

TOWN COUNCIL MEETING

OCTOBER 14, 1997

6:30 P.M.

AGENDA

Blessing - Deacon Joseph Cronin - Our Lady of Fatima Church

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Appearance before the Town Council by "Roada", the Adopt-A-Road Mascot - Adopt-A-Road Committee
4. Consent Agenda
 - a. Consider and Approve Tax Refunds (#48-119) Totalling \$12,331.50 - Tax Collector
 - b. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - c. Consider and Approve Merit Increases (5) Approved by the Mayor
 - d. Consider and Approve an Appropriation of Funds in the Amount of \$3,922 to Revenue Highway Safety Acct. #1050-050-5883 and to Police Overtime Acct. #001-2005-101-1400 - Dept. of Police Services
5. Items Removed from the Consent Agenda

PUBLIC QUESTION AND ANSWER PERIOD

6. Consider and Approve Accepting Frank's Court, Accepted by the Planning & Zoning Commission on September 22, 1997 - Town Planner
7. Consider and Approve a Transfer of Funds in the Amount of \$10,000.00 from Pool Maintenance Acct. #001-4001-560-5110 to Custodial Fees Acct. #001-4001-901-9014 - Parks & Recreation
8. Consider and Approve the Appointment of Steve Hacku, Jr. to Fill a Vacancy on the Zoning Board of Appeals Which Expires 1/8/98
9. Consider and Approve a Resolution Recognizing the Efforts of Wallingford Center, Inc. and its Revitalization Endeavors - Wallingford Center, Inc.

10. Consider and Approve a Resolution Celebrating America Recycles Day November 15th, 1997 - Mayor's Office
11. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Pertaining to Pending Litigation
 - Town of Wallingford v. United States Postal Service
 - Town of Wallingford v. Jeffrey Ossen
12. Consider and Approve Settlement of Pending Litigation - Town Attorney
13. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor's Office
14. Discussion and Possible Action on Authorizing the Mayor to Purchase Real Estate - Mayor's Office

Addendum

15. Discussion Pertaining to the Establishment of an Economic Development Utility Rate for Vacant Buildings in the Center Street Area - Public Utilities Commission

TOWN COUNCIL MEETING

OCTOBER 14, 1997

6:30 P.M.

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Agenda Item

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Settle the Case of Town of Wlfd. v. Jeffrey Ossen
Based Upon the Town Receiving the Amount Stipulated
in Exec. Session

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13. Withdrawn

14. Withdrawn

15. Discussion Pertaining to the Establishment of an
Economic Development Utility Rate for Vacant Bldgs.
in the Center Street Area - P.U.C.

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TOWN COUNCIL MEETING

OCTOBER 14, 1997

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, October 14, 1997 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr., at 6:34 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Chairman Parisi and Councilor Renda who were home ill, and Councilor Papale who arrived at 6:55 P.M. due to a previously scheduled business commitment. Mayor William W. Dickinson, Jr. arrived at 6:46 P.M.; Assistant Town Attorney Gerald Farrell, Sr. arrived at 6:40 P.M. Comptroller Thomas A. Myers was also present.

A blessing was bestowed upon the Council by Reverend Terry Frizzell of the Wallingford Church of the Nazarene.

The Pledge of Allegiance was given to the Flag.

On behalf of the entire Town Council Mr. Rys congratulated John Sepulveda, student at Lyman Hall High School, for receiving the Silver Medal award in the Food Service Star Event recently held in San Diego, California.

Mr. Rys next referred to an article which appeared in the Record Journal recently spotlighting Patricia Pursell, Physical Education Teacher for the Wallingford elementary school system, and her fitness program, "Kids on the Move". The CT. Association for Health, Physical Education, Recreation and Dance will present Ms. Pursell with an Outstanding Program Award for her work during the 1996-1997 school year at Rock Hill Elementary School in Wallingford. On behalf of the entire Town Council Mr. Rys extended his congratulations to Ms. Pursell as well.

ITEM #2 Correspondence

Mr. Knight read correspondence into the record from David Hetzel, Trip Coordinator of the Wallingford England Visit. Mr. Hetzel reported that the trip was successful once again and that the group extended an invitation to the ambassadors from Wallingford, Oxfordshire, England to join us in the celebration of the millennium during the summer of the year 2000.

No action taken.

ITEM #4 Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#48-119) Totalling \$12,331.50 - Tax Collector

ITEM #4b Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #4c Consider and Approve Merit Increases (5) Approved by the Mayor

ITEM #4d Consider and Approve an Appropriation of Funds in the Amount of \$3,922 to Revenue Highway Safety Acct. #1050-050-5883 and to Police Overtime Acct. #001-2005-101-1400 - Dept. of Police Services

Mr. Farrell requested that Item #4a be removed from the consent agenda due to the fact that a client of his law firm is a recipient of one of the tax refunds before the Council this evening.

Motion was made by Mr. Knight to Approve Items #4b-4d on the Consent Agenda, seconded by Mr. Farrell.

VOTE: Papale, Parisi and Renda were absent; all others, aye; motion duly carried.

ITEM #5 Items Removed from the Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#48-119) Totalling \$12,331.50 - Tax Collector

Motion was made by Mr. Knight to Approve the Tax Refunds, seconded by Mr. Centner.

Mr. Gouveia stated for the record that quite a few of the tax refunds are very excessive; \$3,000, \$1,000, etc. He hoped that the refunds are being processed in a timely fashion.

Thomas Myers, Comptroller responded, the refunds, to the best of his knowledge, are made in a very timely fashion. Five years ago the Town enacted a policy whereas if the taxpayers overpays the Town notifies the taxpayers. It is not a requirement but we do so in writing. In several cases it is difficult to determine who overpaid, especially if a property is bought or sold; whether the seller, purchaser or the bank overpaid the taxes. We are willing to notify one of the parties and work out the details ourselves in Finance or through the Law Department. The refunds should be very current.

Mr. Gouveia stated that he is aware that there is no requirement to notify the taxpayer and, in fact, was the individual who proposed the policy and pushed for it to be carried through. He was appalled at that time to learn that some of the refunds were two and three years old. If the refunds are being paid in a timely fashion then he is appreciative of the effort.

VOTE: Farrell abstained; Papale, Parisi and Renda were absent; all others, aye; motion duly carried.

ITEM #3 Appearance before the Town Council by "Roda" the Adopt-A-Road Mascot - Adopt-A-Road Committee

Mary O'Neill Farrell, Co-Founder of Wallingford's Adopt-A-Road Program, explained that she is before the Council tonight to announce that the Adopt-A-Road Program is having their Second Annual Fall clean-up on October 25th. At 8:00 A.M. coffee will be available in front of the Town Hall and everyone is invited to join in and help clean up the litter in Wallingford, whether they have adopted a road or not. Trash bags will be available for those individuals who need them and Dr. Alonso has donated rubber gloves for the volunteers to wear to keep everyone healthy and protected from the trash they will be picking up.

