

TOWN COUNCIL MEETING

SEPTEMBER 23, 1997

6:30 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Correspondence - Recognition of National Fire Prevention Week October 5 - 11, 1997
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#39-47) Totalling \$2,680.50 - Tax Collector
 - b. Consider and Approve a Transfer of Funds in the Amount of \$830 from Transportation Reimbursement Acct. #001-2050-300-3201 to Purchased Professional Secretary Acct.#001-2050-901-9000 - Building Official
 - c. Consider and Approve a Resolution Authorizing the Continuation of a Grant from the Department of Mental Health & Addiction Services to the Mayor's Council on Substance Abuse - Program Planner
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve a Transfer of Funds in the Amount of \$2,163.00 from Stainless Sand Spreaders Acct. #001-5015-999-9995 to Dump Trailer Acct. #001-5015-999-9917 - Dept. of Public Works
7. Consider and Approve a Transfer of Funds in the Amount of \$2,622.00 from Stainless Sand Spreaders Acct. #001-5015-999-9995 to Compressor Truck w/Equipment Acct. #001-5015-999-9913 - Dept. of Public Works
8. Consider and Approve Renewal of the Personal Property Tax Incentive Program for Manufacturers - Economic Development Commission
9. Report Out on the Status of Town-Owned Property in Durham as Requested by Councilor Thomas Zappala
10. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation Involving Tax Appeals - Town Attorney

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SUMMARY

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4. Withdrawn	
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6. Approve a Transfer of \$2,163 to Various Accts. for the Department of Public Works to award the bid for purchase of a dump truck	5-6
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TOWN COUNCIL MEETING

SEPTEMBER 23, 1997

6:30P.M.

A Scheduled meeting of the Wallingford Town Council was held on Tuesday, September 23, 1997 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:32 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr., Town Attorney Janis M. Small and Comptroller Thomas A. Meyers were also present by 6:45 P.M.

The Pledge of Allegiance was given to the Flag.

A moment of Silence was observed.

Announcements made by Chairman Robert Parisi: Our Princess Diana book will be circulated at one of the local clubs for additional signing and then it will be sent on to our sister town in Wallingford, England.

Also giving acknowledgment to the Water/Sewer Division for receiving the United States Environmental Protection Agency 1997 first place award for outstanding operation and maintenance of its treatment plant, of 3-4 thousand waste water treatment plants that competed.

ITEM #2 The Firemarshall asked that a reminder go out as to National Fire Prevention Week October 5 - 11, 1997.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#39-47) Totaling \$2,680.50 - Tax Collector

ITEM #3b Consider and Approve a Transfer of Funds in the Amount of \$830 from Transportation Reimbursement Acct. #001-2050-300-3201 to Purchased Professional Secretary Acct. #001-2050-901-9000 - Building Official

ITEM #3c Consider and Approve a Resolution Authorizing the Continuation of a Grant from the Department of Mental Health & Addiction Services to the Mayor's Council on Substance Abuse - Program Planner

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ITEM #3d Approve and Accept the Minutes of the 8/19/97 Town Council Meeting

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

VOTE: Zappala and Renda abstained; all others, aye; motion duly carried.

PUBLIC QUESTION & ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville stated that a resident has claimed that blasting has damaged her well. This could affect anyone of us any time. Do any of the Council have anything to share on this. Have any of you heard of this? It took place on William's Road due to blasting to put in the Towns new sewer pump station in the road.

The Council stated that they had read the newspaper article but that it had to be handled through the appropriate agency. Nothing has been put before the Council. If the appropriate agency does not deal with it properly and it is brought before the Council then they will respond.

Mayor Dickinson commented that there have been complaints of bad water and that might be due to the blasting, George Yasinski is going to be taking samples of water for testing, and will follow the procedure for determining the extent of the pollution and perhaps make recommendation for the best way to deal with it. The contractor involved in the blasting has insurance coverage and I believe one claim has been made against that coverage, if he was responsible then there may be recourse through his insurance carrier. But right now it has to follow procedure, that is the Health Department. They are in touch with the Water & Sewer Division in Town and we will work our way through the issue.

Pasquale Melillo, thanked the Mayor for his answer, then asked Jerry Farrell if he had anything to respond regarding the Yankee Gas Systems relative to the clean-up and inspection of the 100 year old wells.

Mr. Farrell responded, that the Mayor has hired John Thompson as our Town Engineer. I have been in contact with

him to keep a close eye on that. We should expect a report from him in about a month.

