

Summary/Town Council Minutes

February 19, 1985

7:30 p.m.

(SPECIAL)

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TOWN COUNCIL MEETING

February 19, 1985

7:30 p.m.

A special meeting of the Wallingford Town Council was held in Council Chambers to consider and accept five roads as requested by P&Z, to note for the record the financial report for the Town of Wallingford for month ending 1/31/85, and to accept Town Council Meeting minutes of 1/8/85.

Chairman Gessert called the meeting to order at 7:30 p.m. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Gessert, Holmes, Killen, Krupp, Papale and Rys. Also in attendance were Mayor Dickinson, Town Attorney McManus and Comptroller Thomas A. Myers.

Mr. Krupp moved, for discussion purposes, to accept Jeremy Wood Drive. Mrs. Papale seconded the motion.

Mr. Pat Piscitelli, Mr. John Costello and Ms. Linda Bush were in attendance to present the roads to be accepted and to answer any questions.

Mr. Piscitelli stated that, for the above road, the Council had received a copy of letters from the Town Engineer and Public Works attesting that the Town Engineer and Public Works have approved and inspected this road for compliance; a deed as to title, which was approved by the Town Attorney as to form, was also presented.

Mr. Krupp asked Mr. Costello if, when he certified this road, he certified the condition of the road after inspection or the deed. Mr. Costello responded that everything is certified. Mr. Costello said that, upon inspection, they certified that the road was built according to town standards, that the deeds are all in place, surveyor certifications have been complied with.

VOTE: Unanimous ayes; motion to accept Jeremy Wood Drive duly carried.

Mr. Piscitelli presented for acceptance Nod Brook Road and Woods Edge Circle, parts of the Nod Brook Subdivision, Section 4. He stated that the Council has a copy of Mr. Costello's letter and Mr. Deak's letter attesting that the roads had been certified as to completion and inspection. He stated that he also had a deed as to title, which has also been attested to by the Town Attorney as to proper form.

Mr. Costello stated that this is the last section of Nod Brook Subdivision and is the southernmost dead-end street on the west side. 111

Mr. Rys moved to accept Nod Brook Road and Woods Edge Circle. Mr. Holmes seconded the motion.

Mrs. Papale asked who was responsible for the naming of the streets. Ms. Bush stated that the developer normally supplies a street name when he brings in the subdivision plan. She stated that most street names are then reviewed by the Fire Marshal as part of the review process to make sure that they are not similar to our sound like an existing street.

Mrs. Papale stated that perhaps her question should then go to the Fire Marshal because she said that Nod Brook Road splits to the right and left of the circle (at a 90° angle) and, although it is true that the houses are numbered consecutively, it is very difficult at night to find the right part of Nod Brook, especially in an emergency. She felt that maybe now may not be the right time to start naming streets over again, but she had heard through her son, who lives on the first section of Nod Brook Road, that there had been a fire across the street from him and that the neighbors were concerned with the split road.

Chairman Gessert suggested that a letter be directed to the Fire Marshall. Ms. Bush commented that she did not think there would be a problem renaming the street. Chairman Gessert asked Council secretary to direct such a letter to the Fire Marshall under his signature.

Mr. Killen suggested that the letter should state that the Council would like this taken care of as soon as possible and Mr. Gessert asked Council secretary to include in the letter that the Council would like an answer by the first meeting in March.

Mr. Rys mentioned that in the last Council meeting, someone from the audience had stated that there was a manhole sticking up in that area and that Mr. Rys had driven through the area and had not seen any and that everything was perfectly clear of street level.

Mr. Killen asked how much of a bond was being held on this. Ms. Bush stated that they had a \$5,000 bond. Mr. Killen asked when was the paperwork completed on this and Ms. Bush replied that it was right before their last meeting. She stated that the bond was reduced by them on 10/9/84, so most of the physical work was done last Fall.