Ms. O'Neill then introduced or re-acquainted everyone with the program's mascot, "Roda", a human trash bag.

Mr. Rys asked Roda, how can someone adopt a road?

Roda responded, they can call Mary Farrell, the Program Planner's Office at 294-2060 or Roda, herself, at 269-1547.

Mr. Rys asked if there is a cost involved to adopt a road?

Roda responded, no, it is free.

Mr. Rys stated that Roda visits grades K-2 in the elementary schools accompanied by Officer Shalkey of the Wallingford Police Department. Her slogan is "Don't be Mean, Keep it Clean".

Mr. Centner asked, what is the percentage of roads that have been adopted?

Roda responded, we currently have 150 adopted roads. We have 300 volunteers presently but are in need of more. There are over 300 roads that have not yet been adopted.

Mr. Rys repeated the date, October 25th, and time, 8:00 A.M., of the annual fall cleanup program.

PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 37 Hallmark Drive commented on an article that appeared in the Record Journal over the weekend titled, "Developers Eye Pierce Site for Power Plant". In the article it states that there is in excess of twelve private developers who are interested

in putting proposals before the Town to develop a generating site down at the Pierce Station. The article quotes Bill Cominos, General Manager of the Electric Division, as saying that the Pierce site is a valuable site; the reason being that it has already met all of the requirements to locate a generating site there whereas developers would have a hard time siting a new facility elsewhere in the State. Mr. Cominos also mentioned in the article that this would be a good tax generator for the Town if a private developer were to develop a generating plant there. The article also states that the P.U.C. commissioners, Ray Smith and even the Mayor are encouraged by this proposal and are willing to move forward with this.

Mr. Zandri went on to say that what bothers him about the article is that it seems that this proposal is being welcomed right now with open arms yet, two years ago at a meeting in this very same building in Room #315 between the P.U.C. and C.M.E.E.C. representatives he (Mr. Zandri) made the exact same proposal that evening. Not only was the proposal not accepted at that time but he was ridiculed by members of the Town Council and by members of the P.U.C. about his motives behind such a proposal. He does not understand why this proposal is being accepted now with open arms when it was looked down upon two years ago when he made the exact same proposal word for word.

Mayor Dickinson responded, I know that the general subject is being looked at however, I am not aware of any specific proposal that has been accepted or adopted.

Mr. Zandri stated, I did not say that anything was accepted yet; it is the concept that is being accepted and the willingness of the Town to look into this proposal.

Mayor Dickinson answered, some significant things have happened since we first went into C.M.E.E.C. and the most salient feature that he could think of was the decommissioning of the nuclear plants. Clearly, there is a major change in the providing of power for Connecticut as well as perhaps New England and the direction seems to be that it will not be nuclear but perhaps multiple small plants using fuels other than nuclear. At the time the Town went into C.M.E.E.C. he didn't think that was the case. The roof, in a way, caved in on generation with the problems that Northeast (Utilities) has had. In a layperson's view that has elevated the potential for the Pierce Plant site. Our ability to provide power for the future for Wallingford at very competitive rates is what is being looked at. He was not aware of any specifics or definitive direction taken other than there may be a real window of opportunity here mainly because of the nuclear issue and how the plants that we expected to be running problem-free have not turned out that way.

Mr. Zandri responded that he agreed with the Mayor with regards to the window of opportunity, however, he saw the window of opportunity two years ago and his proposal at that time was for the Town to solicit from potential developers exactly what is being said here. What bothers him is that when he brought it forward it was taboo because he brought it forward. Now, all of a sudden, it is being embraced. It is a great idea, the Town should definitely look into it but it is too bad that we are two years behind as far as he was concerned.

Mr. Centner responded, the previous Council was the body that addressed this; there are five new members of this Council with the inclusion of the late Dave Doherty. It may have come out differently had it occurred at a later time during the present Council's term.

Mr. Zandri believed that it was the present Council in attendance at that meeting.

Mr. Gouveia stated, the lesson to be learned here today is, when someone has the insight, foresight, the vision and the courage to articulate their vision, the person should not be ridiculed. They should be applauded and at least given the respect that the person deserves.

Reginald Knight, 21 Audette Drive stated that he would like to first wish the Town Council secretary, Kathryn Zandri, well and a speedy recovery. Secondly, he asked the Mayor what has been done about the request he has made of him at the past two Town Council meetings with regards to the lack of street lighting in his neighborhood?

Mayor Dickinson responded, the request was given to the Electric Division and as far as knows they will be placing a light out there. He was not aware of the exact location but a light will be installed.

Reginald Knight stated that the area is as dark as a black tunnel and the neighborhood has experienced three burglaries recently.

Mayor Dickinson repeated that the Electric Division has reviewed Mr. Knight's request and there will be implementation soon.

Reginald Knight next congratulated the Adopt-A-Road Committee for doing something about the litter in town. There is an elderly man who walks up and down Main Street each morning picking up litter and cans and placing them in the waste baskets. He, too, is doing a good thing for the town even though it goes unheralded. He informed the Council that there is a house on North Main Street, in the 200 block, which looks like city dump. It has been empty for approximately four years now. Has anyone done anything about that?

Mr. Rys asked if the house is privately owned?

Reginald Knight responded, he believes that it belongs to one of the downtown store owners.

Reginald Knight next asked if any of the Councilors read the New Haven Register, specifically the article about the Town Council of West Haven and its Chairman being sued for limiting the amount of time a resident speaks at a public meeting by using an egg and/or bell timer? It will be interesting to see what comes out of the case with regards to freedom of speech.

Mr. Rys responded, we try the best that we can to allow everyone to speak and bring up their points of view here.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he did not want anyone to whom his complaint may apply to take it personally. He asked, who serves on the Public Safety Committee?

Mr. Rys responded that he is the Chairman of the committee and both Councilor Renda and Zappala serve as members also.

Mr. Melillo stated that he was addressing his comments to everyone. He received many complaints allegedly stating that political signs have been illegally posted and screwed into telephone polls and trees. The complaints were received via telephone by Mr. Melillo and allege that most of the signs have Ray Rys' name on them.

Mr. Rys responded, I don't think you will find any signs screwed into telephone polls. He encouraged anyone who has a complaint regarding his political signs to call him directly. He pointed out that one of his signs is attached to a tree on Ward Street Extension because the gentleman who owns the property placed it there himself.

Mr. Melillo responded, that is a violation of the election laws. He then asked Mr. Rys to comment on the fact that one of his political signs is located on Town property at Wal*Mart.

Mr. Rys answered, someone else must have placed it there for he did not. He has travelled through town and noticed that there are signs all over State and Town property and they do not belong to him.

Mr. Melillo stated, he also received phone calls regarding other political candidates.

Mr. Knight asked if Mr. Melillo would divulge the names of the other individuals that he received complaints on?

Mr. Rys asked, who are the other individuals?