Mr. Melillo then asked if the Council had heard of Yankee Gas' newest development relative to generating electricity by a fuel cell via natural gas.

Mr. Farrell commented that they had only read about it in the newspaper.

Mr. Parisi stated that this should be proposed to the Public Utility Commission.

Mr. Melillo submitted a copy of the article for the Council to review. The he discussed refunds to the Tax Payers of Connecticut for the decommissioning of the Nuclear plant. This needs to be followed up with the Dept. of Public Utilities.

Philip Wright, Sr., 160 Cedar Street referred back to the pension fund from a few weeks ago. Has the meeting that was discussed taken place. Was is determined what the word consolidated means?

Mr. Parisi stated that the meeting had taken place, and that it had been explained to his satisfaction.

Mr. Gouveia responded that the word was not defined, I was asked how I viewed it, I believe it to mean one. One pension plan for all town employees. The town is contributing more to the program that the actuary recommends. The actuary recommends a percentage of payroll, but the figure that it is taken on is probably up to 2 years old, payroll might be higher so you pay more. The consensus was that Tom Meyers would talk to the Actuary and try to have him prepare an annual report at budget time in future years. It was also discussed for the Town to talk to some insurance companies to discuss feasibility of the Town purchasing some annuities to pay for the Towns present liabilities to the retired employees of the town. The Actuary makes recommendations to the Administration for contribution based in part on the investment of the Pension Fund, usually the figures are extremely conservative, using about 8% annually. I feel the Council should appoint a committee of professionals in the field of Pension Funds, and have them look at all aspects of the Pension Fund, the employee contribution, the Towns contribution and the

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investments. We have had the same Actuary for the last 20 years maybe it is time for a change.

Mr. Wright reiterated that the fund is over funded.

Mr. Gouveia stated that it was about 28% overfunded.

Mr. Parisi commented that maybe this should be added to the agenda. It is not a secret but should not be discussed in Public Question & Answer Period. I will request that this be put on the agenda.

Patrick Hayden, 212 South Orchard Street, asked of Henry McCully why there is tar patch around town on some sidewalks. Is this due to losing a contract with the company who pours our sidewalks, lack of concrete, or what?

Mr. McCully responded that this is only temporary until the sidewalks can be properly repaired. We do have a contractor.

Mr. Hayden then asked about the roads that have been graded but not blacktop. Such as Ward Street.

Mr. McCully responded that they have started paving them last week, and lower half of Ward Street was paved today and they are paving Washington Avenue right now. There has been problems getting the blacktop, Tilcon could not keep up with the demand from the State and others.

Mr. Hayden asked if there is any damage done to motor vehicles due to the rough grade what is the legal course of action to be taken?

Mayor Dickinson responded that a claim would be made against the town, as a general rule if the Town has not been given notice of a specific defect then there would be no liability, once we are given notice if the problem is not repaired/fixd in a reasonable period of time then there would be liability. Any claim you have could be given to the Town Clerk and would be handled through the Town's insurance carrier.

Geno Zandri, 37 Hallmark Drive, discussed a security problem. Minor damage had been done due to someone leaving a key in the door. Over 2 years ago I discussed with the

Mayor that there was a security problem with the outer doors and to my knowledge it still exists.

Mr. Parisi agreed to discuss it with Mr. Zandri after the meeting.

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$2,163.00 from Stainless Sand Spreaders Acct. #001-5015-999-9995 to Dump Trailer Acct. #001-5015-999-9917 - Dept. of Public Works

The request is for additional funds needed to award the bid to the low bidder.

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

Mr. Centner asked Mr. McCully what our experience is with the number one bidder.

Mr. McCully stated that he did not have that information in front of him, but the bid was chosen by the low bidder and a responsible bidder. We have had experience with this firm in the past and had no problem.

Mr. Centner inquired about a purchase from this account for \$29,000.

Mr. McCully responded that this was 4 stainless steel spreaders. This is a much lower price than in the past.

Mr. Knight asked Mr. McCully if this was an off the shelf type of unit, not custom made. Why is there such a wide range of bids.

Mr. McCully stated that this is an off the shelf unit with a large dumping capacity. The range of bids is due to which company really wants the sale. We solicited verbal or faxed quotes for the budget figure.

Mr. Gouveia asked Mr. McCully how funds can be transferred to a non existing account. The funds at the end of a fiscal year go into the general fund and should now be transferred to this new account number for this years budget.

Mr. McCully explained that capital purchases can remain open for up to 3 years, so the money remains in these accounts.

