would include all the employees but it doesn't. Some money is coming from the P.U.C. which is an extra contribution. It is a way to

overcontribute because they are already figured in the number that the actuary has estimated. The actuary called for a \$2 million contribution, the Town budgeted \$1,710,000 because you knew you were doing well. In the Annual Report at the end of the year it shows an actual contribution of \$2.6 million. I feel that it is an overcontribution. We have more than enough money in there than is needed and you are going to put another \$800,000 in there. You could maybe put the money to better use by paving Ward Street or leave it with the taxpayers which will help the economy of Wallingford. Hopefully they will spend it and turn over a few dimes. Why take this money from the taxpayers if it is not needed? If you are just going to send it up to the money managers so they could invest it, why not lower the taxes or use it for something that we need. There are a lot of things that we need. I suggest that you get a new actuary. You have the same firm that laid out this plan in 1979 that is still doing the actuary. If for nothing else, get a fresh look with a different actuary. In 1990 the actuary recommended a contribution of \$1,827,200. You budgeted \$2,370,000. The actual contribution in the Town's Annual Report was \$3,518,000. There are some big dollars in there. There is no way this plan should be this far overfunded. If you stuck to the thirty (30) year rule you couldn't be up that high. How do you pay your thirty (30) year mortgage in thirteen (13) years unless you make extra contributions. You should appoint a committee of three people to look at this closely. In your Annual Report you went from a \$22 million payroll to a \$25 million payroll in 1996. That is a \$3 million increase in one year. I don't think it is right because I don't think the Town gave that kind of raise. Otherwise the Town is in beautiful shape and the pension fund is performing well but we do not have to keep sending money up to the money managers. Since 1990 there is \$6 million contributed over and above what the actuary recommended be contributed to this fund. That \$6 million could have been used for other things that we keep putting off that will cost us more in the long run.

Mayor Dickinson answered, in general, no money goes into the Pension Fund other than what appears in the budget. There is no mechanism to get it there. The budget figures is what gets contributed. Secondly, we have gone from a 22% of salary contribution to a 4.6% of salary. That is very positive news. As we move through very large projects; Water/Sewer Plants and the School Expansion Project; we were able to be reducing the contribution on the pension which obviously helped taxpayers. We can argue over and over what the contribution should be and we have tried to stay within the guidelines of the actuary and if there is so-called overfunding, in part that is due to extremely good results on the investments and we are taking that into account. Keep in mind we pay almost no social security. Anyone in the pension plan is not getting social security. For most employees the pension plan is it unless they worked somewhere else before the town. If we were contributing toward social security we would be

contributing somewhere around 7.8% of salary. We are never going to hear someone say that we should not be contributing anything. That is not the way the estimating of projections are done. Are we ahead of thirty years, yes, but what is the positive effect of that? That means we have a lower contribution than we have to have and a very significant part of our financial picture, our pension obligation, is one that is not of worry to those who want to borrow or lend us money on projects. That has become an increasingly sensitive area and has gotten increased attention from credit rating agencies. I am not aware of any funds that go into the pension other than what appear in a budget. There is no mechanism to get them there.

Mr. Zappala was satisfied with the explanation given him.

Mr. Gouveia asked, what is the disparity, is Mr. Valenti wrong?

Tom Myers, Comptroller explained, the funds for pension contributions are placed in several budgets of the Town. The majority of the general fund is supported by property taxes, a small portion of revenue is generated from State grants. Another budget is the electric fund which is supported by the electric rate. We have employees that are paid by property taxes and State grants, we have employees that are paid by the electric rate. We have employees that are paid by the water rate and sewer rates. The water, sewer and electric are accounted for separately. They subscribe to a certain accounting model which is different than the accounting model used for the general fund. The other contribution is from the school cafeteria. A cost of operating the cafeteria is pension, in lieu of social security. There is one final source that is very small and that is grants. An allowable charge to a grant for payroll is a cost of a pension plan. Each cost center and the method by which it is accounted for contributes to the pension.

Mr. Gouveia asked, is it true that during the budget process \$1.7 million was put into the pension fund only to find that approximately nine months later \$2.3 million was actually put into the fund? Is it true or not?