Mr. Melillo responded, the callers did not mention any other names.

Mr. Rys asked Mr. Melillo if he had any other issues to address?

Mr. Melillo asked the Public Safety Committee to investigate all alleged violations of the election laws with regards to the placement of political signs and remove those signs in violation of them.

Mr. Rys answered, the State has a pick up program of all political signs that do not belong on State property. He believes that the Town also has a policy on political signs being placed on Town property.

Mayor Dickinson stated, there should not be political signs on Town property.

Mr. Melillo asked, is the Public Works Department in charge of removing such signs?

Mayor Dickinson answered, there is not a standing order to go out and pick up signs. As a general courtesy it would appear very poor if an incumbent elected officials had their signs posted all over Town property. That is just not an appropriate use of public property. We would ask that anyone with signs on publicly-owned property to not place their signs there. There is not an order for people to go out and pick everything up at this point. It then becomes an argument as to what is considered the Town right-of-way and what is not. Election time is difficult enough without ending up looking as though the Town is trying to persecute any one individual or individuals. The State does pick up signs along State highways. They are very liberal about it and seem to pick up anything even if it is thirty feet off of the road even though it is clearly private property. If it is property such as the Town Hall or a park that is clearly public land then there should not be any election signs posted on the property. If everyone just uses good judgement....

Mr. Melillo stated that the issue does not apply solely to incumbents but new candidates as well.

Mayor Dickinson answered, the reason that he referred to incumbent elected officials is because it would be clearly a problem where people in authority would be ordering signs placed on property over which they exercise some authority as a public official. Anyone running for office should not have signs on public property.

Mr. Melillo asked that Mayor Dickinson work in conjunction with the Public Safety Committee to address the issue of illegally placed political signs and to follow up, in writing, to Mr. Melillo their findings and actions.

Mayor Dickinson stated that he cannot promise that town resources will be used to alleviate the condition to which Mr. Melillo is referring; it could potentially make it worse. At this point it is not his intention to have Public Works or any other employee go out and determine what sign is on public property and what sign is on private property. That would create more of a problem than it solves.

Mr. Rys assured Mr. Melillo that his political signs are not situated in such a location as to endanger anyone's life. He spoke on behalf of most of the candidates saying that their intentions are not to endanger lives or cause anyone bodily injury by blocking an intersection. If Mr. Melillo receives any calls of legitimacy Mr. Rys will be happy to look into them.

Mr. Melillo reminded the Council that they enact ordinances and pass laws expecting the residents of the Town to follow them. They (Councilors) should also follow election laws pertaining to signage.

Mr. Rys stated, if there is a violation of State election laws it is up to the individual who discovers the violation to report it to the State Election Commission. The Town has no control over it.

Mr. Knight commented, technically, Mr. Melillo is probably right however, as one of the many people in this room that are involved in these various "contests" it is competition; we are all trying to win the hearts and minds of the voting public. One of the methods by which the candidates do that is the use of signs. He stated that there are candidates who may be overzealous by accident or by design as to the placement of their signs. It becomes relatively uncomfortable for those of us sitting in these positions to bring the hammer down on people who are seeking those positions that don't have them. It would appear to be somewhat of a "bullying" tactic in some people's eyes. He suggested that the enforcement of this issue be left up to the two Town Committees. This is a very touchy time to be dropping the hammer on political candidates who do not hold office. The issue should be dealt with through the Democratic and Republican Town Committee Chairmen who should enforce the signage rules that have been established.

Mr. Melillo asked Assistant Town Attorney Gerald Farrell, Sr. if it is the responsibility of the Public Utilities Commission to remove all political signs that violate the laws and ordinances of the State and Town?

Dave Gessert, Chairman of the Public Utilities Commission stated that it is illegal for anyone to attach a political sign to a utility pole in the Town. If a sign is discovered on one of the poles the utility personnel will remove it for the safety of the

linemen.

Mr. Melillo apologized stating that he meant to direct the question to the responsibility of the Public Works Department. Is it the responsibility of the Public Works Department?

Atty. Farrell, Sr. responded, many of the utility poles utilized in Wallingford do not belong to the Town, they belong to other utilities. Wallingford shares those poles under pole agreements and he does not think that Public Works employees should be travelling through the town and stopping at every pole they see to determine which of those are owned by the Town of Wallingford. It is not their job to do so. A lot of the poles are owned by SNETCO and Northeast Utilities and are shared with various entities such as the Town and cable companies under pole agreements.

Mr. Melillo asked if the Public Safety Committee of the Town Council has the legal authority to deal with any of the violations?

Atty. Farrell, Sr. responded, he has no opinion until he reviews the duties of the Public Safety Committee.

Mr. Melillo next asked if the Mayor has the authority to enforce the election laws pertaining to signage in Town?

Mayor Dickinson responded, it is an administrative function and Public Works deals with cleaning up the roads or the parks. In the timeframe you are talking about prior to the election, however, in many circumstances the Town would have to have surveys performed to determine exactly where private property ended and the public right of way begins. All of that work could not possibly be done between now and election day. Too much manpower would be absorbed for a relatively minor issue.

Mr. Melillo disagreed with the Mayor.

Mr. Centner stated, unlike his colleagues he has placed all of his signs on private property with the exception of one at the bottom of Cook Hill and Hartford Turnpike. He stated that he placed it there himself and if it is offensive he will gladly remove it this evening. He will take full responsibility for his sign campaign.

Mr. Melillo commended Mr. Centner for his honesty. He reiterated his feelings that there are too many double standards when it comes to officials.

On the issue of Community Lake, Mr. Melillo recited the Deed of Gift stipulations which apply to the Community Lake property given to the Town by International Silver Co. in 1963. The deed stipulates that all 155 acres are to be used as a "recreation area or wild life sanctuary", and "the town shall maintain the present

height of the Dam to provide adequate water for hunting and fishing as well as a channel for the Choate school crews at least four feet deep extending in a straight line, 3,900 feet, 100 feet wide throughout." He emphasized the stipulation that the Town shall maintain the present height of the dam.

Mr. Melillo stated that it is his understanding that there are plans in the works to change the height of that dam. To do so would be violating the intent, the spirit and the legality of the deed. He asked for the Asst. Town Attorney's opinion on the matter.

Mr. Rys asked that a copy of the information Mr. Melillo has on the issue be given to the Town Council secretary so that it can be forwarded to the Town Attorney's Office. The State is involved in the matter along with the Community Lake Restoration Committee and Mr. Rys would like to have their input on the subject before commenting on Mr. Melillo's statements.

Mr. Melillo next commented on the Linear Trail being spearheaded by Rep. Mary Mushinsky. He asked that the Mayor and Town officials get involved and pitch in on the project as much as they can. He supports the idea and would like to see it come to fruition. He congratulated Councilor Farrell for working with Rep. Mushinsky on the project.

Mr. Melillo asked Councilor Farrell if any information has come forth yet on the testing wells Yankee Gas Co. has bored on the Community Lake property?