Mr. Killen stated that if pressure was put on to hold the original bond amount and the developers might then do their "homework" and there would be no need for these special meetings. He said that as soon as the bond goes down to say \$5,000, this does not mean anything to the developers, and then the onus will be put on the Town. He felt that the contractors have to be aware that they have an obligation to the people living there.

VOTE: Unanimous ayes; motion to accept Nod Brook Road and Woods Edge Circle duly carried.

Mr. Piscitelli presented for acceptance Regent Court and Fox Run Drive, in the Development Associates, Inc., Subdivision - West Dayton Hill Road. He stated that these roads have been certified that all work has been completed and that the Town has gained title to the property and that the deed has been reviewed by the Town Attorney as to proper form.

Mayor Dickinson said that there were some comments by some residents of Regent Court earlier before the meeting with regard to some kind of a sewer easement, with which he was not totally familiar with, and that he had had a brief discussion with these two residents prior to the meeting.

Before hearing from the residents, it was decided to move for acceptance of the two roads. Mr. Holmes moved to accept Regent Court and Fox Run Drive. Mr. Killen seconded the motion.

Mr. Rocco DiGenova, 7 Regent Court, said that he had a problem with his sewer that goes underneath his neighbor's property and that there was no easement put on his neighbor's deed. He said that he keeps getting told that, technically, it is no one's problem but his own, but he did not want the developer to walk away without resolving this. 112

Ms. Bush stated that the developer, who gave P&Z the deed and title and who built the road, did not build Mr. DiGenova's home. She stated that it was his builder who put Mr. DiGenova's sewer lateral on someone else's property. She said that it was the builder who made the mistake and had nothing to do with the developer. She stated that, however, when the bond for the development was released in 1982, the P&Z required, at the time of release, that the developer give the P&Z a separate sewer lateral bond to cover and add some leverage, to get the builder and developer to grant Mr. DiGenova a sewer easement to solve his problem because the sewer lateral is located on a neighbor's property. Ms. Bush stated that it is not in the public right-of-way. She said that when she went over the sewer bond box earlier last year, she contacted the Sewer & Water Division, since P&Z does not handle sewer and water bonds. Ms. Bush stated that Mr. Bruno sent her back a note saying that they were satisfied with the development and that P&Z could release the bond, but because P&Z had not received a proper deed and title for the road, they just held onto the bond as added leverage to get the developers to give title to the road. She said that she was not aware that this problem with the sewer lateral on private property had not been resolved, and added that they still have this separate sewer lateral bond as added leverage to resolve this private property matter. Mr. Gessert asked Ms. Bush what the amount of this bond was and she replied that it was \$6,000. Mr. Gessert asked if this was enough to get them to correct the problem and Ms. Bush felt that it was.

Ms. Bush stated that this is a private property matter, but that the P&Z Commission, in trying to be nice and to try to solve the problem, in 1982 required the developer to give this separate bond.

Mr. Gessert asked, now that the Town is at that point, what can be done to resolve the matter. Ms. Bush stated that she had spoken to the developer's attorney today and that he seemed to feel that the problem had been solved although Mr. DiGenova did not. Ms. Bush stated that she would speak to the attorney again on the following day and that Mr. DiGenova could do the same. Ms. Bush stressed that this is on private property and has nothing to do with the road itself.

Mr. Ronald Bernier, 14 Regent Court, stated that this had happened to him also and that he did not allow it to go on his own property and the builder then went through the street instead of going across his property since he did not have an easement. He stated that they damaged the whole street and the street is now sunk in and the only way this can be corrected is to dig it all out because there is only one sewer drain. He felt that he was talking for nothing since the Town had already released the road bond. Mr. Bernier stated that if this had been inspected, the trench would have been seen.

Mr. Costello stated that the trench had gone down and there was no question about that, and he had spotted that on inspection today. He said that the Sewer Department had some problem with their force main on Fox Run Drive and he was not sure whether the trench was related to that.