Mayor Dickinson responded, it wouldn't be true if you were looking at just the general government contribution. If you look at what the report shows was contributed and add up what was put in the various budgets for pension contributions and it should be the same figure. No money gets there other than from a budget.

Mr. Parisi pointed out to Mr. Gouveia that pages 26-32 of the April minutes of the Council's meeting contains almost word for word what we are discussing here tonight. He did not want to stifle debate but felt that the issue could be discussed among the four or five

people who have a strong feeling about the issue. Some people have heard this argument three and four times and are going through it again.

Mr. Gouveia asked, are you saying that we should honor Mr. Zappala's request to establish a committee?

Mr. Parisi answered, not at all, I am suggesting that those of you that have a question can get together with the Mayor and Comptroller and Mr. Valenti, if you like, and discuss this. Then you can maybe reach some comfort zone. I heard it once; read it once; I don't really want to hear it again; it is redundant and repetitive.

Mr. Gouveia appreciated Mr. Parisi's feelings on the matter but stated, unless we come to some understanding of what is happening the matter will be back before the Council time and time again.

Mr. Parisi stated that he is comfortable with the administration's position on the matter. He does not think that everyone should have to listen to this again. For those who do have a problem, he respects that, but it can be dealt with in a reasonable way by sitting down together and discussing it.

Ms. Papale suggested that a meeting be scheduled before the end of the summer for those who wish to discuss the matter further. An invitation can be extended to the entire Council.

Mayor Dickinson will set up a meeting in the future with Mr. Gouveia, Mr. Zappala, Mr. Valenti, Mr. Myers, Mr. Parisi and himself.

Philip Wright, Sr., 160 Cedar Street stated that he is very much interested in a resolution to this. He cannot see how four people sitting down in the Mayor's Office can resolve the questions. How will he get his information as to what the outcome is?

Mr. Parisi responded, that will be reported out at their end. It will not be kept secret.

Mr. Wright stated, the only way anything is going to be resolved is in some formal fashion. Four people sitting in a corner will not resolve anything.

Mr. Parisi answered, four people will be sitting in the Mayor's Office, not a corner, and have an intelligent discussion.

Mr. Wright respectfully disagreed with Mr. Parisi stating that he believes the matter should be dealt with in a formal fashion.

Mayor Dickinson commented, it is a very technical matter. Trying to deal with this in a large group forum is a difficult matter. We will see where we can go after we meet and go over everything in detail.

Mr. Knight stated, it is rather ironic that there are governments all over this country and world that are watching and trying to find out where the money is leaking out of their government. We are discussing why we are putting in too much. It speaks to the condition of this community.

Mr. Gouveia stated, the taxpayers are the best keepers of their own money, not government. That is the reason why we are doing this. If someone is going to save their money let it be the taxpayers, not government saving it for them. If it takes three hours, ten hours, if need be then some action will be taken up here to bring it to a resolution.

No action taken.

ITEM #25 Consider and Approve Waiving the Bidding Process to Hire Appraisers for Pending Tax Appeal Litigation - Town Attorney

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

Asst. Town Attorney Gerald Farrell, Sr., explained that Atty. Janis Small is seeking to hire the appraisers for one personal property appeal, that being Marriott; and one real estate appeal, that being 8 Fairfield Boulevard. Atty. Small's intention is to hire the same appraiser that she had used some years ago for the Cyanamid tax appeal, feeling that they are very competent.

VOTE: All ayes; motion duly carried.

ITEM #26 Consider and Approve a Transfer of Funds in the Amount of \$4,000 from Health Insurance Acct. #001-8035-800-8300 to Medicare Tax Acct. #001-8020-800-8010 - Personnel

This request is being made to accommodate a shortfall in the Medicare Tax Account.

Terence Sullivan, Personnel Director explained, with the hiring of part-timers, seasonal help and temporaries, it is hard to put an exact number on the amount that will be needed to meet the 1.45% of payroll that is paid towards Medicare annually. Currently, 40% of all town employees pay Medicare.

Mr. Parisi asked, what part-timers do you have? Are there a lot of them?

Mr. Sullivan responded, there are any number of part-timers who pay social security and medicare taxes.

Mr. Parisi asked, don't we know those positions exist?