Mr. Farrell responded that he has not received any information as yet but continues to stay in contact with those involved in the matter.

Mr. Melillo next asked if any of the P.U.C. commissioners followed up on the information he provided at the last meeting pertaining to the new type of fuel cell that energy gas systems is pioneering? The information would be very valuable relative to installing small generators around town. It is his understanding that it is not costly to implement such a system and would provide a great deal of generating capability. He supported Mr. Zandri in his position on the generating site and stated that Mr. Zandri should have been given more respect for his suggestions two years ago. He hopes that the Town does not make such a mistake again by overlooking good ideas from residents.

Mr. Melillo asked if any decisions have been made yet on the issue of possibly locating the 911 emergency system out of town?

Mr. Rys responded, the Council made it very clear that the service was to remain in town and directed the individuals in charge to

make sure that it stays here. There will be meetings on the topic in the near future.

Mr. Gouveia responded to Mr. Melillo's comments regarding the deed stipulations for Community Lake. The Town is very well aware of the problem for back in 1987 when Attorney Joseph Lieberman was the Attorney General he rendered an opinion that the Town was in violation of those deeds and the Town was not living up to the conditions that were deeded to the Town. The Town has been very well aware of the fact that we did accept property given to the Town with certain deeded conditions and we chose to ignore them.

Mayor Dickinson responded, it is not a question of ignoring the deed but a question of being able to receive the appropriate permits from D.E.P. They will not permit a dam at the previous height due to studies which show that the water will not have proper oxygen because of the level of effluent that is not put into the river that has been for the past decades. With that lower oxygen level in the summer there would be serious algae blooms as well as fish kills. That is why the State is spending the time trying to come up with a design that will allow the restoration of the lake and not have the oxygenation problems identified in a report that the Town received several years ago. The real issue is receiving the appropriate permits and not only is the D.E.P. involved but so is the Army Corps. of Engineers.

Mr. Gouveia commented, it should not take a generation or two to do that; to be in violation of that deed for so long. We would not allow a citizen to be in violation of that deed for so long.

Mayor Dickinson responded, we could not get the authority to re-build the dam as it was.

Mr. Gouveia answered, I am glad that is the reason and now something is being done about it but I specifically recall that the reason given at that time was not because we could not get the authority to re-build the dam, it was, "when the Attorney General gives me the money, I will fix it." It is not the Attorney General's job to give the Town the money to provide it. If we accept the property, we have to maintain it. I think that is one of the reasons sometimes that people or organizations may not be so inclined to be civic-minded. A case in point is the park at the end of North Main Street. I believe that, too, is in violation of the deed but I will not get into that.

ITEM #6 Consider and Approve Accepting Frank's Court, Accepted by the Planning & Zoning Commission on September 22, 1997 - Town Planner

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

Mr. Centner asked, have we settled the sidewalk issue that was raised last year?

Tom Talbot, Assistant Town Planner responded, it is my understanding, based on a memo I received today, that the three small items that needed to be taken care of have been. The sidewalks have been built as per the plan; all the trees have been planted and there was some work that needed to be done with the detention basin. It has been taken care of.

Mr. Centner asked, are the sidewalks contiguous and do they go around one side of the road or both sides?

Mr. Talbot answered, I think there are sidewalks on one side of the street; the north and east sides. It is acceptable.

Mr. Rys stated that he viewed the property before the meeting and noticed that the street and sidewalks are done and the trees have been planted along the backyards on the west side of the street. There is what seems to be a large detention basin, is that the detention basin?

Mr. Talbot responded, yes. Originally it was not built to specifications and they had some problems during the rainstorms we had about a year ago so they went back and re-built it basically. It is not meant to hold water permanently.

VOTE: Parisi and Renda were absent; Farrell abstained; all others, aye; motion duly carried.

Mr. Farrell abstained due to the fact that the developer was a client of his law firm.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$10,000.00 from Pool Maintenance Acct. #001-4001-560-5110 to Custodial Fees Acct. #001-4001-901-9014 - Parks & Recreation

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

Correspondence from Parks & Recreation Director Tom Dooley explains that the transfer is being requested due to an increase in custodial wages which has proven to be more costly to the Parks & Recreation Dept. than was anticipated. Although a projected increase was planned for, a higher than expected rate was given. The usage of the pool was incorrectly estimated as well. Because the pool will not be open next season as originally planned, funds in the maintenance account will not be utilized.

Ms. Papale stated that she did not have a problem with the transfer and had expected it since she was aware of the custodian's fees.

She asked, why will the pool not be opening next season? She was unaware of the fact.

Mr. Dooley responded, with the time it takes to go through Planning & Zoning and Inland Wetlands to obtain all of the necessary approvals we have not been able to get into construction bids yet. Everything has been pushed back. We are currently in the process of seeking all of the approvals.

Ms. Papale asked, what happened to delay the process? When we voted to have TLB Designs do the work why didn't it go forward at that time?

Mr. Dooley responded, the anticipated timeframe caught TLB a little bit short. It is taking them longer to go through the necessary paperwork than they anticipated.

Ms. Papale asked, when did they start processing their paperwork?

Mr. Dooley answered, we worked through the summer on some of the paperwork and then we had a meeting of all department heads on August 6th. During the course of those meetings a certain amount of time was associated with each approval; sixty days for one, thirty days for another; it all adds up. We found that we were not going to be able to go out for construction bids until sometime after Thanksgiving. There is also a thirty or sixty day time period we have to allot for the ordinance process as well.

Ms. Papale asked, what is your best guess as to when the project will be finished and the pool opened?

Mr. Dooley answered, we are hoping to start construction some time in April if everything goes smoothly. Community Pool will not be open in 1998.

Ms. Papale stated that she finds herself in a predicament since she campaigned two years ago that Community Pool would be re-opening. It was very disappointing to her as well as many people in the town.

Mr. Dooley responded, when we moved ahead on this we all did so with the intent that we were not going to lose a season although that possibility has always existed.

Ms. Papale commented, it all goes back to TLB.

Mr. Dooley defended TLB stating, they have done a pretty good job they just did not anticipate the length of time associated with this project in Wallingford. They are finding that things don't happen as quickly as we would like them to. We all have to work within someone else's time frame.

Mr. Centner stated that his concern is the scope of the increase due to the building or play area maintenance.

Mr. Dooley explained, the maintenance has to do with the Board of Education fees for custodians to be at the pool essentially.

Mr. Centner asked, is this transfer covering building maintenance?

Mr. Dooley responded, it is covering our use of Sheehan Pool.

Mr. Centner pointed out that the Park & Recreation expenditures went from \$9,000+ last year to \$10,600 this year and with this additional \$10,000 you will be running at an annual rate while this is going on at over \$20,000.

Mr. Dooley stated that his budget next year will reflect that. This increase is rather hefty.

