

TOWN COUNCIL MEETING AGENDA

AUGUST 8, 1989

6:30 p.m.

1. Roll Call and Pledge of Allegiance.
2. Consider and Approve Budget Amendment of \$10,000 to Regulatory Expenses - Sewer Division.
3. Consider and Approve Budget Amendment of \$15,100 to Outside Services - Water Division.
4. Consider and Approve Transfer of \$9,500 to Environmental Planner Position - Inland/Wetlands Commission.
5. Consider and Approve Appropriation of Funds to Cover Survey Work for Open Space Application.
6. Consider and Approve Resolution for Potable Water Supply Facilities Grant.
7. Consider and Approve Acceptance of Two Drainage Easements in Connection With Second Phase of Reconstruction of North Airline Road.
8. Consider and Approve Award of Contract to Other Than Low Bidder for Removal of Underground Tanks.
9. Consider and Approve Authorization of the Mayor to Sign Letter of Agreement for Extension of Office Paper Recycling Program.
10. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 p.m.
11. PUBLIC HEARING on an Ordinance Amending an Ordinance Appropriating \$1,450,000 for the Town's Share of Road Construction and Utility Installation in the MED-WAY Business Park and Installation of a Water Main in Barnes Road - 7:45 p.m.
12. Consider and Approve Transfer of \$70,000 to Fund the Pavement Repairs.
13. Consider Scenic Road Ordinance - SET PUBLIC HEARING ON A PETITION.
14. Consider an Ordinance Amending an Ordinance Appropriating \$340,000 for the Public School Roof Reconstruction Project - SET PUBLIC HEARING.
15. Consider and Approve Resolution Rescinding Previous Fee Schedule and Establishing New Trash Disposal Fee Schedule for the Town of Wallingford.
16. Recycling Committee Presentation.
17. Discussion and Update on Capital Expenditures Still Encumbered in 1988-89 Budget - Requested by Councilman Doherty.
18. Consider and Approve Town Council Minutes of July 25, 1989.

TOWN COUNCIL MEETING SUMMARY

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Set Public Hearing Date of September 12 at 7:45 p.m. to Consider a Petition Designating East Main Street from Old Durham Road to Grieb Road as a Scenic Road	11

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Set Public Hearing Date of September 12 at 8:00 p.m. to Consider an Ordinance Amending an Ordinance Appropriating \$340,000 for the Public School Roof Reconstruction Project	11
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Meeting Adjourned	

TOWN COUNCIL MEETING

AUGUST 8, 1989

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers and called to order at 6:40 p.m. by Chairman Albert Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Bradley, Doherty, Holmes, Papale, Solinsky, Zandri and Killen. Also present were Mayor William Dickinson and Tom Myers, Comptroller.

The Pledge of Allegiance was given to the flag.

Motion was made by Mr. Doherty to have Items 4, 7 and 9 placed on the Consent Agenda to be voted upon by one unanimous vote.

ITEM 4 Consider and Approve a Transfer of \$9,500 from Contingency Acct. No. 8050-800-3230 to Environmental Planner Acct. No. 7011-100-1200 to Provide Funds for Environmental Planner Position - Inland/Wetlands Commission.

ITEM 7 Consider and Approve Acceptance of Two Drainage Easements in Connection with Second Phase of Reconstruction of North Airline Road.

ITEM 9 Consider and Approve Authorization of the Mayor to Sign Letter of Agreement for Extension of Office Paper Recycling Program.

Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 2 Consider and Approve a Budget Amendment of \$10,000 to Regulatory Expenses - Sewer Division. Motion made by Mrs. Papale, seconded by Mr. Solinsky.

Motion was made by Mrs. Papale to Establish a New Account No. 928-000, Regulatory Expenses - Sewer Division. Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve Transfer of \$10,000 for FY 1988/89 from Power Purchased & Natural Gas Acct. No. 643-000 to Regulatory Expenses Acct. No. 928-000 to Provide Funds for Settlement with DEP - Sewer Division. Seconded by Mr. Holmes.

Roger Dann stated this is an expense which occurred during the previous fiscal year. Accordingly, we're looking to amend last year's budget in order to cover the negotiated settlement. The fines totaled \$30,000. We negotiated with the State and the fines were reduced to \$10,000 and the Town will be entering into a consent order with regard to a completion date on the low level pump station.

Mr. Zandri asked was one of these problems due to the construction of the sewer plant?

Mr. Dann replied one of the occurrences was a direct result of the construction. A breaker failed when the backup breaker had already failed and had not been repaired by the contractor. Both breakers were new and part of the installation at the waste water treatment plant. The other occurred when a temporary hose, used for pumping from the existing low level pump station, came out of a manhole and some sewage was pumped on the ground for a period of time. We have since installed semi-permanent piping to prevent this type of occurrence until such time the station is completed.

Mr. Zandri asked can we collect from the contractor on either or both of these incidences?

Mr. Dann replied we feel that is a possibility and are proceeding along that line.

Mr. Killen stated your request is dated July 25, 1989. Why do you still have money available from FY 1988-89?

Ray Dennison replied we're in the process of closing out FY 88-89. This is properly chargeable to last year's expenses because it incurred during last year. During the closing process on an accrual basis, we can book this against the last fiscal year, even though the cash may be expended in a subsequent period. We should have our books closed within the next two weeks.

Mr. Killen stated according to the Charter we close our fiscal year in June and at that point there should be no monies available.

Mr. Dennison replied if you purchase something in June and don't receive the invoice until July, you have to account for that purchase under the previous fiscal year. This is a little different from the way the Town's General Fund operates. There aren't as many accruals in the General Fund; it's done more on a cash or checkbook basis. However, with the enterprise accounting and accrual basis we recognize these things have to be accounted for in the fiscal year.

Mr. Killen stated I can understand it if this was a purchase and you put an encumbrance against it, but this is something that was unforeseen and was not budgeted.