Mr. Bernier stated that the trench goes from the Anderson property onto the street, about 10-12 feet out into the street.

Ms. Bush stated that the Town had to do some repairs out there several years ago, after the road was in. The Town did not physically do the repairs but had hired a contractor to do it. She stated, however, that one of the trenches on Regent Ct. was graded under the auspices of Water & Sewer.

Mr. Bernier stated that another problem he had was that the drainage was extended for his neighbor next door and he believed this had been done by the Town (for the Anderson property) and that all the dirt and trees were put on Mr. Bernier's property (about six or seven feet high). This was done last summer and he had called the Town Highway Department to take care of it and nobody has done anything.

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Mr. Costello stated that the well on the Anderson property was contaminated and could not be used and the storm drain outlet was in close proximity to the well, so they decided to eliminate the storm drain and extended it to the other side of the Anderson property. Mr. Costello stated that he did not realize that Mr. Bernier had a problem with this.

Chairman Gessert asked that Mayor to make a note of that so that Public Works could take care of Mr. Bernier's problem.

Mr. Bernier asked if, when zoning is done, as far as sewers are concerned, they don't show where the laterals are supposed to be hooked up and who is responsible for this current problem not happening. He said that if somebody does not keep an eye on the builder, who is going to keep an eye on him and how is Mr. Bernier to know where the sewer laterals go.

Mr. Gessert stated that Mrs. Bergamini had been requesting for nine years a zoning enforcement officer, but that there should be someone who takes the drawings as approved and make sure that they do what they said they would do on paper.

Ms. Bush said that this was a Sewer Division matter and is separate from the P&Z role, and that the Sewer Division has an inspector. She doubted that the Building Inspector goes and inspects where the sewer lateral is because it is not in his purview, and is a Sewer Division responsibility.

Mr. Bernier felt that everyone was passing the buck down. Mr. Gessert said that this was not the case and what they were trying to do is define where the problem is. Mr. Gessert stated that, until Mr. Bernier and Mr. DiGenova had spoken, he had planned to vote to accept those roads, but that now he feels he will not vote to accept them until these problems are resolved.

Mr. Bernier stated that he appreciated the Council voting the way they did at the last meeting (with reference to waiving Rule V to accept these roads) because he and the other residents did not know what was going on. He asked if, when roads are up for approval, it does not have to be in the newspaper. Ms. Bush said no.

Mr. William Jurinske, 5 Regent Court, said that he would like the Council to accept the road because he pays taxes and wants the town services that entitles him to.

Mrs. Bergamini asked if there were different builders for these houses. Ms. Bush said the builder was DelBono.

Mr. Jurinske said that the builder is separate from the road issue and he has been living there six years and if he is getting partial town service he would want to pay partial town taxes.

Mayor Dickinson felt that whether the sewer lateral is in the right place is a different question from whether the road should be accepted or not, and that there was a sewer bond to deal with the sewer problem. He said that the road should be accepted for all the residents on the road and that he knew there were a lot of people inconvenienced by the snow, problems involved with removal of the snow and sanding. He stated that the sewer bond should be used as leverage, something to be able to act upon. He added that if we did not have the sewer bond, it might be another story, but that we did have the bond. He felt that, in the interest of all the residents, the road should be accepted.

Mayor Dickinson added that the Town should not forget about Mr. DiGenova's problem, now that they are aware of it, and that he would talk to Mr. Costello and the Planner's office to see what kind of pressure would be brought to bear.

Mrs. Papale asked if the Mayor was saying that if the Council accepted the roads tonight, the problems would be taken care of. Ms. Bush said that was true, if they could, and that it is possible that because it is a private property matter, they might not be able to - but they do have a bond as leverage. She added that the attorney for the developer is aware that P&Z is aware that there is a problem that he thought was resolved that obviously has not been resolved.

Mrs. Papale asked if as far as accepting the roads, that one thing has nothing to do with the other.