Mr. Centner added, that is going to be in exchange for not having Community Pool open and moving the program to Sheehan.

Mr. Zappala stated that he shares Ms. Papale's sentiments regarding the opening of the pool.

Mr. Zappala asked if Mr. Dooley had an idea of what it costs to operate the new recreation center at Fairfield Boulevard including salaries? Does Mr. Dooley figure the cost of operating the building into the fees charged for programs?

Mr. Dooley responded that he does not figure in the cost of heating or providing light in the building for a particular program. We cover the cost of the instructor(s) and any equipment that may be used. The cost to operate the building is charged to the Public Works Department.

Mr. Zappala asked if Mr. Dooley, himself, made the decision not to figure in the cost of operating the building or has it always been that way?

Mr. Dooley answered, it has always been that way. In response to Mr. Zappala's request for operational costs associated with the building including salaries, he could not provide that information this evening, it is on file in his office.

Mr. Zappala asked if a group living out of town pays the same rental fee for the gym as the residents of the town?

Mr. Dooley responded, the cost to an out of town group is \$300 to rent the gym for the day.

Mr. Knight asked, what is the anticipated length of time for

reconstruction of the pool?

Mr. Dooley responded, four months actual construction time on-site.

Mr. Knight asked, will there be any site work prior to that?

Mr. Dooley answered, very little.

Mr. Knight asked, is there a possibility that the pool will be opened for the month of August?

Mr. Dooley felt that there was a remote possibility however, he was not budgeting for it.

Mr. Rys stated, if there is a chance that it will open Mr. Dooley could come back before the Council for the necessary funds.

Geno Zandri, 37 Hallmark Drive asked, if it was anticipated that Community Pool would not be used next year then why was the \$10,000 put in the budget to begin with?

Mr. Dooley answered, when the budget was prepared in February we did not expect to lose a swimming season.

Mr. Zandri asked, when was the construction supposed to take place?

Mr. Dooley answered, we were hoping to get in there the end of this past summer.

Mr. Zandri pointed out that the pool would have had to been closed early this year to allow for the construction to begin so why wasn't there a savings in this year's budget?

Mr. Dooley responded, a large amount of money is always budgeted in the pool maintenance account in anticipation of a problem. We usually budget \$35,000 in the account.

Mr. Zandri did not understand how the pool could have been constructed without interrupting one of the swimming seasons therefore a reduction of some sort should have been reflected in the account.

Mr. Dooley explained, he was hoping to get through the 1997 season, commence construction this Fall and be able to re-open by July 1, 1998.

Mayor Dickinson added, when putting the budget together in the Spring it was determined that there was no way the firm could be ready for construction this summer. Therefore Mr. Dooley budgeted for having the pool open this past summer with construction potentially starting this Fall.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he has read articles stating that, too often, fatalities occur in public pools due to the way the drains were engineered. There is a tremendous amount of suction created by the design thereby causing children to be sucked into the system. He asked, has the Town safeguarded against such an occurrence?

Mr. Dooley responded, absolutely.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

ITEM #8 Consider and Approve the Appointment of Steve Hacku, Jr. to Fill a Vacancy on the Zoning Board of Appeals Which Expires 1/8/98

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

Ms. Papale stated that Mr. Hacku has been a member of the Zoning Board of Appeals in the past and is pleased to see that he will be serving in the capacity once again.

Mr. Farrell echoed Ms. Papale's sentiments. He has viewed Mr. Hacku in action on the ZBA and feels that he does an excellent job. He brings a lot of the experience from one of his former town positions to the Board. He is a very hard worker and the town is very lucky to have him.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

Motion was made by Mr. Zappala to Have the Town Clerk Perform the Swearing-In Ceremony at this Time, seconded by Ms. Papale.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

The Town Clerk performed the Swearing-In Ceremony for Mr. Hacku.

ITEM #9 Consider and Approve a Resolution Recognizing the Efforts of Wallingford Center, Inc. and its Revitalization Endeavors - Wallingford Center, Inc.

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

Wallingford Center, Inc. (WCI) is preparing to submit an application to the sponsors of a competitive award for Main Street-type organizations. The application will detail Wallingford's downtown revitalization achievements. The national competition offers a \$5,000 cash award to the winning organization. Part of the documentation required for the application is formal

recognition of Wallingford Center Inc.'s efforts by our local government. The proposed resolution will serve as such formal recognition (Appendix I).

Mr. Knight read the resolution into the record.

Mr. Centner stated, this application epitomizes the nice work that Wallingford Center, Inc. does in the downtown area. It brings both tangible and intangible benefits to Wallingford. He wished the organization luck in the competition.

Beverly Belliveau, Executive Director of Wallingford Center, Inc. stated that they applied for the award in 1994 and were unsuccessful.

Mr. Farrell explained how the award is a very prestigious one. He is hopeful that WCI will be the recipient. He pointed out that WCI has been a pioneer in Connecticut being one of the first Main Street-type programs formed in the State. It took the State government over ten years after WCI was formed to form a State program. WCI deserves a lot of credit for having the gumption to get this going in Wallingford. It has been a benefit to the town residents.

Ms. Papale stated that Wallingford is the greatest town to live in and WCI has a lot to do with it. This organization has come a long way and WCI will most certainly win the award.

Mr. Knight asked, how many competitors are anticipated? How many competed in 1994?

Mrs. Belliveau responded, approximately 125 towns competed in 1994. When she called in to find out why WCI did not win the award she was given a list of things they failed to state in their application and was told what to include this year. Last year there were over 300 competitors and the number grows each year.

Mr. Knight wished WCI much success in the competition and thanked all of those who helped make Celebrate Wallingford the success that it was. WCI did a wonderful job with the festivities as usual and the residents were delighted with them.

Mr. Gouveia stated that it is good to see WCI competing for the award for they certainly deserve it. If they do not win, however they are not to worry for the town demonstrated two weeks ago that they recognize the outstanding job that WCI does.

Mr. Zappala stated that everyone is very proud of Main and Center Streets. He only wished that most of Wallingford could be as nice as what Main and Center Streets look like. We would all be proud

of that.

Mr. Rys stated that he has witnessed the growth and beauty that has come to the town from the many activities coordinated by the group. In addition to that he has heard many favorable remarks from a lot of out-of-towners regarding how beautiful the town looks. He congratulated WCI and wished them luck in the competition.

Reginald Knight, 21 Audette Drive complimented the members of WCI for the marvelous job downtown. It is a picture postcard scene. He wished that the Town Council and Public Works would remember that Wallingford is more than Main Street and Center Street. There are sidewalks in this town that he has complained about many times that have coldpatch on them. For quite some time now he has been consistently told that the situation is temporary. Some of the temporary patching has been in place for as long as five to ten years on many sidewalks all around this town. He wished that the Public Works crews would get out of their trucks and the Town Councilors would get out of their cars to walk these sidewalks. He feels they are disgusting. You don't have to travel too far from the center of town to find them. WCI has done a magnificent job but the Town Council and the Public Works Department should take lessons from them.