Mr. Sullivan answered, yes, going into the budget but sometimes other things happen. There may be some vacancies that are filled part-time on a temporary basis. It is hard to fine-tune it. We look at the last three or four years' history and try to average it out.

Mr. Parisi asked, can we just establish a part-time position and put someone in it?

Mr. Sullivan answered, it is done through the budget process.

Mayor Dickinson added, the money has to be in the budget. If there is money in the budget it can be done. It would be in the salary lines.

Mr. Parisi asked, any (part-time) position created after the budget we wouldn't know about? At budget time, what is listed would be an actual accounting of all the part-time people employed by the Town? It seems that we have more part-timers than I have found.

Mayor Dickinson stated, the budget submissions include all the part-time and full-time positions.

Mr. Myers explained, at times it is beneficial to the Town to fill a position with part-time temporary help while the Personnel Department is testing and processing applications and background checks.

Mr. Parisi stated, with no control over the process it can be abused.

Mr. Myers commented, the control rests with the Department Head.

Mayor Dickinson added, the other control is that they cannot exceed the amount budgeted for salaries. You cannot just hire people and not have enough money to pay them.

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

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

ITEM #27 Executive Session Pursuant to Sections 10-153d; 1-18a(e)(5) and 1-19(b)(9) of the CT. General Statutes with Respect to Collective Bargaining - Personnel

ITEM #29 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale/Purchase of Property - Mayor's Office

Motion was made by Mr. Rys to Enter Into Both Executive Sessions, seconded by Mr. Centner.

Philip Wright, Sr., 160 Cedar Street asked, what contract are we talking about, collective bargaining? What unit is it?

Terence Sullivan, Personnel Director responded, three locals; the electric contract, electric clerical contract and the water contract.

Mr. Wright asked, this is a big ball of wax?

Mr. Sullivan responded, every one of them is a big ball.

VOTE: All ayes; motion duly carried.

The Council entered executive session at 12:03 A.M.

Present in executive session pertaining to Item #27 were all Councilors, Mayor Dickinson, Asst. Town Atty. Gerald Farrell, Sr. and Terence Sullivan, Personnel Director.

Present in executive session pertaining to Item #29 were all Councilors, Mayor Dickinson and Asst. Town Atty. Gerald Farrell, Sr.

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

VOTE: All ayes; motion duly carried.

The Council exited the executive sessions at 12:33 A.M.

ITEM #28 Consider and Approve Reclassification of the Building Official Position of the Town of Wallingford - Personnel

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

Philip Wright, Sr., 160 Cedar Street asked for an explanation of the action being proposed. What are you proposing to approve?

Mayor Dickinson responded, the language regarding the housing code

enforcement duties had not appeared in the Building Inspector's job classification. It should be in the classification. In addition, a stipend was paid to the Building Inspector for that area of work, \$1,500. In the budget process he came forward and requested an increase in his stipend. The Personnel Office was asked to review the matter and it was determined that the job classification should be changed and should reflect the duties regarding zoning enforcement as well as housing code enforcement. That, in effect, would result in an increase of approximately \$1,900 once those previous duties that were not reflected were included in the matrix of the classification system. It changes the class and grade of the job.

Mr. Wright asked, has the job changed over all these years?

Mayor Dickinson answered, I don't know that it has changed, no. The question is whether or not it was being compensated properly given the responsibilities associated with the job.

Mr. Wright stated, it is my understanding that the Planning & Zoning department has handled the zoning enforcement. It has been that way for a number of years. Does he really enforce zoning rules?

Mayor Dickinson answered, complaints are received but this also gets into the Zoning Board of Appeals area. All of the Zoning Board of Appeals applications are handled by the Building Department.

Mr. Wright argued, that is not zoning enforcement.

Mayor Dickinson responded, it is in that I believe the Building Inspector indicates what can and cannot be done on a property. If someone comes in and asks for a building permit for a garage and the garage is found to be too close to a sideline or frontline, etc., at that point he is acting as a zoning enforcement office.

Mr. Sullivan commented, you are probably correct, the Building Inspector does not perform the day to day routine activities of zoning enforcement. What he does act as is the supervisor of the activity. It is Tom Talbot that performs the day to day activities. Everyone has to have a boss and Carmen is currently the supervisor of that function. Someone has got to be in charge.