Mr. Bradley asked do the outside auditors have a problem with the way this is being done?

Mr. Dennison replied no because this is the way it should be done.

Tim Cronin, 47 South Ridgelane Road, stated I agree with Bert. They shouldn't be allowed to do this because this is not a purchase, it's a fine.

Mr. Holmes asked is this consistent with correct accounting procedures?

Mr. Myers replied yes because the fine is attributable to an incident that occurred in FY 88-89. If the fine had not been known until a much later date, we would have prepared the financial statements and it would have been too late to go back and charge it to FY 88-89. However, while you're preparing year end statements in any operation, you go through a period of adjustment which

normally is 60 days into the subsequent fiscal year. An accountant would look for items that have transpired during these 60 days which logically should be attributable to the previous fiscal year and charge it to the preceding year.

VOTE: Unanimous ayes; motion duly carried.

ITEM 3 Consider and Approve Budget Amendment for FY 1987-88 of \$15,100 to Increase Estimated Unappropriated Balance and Decrease Filter Plant Pilot Study Acct. No. 333-088 - Water Division. Motion was made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Zandri asked how can you transfer out of the 87-88 capital budget after this year's been closed out?

Mr. Dennison replied capital budgets for the Water/Sewer Division are appropriated each year with the intent that the funds are available for three years. In this particular case the Filter Plant Pilot Study did not require all of the funds that were appropriated for FY 1987-88. Also, we found a need for more funds in the Outside Service account for this year for another study. We thought it would be prudent to use these funds rather than, at this point in time, try to find the funds in this year's budget to cover this expense.

Mr. Zandri asked where does it say that these accounts can stay open for three years?

Mr. Myers stated the charter states appropriations for construction or other permanent improvements can stay active until the purpose is accomplished or abandoned. A project is deemed abandoned if three fiscal years elapse without any expenditure from or encumbrance of the appropriation.

Mr. Zandri stated I have a problem with monies being allocated for one project and someone feels they can hang onto this money for three years and use it for another project.

Mr. Dennison stated we are here tonight to ask for your consent to use these monies for another project. This technique has been used on other occasions and this Council and other Councils have been receptive to it.

Mr. Myers stated the Water/Sewer Division is here to close out the Filter Plant Pilot Study. The remaining funds will return to the Retained Earnings and are available for reappropriation.

Mr. Bradley stated I have basically the same concerns with this that Geno has.

Mr. Doherty asked how many years is this water supply plan expected to cover?

Mr. Dann replied the plan calls for us to look at 5, 20 and 50 year planning periods. The State also requires that we revise the plan periodically at no more than 5 year intervals.

Mr. Doherty asked does this call for abandonment of our wells and replacement of those wells with other sources in the near future?

Mr. Dann replied the plan did not call for the abandonment of any of the existing sources, the wells included. It does outline several additional sources of supply that we would be looking into when the demand becomes closer to the current safe yield of our entire system.

Mr. Myers stated in a lot of cases it's impossible to complete a given project in one fiscal year. The Charter was written to allow certain construction accounts and items to be encumbered or what accountants refer to as "continued in force". I've reviewed these with our independent auditors over the years and we've never had any problem with it. Right now all we need is an acknowledgment that the Filter Plant Pilot Study has been completed and the remaining funds be returned to the Retained Earnings account. I don't feel it's necessary for the Council to approve this transfer. You should simply act on the reappropriation of the \$15,100 in the current fiscal year.

Mr. Bradley asked do you anticipate any more work on the Filter Plant Pilot Study?

Mr. Dann replied as far as we're concerned the Filter Plant Pilot Study is complete. However, during the design phases of the water treatment plant if it becomes necessary to go back and revisit that study, it is my intent to leave some funds in that account as a contingency. I don't anticipate that that's likely to happen, but in the event that it does I'd like to have the funds available to us.

Mrs. Papale withdrew her motion.

Motion was made by Mrs. Papale to Acknowledge that the Filter Plant Pilot Study has been Completed and the Remaining Funds will be Returned to Retained Earnings. Seconded by Mr. Solinsky.

VOTE: Zandri and Killen voted no; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve Budget Amendment for FY 1989/90 of \$15,100 to Increase Prior Year Retainage and Estimated Unappropriated Balance - Water Division. Seconded by Mr. Bradley.

VOTE: Zandri and Killen voted no; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Consider and Approve an Appropriation for FY 1989/90 of \$15,100 to Increase Outside Services Acct. No. 923-000 and Decrease Estimated Unappropriated Balance to Provide Funds for Additional Engineering Services - Water Division. Seconded by Mr. Solinsky.

VOTE: Zandri and Killen voted no; all other ayes; motion duly carried.

ITEM 5 Consider and Approve Appropriation of Funds to Cover Survey Work for Open Space Application. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached letter, dated August 2, 1989, from Mayor Dickinson to the Town Council.

Mayor Dickinson stated there are two pieces of property involved, one on the east side and one on the west side. Together they total some 70 acres and both are bound by property currently owned by the Town of Wallingford. They are both in watershed areas and one of them may be a possible site for another well.

Don Roe stated this is basically the same program the Town has taken advantage of in the past, however, this does not necessarily include federal participation. At this point it is unknown whether or not federal funds will be available for outdoor recreation program funding. Consequently in the spring the State moved forward and solicited pre-applications. This is a 40% reimbursement program from the State for land purchase. The other expenses related to acquisition of property are not reimbursable. We have to cover those costs ourselves. We were notified at the end of July that we have a September 1 deadline. We were unable to do a formal bid procedure, but we did solicit proposals for the work we can't do in-house which is the survey work.

Linda Bush stated I contacted three surveying firms in Wallingford and received bids for both parcels. I recommend we go with The Center for Engineering on the east side parcel and Leon Kwitkowski on the west side parcel. These are the low bids.