Mr. Rys stated that the town crews have been very active recently repairing sidewalks in the Highland Drive area on the west end of town. They are patching sidewalks that are bad making them easier to travel as well as handicapped accessible at the same time. He asked Reginald Knight to let the Mayor's Office know of those areas that are patched and in need of repair.

Reginald Knight pointed out that sidewalks on South Elm Street as well as those in front of the elderly housing units are in terrible shape.

Mr. Melillo stated that we still have not achieved full communication and coordination between all town departments. It would be a tremendous asset to the Town Council as well as the people of Wallingford. Teamwork is lacking amongst town departments and their managers.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

ITEM #10 Consider and Approve a Resolution Celebrating America Recycles Day November 16, 1997 - Mayor's Office

Mr. Knight read the Resolution in its entirety into the record (Appendix II).

Correspondence from Mayor Dickinson explains how there are expected to be more than 1,000 municipal displays around the country in celebration of America Recycles Day. Residents will be asked to sign cards pledging increased recycling or buying of recycled-content products. There will be a national drawing from the signed pledge cards for a new house to be built for the winner of the drawing. The Connecticut America Recycles Day Steering Committee will also be giving away prizes which include a \$1,000 gift certificate and a bicycle. The Connecticut Department of Environmental Protection will provide posters, pledge cards, pencils, magnets and rulers for municipalities to use in celebration of the event.

The Program Planning Office plans to distribute pledge cards provided by the DEP and produce copies of the cards if the number supplied is inadequate to meet local demand. An exhibit detailing how residents can reduce waste through careful shopping will be displayed, first in the Public Library and then in the Town Hall lobby for the two weeks before November 15th. Various recycling and waste reduction handouts will be provided, along with pledge cards. Posters will be displayed in the Town Hall and elsewhere and announcements will be run on Government Access Television.

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

Mr. Gouveia stated that the Town has an outstanding recycling program. Although he initiated the first Household Hazardous Waste Day in Wallingford he confessed that when it came to recycling he was a skeptic. He never thought that the Town would be able to recycle on its own; a regional recycling program would be better. A lot of thanks should be given to Geno Zandri for he was the one who pushed for Wallingford to have its own recycling program. It is working and working well. He feels that he does not have to sign a pledge card to drastically increase his recycling habits. He can do so merely by recycling junk mail, magazines and cereal boxes, if the program would allow him to do so. He would like to have the opportunity once more to recycle those products.

Mr. Knight added, the reason that he would sign a pledge card would be to pledge to purchase more materials with recycled content. A lot of paper is used in his office and he has found that recycled material is vastly more expensive at this point in time, ironically, than virgin material. That will most likely change when recycling reaches its economic impact when junk mail, magazines and cereal boxes are recycled. His hauler will take it away but the Recycling Center will not take it. He hopes that the event will bring more awareness to the entire problem.

Mr. Rys commented, there are some resources out there that are still available. His company generates a great deal of

computer paper and envelopes, etc., and they have a recycling program for that type of material on-site. They have fourteen bushel baskets in which they collect the material which is picked up once a week. When he was a child his father would save the newspapers and bundle them. When he had enough he would take them down to the scrap metal recycling site and turn them in. His father wanted to show him the economics of the issue.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Move Agenda Item #15 Up to the Next Order of Business, seconded by Mr. Farrell.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

ITEM #15 Discussion Pertaining to the Establishment of an Economic Development Utility Rate for Vacant Buildings in the Center Street Area - Public Utilities Commission

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

Dave Gessert, Chairman of the Public Utilities Commission and William Cominos, General Manager of the Electric Division were in attendance to make a presentation to the Council.

Mr. Gessert stated how Liberty Bank came forward recently and offered to provide lower cost loans to firms that wanted to improve the downtown area or develop businesses in that area, offering to waive some fees to encourage such action. The downtown area is the heart of Wallingford and a lot of us have a very strong attachment to it. This Council and administration has done a lot to improve the looks of the downtown area to increase its viability as a business area as well as to give the people in Wallingford a place to come and enjoy it. The P.U.C. looked at what WCI (Wallingford Center, Inc.) and Liberty Bank is doing and thought, why doesn't Wallingford Electric Division step up to the plate and try to do something to try and help downtown Wallingford? Conversations were held with the Electric Division management staff, the P.U.C. commission and the Economic Development Commission (EDC) to discuss the proposal. The center of Wallingford is in pretty good shape however one cannot help but notice that there are empty buildings readily available. The P.U.C. thought it would be good for everyone in town to help WCI and the EDC fill up the empty buildings. A plan was devised by the P.U.C. to encourage companies to move into any vacant space in the downtown area by offering a first year ten percent decrease in the electric rate for any business that moves into a building which is currently unoccupied so long as they are not moving from another building next door. An additional ten percent discount would be provided for in the second year of operation. The program was endorsed by the EDC and

would be implemented once a public hearing has been held to discuss the rate change. If passed, hopefully the program will be implemented by the end of the year. A concession is also being made in the deposit policy of the Electric Division. Normally, the division figures the three highest monthly electric bills for the property and that figure is the amount that is required as a down payment to start service for the new business. That could translate to a deposit totalling \$1,200 to \$1,500. just to get electrical service started. We want to protect the division but we also want to make it easier for people. We will probably adopt a proposal to have a one month usage deposit instead of three months. There would be a provision that if the customer who received the benefit fell in arrears at any time within a twelve month period then they would have to come up with the additional two months deposit. There are approximately twenty locations that are vacant in the targeted area which is comprised of the area beginning at the Shell station on Center Street continues west to Main Street, out to the Jefferson Building, out to Church Street, goes down the hill and crosses Route 5, includes Hall and Quinnipiac Avenues past Cherry Street to Washington Street.

Mr. Farrell stated that the proposal made sense because the town has a lot of infrastructure that is in and on the street already and if it is being under-utilized then it is not making the division any money. If you are encouraging new, start from scratch development on the outskirts of town there's heavy infrastructure costs for you. There certainly is some benefit to try and encourage this. He thought it was a good idea.

Mr. Gessert explained, we already have the capacity and the lines to supply all of these (vacant) buildings and right now those meters are stopped. If we can help businesses move in there, provide services to the community and get those meters going even if we don't make money on them in the first couple of years we will benefit in the long run if the businesses become established and are successful.

Mr. Centner¹ was pleased about both the reduced rate and the adjustment to the deposits. Will the one month deposit be based on one of the highest monthly electric bills?

Mr. Cominos responded, the estimated highest bill.

Mr. Centner asked, how will the Electric Division fund the program?

Mr. Gessert responded, we have monies available in our Economic Development Fund which is a sort of reserve. We are looking at applications where that can be used to help generate new business and help people in the Town of Wallingford in the business sector and help develop new customers for us. We will probably fund any difference out of that if we had to. There will not be any out of pocket expenditures to us.