Mr. Meyers confirmed that they are capital fund accounts in the general budget and therefore remain open as capital items unpurchased. There is a charter that provided for this and has done so for the last 26 years. The money being requested tonight is really supplemental funding. The majority of the truck will be charged to 1997 Budget and the balance will be charged against the 1998 Budget. The account does not exist in the 1998 Budget but if this transfer is approved then that will establish the account.

Mayor Dickinson added that it is done as one step, transferring the funds will automatically establish the account in the Budget. The Comptroller has stated that it is not necessary to do this as two separate steps.

Mr. Gouveia stated in closing that it needs to be established as a procedure one way or the other and followed at all times.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$2,622.00 from Stainless Sand Spreaders Acct. #001-5015-999-9995 to Compressor Truck w/Equipment Acct. #001-5015-999-9913 - Dept. of Public Works

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

The request is for additional funds needed to award the bid to the low bidder.

Mr. Centner asked Mr. McCully if the Chevy truck would be comparable to the heavier duty GMC truck.

Mr. McCully felt that they were comparable trucks and that the Chevy would be suitable for their purpose.

Mr. Parisi thanked Mr. McCully for including copies of the bids for the Councilors to view.

VOTE: All ayes; motion duly carried.

ITEM #8 Consider and Approve Renewal of the Personal Property Tax Incentive Program for Manufacturers - Economic Development Commission

The Economic Development Commission is requesting that the Town renew the program that established a personal property tax incentive for manufacturers. Submitted by Gary L. Powell, Chairman (EDC)

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

Mr. Powell commented that they are coming before the Council to request a 2 year renewal to offer to businesses, that there is a business before them now that is requesting this aid.

Mr. Rys asked for information for the public, to give information to those who might not be familiar with this program.

Mr. Powell stated that part is for new construction and existing buildings. In 1993 when this was started there was an abundance of vacant buildings. This was to attract people to these buildings. This is for personal property tax not a real estate tax abatement.

Mr. Knight stated that if he remembered correctly the figures were very steep, but were set forward by the State. In the 2 year period when this was established there were no takers. The economic conditions were not right.

Mr. Powell acknowledged that this was correct. But that there was a piggy-back rider with the Electric Division at that time and that there were takers on that. This gives us something for us to offer to New Business coming into town. A proposal can be brought before the Council on an individual basis if needs are different than those proposed.

Mr. Knight brought up Times Fiber moving to Meriden.

Mr. Powell commented that they believe that this was an internal decision and not a proposal. They have approached Times Fiber and were not given a chance for a meeting. They are meeting with them on October 6th for other reasons.

Mr. Roe stated that they were told by Meriden individuals of Times Fiber moving and have tried to discuss with them to stay.

Mr. Knight mentioned RFS Cablewave from North Haven moving to Meriden and retaining the facility in the Hub area. This is in the Enterprise Zone. Please describe for us what an Enterprise Zone and why Wallingford does not have any.

Mr. Roe responded that it all depends on demographics. Our town does not meet these requirements. Some exceptions are made, this was done for Southington. It is not possible for Wallingford to compete with Enterprise Zone benefits. The pay back period would be based on a 10 year period. When we do out projections for companies unless they are in it for the very long haul then we can not be competitive.

Mr. Parisi asked why Southington qualifies and we do not.

Mr. Roe stated that this was a special exception when Pratt & Whitney left. There are other rules besides large companies leaving town, such as the unemployment rate. Wallingford unemployment rate is fortunately very low.

Mr. Centner questioned if there is any follow-up or attention that we give after this tax break. Do we monitor these companies in any way, check for their well being or just set them up and hope they stay beyond the tax break period.

Mayor Dickinson reminded them that this tax break is just for manufacturing firms.

Mr. Roe explained that he has not researched this, there is probably data out there. My recollection from 1993 was that the degree of benefits was from 3 to 7 years. 7 years for a really large entity. This would limit who would be eligible.

Mr. Powell suggested looking at the figures that in terms of computers this would mean a lot of equipment, which would mean a good size company even to reach the lowest level of savings and commitment.

Mr. Knight mentioned a machine shop that might have wire cut machines which are a Quarter of a Million dollar machines, this would add up fast. 3 or 4 of those and you are there, and they do not take up a lot of space. Do we have proof that these incentives would bring business here versus our low electric rates.

Mr. Roe explained that they do not expect them to hop around, due to the expense of moving. This could cost more than the incentive. But to answer the question, no we have not looked into that.