Mayor Dickinson stated that he thought the basic legality regarding sewer easement was that, with a sewer lateral crossing another person's property, the person who is not given an easement for that is arguably owed some consideration for the fact that another party is using his property for utility purposes and that he was sure that is the basic nature of dispute questioned. He said that what amount of consideration is being sought, what negotiations have taken place, that he could not answer and he assumed that both of them were represented by private attorneys.

Mrs. Papale said that if the Council does not accept these roads tonight it did not mean that their problem would be taken care of anyway.

Mayor Dickinson did not see how the Town would have any more leverage regarding acceptance of the road than it does with the sewer bond. He stated that the town is, in many ways, a third party looking to have two private parties agree upon a solution or consideration. The two private parties are the ones who have to agree--whatever one party looks for in consideration of the fact that there is an easement--an unsought easement--under the driveway. He did not see how the Town is in any better position to encourage the resolution of that in not accepting the road.

Mrs. Papale asked if there was a policy now that if the roads are not accepted the bill would then be sent to the contractor (for snow removal). Mayor Dickinson said they have been doing so this year.

Mr. Costello stated that in early December, they sent each developer responsible for the unaccepted roads a letter informing them of their responsibility, including snow removal. Mrs. Papale felt that the residents should not have these problem of not being able to get out of their street.

Ms. Bush said that they should realize that P&Z's reason for having these roads here tonight, and that one of them has already been accepted, is because of this policy. She said that there has been a lot of activity--she sent a letter to the attorney for Regent Court developer back in April; she sent letters to seven developers for which Mr. Costello had advised her that they had not received the paperwork to get the roads accepted. They had not done the paperwork, however, until the Town stopped plowing the roads. She said that now they realized that they will get billed every time and they are doing the work that they should have done years ago. She said she did not believe they would have done it, unless they had started this new policy.

Mr. Piscitelli said that construction was complete on these roads and all they needed was the paperwork, which was not done because of laziness. Ms. Bush said the only way to get them not to be lazy was to take away one of the services and bill them. She stated that the developers are being billed for either \$150 or \$300 every time the Town has had to plow.

Mr. Killen asked how they got into the situation as far as Mr. DiGenova's problem is concerned. He asked if doesn't someone from Water & Sewer know where the connection goes into the street, and how did it get to their connecting it through someone else's property before coming out on the street.

Mr. Costello stated that there is a sewer which runs across private property and the sewers went into that sewer not the one in the street, and to get to that they had to cross a 25 ft. wide driveway on a rear parcel.

Mr. Killen said that what he was asking was doesn't the Water & Sewer Division know where each of those sewers enter the street or whether they enter someplace else.

Mr. Piscitelli said that they do and that they have drawings to show that. He was not sure, in answer to Mr. Killen's further question, if Water & Sewer was aware that they were crossing the property lines. He said that when a site is under construction there are no boundaries or lines on there. 115

Mr. Killen stated that at the last meeting when this issue of acceptance of the roads came up, it was remarked that if everybody's stamp of approval was on there, then it had to be perfect and that the Council should have accepted it blindly then because of this.

In reply to Ms. Bush stating that these were two separate things, Mr. Killen said that they were not two different things and that they were talking about whether or not the people, who are the heads of the department, know what is going on. He said that just as some of those people want the streets plowed, others want to know that their homes are in the condition they are supposed to be. He said that all those things are very, very important and that before someone puts their stamp of approval, if there was something wrong, then it should be recorded. He said that then when it is brought before the Council, they should be made aware that everything is not as it should be and that this or that could happen. He said the only reason they are meeting in special session tonight is so that people can air their gripes because the Council is their court of last resort, and it doesn't do any good if some of this has been covered over. He added that if someone is aware of something along this line, the Council wants to know about it.

Mr. Piscitelli stated that as far as they are concerned, everything that is stated is such, strictly with reference to the streets themselves, not the utilities or the sewers.