Mr. Wright responded, Linda Bush supervises Mr. Talbot.

Mr. Sullivan explained, in the chain of command in that department, that is correct however, Carmen Spiteri is the supervisor of zoning enforcement activities. He takes all the initial complaints and pursues them.

Mr. Wright stated, if he does have something to do with the Zoning Board of Appeals, he always has had. I have trouble understanding why it is necessary to make the change.

Mayor Dickinson answered, the original job description did not include the zoning enforcement duties instead, a stipend was paid. Rather than continue with a stipend, all of the duties should be reflected in the way we provide a classification for the job.

Mr. Wright asked, are there any other stipends that we should be clearing up too? How long has the stipend been paid?

Mayor Dickinson responded, not to my knowledge. I believe the stipend has been paid since 1972.

Mr. Wright asked, how much is his salary range now?

Mr. Sullivan responded, the current salary range is \$55,917 to \$67,970. The proposed pay grade is one pay grade higher which is \$58,715 to \$71,360.

VOTE: All ayes; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 12:41 A.M.

Meeting recorded and transcribed by:

Kathryn F. Zandri

Kathryn F. Zandri
Town Council Secretary

Robert F. Parisi

Approved:

Robert F. Parisi, Chairman

8-21-97

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

8-22-97
Date

AN ORDINANCE APPROPRIATING \$850,000 FOR THE PLANNING, ACQUISITION AND CONSTRUCTION OF VARIOUS MUNICIPAL CAPITAL IMPROVEMENTS 1997-1998 AND AUTHORIZING THE ISSUANCE OF \$850,000 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 \$850,000 is appropriated for the planning, acquisition and construction of municipal capital improvements 1997-1998 for Roadway Reconstruction of Highland Avenue and Hope Hill to Buttonwood Circle and for 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 \$850,000 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.

EXHIBIT A

ADMINISTRATIVE AND STATUTORY REQUIREMENTS

THE MUNICIPALITY AGREES:

(1) (a) For the purposes of this section, "minority business enterprise" means any small contractor or supplier of materials fifty-one percent or more of the capital stock, if any, or assets of which is owned by a person or persons: (1) who are active in the daily affairs of the enterprise; (2) who have the power to direct the management and policies of the enterprise and (3) who are members of a minority, as such term is defined in subsection (a) of Connecticut General Statutes Section 32-9n; and "good faith" means that degree of diligence which a reasonable person would exercise in the performance of legal duties and obligations. "Good faith efforts" shall include, but not be limited to, those reasonable initial efforts necessary to comply with statutory or regulatory requirements and additional or substituted efforts when it is determined that such initial efforts will not be sufficient to comply with such requirements.

For purposes of this section, "Commission" means the Commission on Human Rights and Opportunities.

(b) (1) The Municipality agrees and warrants that in the performance of the contract such Municipality will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such Municipality that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the State of Connecticut. The Municipality further agrees to take affirmative action to insure that applicants with job related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such Municipality that such disability prevents performance of the work involved; (2) the Municipality agrees, in all solicitations or advertisements for employees placed by or on behalf of the Municipality, to state that it is an "affirmative action-equal opportunity employer" in accordance with regulations adopted by the Commission, (3) the Municipality agrees to provide each labor union or representative of workers with which such Municipality has a collective bargaining agreement or other contract or understanding and each vendor with which such Municipality has a contract or understanding, a notice to be provided by the Commission advising the labor union or worker's representative of the Municipality's commitments under this section and to post copies of the notice in conspicuous places available to employees and applicants for employment; (4) the Municipality agrees to comply with each provision of this section and Connecticut General

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Statutes Sections 46a-68e and 46a-68f and with each regulation or relevant order issued by said Commission pursuant to Connecticut General Statutes Sections 46a-56, 46a-68e and 46a-68f; (5) the Municipality agrees to provide the Commission on Human Rights and Opportunities with such information requested by the Commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the Municipality as relate to the provisions of this section and Section 46a-56. If the contract is for a public works contract, the Municipality agrees and warrants that it will make good faith efforts to employ minority business enterprises as subcontractors and suppliers of materials on such public works project.