Mr. Killen asked has the Council ever gone on record as being in favor of either of these parcels?

Mr. Roe stated no you haven't specifically voted to go after those parcels, but we have been identifying these parcels over the last three years. One is in the Muddy River watershed area and abuts our current holdings. The other abuts the Moran property and our Water Company property and the Parker Farms Road wells. We have the map here and can show you the location of the parcels.

Mr. Bradley asked what additional information do we have to supply to the State?

Mr. Roe stated we have to supply the survey information, two independent appraisals, certificate of title, copies of encumbrances and all the other deed type information. Also, a program narrative has to be provided and an environmental assessment. We're looking to complete that work in-house.

Mr. Bradley stated the Mayor made reference to a potential well site. Is that feasible?

Mr. Dann replied that parcel adjoins the existing property on which Well #1 is situated. There is potential for supply there. The issue is whether or not we would be a little bit further removed from the sodium. We'll have to sink some test wells and see if it's a viable location. The larger justification for proceeding is the proximity to Well #1. We have very little property in that area to provide a protective barrier around the well. This purchase should provide us with some measure of protection which we don't have today.

Mr. Roe stated we submitted applications to the State totaling \$2.3 million. They will reimburse up to 40% which is \$940,000.

Mr. Killen stated we're going to need a motion for a transfer of funds.

Motion was withdrawn by Mrs. Papale.

Motion was made by Mrs. Papale to Transfer \$8,050 from Contingency-Reserve for Emergency Acct. No. 8050-800-3190 to Professional Services-Survey Fees-Open Space Acquisition. Seconded by Mr. Bradley.

Mr. Bradley stated the issue of open space is something that I support and I'm sure other Council members support. Mr. Doherty and I took a little bit of heat at a Planning and Zoning meeting recently because we have done nothing in this area. That is not true. I believe this is our second shot at this.

Mr. Holmes asked if we are not selected to receive reimbursement from the State, do you anticipate asking the Council to purchase the parcels outright?

Mayor Dickinson replied at this point I don't want to make any comments that would make the State feel they could go elsewhere. But I definitely feel they are important pieces of property for the Town to acquire.

Mr. Solinsky stated it says here outdoor recreation must be kept available on a permanent basis. Does this mean you can't build anything on it?

Mr. Roe replied that's correct. Ballfields might be an option, but we would need approval from the State. We would also need endorsement from the State on the well.

VOTE: Killen voted no; all other ayes; motion duly carried.

Linda Bush stated we're also going to need a waiver of bid.

Motion was made by Mrs. Papale to Waive the Bid for the Survey Work. Seconded by Mr. Bradley.

VOTE: Unanimous ayes; motion duly carried.

ITEM 11 PUBLIC HEARING to Consider and Approve an Ordinance Amending an Ordinance Appropriating \$1,450,000 for the Town's Share of Road Construction and Utility Installation in the Med-Way Business Park and Installation of a Water Main in Barnes Road. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached ordinance.

Mr. Killen stated the above work has already been completed. Tonight we're considering a transfer of \$70,000 left over from the original ordinance to make repairs on a section of Med-Way Park.

John Costello stated \$45,000 is needed to repair the northern most section of Research Parkway which is the old or original section that was installed about 25 years ago. Another \$25,000 is needed to repair trenches which have settled in the new section which takes off from the L section, swings a little to the east, goes across Carpenter Lane and continues south past Bristol Myer's driveway to Route 68.

Mr. Bradley stated the new section has all sunken excavations. The general condition of the pavement is in pretty good shape, but where the excavations are it's kind of wavy. When did these conditions start appearing?

Mr. Costello replied probably a year ago.

Mr. Bradley stated the area around Carpenter Lane and Research Parkway has always been a problem area. The road was put in in the spring when we had very heavy rains. There's also mini-springs in the area which were a problem during road construction. I'm wondering if this has compounded the problem of settling. Is it normal for a condition like this to happen?

Mr. Costello replied no it's somewhat unusual and maybe the springs are part of the problem.

Mayor Dickinson stated I had a meeting on May 5 with David Sousa of FIP Corporation and the pavement settlement was one of the topics of discussion. I expressed concerns about what happened and he agreed to supply whatever information they had relating to the project. I reviewed this information with John Costello and he didn't have any changes to make in the information. Based on what was stated here, I'm not sure I see where we can turn around and say someone did something if we can't point out that it was wrong. John does not know what is causing the problem out there. Lacking better information, I don't see that we have any recourse against the contractor.

Mr. Doherty stated on Mark O'Connell's letter dated January 15, 1985, there was some question raised about the asphalt tests.

Mr. Costello replied they took tests from 4" core samples instead of 12" square sample. This means they didn't take enough material.

Mr. Killen stated what was the difference between the two tests? Maybe we should look into this to see if there is something there that we're not aware of.

Mr. Costello replied I'll look into it.

Mr. Solinsky asked on the sunken trenches, will you be removing the asphalt and replacing it or just covering over it.

Mr. Costello replied we'll be removing the section and replacing it.

Mr. Killen asked can we use this bond money to do the old section?

Mr. Myers replied I reviewed this with Attorney Fasi and although this is very unusual it can be done by a Council vote to amend the ordinance. That is why it's here tonight.

Mr. Bradley asked how many other outstanding bonding ordinances do we have that have unexpended balances in them?

Mr. Myers replied off the top of my head I can't say. The normal procedure for unexpected bond proceeds would be to reserve those funds to repay the principal on the bond.

Mr. Bradley asked from a financial standpoint are we better off using the money to pay back on the principal or using the money for the repairs?

Mr. Myers replied it's a judgment decision.

VOTE: Unanimous ayes; motion duly carried.