Mr. Killen said that P&Z bases part of their recommendation on the fact that department heads give P&Z the okay. Ms. Bush said that this okay was for the street. Mr. Killen said that it was not just on the street, but on the fact that the connections are made correctly. Mr. Piscitelli said that this connection is outside of the street.

Mr. Killen said that the Council would have to get a checklist, just like P&Z, because they can no longer rely on the fact that P&Z can say that there is nothing wrong with things in this subdivision. Ms. Bush said that they are not saying there is nothing wrong in the subdivision.

Mr. Killen stated that if the Council had accepted these particular streets and the residents had not had their problems solved, the next item would be on the agenda for the Town of Wallingford to go in and save them--they would have had no knowledge of what preceded this and then would be stuck with the bill. The Council would like to know if there are problems with a subdivision and that the Council is not trying to "pin anybody's head to the wall." And if there are problems, the Council should have them before they go anywhere. He said that the Council does not have any leverage, like the P&Z bonds. If the Council accepts the streets, and if there is something wrong and a resident says he wants his street plowed because he pays taxes, then the Council would then owe it to them.

Mr. Piscitelli said he was not minimizing the other problems, but that as far as the streets are concerned (the utilities are outside of the street), there is a set procedure and when the Council is finished with the voting on the streets, he would want to take a few minutes to explain the procedure.

Chairman Gessert said that Mr. Bernier had commented on the trench on Regent Court and he would not want the Town to shell out \$5,000 or so to have Public Works go out and correct it and that whoever dug it up should be the one to correct it. He said he did not care if this was done by the contractor, Water & Sewer Division, or whoever. He said that once the Council accepts the street, everybody washes their hands and say they don't know anything.

Mr. Piscitelli stated that the Town Engineer has attested to the fact that physically these streets are not in disrepair--right now.

Chairman Gessert said that, judging from the residents who have spoken here, there is a difference of opinion and, until that is resolved, he would not want to accept this motion. He said he would accept an amendment to the motion stating that the streets be plowed until the problem is resolved. 116

Mayor Dickinson said that they could not do that and that he would not plow any road that the Town does not own because the minute he does that, he would have to plow Sigwin Circle, Danny's Way, Pent Highway and all of the other unaccepted roads.

Chairman Gessert asked if he had understood correctly that the Town had been plowing these unaccepted roads. Mayor Dickinson said that only where they wait eight hours and only where there are bonds. If there is no bond, then there is nothing to bill to. Ms. Bush said they had not been billing to the bond, but directly to the developers and if they do not pay their bills then it is assessed to their bonds. Mr. Gessert asked if the Town could take it away from the sewer bond and Ms. Bush said she would have to check on the wording of the bond.

Chairman Gessert asked why did they release the road bond before it was accepted as a town road, if they can't take it away from the sewer bond. Ms. Bush said that she could not speak for that and that this was done in 1982. Mr. Costello said that the regulation states that they release the bond when the work is done, not necessarily when it is accepted. He pointed out, however, that he now words his recommendations not to release the bond until the road is accepted.

Ms. Bush stated that none of the bonds held on streets to be accepted tonight has she written letters to the insurance companies yet authorizing them to release them, because they are not official town roads.

Mr. Krupp stated that he could not vote to accept this road since the Town would be accepting that risk.

Mr. Bernier stated that they could not just put a little blacktop on the trench because there is only one drain and the road must be pitched. Chairman Gessert said that it would probably have to be cut out, tamped, and gravel put in, etc., and it would have to be done right.

Mr. Killen made reference a resident's remark that the street has gotten worse since the plows went through (where the trench is) and he felt that they should not plow until the problem is resolved.

Mrs. Papale asked if this trench was caused by the Water & Sewer Division. Mr. Costello said he was not sure because they keep track of all the excavations only when they have become accepted roads.

Chairman Gessert said that Mr. Bruno had come in last year saying how badly they needed an inspector down there and this Council gave them one.