(c) Determination of the Municipality's good faith efforts shall include but shall not be limited to the following factors: The Municipality's employment and subcontracting policies, patterns and practices, affirmative advertising, recruitment and training, technical assistance activities and such other reasonable activities or efforts as the Commission may prescribe that are designed to ensure the participation of minority business enterprises in public works projects.

(d) The Municipality shall develop and maintain adequate documentation, in a manner prescribed by the Commission, of its good faith efforts.

(e) The Municipality shall include the provisions of subsection (b) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the State and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the Commission. The Municipality shall take such action with respect to any such subcontract or purchase order as the Commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with Connecticut General Statutes Section 46a-56, provided if such Municipality becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Commission, the Municipality may request the State of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the State and the State may so enter.

(f) The Municipality agrees to comply with the regulations referred to in this section as they exist on the date of this contract and as they may be adopted or amended from time to time during the term of this contract and any amendments thereto.

(2) That this Agreement is subject to the provisions of Executive Order No. Three of Governor Thomas J. Meskill promulgated June 16, 1971 and, as such, this Agreement may be cancelled, terminated or suspended by the State Labor Commissioner for violation of or noncompliance with said Executive Order No. Three, or any State or Federal law concerning nondiscrimination, notwithstanding that the Labor Commissioner is not a party to this Agreement. The parties to this Agreement, as part of the consideration hereof, agree that said Executive Order No. Three is incorporated herein by reference and made a part hereof. The parties agree to abide by said Executive Order and agree that the State Labor Commissioner shall have continuing jurisdiction in respect to Agreement performance in regard to nondiscrimination, until the Agreement is completed or terminated prior to completion.

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The Municipality agrees, as part consideration hereof, that this Agreement is subject to the Guidelines and Rules issued by the State Labor Commissioner to implement Executive Order No. Three, and that the Municipality will not discriminate in its employment practices or policies, will file all reports as required, and will fully cooperate with the State of Connecticut and the State Labor Commissioner. A copy of said Guidelines is attached and hereby made a part of this Agreement.

(3) That this Agreement is subject to the provisions of Executive Order No. Seventeen of Governor Thomas J. Meskill promulgated February 15, 1973, and, as such, this Agreement may be cancelled, terminated or suspended by the contracting agency or the State Labor Commissioner for violation of or noncompliance with said Executive Order No. Seventeen, notwithstanding that the Labor Commissioner may not be a party to this Agreement. The parties to this Agreement, as part of the consideration hereof, agree that Executive Order No. Seventeen is incorporated herein by reference and made a part hereof. The parties agree to abide by said Executive Order and agree that the contracting agency and the State Labor Commissioner shall have joint and several continuing jurisdiction in respect to Agreement performance in regard to listing all employment openings with the Connecticut State Employment Service.

(4) That the attached Appendix DBE entitled "Policy Statement, Policy No. Administrative 19, Subject: Policy on D.B.E.'s", dated February 9, 1994 is hereby made a part of this Agreement. The State advises the Municipality that failure to carry out the requirements set forth in Appendix DBE shall constitute a breach of contract and may result in termination of this Agreement by the State or such remedy as the State deems appropriate.

(5) To acknowledge and agree to comply with the policies enumerated in "Connecticut Department of Transportation Policy Statement Policy No. ADMIN. - 10 Subject: Code of Ethics Policy", November 28, 1994, a copy of which is attached hereto and made apart hereof.

(6) To acknowledge and agree to comply with Chapter 219 of the Connecticut General Statutes pertaining to tangible personal property or services rendered that is/are subject to sales tax. The attached copy of the "Governmental Agency Exemption Certificate" is hereby made a part hereof.

(7) That suspended or debarred consulting engineers, suppliers, materialmen, lessors or other vendors may not submit proposals for a State contract or subcontract during the period of suspension or debarment regardless of their anticipated status of the time of contract award or commencement of work.