Mr. Centner asked, will there be any impact to the ratepayers on that or will it be absorbed through reserves?

Mr. Gessert answered, based on the analysis we have performed, there will be no impact on the current ratepayers.

Mr. Centner asked, do we have an estimate on the cost to the Electric Division the first year?

Mr. Gessert answered, it depends on the specific use that each of these buildings takes on. It could be a men's store or it could be a pizza parlor. We are probably looking at \$100-\$200 per month range on the low end and as much as \$1,000 per month on the high end.

Mr. Centner pointed out, the start-up costs for a business coming into the targeted area could conceivably be....with the lower rates and the reduction in deposit it could easily be \$3,000., \$4,000., or \$5,000. range.

Mr. Gessert responded, under the old system, yes. The deposits certainly do impact someone's start-up costs. We are reducing those costs significantly. The first couple of years for a business are the most difficult and if we can help them get started and on their feet during that period, hopefully they will be successful and end up being long term customers. This is one piece of the package that will help attract business to Wallingford. This program coupled with WCI's activities and the Economic Development Commission's incentives as well as lower bank rates all comprise an attractive package to entice businesses to come to Wallingford.

Mr. Centner asked if the proposal will have any impact on the CMEEC contract?

Mr. Gessert responded, no.

Mr. Cominos added, if the customer fails to pay their bill in a timely manner, not only will they lose their deposit but also their ten percent discount on their rate. There's incentive to the customer to stay current on their bills.

Mr. Zappala asked, isn't the Electric Division regulated by the State to make a certain percentage profit?

Mr. Gessert responded, we have a right to set our rates. Our rates are such so that we average a certain percentage. There could be some areas where we make less money and some where we make more. We provide electricity to all town buildings at cost.

Mr. Cominos stated, we are not regulated by the State at all when

it comes to that; we are regulated by the P.U.C., the Town Council and the Mayor. We average between five and ten percent profit. We have several rate classes and with some we may average more than ten percent and with others we may average less than five percent.

Mr. Zappala stated that he has nothing against encouraging business to come to downtown and he hopes that all the stores on Center Street will be filled soon. For many years, however, the town has been trying to help Center Street and the shop owners do not seem to be helping the town as much as we are trying to help them. It is disturbing to him that there is a specific area that is being targeted for this program. What happens to those who have property located outside of the target area who are having trouble renting their stores in areas such as North Colony Road, South Colony Road, Yalesville, etc., what is being done for those people?

Mr. Gessert responded, we do not have a program at this particular time for those areas. That issue was looked at and it was decided that if this program works and is successful in filling empty storefronts and commercial space then we will look to see if there are other areas in town that need to be targeted that this type of program would benefit also.

Mr. Zappala stated, it is a great idea but what do we do for those who cannot pay their bills now and we shut them off after two or three months? He was not trying to be negative about the situation but he felt it was the Town's duty to prevent people from going out of business rather than have them come here and throw them out afterwards. We should put a little emphasis on helping those that exist also. We would not have so many empty stores.

Mr. Gessert stated that small businesses in Wallingford were the largest beneficiaries of the rate restructure that the utility implemented recently.

Mr. Zappala stated, if we do this for Center Street we have to give the same treatment to businesses who are moving to other empty storefronts in town. Wallingford is Wallingford and the Electric Division belongs to all of Wallingford.

Mr. Gessert reiterated that if the pilot program works for the center of town and is successful he would be willing to sponsor the program in other locations.

Mr. Gouveia echoed Mr. Zappala's sentiments on the issue stating that Main Street in Yalesville is just as much a part of Wallingford as Center Street is. Last time he checked there were two or three empty storefronts near the post office in Yalesville. He read the P.U.C. minutes and was pleased with the exchange that took place at the meeting concerning this issue. Mr. Cooke was right on target even though he voted in favor of the program. He

brought up very good points. This program is a little too discriminatory when it comes to everyone in town. Maybe you should not do anything with the rates but you can do a lot of things with deposits that does not effect the revenues very much. He prefers to see stores buzzing with activity instead of empty ones but we must also be careful not to be so discriminatory.

Mr. Gessert responded, perhaps the P.U.C. will re-visit the deposit policy for some of the other areas to see if we can make some adjustment that will be helpful. We picked the Center Street area because it had been targeted and marketed for attention by WCI and Liberty Bank.

Mr. Gouveia stated, it is a numbers game. We all agree that we have fair rates, fair taxation but if we allow people to pay less than their fair share we are going to eventually ask people to pay more than their fair share. He agreed with the proposal with a great deal of reservation.

Mr. Knight stated that he was pleased with the proposal, it goes along with all the other efforts the Town has made toward protecting its downtown from the decline that so many other cities and towns in the United States had. He respectfully disagrees with his colleagues to his left with regard to his discrimination. Yes, on the face of it any break given to one class of citizens that is denied to another class of citizens because of geography or whatever is indeed discriminatory. We build in such discrimination in thousands of ways in our tax code and every other code of taxation that we face. This one mirrors something that is very similar to what the State did when they formed enterprise zones. He was frustrated by the incredible intention and financial considerations that are given to places such as Meriden and Waterbury and Hartford where their economic development people are allowed to throw all kinds of incentives that this community, because we are in much better financial condition, are unable to give. Take that same kind of thing and bring it back to a downtown area. We are not talking about making or breaking a business by this ten percent reduction but it is an opportunity for us to say to that fledgling business that we are willing to work with them to help them succeed if they relocate to the downtown area. There are a lot of businesses that no longer look at downtown areas and they should. We want to encourage that. We do it with WCI, we have done it with millions of dollars of our own money through phase I-III of revitalization and this is another way to say to people, come on downtown.

Ms. Papale stated that she agreed with Mr. Zappala and Mr. Gouveia to a point. She understood their position but felt that the town should do this one step at a time. The P.U.C. met with the Economic Development Commission and WCI whose primary focus is the downtown area and thought the incentive could be included in their campaign to get business to relocate to the area. We should give

this a try and see first. The P.U.C. should take into consideration, however, those people who may have the need for a little help.

Mr. Zappala replied that geography has nothing to do with the matter. We are talking about Wallingford in general. The whole town is equal and anyone conducting business in Wallingford deserves the same treatment as Center Street or Main Street has. If anyone has a vacant store in the town that they have been unable to rent they deserve the same treatment. We owe it to the people.

Mr. Centner understood the initial presentation of the program to be a pilot program. Mr. Gessert expressed a willingness to expand into other areas upon the success rate of the pilot program. Every program has a starting point.

Mr. Gouveia stated, the identified area has twenty vacant stores. He would venture to guess that the rest of the vacant stores in town would not equal another twenty. It is a little disingenuous for us to say that we are going to do it for one specific area but it is only a pilot for two years....the rest of the people have to wait for another two years for them to get in on the act?

