

TOWN COUNCIL MEETING

SEPTEMBER 8, 1998

6:30 P.M.

AGENDA

Blessing - Father John Williams, Most Holy Trinity Church

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consider and Approve Resolution designating Firefighter Appreciation Day
4. Consent Agenda
 - a. Consider and Approve Tax Refunds (#17-109) Totalling \$14,787.59 - Tax Collector
 - b. Approve and Accept the Minutes of the August 18, 1998 Town Council Meeting
 - c. Consider and Approve a Request by the First Congregational Church to Use the Parade Grounds in Front of 9 So. Main St. and 23 So. Main St. on Sunday, September 13, 1998 for a "Catch the Spirit Festival" - Mayor
 - d. Consider and Approve a Budget Amendment in the amount of \$98,233 to Town Aid Road Fund Revenue and Expenditure Accounts - Mayor
 - e. Consider and Approve the Acceptance of a \$2,500 Gift from the Estate of Charles R. Clulee for the maintenance of several monuments and historical sites - Town Attorney
 - f. Consider and Approve the Acceptance of a \$1,000 Donation from Bank Boston to Department of Youth & Social Services for the Purpose of Youth Activity Programming - Youth & Social Services

- g. Consider and Approve a Budget Amendment in the amount of \$1,000 to Increase Revenue Account #012-1040-700/7010 Other Revenue and to Increase Expenditure Account #012-9000-600/6000 Youth Projects by \$1,000 - Youth & Social Services
 - h. Consider and Approve a Transfer of Funds in the Amount of \$9,025 from Purchase of Water, Acct. #602-000 to Acct. #925-001, Workmans Compensation (1997/98 FY)- Water Division
 - i. Consider and Approve a Transfer of Funds in the Amount of \$7,000 from Pumping Expenses, Acct. #623-000 to Acct. #926-000, Employees Pension & Benefits (1997/98 FY) - Water Division
 - j. Consider and Approve a Transfer of Funds in the Amount of \$500 from Pumping Labor & Expense, Acct. #624-000 to Acct. #623-000, Power Purchased for Pumping (1997-98 FY) - Sewer Division
 - k. Consider and Approve a Transfer of Funds in the Amount of \$625 from Pumping Labor & Expenses, Acct. #624-000 to Acct. #920-000, Administrative & General Salaries (1997-98 FY) - Sewer Division
 - l. Consider and Approve a Transfer of Funds in the Amount of \$1,265 from Pumping Labor & Expenses Acct. #624-000 to Acct. #923-003 MRT Labor (1997/98 FY) - Sewer Division
 - m. Consider and Approve a Budget Amendment in the Amount of \$18,000 from Durham Rd. Pump Station from Reserve Estimated Interest to Durham Rd. Pump Station from Reserve Appropriation - Sewer Division
 - n. Consider and Approve a Budget Amendment in the Amount of \$10,950 to Increase Depreciation Expense, Acct. #403-000 and to increase Sources of Funds-Depreciation (Acct. #N/A)(1997/98 FY) - Sewer Division
5. Items Removed from the Consent Agenda
6. Consider and Approve Waiving the Bidding Process to Repair E. Wallingford Aerial Fire Apparatus - Fire Chief

7. Consider and Approve a Transfer of Funds in the Amount of \$93,290 from Contingency General Purpose, Acct. #8050-800-3190 to Replace Aerial Ladder, Acct. #2030-999-9998 - Fire Chief
8. Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Salaries & Wages, Acct. #012-9000-101/1000 to Purchased Profession Services: Sexual Assault Crisis Service, Acct. #012-9000-901/9016 - Youth & Social Services
9. Consider and Approve a Transfer and budget amendment as follows:
 - a. Transfer of \$15,000 from Contingency General Purposes, Acct. #001-8050-800-3190 to Town Contribution to Youth & Social Services, Acct. #001-3070-600/6881
 - b. Budget Amendment Increasing Local Match, Acct. #012-1040-600/6000 by \$15,000 and Increasing General Assistance, Acct. #012-9000-600/7010 by \$15,000 - Youth & Social Services
10. Consider and Approve a Transfer of Funds in the Amount of \$114,218 from Purchase Power Acct. #555 to Acct. #501 Fuel Expense-Production \$90,000, Acct. #502, Steam Expense-Production \$14,670 and Acct. #505, Electric Expense-Production \$9,548 - Electric Division
11. PUBLIC QUESTION AND ANSWER PERIOD
12. Consider and Approve Waiving the Bidding Process for the Purpose of Entering Into a Contract for Appraisal of Bristol-Myers Squibb "F" Wing - Comptroller
13. Consider and Approve a Transfer of Funds in the Amount of \$4,800 from Revaluation, Acct. #1401-999-9909 to Purchase Services Property Appraisal, Acct. #1401-901-9010 - Comptroller
14. TO CONDUCT A PUBLIC HEARING, Consider and Act on the Following Proposed Ordinance: An Ordinance Appropriating \$195,000 For The Acquisition of Real Property Known As 1070 East Center Street For Open Space, Recreation and Town Purposes, And Authorizing The Issuance of \$195,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purposes - 7:45 P.M.

15. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to discuss pending litigation involving Dellavecchia v. Factory Built Homes and the Town of Wallingford - Town Attorney
16. Executive Session Pursuant to Section 1-18a(e)(2) of the Ct. General Statutes to discuss pending litigation involving Stanley Partyka v. Town of Wallingford - Town Attorney
17. Motion to Consider and Approve the Settlement of Stanley Partyka v. Town of Wallingford - Town Attorney.
18. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to discuss Settlement of Pending Litigation Involving Clodfelter, et al v. Town of Wallingford, et al - Town Attorney
19. Motion to Consider and Approve the Settlement of Pending Litigation - Town Attorney
20. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes pertaining to the Purchase, Sale and/or Lease of Property - Councilor Gerald E. Farrell, Jr.

TOWN COUNCIL MEETING

SEPTEMBER 8, 1998

6:30 P.M.

SUMMARY

<u>Agenda Item</u>	<u>Page No.</u>
2. Correspondence - No items were presented	
3. Approve a Resolution Designating Sept. 6, 1998 as Firefighter Appreciation Day	1
4. Consent Agenda - Items 4a-n	1-3
5. Withdrawn	
Approve Waiving the Bidding Process to Repair E. Wlfd. Aerial Fire Apparatus - American LeFrance Co. To Perform the Work	13-15
7. Approve a Transfer of \$73,290 to Replace Aerial Ladder Acct. - Fire Dept.	15
8. Approve a Transfer of \$2,000 to Purchased Professional Services: Sexual Assault Crises Service Acct. - Youth Service Bureau	20
9a. Approve a Transfer of \$15,000 to Town Contribution to Youth and Social Services Acct.	20-21
9b. Approve a Budget Amendment Increasing Local Match Acct. By \$15,000 and Increasing General Assistance Acct. By \$15,000 - Youth Service Bureau	20-21
10. Approve a Transfer of \$114,218 from Purchase Power Acct. Of which \$90,000 is Transferred to Fuel Expense - Production; \$14,670 is Transferred to Steam Expense - Production and \$9,548 is Transferred to Electric Expense - Production - Electric Division	21-23