Ms. Papale asked if it was correct that no businesses had come into town due to this Tax Incentive in the past. How important is this tax incentive and will it attract and retain businesses in the town of Wallingford.

Mr. Roe explained that the economics have changed a little and that we have a couple of request that this would fit right now. This could make the difference for them to move into town. This gives us a bargaining tool when business comes to town and asks what incentives we offer.

Mayor Dickinson stated that there are one or two circumstances right now that this could pertain to.

Ms. Papale wished them better luck this time.

Mr. Gouveia asked if back in 1993 when this document was drafted why was personal property abatement chosen over real estate property abatement.

Mr. Powell confirmed that the State Statute does provide for real and personal property. The priority then was the filling of vacant space. This was oriented at manufacturers, who come with personal property. This is why we chose to fix the assessment on personal property.

Mr. Gouveia inquired on giving the real property abatement to new occupants of existing property.

Mr. Powell stated that the Statute only applies to new construction and that due to an excess of vacant space this was not in the Towns best interest. The Town cannot offer a tax abatement on existing structures even if it wishes to do so on an individuals basis.

Mr. Gouveia requested that this be researched more thoroughly, due to another town offering this abatement.

Mayor Dickinson stated that Enterprise Zones are different. But I do not think that there is any authority beyond new personal property and new construction to deal with tax abatements.

Mr. Gouveia asked Attorney Small to research this further. What can be offered to the Businesses who are already here. Could we this break to business who has been in town and may need a tax break to modernize to be more competitive. This would be a mater of fairness to these businesses.

Mr. Powell explained that what is allowed by state statute is fairly restrained. What this does is stay in these guidelines that it has to be an increase in personal property.

Mr. Gouveia questioned the wording of Section 2 Part a: what does "temporary fixing of the personal property assessments" mean. Does fixing mean temporary abatement or temporary adjustment.

Mr. Powell stated that this is what is meant and that it is worded according to the State Statute.

Mr. Gouveia requested that Section 2 subsection 3 be amended to include taxes and others fees, i.e. electric, water and sewer charges.

Mayor Dickinson commented that this should be able to be added, it was unclear as to why this was not included in the original document, possibly due to keeping this on tax matters only.

Mr. Gouveia stated that they should only be entitled to a break if they keep current with other charges due to the Town. It needs to be looked into further. Can we add a punitive value to this to keep them in town possibly for the same number of years they got the tax abatement or charge them back for tax break.

Mr. Roe suggested that they match the number of years they received the abatement for.

Mr. Parisi asked what other requirements can we add to keep the businesses in town. And can we amend it to include utilities as well, however it should be worded.

Mr. Roe suggested that if there is no legal stumbling block then it would be added to include utilities.

Attorney Small stated that it should not be a problem to add it as a condition.

Mr. Gouveia asked about tax abatement for existing businesses in town.

Mr. Knight elaborated that this does include existing businesses as long as they make an additional investment in personal property.

Mayor Dickinson explained that as long as they are increasing their personal property by at least \$100,000 then they are eligible for a tax abatement. This applies to new or existing buildings, as long as they meet the increase requirements.

Mr. Farrell addressed Mr. Powell as to the loss of revenue due to a business taking advantage of this program. Has anyone calculated this out, is it going to be a wash or a loss.

Mr. Powell responded that in over the 2 or 3 year period when this would apply and in consideration with the other taxes they would be paying it would not amount to a lot.

Mayor Dickinson amended Section 2 subsection 3 to read "The applicant is current in the payment of any taxes or other obligations due to the Town of Wallingford and shall remain current in order to receive the benefit of this program."

Mr. Gouveia asked about adding the punitive or charging if they leave early.

Mr. Centner suggested that maybe an escrow account could be opened to hold a portion of a year's credit for a couple of years as an incentive for them to stay in town.

Mr. Knight stated a concern that if too many disincentives are added then we will not be competitive with other towns.

Mr. Powell commented that some things brought up tonight are really good, such as Peter wanting them to stay the same number of years as they receive the incentive. To put any monetary factors on this defeats the purpose of offering the incentive. Anyone who goes into this kind of investment is not likely to move quickly due to the expense of moving, unless they go out of business.

Mr. Centner clarified that what he was mentioning was holding part of the tax break not an additional deposit.

Mayor Dickinson asked Gary if it was written that they would repay the money.

Mr. Powell stated that this was something being discussed as an addition. That maybe adding a rider on a phase out period committing them for the same number of years.