1. The signature on the Agreement by the Municipality shall constitute certification that to the best of its knowledge and belief the Municipality or any person associated therewith in the capacity of owner, partner, director, officer, principal investigator, project director, manager, auditor or any position involving the administration of Federal or State funds:

- a. Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

- b. Has not within a three-year period preceding this Agreement been convicted of or had a civil judgement rendered against him/her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c. Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b. of this certification; and
- d. Has not within a three-year period preceding this Agreement had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the Municipality is unable to certify to any of the statements in this certification, such Municipality shall attach an explanation to this Agreement.

The Municipality agrees to insure that the following certification be included in each subcontract Agreement to which it is a party, and further, to require said certification to be included in any lower tier subcontracts and purchase orders:

- a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

(8) To comply with the Regulations of the United States Department of Transportation (Title 49, Code of Federal Regulations, Part 21), issued in implementation of Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Appendix "CR" attached hereto, both of which are hereby made a part of this Agreement.

(9) That during the term of this Agreement, including any extension thereof, the Municipality shall indemnify and save harmless the State, its officers, agents, and employees from all claims, suits, action, damages, and costs of every name and description resulting from or arising out of operations conducted by the Municipality under this Agreement, including any supplements thereto, or project-related work conducted prior to the execution of this Agreement, and that such indemnification shall not be limited by reason of any insurance coverage.

(10) To not use the defense of Governmental Immunity in the adjustment of claims or in the defense of any suit, unless requested by the State. The Municipality retains the right to use its Governmental Immunity against any party other than the State.

(11) To comply with the following audit requirements in conjunction with the Project herein described:

(a) **FEDERAL SINGLE AUDIT:** Each Municipality that expends a total amount of Federal awards (assistance): 1) equal to or in excess of \$300,000 in any fiscal year shall have either a single audit made in accordance with the "Single Audit Act Amendments of 1996" or a program specific audit (i.e. an audit of one federal program); 2) of less than \$300,000 shall be exempt for such fiscal year.

(b) **STATE SINGLE AUDIT:** Each Municipality that receives combined Federal and State financial assistance: 1) equal to or in excess of \$100,000 in any fiscal year shall have an audit made in accordance with the State Single Audit Act, Connecticut General Statutes (C.G.S.) Sections 4-230 to 4-236, hereinafter referred to as the State Single Audit Act; 2) equal to or in excess of \$25,000 but less than \$100,000 shall have an audit made in accordance with the State Single Audit Act or comply with any applicable requirements concerning financial or financial and compliance audits contained in the general statutes and regulations governing the programs; 3) of less than \$25,000 in any fiscal year shall be exempt.

The contents of the audit report must be in accordance with government auditing standards (1994 Revision) issued by the Comptroller General of the United States.

The audit report shall include the requirements as outlined in the Single Audit Act Amendments of 1996 and the State Single Audit Act, when applicable.

The audited Municipality shall provide supplementary schedules with the following program/grant information: the program/grant number, ConnDOT project number, Federal project number, phase and expenditures by phase. The sum of project expenditures should agree, in total, to the program/grant expenditures in the audit report. Federal and State programs/grants should be listed separately. See attached schedule entitled "Supplementary Program Information" for format.

Some programs/projects may have a "Matching" requirement, the matching portion of which must be met from local funds. Where matching requirements exist, the audit must cover the complete program/project, including all expenditures identified with or allocated to the particular program/project at the local level, whether the expenditures are from Federal, State or Local Funds.

Any differences between the project expenditures identified by the auditor and those amounts approved and/or paid by the Connecticut Department of Transportation must be reconciled and resolved immediately.

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Except for those projects advertised by the State, the audited Municipality shall retain all records for seven (7) years after issuance of the project's certification of acceptance or three (3) years after receipt of the final Federal payment, whichever is later, provided there is no pending litigation. These records shall include the contract, contractor's monthly and final estimates and invoices, construction orders, correspondence, field books, computations, contractor's payrolls, EEO/AA records/reports, and any other project related records. The audited Municipality must obtain written approval from the appropriate division within the Connecticut Department of Transportation prior to destruction of any records and/or documents pertinent to this Agreement.

The Municipality shall require that the workpapers and reports of the independent CPA be maintained for a minimum of three (3) years from the date of the Audit Report.

The State reserves the right to audit or review any records/workpapers of the entity or municipality and the CPA pertaining to the Agreement.