Mr. Gessert responded, by the end of the year or even possibly within six months we will know what kind of response we get to the offer. We will know if it is very successful or not.

Mr. Gouveia stated, most of the complaints he has heard from small businesses, especially entrepreneurs, the biggest obstacle for them to open their business is the utility deposit. On the other hand, after reading the P.U.C. minutes, there are a lot of people that are writing I.O.U.s also. That is a major problem that we have to take care of. When we are talking about \$400,000 to \$500,000 in utility bills that are not being paid, that is a major problem. He made it clear that it was not just the Electric Utility but the total utilities owed.

Mr. Gessert answered, the total write offs of the Electric Division last year were \$100,000. out of close to \$40 million in billing. Thirty percent of that figure was a bankruptcy which we may end up getting something out of federal court on. The Electric Division has not had the problem that the other utilities have. These accounts will certainly be watched very closely.

Reginald Knight, 21 Audette Drive agreed with Mr. Knight. He reminded everyone of the Rights-In-Deed Issue. The big cry against the residents on the east side of town was that everyone must pay the same. We were told that it was the only fair way. The resident's rights were yanked out from underneath them and they had to go to court and it cost the town something like \$4 million altogether just so that everyone could pay the same amount. If a store goes out of business downtown there is usually two reasons

for it, either there is no need for the product and people are charging too much or the competition from the huge box stores is what is causing the problem. If the building is deteriorating then get after the owner and make them keep it up. The whole issue smacks of a kick-back. You come in and we will give you a deal. What about the people who are outside of the magic square mile we have in the center of town? They don't get it. He stated that when he was downsized from his job twice no one came to him and said that economic times are hard, we will give you a ten percent break. If the business owner's profit and loss is dependent upon a ten percent break in their utility bills, they are on shaky ground to begin with. The American way is to find a product that the public wants, something different than what the other stores have, put it in the store and sell it. The American way is competition. What happens after one or two years when the business still does not succeed? It is discriminatory against the vast majority of taxpayers in this town who have to carry the load for the few in the downtown area. What would you politicians do without an empty store for political headquarters? Think of the fair play situation. Think of the people who pay their taxes to support this town. Why should they subsidize any particular person's industry? No one comes out to the suburbs to say that they will support us or give us a break. Get out there and give the public what they want, give them something new, be a salesman.

Geno Zandri, 37 Hallmark Drive stated, even though this proposal is well-intentioned he opposes it. The Electric Division should be handled strictly as a business and should not be getting involved in this type of promotion. That is why we have an Economic Development Commission (EDC). One of the things that the EDC can boast about is the fact that we have the best rates in the State. There are people who can come from out of town, establish a business here and immediately experience an advantage over other communities by having the best electric rate in the State.

Pasquale Melillo, 15 Haller Place, Yalesville warned that the town could be opening a Pandora's Box. There are too many domino effects. We should not restrict this benefit to the Center Street area, we should look at the entire town. Business and industry have been given enough tax breaks already. Consider each case on an individual basis.

Mr. Gouveia noted for the record that the Town utilities are not regulated by the State Dept. of Public Utilities (DPUC) however they are regulated by State Statutes, especially how much profit the utilities can earn and whether or not they can budget for a deficit.

Mr. Cominos responded, upon perusing the State Statutes prior to the meeting, it is his clear understanding that the utilities are not regulated by the State.

Mr. Gouveia suggested that a lawyer be retained to study that issue. We are not regulated by the State DPUC but we are by State Statute.

Mr. Gessert replied, there is a difference as to whether or not we are regulated by State Statute or State DPUC. There may be some differences. There are State Statutes that do apply to the utilities.

Since this was an item of discussion no action was taken.

ITEM #11 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes Pertaining to Pending Litigation

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

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

The Council entered executive session at 9:12 P.M.

Present in executive session were all Councilors (with the exception of Mr. Parisi and Mr. Renda), Mayor Dickinson and Asst. Town Attorney Gerald Farrell, Sr.

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

The Council exited the executive session at 9:37 P.M.

ITEM #12 Consider and Approve Settlement of Pending Litigation

Motion was made by Mr. Knight to Settle the Case of the Town of Wallingford v. United States Postal Service Based Upon the Town Receiving the Amount Stipulated in Executive Session, seconded by Mr. Centner.

VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Settle the Case of the Town of Wallingford v. Jeffrey Ossen Based on the Town Receiving the Amount Stipulated in Executive Session, seconded by Mr. Farrell.


VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

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


VOTE: Parisi and Renda were absent; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 9:37 P.M.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

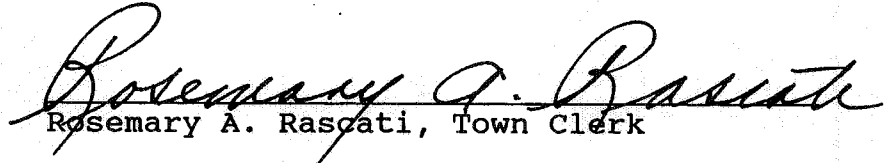
Approved by:



Robert F. Parisi, Chairman

Date

Nov. 12, 1997



Rosemary A. Rascati, Town Clerk

Date

Nov. 12, 1997

RESOLUTION

WHEREAS, Wallingford's downtown is the civic and symbolic center of the community, and

WHEREAS, the Town joined with Wallingford Center, Inc., over ten years ago in a public/private partnership to promote the revitalization of the central business district, and

WHEREAS, the Town and its residents benefit from a healthy and vibrant downtown, and

WHEREAS, three phases of the Streetscape Improvement Program have now been successfully completed.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Wallingford fully supports the entry of Wallingford Center, Inc., into the Great American Main Street Awards competition.

RESOLUTION OF SUPPORT

Please attach a resolution of support about your downtown revitalization effort for your entry in the Great American Main Street Awards competition from your city council (or, if submitting an entry for a neighborhood commercial district, from a neighborhood council). The letter should be an original document, written locally, that expresses the local governing body's support for the community's downtown revitalization activities and reflects its particular role in the revitalization process.

SAMPLE RESOLUTION OF SUPPORT:

This resolution of support is a sample only. Please submit an original and unique document, expressing your local governing body's support for and involvement in your community's downtown revitalization activities.

RESOLUTION OF SUPPORT

BE IT RESOLVED that the economic health and cultural vibrancy of downtown _____ is crucial to the overall well-being of the City of _____;

AND, BE IT RESOLVED that the City of _____ wholeheartedly supports and, through its revolving loan program, small business assistance program, financial contributions to the revitalization effort, and commitment to maintaining all local government offices in the downtown area, materially participates in efforts to revitalize downtown _____;

AND, BE IT RESOLVED that the City of _____ believes that downtown revitalization efforts in _____ represent

NOW, THEREFORE, BE IT RESOLVED that the City of _____ fully supports this entry into the Great American Main Street Awards competition.

Adopted by unanimous acclaim this ___ day of _____, 1997.

Certified by _____, Clerk of Council