ITEM 12 Consider and Approve Transfer of \$10,000 from Road Construction-Research Parkway Acct. No. 014-1400-600-6500, \$50,000 from Road Construction-Carpenter Lane Acct. No. 014-1400-600-6510 and \$10,000 from Engineering Fees Acct. No. 014-1400-600-6520, a total of \$70,000 to Pavement Repairs-Research Parkway Acct. No. 014-1400-600-6530 to Provide Funds for Repairing Research Parkway. Motion was made by Mrs. Papale, seconded by Mr. Solinsky.

Mr. Myers stated this money would not be available until the referendum period for the ordinance expires which is 21 days after date of publication.

Motion amended by Mrs. Papale to add, "Funds to be made Available after the Referendum Period has Expired." Seconded by Mr. Bradley.

VOTE: Unanimous ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Tim Cronin, 47 South Ridgelane Road, asked what was the Council's recommendation on Page 10 of the Charter regarding allowing Council Members to hold employment in Wallingford.

Mayor Dickinson replied my recollection was the recommendation was to avoid a situation where you would have a conflict of interest constantly. The Charter Commission will be meeting again to review the Charter again based upon the recommendations of the Council.

Mr. Bradley stated I believe it was decided to leave it as stated in the original Charter.

Mr. Cronin asked does the Council have the right to question items that the Charter Revision hasn't recommended changing?

Mrs. Papale stated yes we do.

Mr. Killen stated I was under the impression that we were going to have to accept all the changes or reject all the changes. Adam Mantzaris informed me that is not true.

Jack Demmons, 3 Grandview Court, stated I represent some of the people who live in the area of the trash plant. There is a serious noise problem in the area of South Main Street, Grandview Avenue, Lincoln Avenue and their connecting side streets. We hear loud noises during all hours of the day and night. We have complained through the proper channels for the past 6-8 months and have not received any satisfaction. Our patience is running out and that is why we're appealing to you tonight. We ask the Town Council to put this on the agenda for discussion and possible action at the next Council meeting.

Mr. Killen stated I don't know if we'll be meeting again this month, but it can be put on the agenda in September. I'm aware of the noises because they come my way also. I have mentioned it to the Mayor and Phil Hamel and they are looking into it.

Bill LaVorgna, 6 Grieb Court, stated I received a letter from Adam Mantzaris this past week which states the Town is willing to accept our road as a public road rather than leave it as a private road as it's been for the past 15 years. I called Adam and asked if this was precipitated by the Dorsey's wanting to develop their property which is landlocked here. He replied yes. He also said if it didn't become a public road the Town would not continue to plow the snow. I don't understand the reasoning behind this.

Mayor Dickinson stated this started with Pent Highway in 1984. We became aware of a series of roads that were private and being maintained by the Town. At that time my office indicated that if we did not own the road, we would not plow or maintain it. The Town ultimately took title to Pent Highway. A time period elapsed and as developers put in roads they were told until the Town takes title to the road the developers would be responsible for the plowing and maintenance. About one year ago I became aware of two more roads (Grieb Court and Stella Drive) that had not been accepted by the Town. In both cases there was no single owner. I felt it was not fair to tell you this past winter that we wouldn't plow the roads because of the time needed to convey the necessary paperwork. The Town Attorney and the Town Engineer were asked to get involved and prepare the necessary paperwork. This has been done and it is now the decision of the property owners on Grieb Court. It is not motivated by any private owner, it is just an effort to be consistent with where we plow.

Carolyn Massoni, 41 Hillsvie Road; stated I was unable to attend the meeting on the Charter Revision. I've read the minutes from that meeting and am very disappointed with some of the comments. Regarding the Board of Ethics, Ordinance #294 was adopted by the Town Council in 1982 and no changes have been made. Because my complaint hit upon certain sections of that Ordinance, the Town Attorney has made a change on his own and called it a preamble. This Ordinance says "the following to be known henceforth as the Code of Ethics" and those two paragraphs are just as much part of that code as any of the others. I don't see how complaints can be dismissed on that fact alone. Also the Board of Ethics never notified me that another complaint I filed was dismissed because of lack of evidence. Secondly, a meeting has been called by the Chairman of the Board of Ethics for tomorrow night to reconsider one of the Board's decisions dated June 14. Can you show me in the Charter or this code where it says the Chairman can do this? The Charter says the activities, votes and rulings of this Board shall not be subject to oversight or reversal by any Town official or body. If that meeting is held to reconsider their decision, I will personally send the Mayor a letter publicly requesting that the entire Board resign. Then I would suggest a new Board, a new ordinance, and a new provision in our Charter which the Charter Revision can take care of on Thursday night. I want to know where I can go to get my problems and complaints resolved. If I can't come to this Council, the Mayor, the Town Attorney or the Board of Ethics, where do I go to get a true, correct, legal answer?

Mayor Dickinson replied I don't know that there's any recourse other than hiring your own attorney and asking him to give you an answer. We have met before and

I'm willing to meet with you again. If you go through all these various boards and commissions and still aren't satisfied, the recourse is to hire your own expert.

ITEM 6 Consider and Approve Resolution for Potable Water Supply Facilities Grant. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mrs. Papale read the attached resolution into the record.

VOTE: Unanimous ayes; motion duly carried.

ITEM 8 Consider and Approve Award of Contract to Other than Low Bidder for Removal of Underground Tanks. Motion was made by Mrs. Papale, seconded by Mr. Holmes.

Mr. Holmes stated the low bidder was involved in some illegal activities within the Town so the low bid is being discarded.

Mr. Killen stated under the Purchasing Ordinance, when the contract is going to other than the low bidder the Purchasing Agent must deliver the whole file to the Council and the Council awards the bid.

Mr. Bradley asked was R&R Enterprises the next lowest bidder?

Bill Fischer replied yes.

Motion amended by Mrs. Papale to add "and Award Bid to R&R Enterprises, the Second Lowest Bidder." Seconded by Mr. Holmes.