<u>Agenda Item</u>	<u>Page No.</u>
11. Public Question and Answer Period - Question Re: Town's Application for a Bldg. Permit; Placement of Exec. Session Items on Agenda; Inquiry Re: Re-financing of Older Bonds; Comments Re: Wooding/Caplan Property; Comments Re: Generating Plant Proposal; Request to Put an Item on the Agenda Pertaining to the Status of the Pension Fund; Question Re: Status of Senior Center Expansion Project; Complaints Re: Tayco Corp.'s failure to obey Cease and Desist Order	3-12
12. Approve Waiving the Bidding Process for the Purpose of Entering into a Contract With Flanagan and Company for Appraisal of Bristol-Myers Squibb "F" Wing - Comptroller	23-26
13. Approve a Transfer of \$4,800 to Purchase Services Property Appraisal Acct. - Comptroller	26
PUBLIC HEARING on an Ordinance Appropriating \$195,000 for the Acquisition of Real Property Known as 1070 E. Center Street for Open Space, Recreation and Town Purposes and Authorizing the Issuance of \$195,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purposes - Continue Public Hearing to Sept. 22, 1998 at 7:45 P.M.	15 - 20
15. Executive Session - 1-18a(d)(2) - Pending Litigation Involving Dellavechia v. Factory Built Homes and the Town of Wallingford	26-27
16. Executive Session - 1-18a(e)(2) - Pending Litigation Involving Stanley Partyka v. Town of Wallingford	26-27
17. Approve the Settlement of Stanley Partyka v. Town of Wallingford	27
18. Executive Session - 1-18a(e)(2) - Pending Litigation Involving Clodfelter et al v. Town of Wallingford, et al	26-27
19. Approve Settling the Case of Clodfelter, et al v. Town of Wallingford as Discussed in Executive Session	27
20. Executive Session - 1-18a(e)(4) - Purchase, Sale and/or Lease of Property - Councilor Gerald E. Farrell, Jr.	26-27

TOWN COUNCIL MEETING

SEPTEMBER 8, 1998

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, September 8, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:34 P.M. All Councilors answered present to the Roll called by Assistant Town Clerk Patricia Sgambati with the exception of Mr. Center who arrived at 6:37 P.M. and Mr. Farrell who arrived during executive session which commenced at 8:49 P.M. Mayor William W. Dickinson, Jr., Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Father John Williams, Most Holy Trinity Church

The Pledge of Allegiance was given to the Flag.

IM #2 No items of correspondence were presented.

ITEM #3 Consider and Approve a Resolution Designating Firefighter Appreciation Day

A resolution was read into the record by Mr. Rys Designating September 6, 1998 as Firefighter Appreciation Day (Appendix I).

Motion was made by Mr. Rys to Approve the Resolution, seconded by Mr. Knight.

VOTE: Centner and Farrell were absent; all others, aye; motion duly carried.

ITEM #4 Consent Agenda

ITEM #4a Consider and Approve Tax Refunds (#17-109) Totaling \$14,787.59 - Tax Collector

ITEM #4b Approve and Accept the Minutes of the August 18, 1998 Town Council Meeting

ITEM #4c Consider and Approve a Request by the First Congregational Church to Use the Parade grounds in Front of 9 So. Main Street and 23 So. Main Street on Sunday, September 13, 1998 for a "Catch the Spirit Festival" - Mayor

ITEM #4d Consider and Approve a Budget Amendment in the Amount of \$98,233 to Town Aid Road Fund Revenue and Expenditure Accounts - Mayor

ITEM #4e Consider and Approve the Acceptance of a \$2,500 Gift from the Estate of Charles R. Clulee for the Maintenance of Several Monuments and Historical Sites - Town Attorney

ITEM #4f Consider and Approve the Acceptance of a \$1,000 Donation from Bank Boston to Department of Youth & Social Services for the Purpose of Youth Activity Programming - Youth & Social Services

ITEM #4g Consider and Approve a Budget Amendment in the Amount of \$1,000 to Increase Revenue Account #012-1040-700-7010 Other Revenue and to Increase Expenditure Account #012-9000-600-6000 Youth Projects by \$1,000 - Youth & Social Services

ITEM #4h Consider and Approve a Transfer of Funds in the Amount of \$9,025 from Purchase of Water, Acct. #602-000 to Acct. #925-001, Workmans Compensation (1997-98 F.Y.) - Water Division

ITEM #4i Consider and Approve a Transfer of Funds in the Amount of \$7,000 from Pumping Expenses, Acct. #623-000 to Acct. #926-000, Employees Pension and Benefits (1997/98 F.Y.) - Water Division

ITEM #4j Consider and Approve a Transfer of Funds in the Amount of \$500 from Pumping Labor & Expense, Acct. #624-000 to Acct. #623-000, Power Purchased for Pumping (1997-98 F.Y.) - Sewer Division

ITEM #4k Consider and Approve a Transfer of Funds in the Amount of \$625 from Pumping Labor & Expense Acct. #624-000 to Acct. #920-000, Administrative & General Salaries (1997-98 F.Y.) - Sewer Division

ITEM #4l Consider and Approve a Transfer of Funds in the Amount of \$1,265 from Pumping Labor & Expenses Acct. #624-000 to Acct. #923-003 MRT Labor (1997-98 F.Y.) - Sewer Division

ITEM #4m Consider and Approve a Budget Amendment in the Amount of \$18,000 from Durham Rd. Pump Station from Reserve Appropriation - Sewer Division

M #4n Consider and Approve a Budget Amendment in the Amount of \$10,950 to Increase Depreciation Expense, Acct. #403-000 and to Increase Sources of Funds - Depreciation (Acct. #N/A) (1997-98 F.Y.) - Sewer Division

tion was made by Mr. Rys to Approve the Consent Agenda as Presented, Items #a-n, seconded by Mr. Centner.

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

ITEM #5 Withdrawn

ITEM #11 Motion was made by Mr. Knight to Move Agenda Item #11 Up to the Next Order of Business, seconded by Mr. Zappala.

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

PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive stated that he had noticed that the Town had applied for a building permit in the newspaper and asked what, specifically, the Town was planning to build?

Mr. Dickinson explained that the permit was for the Cook Hill School portable classroom project.

On a separate matter, Reginald Knight pointed out how the bags of garbage that were located on the front lawn of a North Main Street property near the Library had been moved to the side of the home and have remained there now for over twelve weeks. When he complained at a Town Council meeting about the fact that they had been sitting for many weeks on the North Main Street side of the property, someone had moved them to the south side of the house but they have not moved since. Mr. Parisi had made a note of the complaint, yet they sit there still.

Mr. Parisi made a note once again of the complaint and asked what the address of the home was?

Mrs. Knight answered from the audience, 273 North Main Street.

Mr. Parisi stated that he would look into the matter.

Reginald Knight next asked, why doesn't the Council conduct its executive sessions last on the agenda? Since the public cannot sit in attendance at executive sessions they tend to leave the meeting for the evening and after having done so the Council, on many occasions, upon exiting executive session takes action without the public having the opportunity to speak to the action. Why not take up those items to be acted upon before going into executive session?

Mr. Parisi explained how many of the items handled after the executive session are the result of having discussed them in executive session. The items cannot be acted upon without first discussing the details surrounding them. This is done in executive session for the topic may not allow public debate on the matter. Once the Council has discussed the matter it then exits executive session and takes action on it in open session. The law does not allow the Council to take action in executive session.