Mayor Dickinson brought up that on a Million dollars the tax would be \$24,800 and 50% would be \$12,000 so to be to aggressive would defeat the purpose.

Mr. Gouveia asked if the one for one deal was going to be added.

Mr. Parisi commented that he did not believe so. We are trying to invite business to come, if we put up to many blocks none will want to come.

Mr. Gouveia asked that the word and retain be added to Section 1 second sentence, "in order to attract and retain".

Mr. Knight commented that it infers this by stating "to locate or expand in Wallingford".

Mr. Centner commented that it is kind of hard to make a bankrupt company stay 3 more years. That is why I suggested holding part of their tax reduction so if they fold we have the money they do not.

Vincent Testa, 30 Pieper Drive, a possible way to accomplish Mr. Centner's suggestion is a lien on the property or the personal property equivalent to the value, which would be them worked off. The only real difference if that this is not cash out of their pocket, but if they do go bankrupt then you at least have that portion of the lien on the property. If they chose to leave before repaying their debt, by staying the equivalent number of years, then you will have the lien amount before they can sell the property. One question on the Enterprise Zones to Mr. Roe is the funds, do they con from the state and federal government.

Mr. Roe stated that he needs to premise that I am not an authority on Enterprise Zones. The tax benefits that are given a company are largely paid to the community by the state.

Mr. Testa questioned why we cannot come up with our own version of an Enterprise Zone to offer, being that we have so much more to offer than an area that would qualify for state funding. Why would the state not allow us to do this, is it relative to other state funding that we get, why they would not allow tax abatements outside our own statutes.

Mr. Roe commented that municipalities only exist due to the state deciding to them to exist, they set the rules that municipalities must follow to conduct our business. We have to follow any tax laws they have adopted. There is no option around the rules they have established.

Mr. Testa asked how we are locating these companies. Are we actively seeking out companies that start out Divs. of the parent company.

Mr. Roe stated that the sources of our leads are through the EDC own budget, with national advertising, real estate broker community and the State Economic Resource Center and other companies knowing of other companies. We have checked with other sources. We have had 143 inquiries in the 96/97 year. We have looked into all sorts of companies. We have checked into medical companies as well.

Mr. Testa asked whom was met with at Times Fiber when it was found out that they were moving.

Mr. Roe stated that we were not able to meet with them. We made attempts to meet with them through the Mayor office.

Pasquale Melillo, 15 Haller Place, agreed with the idea of liens on the propriety.

Mr. Rys asked Attorney Small if this was legal to do.

Attorney Small responded that you could not put a lien on the property with the condition of them to stay a certain number of years. You could use a note/mortgage arrangement, but you are dealing with manufacturing firms that will be dealing with a bank that probably will not allow someone, such as a municipality, to first mortgagee on the property and being behind the bank would not do much good anyway.

Mr. Melillo brought up the fact that as a resident if you do not pay a town bill, such as water/sewer or electric then the town puts a lien on after 90 days.

Mr. Parisi remarked that you would be in violation first then the lien would be instated.

Mr. Testa commented that what he had brought up was more of a note in the form of a lien that the manufacturer would have to agree to and sign.

Attorney Small responded that it would be in the form of a note and mortgage to secure the debt. Most of these people are going to be financing with the banks and the towns mortgage would come after this.

Geno Zandri, 37 Hallmark Drive, what has been the success rate in attracting business to Wallingford.

Mr. Parisi stated that this has not been the most used incentive in the past. But it may be helpfull with two businesses in the near future.

Mr. Zandri stated that he feels that the Council should be in control of giving tax abatements for the future.

Robert Sheehan, 11 Cooper Avenue, stated that he agrees with Mr. Gouveia's assessment of one year for one year. Try to keep this process as simple as possible and not overburdening the business with debts before he opens the door. I agree with Mr. Zandri that the Council should be in control and decide on a case by case basis.

Iris Papale questioned about a manufacturer currently in town.

Mayor Dickinson commented that this program allows the existing manufacturer to benefit from this abatement as well. See Section 2 subsection a "written agreement with the owner(s) and/or leesee(s) of certain property located within the Town" and subsection b part 5 "% Reduction In Assessment When Locating In Existing Building" all pertains to business currently ion the Town as long as they are meeting these requirements.

Attorney Small stated that no where does it state that you have to be a newcomer to the town. You can add the language to the purpose section with no problem.

Mr. Gouveia stated that he feels it is sloppy language. It states "to attract manufacturing companies to locate or expand" but the company may want to upgrade their equipment to be more competitive.