(12) Certification for Federal-Aid Contracts-(For Contracts Exceeding \$100,000)

The Municipality certifies, by signing and submitting this Bid, Agreement, Contract, Proposal, to the best of his/her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Municipality, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Municipality shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

This Certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required Certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Municipality also agrees by submitting his/her/its Bid, Agreement, Contract, Proposal that he/she/it shall require that the language of this Certification be included in all lower tier subcontracts which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

(13) (a) That pursuant to Section 4a-60a of the Connecticut General Statutes, (1) The Municipality agrees and warrants that in the performance of the contract such Municipality will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the State of Connecticut, and that employees are treated when employed without regard to their sexual orientation; (2) the Municipality agrees to provide each labor union or representative of workers with which such Municipality has a collective bargaining agreement or other contract or understanding and each vendor with which such Municipality has a contract or understanding, a notice to be provided by the Commission on Human Rights and Opportunities advising the labor union or workers' representative of the Municipality's commitments under this section, and to post copies of the notice in conspicuous places available to employees and applicants for employment; (3) the Municipality agrees to comply with each provision of this section and with each regulation or relevant order issued by said Commission pursuant to section 46a-56 of the general statutes; (4) the Municipality agrees to provide the Commission on Human Rights and Opportunities with such information requested by the Commission, and permit access to pertinent books, records and accounts, concerning the employment practices and procedures of the Municipality which relate to the provisions of this section and section 46a-56 of the general statutes.

(b) The Municipality shall include the provisions of subsection (a) of this section in every subcontract or purchase order entered into in order to fulfill any obligation of a contract with the state and such provisions shall be binding on a subcontractor, vendor or manufacturer unless exempted by regulations or orders of the Commission. The Municipality shall take such action with respect to any such subcontract or purchase order as the Commission may direct as a means of enforcing such provisions including sanctions for noncompliance in accordance with section 46a-56 of the general statutes: provided, if such Municipality becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Commission, the Municipality may request the State of Connecticut to enter into any such litigation or negotiation prior thereto to protect the interests of the State and the State may so enter.

(14) That this clause applies to those Municipality's who are or will be responsible for compliance with the terms of the Americans with Disabilities Act of 1990 ("Act"), Public Law 101-336, during the term of the Agreement. The Municipality represents that it is familiar with the terms of this Act and that it is in compliance with the Act. Failure of the Municipality to satisfy this standard as the same applies to performance under this Agreement, either now or during the term of the Agreement as it may be amended, will render the Agreement voidable at the option of the State upon notice to the Municipality. The Municipality warrants that it will hold the State harmless and indemnify the State from any liability which maybe imposed upon the State as a result of any failure of the Municipality to be in compliance with this Act, as the same applies to performance under this Agreement.

(15) That with respect to all operations the Municipality performs and all those performed for the Municipality by subcontractors, the Municipality shall carry Workers' Compensation Insurance in accordance with the requirements of the laws of the State of Connecticut.

SUPPLEMENTARY PROGRAM INFORMATION

FEDERAL

FEDERAL PROGRAM/GRANT IDENTIFICATION NUMBER	CONNDOT PROJECT NO.	FEDERAL PROJECT NO.	PHASE (1) (PE,ROW,CONST,CE)	EXPENDITURES (BY PHASE) (2)

(1) PRELIMINARY ENGINEERING(PE), RIGHTS OF WAY(ROW), CONSTRUCTION(CONST) CONSTRUCTION ENGINEERING(CE)

(2) THE SUM OF THE PROJECT EXPENDITURES SHOULD AGREE, IN TOTAL, TO THE PROGRAM/GRANT EXPENDITURES.

STATE

STATE PROGRAM/GRANT IDENTIFICATION NUMBER	CONNDOT PROJECT NO.	PHASE (1) (PE,ROW,CONST,CE)	EXPENDITURES (BY PHASE) (2)

(1) PRELIMINARY ENGINEERING(PE), RIGHTS OF WAY(ROW), CONSTRUCTION(CONST) CONSTRUCTION ENGINEERING(CE)

(2) THE SUM OF THE PROJECT EXPENDITURES SHOULD AGREE, IN TOTAL, TO THE PROGRAM/GRANT EXPENDITURES.