VOTE: Doherty abstained; all other ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive Rule V to Hire Clerk of the Works for the Roof Replacement/Fuel Storage Tank Replacement Committee. Seconded by Mr. Solinsky.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mrs. Papale to Waive the Bid to Hire a Clerk of the Works. Seconded by Mr. Solinsky.

Mr. Holmes asked will the Clerk of the Works report directly to the Committee?

Mr. Fischer replied yes.

Mr. Bradley asked have the duties for the Clerk of the Works been defined?

Mr. Fischer replied he will work under the supervision of the Committee and keep us informed on the installation. He will make sure the installation is done properly and will be there throughout the project.

VOTE: Doherty abstained; all other ayes; motion duly carried.

ITEM 13 Consider Scenic Road Ordinance - Set Public Hearing on a Petition.

Motion was made by Mrs. Papale to Set a Public Hearing Date of September 12, 1989 at 7:45 p.m. Seconded by Mr. Holmes.

Motion amended by Mrs. Papale to Set a Public Hearing Date of September 12, 1989 at 7:45 p.m. to Consider a Petition Regarding Frontage on East Main Street from Old Durham Road to Grieb Road to be Designated a Scenic Road in Accordance with Ordinance #363, Scenic Road Ordinance. Seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 14 Consider an Ordinance Amending an Ordinance Appropriating \$340,000 for the Public School Roof Reconstruction Project - Set Public Hearing.

Motion was made by Mrs. Papale to Set a Public Hearing Date of September 12, 1989 at 8:00 p.m. Seconded by Mr. Solinsky.

VOTE: Doherty abstained; all other ayes; motion duly carried.

Motion was made by Mr. Bradley to Waive Rule V for Discussion and Possible Action on the Illegal Dump Site on Research Parkway. Seconded by Mr. Doherty.

VOTE: Unanimous ayes; motion duly carried.

Mr. Bradley stated this area is located just on the fringes of the northern edge of the watershed area. This is a combination of Town property (the old Research Parkway) and FIP property. In this area I found a lot of items that are not allowed at the trash plant, such as construction debris, concrete, steel piping, grass clippings. The one thing that really concerns me is the abandoned car that is out there and the potential for gas seeping into the ground. The area just south of there contains a lot of springs that traverse down to the watershed. I expected that when the article appeared that someone from the Town would call me, such as the Water Division. This did not happen. The only phone call I received was from David Sousa of FIP Corporation. He told me he is aware of the problem and has corresponded with the Mayor's office regarding the condition that exists out there. They are planning on putting a gate across the area. I'm just concerned that there hasn't been more of a positive reaction to the problems there. I would like to propose three things. The vehicle that is out there does have a readable Vehicle Identification Number on it and I would like the Police Department to trace the vehicle. I would like Public Works to go out there and clean up the area and get rid of the vehicle. I would also like Public Works to put barricades out there until FIP puts up a gate.

Mayor Dickinson replied it wouldn't be the responsibility of Public Works to clean up the property if it's owned by FIP. That is the responsibility of the private property owner and if it's an illegal accumulation of rubbish then they can be sited by the Health Department or the Zoning Enforcement. If it's a complaint regarding an abandoned vehicle, we will take it away. FIP has not indicated that they weren't going to clean this. The issue for them is whether the road can be barricaded. I gave them a preliminary indication that I felt they could do it and they are submitting a design as to what they plan to put across the road. We just towed about 14 cars out of the Tyler Mill area which

is another bad dumping site. Every year the Rod and Gun Club goes out and centralizes the location of all the rubbish and Public Works goes out on a Saturday and takes it away. But that is our property. I do not want to set a precedent of having Public Works going on private property.

Mr. Bradley stated the majority of the trash is on the road which we own. I don't care whose responsibility it is. From a watershed protection standpoint, I think someone has to get out there immediately and clean it up. It's not a good idea to have gasoline leaking into an area that's on the fringes of the watershed area.

Mayor Dickinson replied we can certainly clean up what is on the road. Unfortunately, no one uses this road and it is a nice secluded area for dumping. This is why FIP wants to barricade it. If most of the trash is on the road, it won't get into the watershed.

Motion was made by Mr. Bradley to Recommend the Police Department Trace the Vehicle Identification Number and Have the Owner Remove It; Someone Clean Up the Area; and Public Works Block Off the Area. Seconded by Mr. Doherty.

Mr. Killen stated we can request this be done, but we cannot order it to be done.

Mr. Solinsky asked did you notify the Police Department of the car?

Mr. Bradley replied I purposely did not notify anyone because I wanted to see what this news article would generate. It generated nothing on behalf of the town.

Mr. Solinsky stated I think the car should be the top priority. Someone could siphon the gas out of the car and eliminate that problem.

Mr. Bradley replied the damage is already done. The car has been there probably since May.

Walt Sawallich, Jr., 100 Jobs Road, stated illegal dumping happens all over the place. I think the Council should pursue a stiffer Town ordinance on illegal dumping. If you can trace the trash or the car, why not make the person pay a fine of \$75 and have him donate his services to clean up the whole area at his own cost.

Mr. Holmes stated I don't think we need a formal motion, a simple request to the Public Works Department to clean up the road should suffice. However, as far as the garbage on private property, that should be the responsibility of the private property owner.

Mrs. Papale stated what bothers me is why the car was there for so long. I sat on the Ordinance Committee and it's really frustrating to spend all this time on the ordinances and they're not enforced.

Mayor Dickinson replied I had knowledge there was a problem out there, but the basic question was could FIP block off the road. It wasn't an issue of who was going to pick up the trash or whatever was out there. FIP represented that it

was on their property. If the vehicle identification number can be traced, the complaint should be with the Police Department. My office doesn't handle every single eye witness account of something that happens and then turn it over to the Police Department.