Attorney Small requested a copy of the statute to check for Peter.

Mr. Gouveia requested this to be tabled till the next meeting to allow time for this to be followed through.

Mr. Knight referred to Section 2 subsection a and stated that if it is an owner or leesee of Town property then it would not be a stretch that we are talking about business that are already here.

Mayor Dickinson requested a sentence be added to Section 1 Purpose, reading "This program is available to existing and new manufacturing companies."

Mr. Roe stated the authors of this document was a task force that was appointed by the Council back in 1992/93. That task force had representation from the business community manufacturers. And I can remember discussion at the meeting as to how wide the benefit, not just on an individual company but on which companies. At that time the perception that the deficit to the community would be the vacant buildings. The priority was to fill vacant space. This was made to apply to the old as well as the new, with the principal priority on filling vacant space.

Mr. Gouveia commented that it certainly does stress filling the vacant space. But does it pertain to only the purchase of property without moving or expanding.

Mr. Roe stated that it is a change in personal property.

Mr. Knight moved to amend Section 2 subsection b part 3 to include "or other obligations" to reread "The applicant is current in the payment of any taxes or other obligations due to the Town of Wallingford and shall remain current in order to receive the benefit of this program."

Seconded by Mr. Gouveia.

VOTE: All ayes; Amendment passes.

Mr. Gouveia asked if it was being addressed as written with the amendment or to include the matching of one year for one year.

Mr. Parisi stated that it is being voted on as amended.

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

WAIVE RULE 5 Motion was made by Ms. Papale to Waive Rule V for the Purpose of transferring funds from regular wages to overtime account for the Youth Service Bureau, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Transfer Funds From Regular Salaries to Overtime in the amount of \$155.00, seconded by Mr. Farrell.

Mr. Roe commented that he had authorized for this person to be at Fairfield Blvd. on Sept. 20 and was not aware of the overtime provision in the labor agreement. He believed it to be straight time and not a problem. This person will also be assisting on October 4 at the Taste of Wallingford.

Mr. Knight asked if this had come up before. Were they not at the Taste of Wallingford in the past.

Mr. Roe stated that they are down a manager and will need extra help.

Mr. Gouveia asked if the motion would also be establishing the account that these moneys are being transferred to. They request should state this.

Mr. Parisi stated that this will follow the same procedure and agreed that the request should state that it would establish a new account number.

Geno Zandri, 37 Hallmark Drive, question if any of the Union contract have flex time in them.

Mr. Roe and Mr. Parisi stated that they believe that it does not have this provision.

Mr. Zandri recommended that the Town look into this for the future, it would eliminate this for the future.

Vincent Testa, 30 Pieper Drive, asked what was being done to fill the managers position.

Mr. Parisi assured Vinnie that the appropriate steps were being taken to fill this position.

Mayor Dickinson commented that it was currently being reviewed by personnel, they are looking at how they want to deal with the structure. They are unsure if they will fill the position at this time.

VOTE: All ayes; motion duly carried.

ITEM #9 Report Out on the Status of Town-Owned Property in Durham as Requested by Councilor Thomas Zappala

Mr. Zappala requested that this property be acted upon. Why has the Conservation Commission taken so long to act. The Council has approved selling this property and replace this land in Wallingford.

Mayor Dickinson stated that he has information to share with the Council during the Executive Session pertaining to this topic. Under state rules we have to have property to exchange.

Pasquale Melillo, 15 Haller Place, Yalesville, questioned why this information cannot be shared with the public.

Mayor Dickinson asked Pat how he would go about a negotiation for the sale of property. Would he advertise or go about it discretely. The Town, to acquire property, can meet under Executive Session with confidentiality to check the interests of the Town and to protect the public by getting the best price and terms of purchase.

Mr. Melillo asked if he would share in general terms some information with the public at this time.

Mayor Dickinson commented that the Town is very interested in purchasing open space and the Conservation Commission has prepared an initial report that will be shared with the Town Council that should help in the near future with the purchase of open space.

ITEM #10 and 13 Executive Session

Motion was made by Mr. Rys to Enter Into Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation Involving Tax Appeals and Section 1-18(e)(4) of the CT. General Statutes with Respect to the Purchase, Sale and/or Lease of Property, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

The Council entered executive session approximately 9:00 P.M.

Present in executive session were all Councilors, Mayor William W. Dickinson, Jr. and Town Attorney Janis M. Small.

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

VOTE: All ayes; motion duly carried.