Reginald Knight commented on Mr. Parisi's remarks made recently at a Planning & Zoning meeting. Mr. Parisi had commented favorably on the meeting process and how the commission's Chairman had allowed the public sufficient time to voice their opinions on those matters of importance to them.

Lastly, Reginald Knight stated that he was offended by Mr. Parisi's comments at a recent Town Council Meeting when he (Mr. Parisi) stated that if he was retired he would have more time to take pictures of various problems around town to address them. Mr. Knight went on to say that he is retired yet lives a very busy life filling it with various hobbies and a job as well.

Parisi clarified his remarks by explaining how he meant that if he was retired he, personally, would have an additional eight (8) hours in his schedule to dedicate to the Town in trying to resolve issues of concern to the public. He did not mean to insult anyone or insinuate that retirees do nothing constructive or creative with the time that normally would have been devoted to a full time job. He was sorry that Mr. Knight interpreted his comments in a negative way for that was not his intentions behind the statement.

Pasquale Melillo, 15 Haller Place, Yalesville asked if the Town has re-financed many of their older bonds to obtain a better financing rate?

Comptroller Thomas Myers responded, yes.

Mr. Melillo asked, will the Town re-coup the \$1.5 million that it spent on the Wooding/Caplan property when or if we sell it should this latest private proposal to develop the site come to fruition?

Mayor Dickinson responded, only ideas have been presented at this time. The Town would not be selling property that it owns.

Melillo asked, will the Town lease or rent the land to the developers?

Mayor Dickinson replied, this has not yet reached a "plan" stage.

Mr. Melillo stated, in the future, if we decide to sell the properties we should be selling it for more than \$1.5 million, don't you agree Mayor?

Mayor Dickinson answered, I would have to see what the total project looks like; what its impact is on the downtown before I can venture an opinion as to what we should or should not receive for it.

Mr. Melillo next asked, why do we still refer to it as the Wooding/Caplan property? Why don't we call it Town property?

Mayor Dickinson explained, for the sake of clarity. The Town owns many parcels of land in many areas of town. This helps to quickly identify the location of the property.

Andy Kapi, 6 Deme Road stated, with regards to the generating plant and comments made at the special meeting on August 25, 1998, I had asked a question pertaining to the degree of effluent that would be used by the plant. At one point I had thought the slide presentation had referred to the use of primary effluent from the treatment plant. I questioned why they would propose to use primarily-treated effluent and the response was given that no where in the slide presentation did those words appear and that all that was indicated in the presentation was the proposed use of wastewater effluent from the facility. Upon reviewing the telecast of the meeting at home, I noticed that the slide presentation did, indeed, exhibit the words. Language under Project Status Phase I, Item #3, water supplies said, "Our preliminary analysis assumed that the Wallingford energy project would utilize primarily treated effluent from the Wallingford Water & Sewer Division". I had a discussion with Roger Dann today who assures me that in all of his conversations with the representatives in this matter, he was referring to properly treated, secondarily or beyond treated effluent. I am happy to hear that he knew what we were talking about. It was a bit disconcerting that someone had told me that something that I had seen only one hour earlier didn't, in fact, occur.

Mr. Parisi asked, during the course of the evening, didn't they clarify that; that it could not be the primary effluent?

Mr. Kapi responded, I don't believe anyone clarified it that evening. But I have had conversations since then and I can't see.....as I understand it primarily treated effluent is something that settles for a while, you get some of the solids out of that. Anyone that would want to pump the rest of that into a r system.....that would not seem to be too effective. I just wanted to clarify that point for the record.

So, Mr. Kapi continued, over the weekend I read an article in the Hartford Courant which dealt with the Killingly, Connecticut (electric generating) plant. The language "The Killingly plant would utilize the more costly air coolant technology...." appeared in the article. This was the first time I had ever heard of an air coolant option for these types of plants. I called Tom Homan, Town Manager of Killingly and had quite a conversation with him. He said, in the course of their initial conversations with their company, New England Generating Company, early on they identified the problems of water sourcing and steam discharge in the air. Mr. Homan said, very quickly, without much prodding, they switched their proposal to an air coolant technology which does not carry the inherent risks of damaging a water table or possible health consequences of that amount of humidity in the air. Are we chopped liver? Did any of the six plans that we looked at carry the option of air cooling?

Mayor Dickinson replied, the utility people should be the ones to respond to that question. I don't believe, from my perspective, that the choice was made based upon the specifics of the technology. There were proposals regarding the involvement of the Town of Wallingford, the utilities, the money that would be needed from sources other than the private party developing the proposal. I think the primary choice, the initial choice regarding who to go with was based more on that than it was on specifics of the technology. I think that Ray Smith (Director of Public Utilities) should be the one to address the issue as to what each one was proposing in the way of turbine generators.

Mr. Kapi stated, I did not expect to get some answers on that tonight. I did want to plant some questions in Councilor's minds. If you are saying that this proposal did not require an investment from the Town as in stockholder/shareholder/risktaker, I understand that. But the choice of technologies in this case where we have not a unique situation because other people are along the Quinnipiac River and other people essentially have a river valley but where that plant is located in our town and in the vicinity of our industrial area and in the vicinity of the trash plant, with the degraded Quinnipiac aquifer, I would really have enjoyed the reassurance that somebody at the P.U.C., a.) was even aware that there was an air coolant option and, b.) maybe that possibility was something that could have been negotiated for. To be fair, I also found out today that I believe an air cooling facility would require a bigger expanse of land possibly. It may be that such a facility for 540 megawatts could not be placed in that location but what I would say to that is, maybe the proper thing for our town and the people in that neighborhood, would have been for them to consider the other option that was referred to in the exclusivity agreement of a half-sized plant; 275 megawatts. We heard a lot about good neighborliness. I should think that the people approaching us should have our best interests in mind clearly. I would like to also think that we had people placed in the P.U.C. or anyplace else in this process who would be able to make that kind of argument on our behalf. With regards to the water sourcing; which interestingly on their page regarding alternate water sourcing, they are talking now about getting it from other places and so are ten other plants in this State. That competition will be difficult and they may not get that. Through my conversations with several

people at D.E.P., I have discovered that the water that we return to the Quinnipiac, if it were diverted to this project would also require a diversion permit, drilling wells in the aquifer would require diversion permits, taking water from the Quinnipiac would require diversion permits and I am told on pretty good authority that those permits will not be forthcoming. My question to this entire process is, since I have also discovered that a cautious, optimistic estimate of the time involved in this permitting process is six to nine months, if these people bring a contract to us in one month, what kind of contingencies are we going to be allowing for if we dare to enter into an agreement with people that don't yet know where they are going to get the water and if they fail in getting those permits for the water, will then move to a "plan B"; will that take two years to unfold? Will it be pending? Will we know where we stand? As they indicated at their presentation, in one month they will bring a contract here.

Mr. Parisi stated, a lot of these questions exist in our minds already and probably some of them we have not been aware of; I will not speak for everyone. I had some of these questions, too. In fairness, we have to let the process evolve and as they come back the questions have to be raised; the input is always valuable; I wouldn't discount it.