Mr. Bradley stated we need to remember one thing. You can clean up the area, but you're not going to prevent the same thing from occurring again unless you limit the access to the road. I know FIP has a plan to do this, but the question is when will it be done.

Mayor Dickinson stated FIP did not want a permanent barricade because they take prospective developers on that road. They want to put up a gate that they can open up with a key.

Mr. Bradley stated I don't know why they would want to show someone a dump site. It's not a very long walk into there. The bottom line is let's get it cleaned up for the good of the watershed.

Ray Rys, 96 Pierson Drive, stated I go by this area weekly. Someone that owns that property has tried to barricade areas from Carpenter Lane that lead onto the old road. They also tried to barricade the field. Up until May FIP or someone has been taking care of that area. The car was on the roadway and then was tipped over the following week. The week after that it was stripped and smashed and ended up in the middle of FIP's property. Even if you put up a barricade on the actual roadway they will still find a way in. Maybe we need more policing of the open areas. I also think the Town needs to send a message to our State legislators. According to State Statute the most you can fine someone is \$75. When you have a contractor tearing down a house they don't care if they have to pay \$75 because it will cost them twice as much to bring it to the plant.

VOTE: Unanimous ayes; motion duly carried.

ITEM 15 Consider and Approve Resolution Rescinding Previous Fee Schedule and Establishing New Trash Disposal Fee Schedule for the Town of Wallingford. Motion was made by Mrs. Papale, seconded by Mr. Solinsky.

Mrs. Papale read the attached resolution into the record.

Mr. Zandri asked why is this being brought up at this time?

Mayor Dickinson replied we have started receiving bill from CRRA which total approximately \$80,000 for disposal of residential trash. We do not have a revenue stream to take care of that bill at this time. If we continue the way we are, we'll have to appropriate funds for the bills that are existing and accumulating. They estimate the cost to be around \$25,000 per month. One element of this involved the issue of host community benefits. At this time we are fairly certain that free disposal is not something that is agreeable to the other towns.

Mr. Zandri asked was there a verbal agreement of any kind when the plant initially was started as to how the municipal waste brought down by the residents was going to be handled?

Mayor Dickinson replied there was an accommodation. There is the right to bill us for the disposal. Initially, when Vicon was still part of the project, the time period was supposed to be from September to maybe November for the plant to be operating. In September 1988 the landfill was turned over for operation by CRRA and rather than try to get into the logistical problems of how to go about the billing they said we'll let the operator do that when they take over. As you know, the operator didn't take over and still hasn't. As a result, from September to maybe April or May we were not billed. After that CRRA began to bill us which I believe stems from pressure from their auditors and how they're going to show things on their books given their legal right to be able to bill.

Mr. Zandri asked was there any formal notification of a change in the policy that was originally set up?

Mayor Dickinson replied I don't believe we received anything in writing. We were aware of CRRA's concerns regarding the auditors and I believe at one of the meetings here Bob Wright indicated that they planned to start billing. I forgot what date he used as the startup for that.

Mr. Zandri stated I have a problem with what's transpired to this point. They were going to handle this until the operator came on line and now all of a sudden we're getting bills. I definitely have a problem appropriating money to pay for these bills. If they want to give us formal notice that there's going to be a billing charge from this point on, that's one thing.

Mayor Dickinson stated we're not necessarily agreeing that the \$80,000 is an appropriate bill and we're waiting for some accounting as to what that represents and whether there are offsets for the initial time period when we were paying a higher tipping fee and what happened to that money. So I'm not indicating that the \$80,000 is something we definitely owe. But I am indicating there is a bill pending and that bill is getting steadily larger.

Mr. Zandri asked what are the other Towns doing for their residents?

Phil Hamel replied Meriden, North Haven and Hamden do not charge residents. All three have municipal pickup so there's very little need for resident usage although they do have some drop off facilities for brush, etc. Cheshire charges \$3.50 per vehicle for each visit. North Branford charges \$1 per car and \$2 per pickup, but that doesn't cover their costs.

Mr. Zandri stated there was a recent newspaper article regarding the problems in Meriden because of the reduced hours at the landfill. I did some checking today and found out that any resident in Meriden can go to the landfill and bring anything they want, except automobile parts, for free. That bothers me. They're bringing the majority of their waste to Wallingford, and all the debris the incinerator won't take they take to their landfill at no cost. And now we're going to turn around and ask our own residents to pay for the use of their own landfill. All the towns in this project should be treated the same.

Mr. Hamel replied Meriden has the high expense of operating a landfill with very small tonnage. In addition, Meriden residents are paying for the cost of the resource recovery one way or another.

Mr. Zandri stated Wallingford had the luxury of operating it's own landfill and making a profit on it as of two years ago. The end result of our landfill before we turned it over was a profit in excess of \$500,000. It's right in the budget and that was at \$16 per ton not \$45 per ton.

Mr. Hamel stated I disagree with that.

Mr. Bradley asked what is the \$25,000 per month based on?

Mr. Hamel replied my understanding is it has been getting larger every month and is based on the \$41 tip fee.

Mr. Bradley stated the \$25,000 comes out to 625 tons at \$40 per ton. Is there really that much going in there on a monthly basis?

Mr. Hamel replied yes, I have no question about that. The residents put the waste into containers and the containers are then weighed.

Mr. Bradley asked what is the reason for the \$5 registration fee?

Mr. Hamel replied I'm not sure. I believe it has to do with the cost of preparing a sticker and putting some identification on a vehicle so that the people at the trash plant or landfill would know that person was properly registered and had a right to be using the tickets.

Mr. Bradley asked who developed this fee schedule?

Mayor Dickinson replied Don, Phil and myself. Much of the fee schedule hasn't changed. As far as the \$.50 per bag, etc., much of that language is part of what we discussed earlier as part of negotiations. We had talked about \$3.00 and \$6.00 and there was reluctance to go with that versus a per bag charge.