The Council exited the executive session at approximately 9:35 P.M.

ITEM #11 Consider and Approve the Settlement of Pending Litigation Involving Tax Appeals - Town Attorney

Motion was made by Mr. Rys to authorize the Town Attorney to settle the Marriot Santecroche tax appeals as discussed in Executive Session, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve a Waiver of Bid to Hire Appraisers in the Matter of Pending Tax Appeal Litigation

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

VOTE: All ayes; motion duly carried.

ITEM #14 Pursuant to Connecticut General State Statutes 48-6 and 48-12 the Town Council authorizes the condemnation of 23 Silk Street and 25 Silk Street and authorizes the Town Attorney to commence the legal proceeding necessary to commence and complete condemnation.

Pasquale Melillo, 15 Haller Place, questioned why the public was not allowed to comment on items 11 & 12.

Mr. Parisi stated that they cannot be discussed right now. They are legal proceedings.

Attorney Small stated that on item #12 we have pending tax appeals on which an appraiser has to be hired to defend the tax appeal. And item #14 the condemnation of 23 and 25 Silk Street properties in the absence of an agreement to purchase those properties.

Mr. Melillo asked if everything is tentative with this, relative to the possible action in the acquisition in the property.

Attorney Small commented that we have been unable to reach an acceptable agreement for the purchase 23 and 25 Silk Street properties near the Senior Center, and the Council is considering a motion authorizing my office to commence a condemnation proceedings in order to acquire the properties.

Mr. Melillo asked if this was relative to the next Town Council meeting when the Senior Center design would be discussed.

Mayor Dickinson commented that this is relative beyond that. The Senior Center may not be expanded at that site. There is interest by the Town to own property around the once Community Lake.

Mr. Melillo asked if this was a highly sensitive legal issue, when the Town might end up getting a legal suit relative to condemnation of private property.

Attorney Small commented that when the Town determined the value of the property and notifies the Court that the Town will pay these funds to the Court, if that amount is not acceptable to the property owner they have the right to appeal that determination value into the courts. But the act of condemnation does in fact vest title to the property in the Town, we will become owner it is just a question as to the cost.

Mr. Melillo stressed his belief that the Town should not go into condemnation with anyone and risk the possible legal/court action.

Phil Wright, 160 Cedar Street, asked if this is the two pieces of property that we are talking about for the Senior Center.

Mayor Dickinson responded that these are two of three pieces of property, one on either side on the road at the very end of Silk Street.

Mr. Wright asked when the last time was when the Town took this type of action.

Mayor Dickinson reflected that it was either Thurston Property or a guide wire by the Train Station.

Mr. Wright approves of what is being proposed. Feels it was to long coming.

Mr. Gouveia reported for the record that he feels a condemnation to be a very serious matter and only to be used as a last resort. Due to fact presented during Executive Session leaves me to see no alternative.

Vincent Testa, 30 Pieper Drive, requested to hear the reason for condemning these properties that was presented during Executive Session.

Attorney Small commented that we were not able to come to an agreement.

Mr. Testa asked if it has to do with the state of the properties falling apart or unsafe.

Attorney Small explained that this use pertains to the act of taking Eminent Domain, paying an unagreed upon value.

Mr. Wright asked what had been discussed in Executive Session pertinent to the Durham property and open space.

Mayor Dickinson stated that the Statute allows discussion of matters of the purchase sale/lease of real estate to be discussed in Executive Session. The potential acquisition of property.

Mr. Wright asked what pieces of property were discussed.

Mayor Dickinson explained that it was these two as well as others. The discussion was not limited to these two pieces only the action being taken is limited.

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

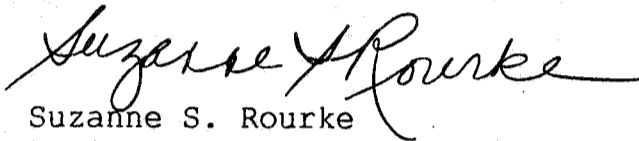
VOTE: All ayes; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 10:00 P.M.