..... Kapi reminded Mr. Parisi how they both had an exchange at the last meeting on when this process goes beyond this table; when it goes to Hartford and elsewhere; when it gets to that extended process; before D.E.P.; before the Citing Council. At that point it is beyond us. I made that point last time. What I am saying now in anticipation of the next step in this process is, when they bring a contract to us, are we going to entertain entering into an agreement where they are so far out nailing down the specifics; where they used in their own language last time being purposely vague about the water?

Mr. Parisi stated, I know that the Mayor, as well as the Council, has some serious questions that have yet to be answered. We have to get to the next step of the process.

Mayor Dickinson added, I can tell you that the utilities have already expressed concern about the size of the plant. That is one aspect; they have expressed that to PP&L (Pa. Power and Light) and there is concern about the size so there is not an automatic adoption of the philosophy that the site can take that size plant.

Mr. Kapi stated, I noticed that when the representative of the Quinnipiac Watershed Association roached the microphone and presented their letter of questions, Mr. Smith referred to it as something he had need seen before. He seemed to be taken aback by some of the questions. It may be an assumption on my part.

Mayor Dickinson explained, I think he was referring more to the letter itself. The concerns about water are major with our utilities and the size of the plant alone is a major concern. That concern has been communicated to the developer. There is a lot that still has to be resolved. They may have the draft of an agreement September 30th. If they have it, that does not mean that we will be entering into that agreement anywhere close to September 30th. It will be months later before we enter into any agreement.

Mr. Kapi concluded with the statement, the questions that have come up have tended to be, "are we concerned about if that is going to work properly; can we be more specific because we have our concerns", but the kind of thing that happened in Killingly where someone said, "wait a minute. This water thing is just too troublesome, is there another way?", and they said, yeah, there is another way. Are we prepared to get into that kind of negotiating; re-configuration of the project; re-formulation of their entire way of looking at this? Do we have the will to do that?

Mr. Parisi replied, you can rest assured that no one owes anybody anything on this proposal. We are prepared to do anything we have to do to get the best deal we can for the Town and for the residents in the area. That statement was made at the last meeting too, it has not changed any.

Mr. Kapi asked, does that include the assessment that it is just not going to work for our town?

Mr. Parisi answered, if it comes up that way, yes. I am sure that decision would be made if it doesn't come up that way; it has to prove itself.

Romeo Dorsey, Wallingford, CT. , stated, I was visiting the Library not too long ago and pulled out the accounting report and it showed that we had over \$112 million in the pension surplus. Mr. Myers confirmed the figures with me. I then asked to see the actuarial report and Mr. Myers told me to see Terence Sullivan, Personnel Director, for he (Mr. Myers) did not have a copy. I went to see Mr. Sullivan, he gave me the report and it is even worse than I thought. We are spending about \$4 million to pay the pensions and we are taking in roughly \$10 million, using round numbers. Every year we are increasing the fund, not counting the investments. It seems to me that we should be thinking about what we should do with that money. I don't think we should keep.....one thing we can do is make all the pensions have the same COLA (cost of living adjustment). The police and fire have a COLA increase every year; the other pensions don't do it. We should be figuring out some way to use that money.

Mr. Parisi stated, that is an agenda item and not an item of discussion for Public Question and Answer Period. It is a far-reaching question and should be put on the agenda as an item.

Mr. Dorsey asked that the item be put on an upcoming meeting agenda.

Mr. Parisi asked that Mr. Dorsey call the Town Council Office or make a request to the Town Council Secretary to put the item on the agenda. He will make sure that Mr. Dorsey's request is placed on the agenda.

Mr. Dorsey suggested that a committee be formed consisting of people who are familiar with finances.

Mr. Parisi responded, we already have a committee. We may decide to do nothing; we may be happy with status quo. It should be discussed.

Mr. Dorsey stated, the Segal Company (actuarial firm) has been with us a long time. Maybe we need a change.

Wes Lube, 15 Montowese Trail asked, early in the Spring, the long standing Senior Center Expansion Committee committed to the Council that they would have a report ready for you some time at your last June meeting. It is well past that time.

Mr. Parisi stated, it is being revised.

Mr. Knight explained, Sargent and Lazarus is doing some preliminary schematics on alternatives. One of the "wrinkles" that has come up recently is a property issue which has caused significant alteration in the schedule presently. I don't believe the committee is on a strict time table. I have been attending the meetings and the committee is attempting, as well as the architect to work around the difficulties encountered from the land issue which is not going to go away right away. They are also spending a considerable amount of time reviewing the material that you (Mr. Lube) submitted.

Mr. Lube responded, a lot of what has transpired has taken place in executive session so we have not been privy to it. None of the Councilman has shared with me any of the information that may have been gathered at those executive sessions. I have the impression that there have been some problems as far as the acquisition of the two properties on Silk Street on which a new (senior) center was predicated and without those properties the committee chairperson had said, we wouldn't even be discussing a new center. It was only because of those probable acquisitions that it became a possibility. Am I correct?

Mr. Knight responded, as far as you stated, yes. What I think the committee is attempting to do is see if, indeed, the acquisition of both properties is absolutely necessary for the project to succeed. That is

the wrinkle I am speaking of. One of the properties is not available as readily as the other one. The architects are attempting to make adjustments for that and that is requiring significant alterations to the existing plans.

Mr. Lube stated, there is one aspect I don't understand so I am asking this out of pure ignorance; if I remember correctly when the Council approved the ordinance in regarding those two Silk Street properties, the ordinance empowered the Town to take both of them by eminent domain.

Mr. Knight explained, don't be confused by the fact that there were two properties; there are two properties that we have.....Mayor, where are we with those two properties?

Mayor Dickinson stated, we did proceed with eminent domain and the last I heard from the Town Attorney's Office, we are the owners of the two properties but there is a third property.

Mr. Lube stated, I don't remember that being mentioned in the ordinance.

Mayor Dickinson explained, it is not in the ordinance. We purchased two (properties) but there is a third property that is in that area.

Mr. Lube asked, why wasn't that third property mentioned at the time of the ordinance.

Mr. Knight stated, it wasn't concerned with the ordinance; it wasn't involved. When we say two properties, it was really one property on both sides of the road.

Mayor Dickinson added, there are two distinct pieces of property; one is on one side of the road and one is on the other side but there is still another privately-owned piece of property.

Mr. Lube asked, did the ordinance pertain to the two structures?

Mr. Knight answered, it didn't pertain to all the land.....all the privately-held land on Silk Street.

Mr. Lube asked, did it pertain to the two structures?

Mr. Knight answered, no.

Mr. Lube stated, that was the impression that I had and I think that most of us did.

Thleen Dushane, 56 Lake Street stated that she is here concerning the TAYCO Corp. cease and desist and stop work order. I could not attend the last meeting of the Building Board of Appeals and I thank Councilor Knight for being there for me. I have attended almost every meeting that has been held on the TAYCO property. We are not the only property owners concerned about this issue. The Town of Wallingford is an abutting property owner to this site. I think the Town should be a little more concerned about what is happening down there. I would like to ask the Mayor, per Section 8-12 of the CT. General Statutes, if you are in violation of a zoning regulation does the Town have the right to fine the owner \$250 per day for that violation? Mr. Taylor from June of 1996 to March of 1997 was under a cease and desist and also under an injunction. He did not have a permit. Why wasn't he fined \$250 per day while he was without a permit? That would have been over \$47,000. Also, presently from June of 1998 to today, he is again under a cease and desist. He still works down there in violation of that cease and desist. Why wasn't he fined the \$250 per day in violation of that zoning ordinance?