Ms. Bush stated that this patch on one of the two roads being discussed was done by the Sewer Division.

Mrs. Papale asked when was the last time that Regent Court was looked at. Mr. Costello stated that it was this afternoon and it was the first time he had spotted the trench. Mrs. Papale asked if he still felt it should be accepted by the Town, to which Mr. Costello said no, not after having looked at it.

A friendly amendment to delete Regent Court from the motion was made; Mr. Holmes accepted this amendment to his motion.

VOTE: Unanimous ayes; motion to accept Fox Run Drive duly carried.

Chairman Gessert asked P&Z and Mr. Costello to get back to the Council regarding the resolution of the problems at Regent Court and that once they are resolved, the Council would be happy to accept the road.

Mr. Piscitelli went over the procedure for approval by P&Z. He said that when a subdivision plan is submitted, the different department heads look over the plan, the Town Engineer takes a look at the road to make sure that there is adequate amount of land and that it meets town regulations.

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Chairman Gessert stated that, with all due respects, the Council knew the theory behind the procedure. Mr. Piscitelli said that it was not a theory but rather the actual physical doing of it. He said that the Town Engineer sets a bond based on what the costs would be in the event the developer does not complete the work. Mr. Piscitelli said that when the road comes up for a bond release for acceptance, the Town Engineer makes his physical inspection and submits it to the P&Z Commission. At that time, he tells P&Z that the road has been completed and that he has made a physical inspection. At the same time, the Town Planner secures the deed and the title to make sure that the description is correct and then the Commission, on the advice of the Town Engineer, votes to accept. Once this is done and they send a copy of the deed and the title to the Town Attorney for approval as to form, then it is submitted to the Council. Mr. Piscitelli said that P&Z had taken as attested that everything had been completed as to the regulations and specifications of the road that the Town Engineer has inspected, and then it is sent on to the Council. He said that from that point on, P&Z responsibility is to do nothing but physically deliver the property's title and the letters from the Engineering Department. He stated that, somewhere along the line, they have this extra step to come to the Council and that they cannot attest to anything other than what has been submitted to P&Z. He said that if it was a case of the Council wanting to look into it, he thought that they ought to get together and say "Fine, what can we do instead of having a meeting where things are not going to be productive," since they still have things that were brought up that still have not been taken care of.

Mr. Killen said that when the Council accepts a street, they accept the responsibility for everything in that street, not just the street and the homeowners then have recourse to the Council for all its problems. The Town has to have somebody looking out to know about anything that someone has even whispered about, and that is one of the reasons they have this open meeting. He said that if these things could be headed off long before they get to this step, a lot of these things could be brought to a head. If it is not done before this, it could become a political football which is the last thing that anybody wants. He said that if it were headed off back in P&Z's office, it would be a lot better. He said that if P&Z needed another step in their procedure, the Council could help, but that they would like to know once it comes to the Council, that as far as P&Z knows, there are no headaches awaiting the Town as soon as they are accepted.

Mr. Piscitelli said that this was something they would have to work on because P&Z should not have to come to the Council and say that there isn't a step and that everything should be in place. Mr. Killen said that was what he was hoping for.

Mr. Krupp stated that at the last meeting he made a statement that brought a lot of heat--that the Council does not accept things on faith and that the Council is supposed to exercise oversight--what would have happened if they would have accepted those roads, since they just sat here tonight and heard the Town Engineer say that he would not recommend accepting the road after having seen it today. He said that the exercise of legislative oversight was a part of the process.

Ms. Bush felt that maybe P&Z should not be the ones to bring the deeds to the Council and that perhaps they should just mail the deed, title and letters from Engineering to the Council, and that if the Council has any questions they could go directly to the Engineering Department. She pointed out that she did not know anything about roads and no one on the Commission does either and it is not her area of expertise. Traditionally, she has been the one that has sat there and presented the deeds and that the Council has questions that she cannot answer because she is not a part of the process of road acceptance except for handling the paperwork.