Mr. Bradley asked will these fees cover the \$25,000 per month?

Mayor Dickinson replied it probably will not totally cover it. If a significant number of residents over 65 years of age use the facility and take two bags a week, none of that would be covered and would have to be subsidized either through taxes or other revenue sources.

Mr. Bradley asked what would the effect be on the mill rate?

Mayor Dickinson replied I wouldn't be able to estimate that until I knew what the shortfall might be.

Mr. Bradley state back in December 1988 during the lawsuit of PAGB versus CRRA the judge based his decision on your testimony and Mr. Myers' testimony that no tax increase would result. Would you comment on that?

Mayor Dickinson replied the landfill has historically cost the Town money. The argument was that was not the case. However, over a period of time the landfill has definitely cost the Town a great deal of money. We were charging \$16 per ton when in fact it was costing us as high as \$25 per ton to run the landfill. Then the question was if that was the case, how can you argue that going to this

system of leasing at \$40,000 and the payment in lieu of taxes is not going to cost money. There is no real change. There is not a situation of going, as the plaintiffs argued, from a profit picture to a cost picture. You cannot take one year and say that year represents the life history of the landfill. You can't show an impact on the taxes when it's always cost us money.

Mr. Bradley stated the overall problem I have with this fee schedule is that nothing positive has come forward from the host town agreements. One of the requests was for free dumping for the residents of Wallingford. Until I see something positive come back from there on what the agreement is, I cannot support this.

Mr. Holmes stated you raised some good points Mr. Bradley and I concur with many of them. The problem we're faced with, however, is we have a liability for a certain amount of bills presented by CRRA. I think it would be unfair to everyone involved to take that money out of cash reserve or some other fund to pay for them. I'm not in favor of a per bag charge, but I think once the host agreement is signed we can take a certain amount of dollars from the host community benefits and set it aside for CRRA tip fees. Until we have a revenue stream coming in it may be necessary to impose a surcharge.

Mr. Bradley stated it's my understanding if the host town agreements are not executed soon that they are automatically executed or something to that effect in the month of October.

Mayor Dickinson replied no that is not accurate. Sometime by the end of this month we should have a revised municipal contract that reflects changes caused by the new contract between Ogden Martin and CRRA. We will then have between the end of August and the middle of October to decide whether we're in or out. The municipal contracts that we will decide upon will have to reflect what host community benefits are agreed to.

Mr. Bradley stated I think there's a lot of gray areas here on what we really do owe. At this point, I'm not convinced as to what our liability is.

Mr. Holmes asked what is the possibility of getting free dumping from the other communities involved in the project?

Mayor Dickinson replied I don't see any possibility of receiving that at this point. That was rejected.

Mr. Zandri stated we could reject this whole thing just on that issue alone. That's something to keep in mind.

Mr. Doherty stated I pay a garbage hauler to take my garbage away and I'm also finding myself going down to the landfill once a week with grass clippings. With this fee schedule I'm going to pay \$5 to register my car and pay another \$1.50 per week or \$6.00 per month to take care of my grass clippings. That's about \$40-\$47 per year on top of the cost for the garbage hauler. It seems like we're getting hit on the head twice here.

Mr. Holmes stated seeing as there are some gray areas involved I would like to table this until the next meeting till we can get some of the issues resolved.

Motion was made by Mr. Holmes to Table This Item Until the Next Meeting.
Seconded by Mr. Solinsky.

VOTE: Unanimous ayes; motion duly carried.

ITEM 16 Presentation by the Recycling Committee

Mario Tolla stated we would like to bring the Council up to date on what the Recycling Committee has done so far. We have a video and slide presentation on our field trips to Groton; North Stonington; Johnston, Rhode Island; and Somerset, New Jersey. We also made a trip to Rutgers University to view their plastic center. The Committee decided we would accomplish more by going into subcommittees. We set up subcommittees on composting, oil, paper, batteries, scrap metal and plastics.

Scott Singer stated included in your packet are the mandatory items to be recycled by 1991 (attached). The Johnston facility has the capability to recycle plastic, although plastics are not included in the mandatory list.

The video and slide presentation was then shown.

Betty McLaughlin stated the Council is going to have to make 5 very important decisions. There is no chronological significance in the way these items are listed. None of them necessarily have any greater significance than the others with the possible exception of Item 1.

1. We need to make a decision about whether we want to participate in a regional intermediate processing center (IPC) or have a local IPC just for Wallingford. If we choose to go with a regional IPC, we need to sign on quickly. The faster we communicate our feelings to the State the better off we'll be as far as the regional IPC. We don't want to make a hasty decision, but it is a time frame we have to work within. This of course assumes that we have an IPC at all. I think when you see the list of all the things that have to be recycled that we can't use an IPC for you'll probably feel that we need an IPC for at least those items that can go into one.
2. We need to accomplish the recycling of the other mandated materials that must be recycled by the 1991 deadline. We have set up subcommittees for each of these items and the subcommittees are researching how we can effect reasonable recycling of these items in time to meet the deadline. We also need to make this acceptable to the residents. We're looking at collection and sorting of these items and also the marketing of the materials. That's another reason to think about IPC's when possible. You'll have a greater volume and it will be easier to get a better price for the materials.
3. We also need to look at items that are not mandated for recycling but are recyclable. Markets for these materials are beginning to be researched in other parts of the country and we may get a mandate for these pretty soon. But even if we don't, it's probably something we should consider just for our own solid waste management. These are items that can't be processed at an IPC. We would look at collecting, sorting and marketing of the material.