Corporation Counselor Adam Mantzaris responded, last year while the cease and desist was pending he made application for a new permit and he was ultimately granted by the Planning & Zoning Commission in January and therefore the issue of the cease and desist was no longer something for court to act upon. This year the cease in desist was issued in June, he appealed that order to the Zoning Board of Appeals and that has not yet been determined, whether or not the order was proper, and I understand that he has filed another application for a permit which is going to be considered by the Planning & Zoning Commission at its September 14, 1998 meeting. The cease and desist, if it is necessary, will proceed the following Wednesday. As far as the fines go, the Town, itself, does not impose the fine. It would have to be imposed by the Superior Court. Last year when we brought an action for an injunction, the permit was issued by Planning & Zoning which rendered the issue moot as far as the court was concerned.

Ms. Dushane asked, at the meeting that Mr. Knight attended Carmen Spiteri (Building Official) stated that he had the right to pull the permit on that building; was the permit pulled?

Atty. Mantzaris was not aware of whether or not the permit was pulled. I know there was a hearing and they upheld the Building Inspector's order. I don't know whether or not the permit was pulled. He had a permit for the building that was erected.

Ms. Dushane replied, no, he did not. The first permit he had was his legal permit to his site plan. The second permit was to cover his new site plan.

Mr. Parisi suggested that Ms. Dushane approach the Town Attorney to discuss the matter; the point has been made. He, himself, did not understand the matter and how it has progressed to this point.

Barbara Swantek, 105 Hosford Street asked, why do the residents of Wallingford have to dot our "i"s and cross our "t"s and TAYCO does not have to do any of it?

Mr. Parisi stated, in fairness, a lot of this comes under the Planning & Zoning Commission. Has there been a follow up on this? It does raise the question of what the value of a cease and desist order is if we have no mechanism to enforce it?

Atty. Mantzaris stated, it all depends on what happens on the fourteenth. If he is not issued a permit then an injunction will have some teeth. Last year we brought an injunction because he was without a permit, he filed an application for a permit while an injunction was pending. The court does not like to undertake litigation or trials when it may be resolved another way. He was finally issued a permit and the case became moot. On the fourteenth there will be a final order of fish or cut bait.

Mr. Parisi stated, it has been a running battle which has lasted eight years.

Mayor Dickinson stated, we can seek the enforcement of the court system but the courts are the mechanism to ensure that an order is enforceable. We can provide an order but we cannot go out on our own and enforce it; that is through the courts. When an appeal occurs from it or another permit is sought, that makes the court action one that is not pursued until, as the Corporation Counselor is saying, the court wants to know what is happening administratively by Planning & Zoning or Zoning Board of Appeals, etc. If the new permit is not issued then the court is in the position to say TAYCO is in violation no more or exact a fine. We don't have the right to go in and just shut him down with police power. Under our court system it would require a judge to determine that an injunction is enforceable. What ever order we issue, TAYCO has the right to appeal. He is exercising his rights. I understand it is frustrating. I don't think it is fair to anyone, I have sympathies for you. We do not, however, have authorities on our own to march in and shut doors and lock gates.

Atty. Mantzaris explained, the Planning & Zoning meeting on Monday night is where all these questions should be addressed. They are the body with the authority to act on his application; with the authority to hear the complaints; they have jurisdiction over this matter.

Ms. Swantek asked Atty. Mantzaris and Mayor Dickinson to attend the Planning & Zoning Commission meeting on Monday to speak on behalf of the residents.

..... Parisi asked Atty. Mantzaris to attend the meeting to keep the issue on track.

EM #6 Consider and Approve Waiving the Bidding Process to Repair E. Wallingford Aerial Fire Apparatus - Fire Chief

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

Correspondence from Fire Chief Wayne Lefebvre explains how the department's 1975 American LaFrance 100' aerial ladder on Ladder 8 (E. Wlfd. Vol. Fire Co.) has failed its yearly certification tests. In order to extend the useable service life of the aerial apparatus by ten to fifteen years, Chief Lefebvre is recommending that the entire vehicle be shipped to the American LaFrance Manufacturing facility in Cleveland, North Carolina, to be retro-fitted with a new 75' aerial device. American LaFrance has estimated the price to be \$88,290 which includes shipping and recertification. The Chief also recommends that a contingency of \$5,000 be included due to the fact that American LaFrance has not had the opportunity to inspect the apparatus. There are gauges and hydraulic seals that should also be replaced while the vehicle is being serviced.

Chief Lefebvre is requesting a waiver of bid due to the proprietary nature of the work. American LaFrance is the original manufacturer and the Town should not attempt to mix parts from another manufacturer on this safety sensitive equipment.

Mr. Centner stated, the repair of the equipment will result in an expense equal to twenty percent (20%) of the purchase price for a new piece of equipment; what is the mileage on the vehicle?

Chief Lefebvre explained, it is not just the miles but the engine hours.

Mr. Centner asked, when and how do you determine when to retire a unit such as this, by age, years, hours of operation?

Chief Lefebvre answered, it is a combination of factors. It is hours of operation and years. It is a combination of factors. Sometimes the cost of repairs and maintenance become cost-prohibitive. It is good money spent to maintain as its service life will be valuable to the community

Mr. Centner responded, I won't argue that except for my life experience, when a single repair consumes twenty percent of the cost of a new vehicle and the equipment is almost twenty-five years old, the useful life by age and increasing maintenance of significant items; isn't it just better to purchase a new vehicle and use this one as trade?

Chief Lefebvre replied, I would be delighted to accept a new vehicle for \$500,000. I did not propose that because I tried to extend the service life of it and be conservative. I am sure that it will serve the community for even more years than if you were to buy a brand new one.

Mr. Centner asked, what is the trade value of the current machine with just a broken ladder?

Chief Lefebvre responded, I would have no idea. We run them until they die and we put them out to auction and generally garner somewhere in the neighborhood of under \$5,000.

Mr. Centner asked, are you confident with the condition of the drive line, that you won't get hit with another \$50,000; \$60,000; \$70,000 drive line problem?

Asst. Chief Guy Casanova responded, you can't guarantee how long this will last but it is under regular maintenance and up until this point it has been very reliable. It is a Detroit diesel automatic. It goes up for servicing and we don't see anything obvious that would lead us to believe that this is not going to last a few more years.

At this time Mr. Parisi noted for the record that Councilor Farrell will be in attendance this evening. He has been detained and will be arriving later.

Mr. Zappala verified that the truck is in very good shape for he visited E. Wlfd. Vol. Fire Co. 8 to see the vehicle himself.

Mr. Rys asked, why are we replacing the ladder with one that is 25' shorter?

Chief Lefebvre responded, there is a great deal of stress on the 100' piece. We have a 100' aerial platform in this community. By taking 25' off of that we will be lessening the weight by over 800 lbs. and will cost \$4,000 less. It is mainly used for water tower use when it is raised. The stress on that frame will be far less with less weight on it. The torque on a 100' ladder when extended is extreme and as the ladder gets older all the metal parts are fatiguing. It is an attempt to take some of the stress off of the vehicle.