Meeting recorded and Transcribed by:



Suzanne S. Rourke
Acting Town Council Secretary

Town Council Meeting

-22-

September 23, 1997

Approved by:

Robert F. Parisi, by P.R.
Robert F. Parisi, Chairman

10-29-97
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

10-29-97
Date

OCT 2 1997

RECEIVED FOR RECORD
AT 4 H 45 M P M AND RECORDED BY
Rosemary A. Rascati TOWN CLERK

TOWN COUNCIL MEETING

SEPTEMBER 23, 1997

6:30 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Correspondence - Recognition of National Fire Prevention Week October 5 - 11, 1997
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#39-47) Totalling \$2,680.50 - Tax Collector
 - b. Consider and Approve a Transfer of Funds in the Amount of \$830 from Transportation Reimbursement Acct. #001-2050-300-3201 to Purchased Professional Secretary Acct. #001-2050-901-9000 - Building Official
 - c. Consider and Approve a Resolution Authorizing the Continuation of a Grant from the Department of Mental Health & Addiction Services to the Mayor's Council on Substance Abuse - Program Planner
 - d. Approve and Accept the Minutes of the 8/19/97 Town Council Meeting
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve a Transfer of Funds in the Amount of \$2,163.00 from Stainless Sand Spreaders Acct. #001-5015-999-9995 to Dump Trailer Acct. #001-5015-999-9917 - Dept. of Public Works
7. Consider and Approve a Transfer of Funds in the Amount of \$2,622.00 from Stainless Sand Spreaders Acct. #001-5015-999-9995 to Compressor Truck w/Equipment Acct. #001-5015-999-9913 - Dept. of Public Works
8. Consider and Approve Renewal of the Personal Property Tax Incentive Program for Manufacturers - Economic Development Commission
9. Report Out on the Status of Town-Owned Property in Durham as Requested by Councilor Thomas Zappala

10. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes with Respect to Pending Litigation Involving Tax Appeals - Town Attorney
11. Consider and Approve the Settlement of Pending Litigation Involving Tax Appeals - Town Attorney
12. Consider and Approve a Waiver of Bid to Hire Appraisers in the Matter of Pending Tax Appeal Litigation
13. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Purchase, Sale and/or Lease of Property - Mayor's Office
14. Discussion and Possible Action Regarding the Acquisition of Property - Mayor's Office

TOWN COUNCIL MEETING

SEPTEMBER 23, 1997

6:30 P.M.

CLARIFICATION OF ACTION TAKEN
PERTAINING TO THE SETTLEMENT OF TAX APPEALS

ITEM #11 Consider and Approve the Settlement of Pending Litigation Involving Tax Appeals - Town Attorney

The agenda item, as listed, gives no indication of the tax appeals considered for settlement by the Town Council. For the purpose of clarification they are as follows:

- Marriott v. Town of Wallingford
- Santacroce v. Town of Wallingford

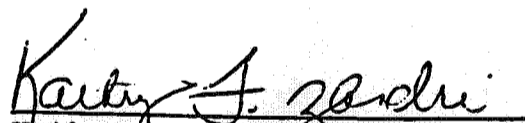
The following motion appears on page 18 of the minutes attached:

Motion was made by Mr. Rys to Authorize the Town Attorney to Settle the Marriot Santecroche Tax Appeals as Discussed in Executive Session, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

The action taken by the Town Council authorizes the Town Attorney to settle the Tax Appeal of Marriott v. Town of Wallingford and the Tax Appeal of Santacroce v. Town of Wallingford.

NOTE: The minutes of this meeting were approved, as typed, by the Town Council at its meeting of October 28, 1997. This notice is not a correction to the minutes but a clarification of them and should be attached to the minutes for historical purposes.


Kathryn F. Zandri
Town Council Secretary
October 30, 1997

TOWN COUNCIL MEETING

SEPTEMBER 23, 1997

6:30 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
3. Consent Agenda - Items #3a-3d	1-2
4. Withdrawn	
PUBLIC QUESTION AND ANSWER PERIOD - Status Report Statement to Town regarding blasting damage due to installation of new sewer pump; inquiry to Yankee Gas Systems relative to 100 year old wells; follow-up needed on refunds from decommissioning of Nuclear Power Plant; discussion of pension fund; discussion of disrepair of sidewalks and roads; inquiry as to the security of the Town Hall.	2-5
6. Approve a Transfer of \$2,163 to Various Accts. for the Department of Public Works to award the bid for purchase of a dump truck	5-6
7. Approve a Transfer of \$2,622 to Various Accts. for the Department of Public Works to award the bid for purchase of a Compressor Truck w/Equipment	6
8. Approve the Renewal of the Personal Property Tax Incentive Program for Manufacturers - Economic Development Commission	6-16
9. Report Out on the Status of Town-Owned Property in Durham as Requested by Councilor Zappala	17-18
10. Executive Session	
11. Approve the Settlement of Pending Litigation Involving Tax Appeals - Town Attorney	18