Chairman Gessert said there were some on the Council that agree with him that if P&Z is the one that has to deal with developer A, and that developer does not do such a good job on project X and doesn't do such a hot job on project Y, then P&Z holds the bonds to say they are supposed to perform, then P&Z should be well aware that that developer isn't doing such a hot job and isn't performing, and that P&Z has the leverage with the bonds, then they should know the next time developer A comes in with all his promises that there are still other promises that he made and the Town is still holding bonds on them and they have not been taken care of yet. 118

Mrs. Papale said that P&Z should bring in the Water & Sewer Departments in with them when Mr. Piscitelli said that they had to rely on expertise. Mr. Costello said that another thing is that "you just don't build a road and walk away from it and forget it." A road requires maintenance. He said that Regent Court was essentially completed two years ago, in the Fall of 1982 (2½ years ago) and the soft trench is apparently just showing up now.

Ms. Bush said that there were no problems with that road going back three or four winters and if the Town had accepted it back then, there would probably be the same problem now with the soft trench.

Mr. Gessert stated that when a road is built it has to be able to accept trucks--oil trucks, fire trucks, etc.

Chairman Gessert thanked Mr. Costello, Mr. Piscitelli and Ms. Bush for coming and moved to the next item on the agenda.

Mr. Killen moved to note for the record the financial report for the Town of Wallingford for month ending 1/31/85. Mrs. Papale seconded the motion.

VOTE: Unanimous ayes, with the exception of Mr. Holmes who was not present for the vote. Motion to note for the record duly carried.

Mr. Killen moved to accept Town Council Meeting minutes of 1/8/85. Mr. Rys seconded the motion.

VOTE: Unanimous ayes, with the exception of Mr. Holmes who was not present for the vote. Motion duly carried.

Chairman Gessert asked that anyone requesting an item to be placed on the agenda for next week's meeting must submit this before the agenda is prepared the following day.

Mr. Killen had a question with regard to the public hearing scheduled for Monday night down at the railroad station. He asked who was conducting the hearing and when was this grant for the park applied for.

Mayor Dickinson replied that the grant was in process but they have to hold a public hearing first. He said that Don Roe, from the Grants office, would be conducting it.

Mr. Killen said that he had never run into that situation before and that when a grant was wanted, they requested the Council to give the Mayor permission to apply for the grant and to assign the conduction of the public hearing, and he had never heard of anyone else conducting the business of the Town of Wallingford other than the Town Council.

Mayor Dickinson responded that this was the application and that, apparently, part of it has to be the holding of a public hearing and is for Federal dollars on recreation. Mayor Dickinson stated that what it amounts to is that if there isn't a desire to have the grant and if it comes through, the Town does not have to accept it. He added that there is a real time limit on it and the money runs out by the end of this fiscal year, and if they don't apply for it right away and meet and follow the requirements right away, the Town is out of money.

Mr. Killen stated that they could hold a public hearing and then find out that the Council does not authorize the Mayor to seek the grant. so what would be the sense of holding a public hearing. It seemed to Mr. Killen that it should come before this group, at which anyone could speak, and it would soon evolve (the whole process).

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Mayor Dickinson said that there had to be a legal public hearing on it and it had to be within a certain period of time or the Town could not apply for the grant, or be eligible for the grant.

Chairman Gessert said that it sounded different than the usual procedures.

Mayor Dickinson replied that the application would still come before the Council. Mr. Killen still felt there was no sense in holding a public hearing until the Town Council has decided to seek it and they could hold 10,000 public hearings but if the Council decides they don't want to seek it, then they have wasted that much time.

Mayor Dickinson stated that it is his understanding that if they waited, they would not be eligible and the grant in this time period would be lost and that it seemed to him that \$75,000 would be worth it.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Carmen L. Gonzalez
Council Secretary

APPROVED

David A. Gessert
David A. Gessert, Council Chairman

3-12-85
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

3-13-85
Date