Mr. Rys asked, will we be able to meet the Town's safety needs with one 100' and one 75' ladder?

Chief Lefebvre answered, yes.

Mr. Rys asked, we won't be jeopardizing anything?

Chief Lefebvre answered, no. New York City runs a majority of 75' aerial apparatus.

Mr. Knight asked, in the three months that it will take to get the piece of equipment repaired, what kind of contingencies do you have in the event that you need a piece of equipment like that while it is in North Carolina? Do you deal with other departments?

Chief Lefebvre answered, yes we do. It is very common to be on call for North Haven or Meriden at any given time. It is a reciprocal agreement and they will help us out.

Pasquale Melillo, 15 Haller Place, Yalesville voiced his opposition to waiving the bidding process.

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

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$73,290 from Contingency General Purpose, Acct. #8050-800-3190 and \$20,000 from Regular Salaries and Wages Acct. #2030-101-1000 to Replace Aerial Ladder Acct. #2030-999-9998 - Fire Chief

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

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

ITEM #14 PUBLIC HEARING on an Ordinance Appropriating \$195,000 for the Acquisition of Real Property Known as 1070 East Center Street for Open Space, Recreation and Town Purposes, and Authorizing the Issuance of \$195,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purposes - 7:45 P.M.

Motion was made by Mr. Rys to Read the Ordinance Into the Record and Append a Copy of it to the Minutes of This Meeting, seconded by Mr. Knight.

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

Robert Sheehan, 11 Cooper Avenue asked, whereabouts on East Center Street is this property located? How many acres are involved and who owns the property? Is there access to the land off of Center Street? I have been out there looking for it and it appears as though it is between two boxes.

Mr. Rys responded, it is opposite the Vietnam Veterans' Park up in back. It is twelve acres. It is owned by a private owner; I don't have that information. There is access to the land and it abuts Town of Wallingford Land Trust property.

Reginald Knight, 21 Audette Drive asked, is it opposite the driveway going into the soccer fields?

Mr. Parisi asked, do you know where that hill is where the house is.....it is almost like going into a valley. There is a hill to the right and there is a bank to the left where Prizzi's used to live. It is over the railroad tracks and it is down about six houses on the left. It is up in back of those houses.

Mr. Zandri explained, it is only a 60' frontage on E. Center Street. There is only a small piece on the road but the bulk of the property is to the rear and the bulk of it abuts existing Town property that is associated with the reservoir.

Reginald Knight pointed out that it is very rough land and asked if there are any buildings or structures on the property?

Mr. Zandri responded, there are no buildings.

Wes Lubee, 15 Montowese Trail asked, do any of the Councilors have a copy of the appraisal?

Mr. Parisi answered, no.

Mr. Lubee asked, how can you vote on acquiring land without an appraisal.

Mr. Parisi stated, this has been discussed in Executive Session.

Mr. Lubee asked, who appraised the land?

Mayor Dickinson replied, Donald Nitz & Associates.

Mr. Lubee asked, is there a date on the appraisal?

Mayor Dickinson responded, the letter is dated June 26, 1998.

Mr. Lubee asked, what is the acreage?

Mayor Dickinson responded, 11.41 acres.

Mr. Lube asked, what zone is it in?

Mayor Dickinson replied, RU120 residential.

Mr. Lube asked, is that what we call a three acre zone?

Mr. Zandri answered, yes.

Mayor Dickinson replied, yes, minimum lot area is 120,000 sq. Ft.

Mr. Lube asked, are there any utilities at all in that area?

Mayor Dickinson replied, one of the questions is whether the utilities can be brought in from the Dighello subdivision. I am not sure if that receives municipal utilities or not.

. Lube asked, at the moment there are none servicing the frontage, I gather, water, sewer and electric?

Mayor Dickinson answered, utilities include electricity and telephone service; water would be provided by an on-site wells and sanitary waste disposal would be by means of on-site septic systems.

Mr. Lube asked, can you briefly describe the shape and contour for those of us who are not familiar with the parcel?

Mayor Dickinson explained, roughly it is a square or rectangle connected by a 50' right-of-way. It is fairly long; it appears about 400' or more....

Mr. Lube stated, if it is in a three acre zone and we have eleven acres, even with a mutual driveway, it would be limited to two, or at the most, three lots.

Mayor Dickinson responded, two lots. It has a 240' access way.

Mr. Lube asked, what did Mr. Nitz estimate the value to be?

Mayor Dickinson answered, I don't think we can release that information at this time.

Mr. Lube asked, what are we appropriating \$195,000 for?

Mayor Dickinson replied, we are in the process of purchasing the property, we don't have a contract as of yet. We are still negotiating. The amount reflects bonding costs as well as the cost of the property.

Mr. Lube asked, have we made an offer? Have we started negotiations?

Mayor Dickinson responded, yes, to both questions. I don't know that there is agreement between the two parties at this point though I believe it to be close.

Mr. Lube asked, isn't it premature to pass an ordinance?

Mayor Dickinson answered, we have not felt so. There may be some new information that causes us to not act on this tonight. Up until recently there was some belief that we would be able to move ad. We may be continuing the ordinance if I am hearing comments accurately.

Mr. Lube asked, are those comments that can be shared?

Mayor Dickinson stated, it is just that there is interest in continuing the ordinance for further negotiations.

Mr. Rys stated, there will be Mr. Lube, further on after we have the public hearing.

Philip Wright, Sr., 160 Cedar Street asked, what is the condition of the land and what is the purpose of buying it? As I recall when we had the fellow give a presentation at the Library on open space he made some pretty salient points about, if you are going to purchase open space make sure you have a purpose for it and declare it, etc.

Mayor Dickinson stated, it is a wooded piece of property which backs up to property held by the Water Division for water protection purposes.

Mr. Wright asked, do we intend to leave it as it is? We have no specific use for it?

Mayor Dickinson stated, the intent is to hold it as open space and increase the size of our holdings in that watershed area which is across the street and a little bit southerly of McKenzie Reservoir. I guess it could be available for passive recreation; hiking.

Pasquale Melillo, 15 Haller Place, Yalesville stated that the public is entitled to know what the appraisal value is for the property. How can the Council vote on an ordinance appropriating tax dollars when the public is not entitled to know the value of the property?, he asked.

Mr. Rys explained, the Town is still in the negotiating process and there seems to be a feeling that this public hearing should be continued.

Mr. Melillo asked the Town Attorney or Mayor to state for the record that the public is not legally entitled to hear what the appraised value of the land is.

Mayor Dickinson explained, in order to protect the interests of the Town, it is not appropriate for us to discuss all of the information. At the point a decision is made hopefully we will be able to discuss all the information. While negotiations are still pending it is not in the public's interest to have all the details revealed on this matter.

Melillo asked, are there any back taxes owed on this property?

Mayor Dickinson replied, I don't know. If there is it would mean an adjustment at the time of the closing. There would be a reduction in the amount of the purchase price in the amount of what ever taxes were owed.

Motion was made by Mr. Rys to Continue the Public Hearing to September 22, 1998 at 7:45 P.M., seconded by Mr. Centner.

Frank Wasilewski, 57 N. Orchard Street asked that the Town not negotiate the purchase of the property on his behalf for he was opposed to buying it.

Wes Lube, 15 Montowese Trail asked, is there any reason that the Council knows of why we should pay in excess of the unknown appraised value?

Mr. Parisi stated, there are questions and other things we have to look into, that is why we are trying to continue this.

Lube asked, then you don't have a desire to pay more than the appraised value?

Mr. Parisi answered, we have enough of a question or questions to make us want to continue the hearing to September 22nd.

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

ITEM #8 Consider and Approve a Transfer of Funds in the Amount of \$2,000 from Salaries & Wages Acct. #012-9000-101-1000 to Purchased Professional Services: Sexual Assault Crises Service, Acct. #012-9000-901-9016 - Youth Service Bureau

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

Don Roe, Program Planner explained how this transfer is a result of an oversight at budget time. This transfer looks to correct that oversight.

At this time Mr. Roe introduced the new Director of Youth and Social Services, Craig Turner, to the Council.

Mr. Zappala asked, was there an additional position added to the department after July 1st?

Turner responded, it was a position that was transferred from the Welfare Department that was added to our staff at the beginning of the fiscal year.

Mr. Zappala asked, did the staff member transfer with the position?

Mr. Turner answered, yes.

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

ITEM #9a Consider and Approve a Transfer of \$15,000 from Contingency General Purposes Acct. #001-8050-800-3190 to Town Contribution to Youth and Social Services Acct. #001-3070-600-6881

ITEM #9b Consider and Approve a Budget Amendment Increasing Local Match Acct. #012-1040-600-6000 by \$15,000 and Increasing General Assistance Acct. #012-9000-600-7010 by \$15,000 - Youth and Social Services

Motion was made by Mr. Rys to Approve the Transfer and Budget Amendment, seconded by Mr. Centner.

Mr. Centner asked, what will the balance be in the Contingency fund once this transfer is made?

Thomas Myers, Comptroller, responded off-microphone. His answer was not audible.

Craig Turner, Director of Youth and Social Services stated, the money is going to cover the fourth quarter payment which the Town is obligated to pay to cover the general assistance costs for medical assistance for the fourth quarter of the fiscal year 1997-98. The bulk of it is medical expenses for general assistance clients.

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

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$114,218 from Purchase Power Acct. #555, of which \$90,000 is transferred to Acct. #501 Fuel Expense - Production; \$14,670 is transferred to Acct. #502 Steam Expense - Production and \$9,548 is transferred to Acct. #505, Electric Expense - Production - Electric Division

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

...response from Electric Division General Manager, William Cominos, explained how, unexpectedly and somewhat surprisingly, the division was directed by the Independent System Operator New England to operate the Pierce Generating Plant on July 22 & 23, 1998 due to generation deficiency in New England. As a result thereof, the portion of the department's budget earmarked for generation has been utilized.

Mr. Parisi asked, why isn't the Town being reimbursed for its expenses as we have in the past?

Raymond F. Smith, Director of Public Utilities replied, as of July 1st, when Millstone restarted service, Northeast Utilities thought that they had no further obligation to reimburse us for these expenses. We now fall back to our contractual obligations with CMEEC in that we have a unit which we are paid \$656,000 annually and for that we have manpower and we provide the expenses to run it when called upon. When we put the budget together we did not anticipate that we would need as much operation of the plant as there was, especially during the summer period. We do get reimbursed through the purchased power bill, the fuel expense. That flows through as a credit on the purchased power bill.

Centner asked, is there a limit on how much we run the generating plant? Can we exceed the \$656,000 by running that plant by contractual obligations?

Mr. Smith responded, no, there is no limit. Pierce is so expensive to run it is usually one of the last units to be called upon in New England. When Pierce is running we know the situation is critical as far as power supply is concerned.

Mr. Centner asked, are we in our fourth year of the contract? Have we been doing O.K. against the \$656,000 annually each year?

Mr. Smith answered yes to both questions.

Mr. Knight asked Mr. Smith to amplify the formula the Town gets; the \$656,000. He also asked, do we get paid back for the fuel that we use and for the electricity that is produced?

Mr. Smith responded, no. You either get paid for the fuel or the electricity. In this case we generate the electricity which goes out to CMEEC and we get reimbursed for the fuel that is used to produce the electricity. We turn that unit over to CMEEC for their dispatch, in essence. They give us a capacity credit, that is what the annual payment is for. Every time a kilowatt hour is generated they give us this 1.5 mils towards miscellaneous expenses. It certainly does not cover that amount; it is a token amount.

Mr. Zappala asked, have you ever calculated how much we would get for supplying power versus at we are being reimbursed for fuel?

Mr. Smith responded, we calculate the cost of production which averages about \$.065 per kwh when we make it. We are buying the electricity at the present time at about \$.05 per kwh. The value of the electricity generated by Pierce when it is running amounts to \$455 per kwh. We ran approximately forty (40) hours this summer; \$9,000 worth of electricity was generated.

Robert Sheehan, 11 Cooper Avenue asked, it is costing us \$24,000 out of pocket to run the plant? We are being reimbursed \$90,000 for the fuel out of \$114,000 total expense?

Mr. Smith answered, there is more. This is money over and above which we had budgeted. We need to transfer the funds to make sure that we can generate some additional times for the year.

Mr. Sheehan asked, if this has used up your budget for this fiscal year and some unforeseen accident or disaster occurs over the winter and we have to generate again, what would happen?

Mr. Smith answered, we would have to come back to the Council for an additional transfer of funds.

Melillo asked for an explanation of the Steam Expense account?

Mr. Smith explained, when the plant is running you have a certain amount of labor associated with monitoring the equipment, making sure the valves are in the proper position, the proper steam pressures are maintained; it is a labor expense as much as anything plus water usage.

Frank Wasilewski, 57 North Orchard Street stated, the Electric Division only budgeted \$15,722 in account #502 and you are now transferring \$14,000. Did you plan on that?

Mr. Smith responded, yes.

Mr. Wasilewski stated, I was looking for acct. #505, Electric Expense, but all I could find was acct. #505-1 and #505-2.

Mr. Smith explained, they are sub-accounts of production.

Mr. Wasilewski stated, you budgeted \$320,000 in acct. #505-2 for this year and that is where you are sfering \$9,548 to. You didn't go through that large amount of money in two months, did you?

Mr. Smith answered, no. That is the production labor that is calculated. It is the operators in the control room; it is their wages, essentially. When we run we have to supplement them with overtime.

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

ITEM #12 Consider and Approve Waiving the Bidding Process for the Purpose of Entering Into a Contract for Appraisal of Bristol-Myers Squibb "F" Wing - Comptroller

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

Correspondence from Comptroller Thomas Myers to Mayor Dickinson recommends that it would be in the best interest of the Town to waive the public bidding requirement and enter into contract with Flanagan Associates to provide a written appraisal of the new "F" wing at a cost not to exceed \$4,800., having reviewed the alternatives available to appraise the "F" wing, given the current situation in the Assessor's Office, Bristol-Myers tax appeal and the Town's present relationship with Flanagan Associates with respect to that appeal. Funds are recommended to be transferred within 1999 Finance Department budget from the amount provided for revaluation. Depending on the results of the contract process for the revaluation, additional funds could be required.

Mr. Zandri asked, does all of this deal with the tax appeal?

Thomas Myers, Comptroller answered, the request deals with having Flanagan Associates perform the appraisal on a new addition at Bristol-Myers. Flanagan is representing the Town on a tax appeal on Phases I and II of the Bristol-Myers facility.

Mr. Zandri asked, is this a normal process with the size of that complex, to have the Town appraise it for our own.....so that we can have reliable information of its actual value? Would we normally appraise any new construction of facilities within the Town?

Mr. Myers answered, yes.

Mr. Zandri asked, is there a certain limit to the amount of value we do this appraising.....we don't do it for homes?

Mr. Myers answered, no.

Mr. Zandri asked, what is the criteria that warrants the Town to appraise the addition?

Mr. Myers answered, the real reason is because of a staffing problem that I am facing in the Assessor's office and the person who did the work on the Bristol-Myers facility, namely, Mr. Barta, is on administrative leave.

Mr. Zandri asked, what normally would have been done in-house is now going to be done through a vendor?

Mr. Myers answered, not in every case. We are in a transition period. For the time being we will take it issue by issue.

Mayor Dickinson added, the issue also involves the contract we have with Bristol-Myers regarding abatement of taxes and the placement of value becomes a critical factor as far as what drives the provisions of that contract and what doesn't. That is another reason for looking for a professional appraiser.

Zandri asked, is there still time remaining in the abatement process with them?

Mayor Dickinson answered, I don't know about the initial.....Phase I and II are off but the contract involved future phases and this would be one of them, possibly.

Pasquale Melillo, 15 Haller Place, Yalesville voiced his opposition to waiving the bidding process.

Mr. Zappala asked, is the \$400 Mr. Flanagan will charge the town for one-half a day in court the standard fee for such service?

Mr. Myers responded, as far as I know, yes.

Robert Sheehan, 11 Cooper Avenue asked, who hired Flanagan & Company to begin with?

Mr. Myers answered, the Town Attorney.

Mr. Sheehan asked, is this an entirely new contract or does it refer back to the original tax abatement?

Mr. Parisi pointed out that the correspondence from Mr. Myers recommends hiring Flanagan and Company.

Mr. Myers answered, the contract does not refer back to Phases I or II. This is a new contract to appraise the new addition commonly known as "F" wing.

Mr. Sheehan asked, this only pertains to the new addition?

Mr. Myers responded, that is correct.

Mr. Sheehan asked, every time they add on or expand, will this process be repeated?

Mr. Myers answered, I could not say that would be the case because Phase I and Phase II...the value was set by our Assessor.

Mr. Sheehan asked, we don't have anyone on staff who would.....

Mr. Myers stated, I don't want to make that statement. What I do want to say is, because Flanagan....because of the situation of the staffing in the Assessor's Office and because Flanagan is presenting us on Phase I and Phase II and because they have become familiar with the methodology the way the value was set on Phases I & II, it makes a lot of common sense to have them use that same methodology in arriving at value for the new "F" wing.

Mr. Sheehan asked, when do you think that our legal remedies will be adjudicated or settled with Bristol-Myers?

Mr. Myers referred the question to Corporation Counselor Adam Mantzaris.

Atty. Mantzaris stated, it is just a guess by six months; nine months; probably six.

Mr. Parisi asked that a note be made to have two additional microphones purchased for the Mayor's table.

Mayor Dickinson stated that he will check with Henry McCully on the matter but he did not mind sharing the one microphone with the Comptroller and Corporation Counselor.

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

ITEM #13 Consider and Approve a Transfer of Funds in the Amount of \$4,800 from Revaluation Acct. #1401-999-9909 to Purchase Services Property Appraisal Acct. #1401-901-9010 - Comptroller

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

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

ITEM #15 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving Dellavechia v. Factory Built Homes and the Town of Wallingford - Town Attorney

ITEM #16 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving Stanley Partyka v. Town of Wallingford - Town Attorney

ITEM #18 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Settlement of Pending Litigation Involving Clodfelter, et al v. Town of Wallingford, et al - Town Attorney

ITEM #20 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Councilor Gerald E. Farrell, Jr.

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

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

The Council entered into executive sessions listed above at 8:49 P.M.

Councilor Farrell arrived during the executive sessions.

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

VOTE: All ayes; motion duly carried.

The Council exited the executive sessions at 10:14 P.M.

ITEM #17 Consider and Approve the Settlement of Stanley Partyka v. Town of Wallingford - Town
meey

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

VOTE: All ayes; motion duly carried.

ITEM #19 Consider and Approve the Settlement of Pending Litigation

Motion was made by Mr. Rys to Settle the Case of Clodfelter, et al v. Town of Wallingford as Discussed in Executive Session, seconded by Mr. Farrell.

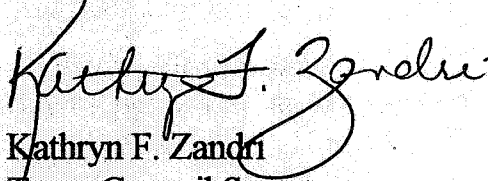
VOTE: Parisi abstained; all others, aye; motion duly carried.

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

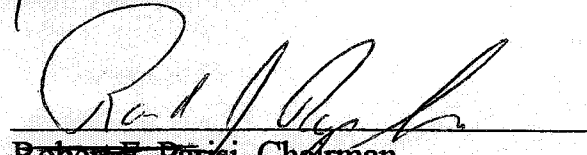
VOTE: All ayes; motion duly carried.

e being no further business, the meeting adjourned at 10:16 P.M.

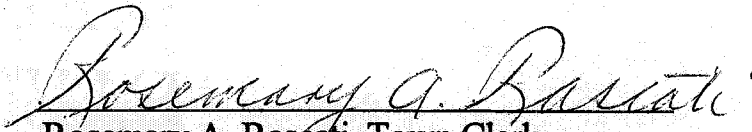
Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

Approved by:


~~Robert F. Parisi, Chairman~~
Vice

10-13-98
Date


Rosemary A. Rascati, Town Clerk

10-14-98
Date



Town of Wallingford, Connecticut

RESOLUTION

WHEREAS, *the State of Connecticut has designated September 6, 1998 to honor our firefighters, both career and volunteer, and*

WHEREAS, *firefighters are dedicated individuals who give tirelessly and unselfishly of their time, energy, talents and expertise to save lives and property in our community, and*

WHEREAS, *firefighters stand ready to meet any challenge that endangers life or property regardless of time, season, or weather, and*

WHEREAS, *the dedication and valor of firefighters inspire trust, pride and admiration in people whenever they serve, and*

WHEREAS, *the Town of Wallingford is pleased to recognize our career and volunteer firefighters and express our gratitude for their courage and heroism.*

NOW, THEREFORE, BE IT RESOLVED THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD DESIGNATES SEPTEMBER 6TH AS

FIREFIGHTER APPRECIATION DAY

IN OUR COMMUNITY IN APPRECIATION OF THE OUTSTANDING SERVICES THAT OUR FIREFIGHTERS PROVIDE. WE URGE ALL OF OUR RESIDENTS TO RECOGNIZE THE VALUABLE ROLE THAT FIREFIGHTERS PLAY IN OUR LIVES.

ENACTED BY THE TOWN COUNCIL IN SESSION THIS 8TH DAY OF SEPTEMBER.

Robert F. Parisi
Chairman, Town Council

William W. Dickinson, Jr.
Mayor