4. We need to look at the administration of our Town's efforts. We need to make sure the work of this very committee is on the right track in doing what you have charged us to do. How long will the committee be in existence? How do we transfer the work we have started to some other person or group of people to continue on with our efforts? We have discovered there is quite a bit of work to be done and an awful lot to know. Also, I think there needs to be some sort of liaison or public assistance in place where the residents can get information and help with their recycling efforts. One of the ideas we have tossed around is the possibility of having a recycling coordinator for the Town.
5. We also need to look at public cooperation and some kind of deterrence to illegal dumping. We think it's important that any ordinance and penalties, with regard to getting people to participate in the recycling program, be administered and created with the idea of enhancing the recycling program to encourage people to recycle. We don't want to make it so difficult or cumbersome that it becomes more tempting to dump it illegally. We don't want to go overboard to the extent that people are discouraged to recycle. We have to keep a balance in there somehow. Public education is also important as to what items are mandated, what items are recyclable but aren't mandated, what's accepted at an IPC, etc. There's a lot of misinformation out there. The last item under public cooperation is how we're going to collect it and how convenient we're going to make it for the residents.

Mr. Bradley asked do you think we should handle plastics even though it's not mandated?

Mr. Tolla replied I think we should consider plastics in any program we set up. There is an awful lot of plastic out there despite the bottle bill.

Jim Williams replied one of our speakers from the DEP indicated that plastics will be mandated within two years.

Mr. Bradley asked on the Johnston facility, was there an idea given as far as breakdowns?

Mr. Williams replied the day we were there one of the side conveyer belts was down. This is very uncommon. The key question to someone who has bought heavy duty equipment is would they buy it again. They stated absolutely. They also stated that once they ordered the equipment it only took 1 year for delivery and for that caliber of equipment that's good delivery.

Mr. Bradley asked what is the tonnage at the Johnston plant?

Mr. Williams replied I believe potential tonnage is 400. Right now they're upwards of 300 tons of recyclable product.

Mr. Bradley stated I think this is one of the most fascinating committees and you're doing a great job.

Mr. Doherty stated I agree with Mr. Bradley. Certainly one of the happiest things we've done is set up this committee. Thank you for the time and effort you've put in.

Mr. Tolla stated I know the South Central project was put on hold by the Council, but you have to consider whether you're going to go regional or local because if you don't the State is going to say you're going to go regional. I suggest the Council consider visiting the Johnston facility and the Sommerset, New Jersey facility. I think it would be quite an experience and it might prevent a lot of the feelings that were created with the trash plant.

Mrs. Papale stated I commend the committee for all the work they've done. What is next with your committee and will there be recommendations made?

Mr. Tolla replied I think very shortly the Council should look at the items that will not be processed at an IPC like the oil, etc. People don't have a place to dump this stuff anymore.

Mr. Williams stated our subcommittees are investigating these items and hope to have some additional information for you very shortly. The committee can make recommendations but the ultimate decision would be with the Council.

Mr. Killen thanked the Committee for their presentation.

ITEM 17 Discussion and Update on Capital Expenditures Still Encumbered in 1988-89 Budget. Motion was made by Mrs. Papale, seconded by Mr. Bradley.

Mr. Doherty stated we've got \$774,000 in capital items that hasn't been spent from the FY 88-89 budget. There's also some capital items from FY 87-88. I'd just like to run through some of the larger items and give you the status.

1987-1988

There's \$10,000 in the Police Department for an upgrade of Ward Street and Route 5. Bids have been awarded so we should see the money expended this year. Another large item is \$50,000 in Engineering for the Hintz Drive Culvert Replacement. I talked with Mr. Costello and that \$50,000 will be bid this fall.

1988-1989

There's \$8,000 in the Comptroller's budget for a laser printer that hasn't been purchased yet. Mr. Myers does not know whether he's going to purchase it or not. There's \$25,000 in the Assessor's budget for the revaluation. There's \$2,500 in the Police Department for the Roof Access and Cat Walk. This is still tied up in litigation. There's about \$109,000 in Crime Seizure money. The Deputy Chief indicated that he's waiting for some action from the Chief on this. He said they're looking into the possibility of getting their own computer instead of using the main frame at the Electric Division. He also said they're going to have to purchase new handguns for the department. I pointed out to him there were a lot of items cut out of the budget for the Police, but he didn't indicate they were looking in that direction.

Mr. Myers stated these funds are restricted for Police Department purposes. The Police Department has to present their requests for purchases to the Town Council for approval. During FY 88-89 the Police Department received \$70,459 and they never came forward for a budget amendment. So that will be coming up at a subsequent Council meeting.

Mr. Doherty stated there's \$20,325 in Traffic Maintenance and a lot of that has been encumbered. The Traffic Control at North Cherry hasn't been encumbered and the Deputy Chief said that is in the works. There's \$70,000 for Ambulance which has been bid twice now and the low bid is under \$70,000. They are going to fly down to Georgia in the near future to look at this particular company. There's \$140,000 in the Volunteer Fire Department for two mini-pumpers at \$70,000 each. Those went out to bid last week and they're somewhat over the \$70,000 so they're going to come in and talk to us about them. There's \$30,000 for the Civil Preparedness Building and the specs should be ready to bid in about a month. There's \$22,010 for the Refurbishing of West Side Field. This went out to bid but came in at \$70,000. They're working this out with Mr. Costello and Mr. Deak to bid this in parts with Public Works possibility doing some of the labor. What sparked my whole interest in this project was the Bath Houses down at Community Pool. Repairs to the roofs still haven't been done. There's still some problems with the specs on that job and they haven't been done yet. I suggested to Mr. Shepardson that Mr. Costello help him out on that. It doesn't look like anything will be done until the pool closes. The Office Flooring in Engineering for \$3,500 was measured last Monday. The items under Engineering for \$32,160, some of these have been rolled over into the next year. Under Public Works, South Main Street and Park Farms Road are still open. Also under Public Works I didn't get a clear answer on the Repair of Paddle Courts for \$3,800. Here the attitude seemed to be that there was three years in which to do this work. There's \$35,000 under Railroad Station and Mr. Deak stated they are waiting on this because of the Neighborhood Grant for which we have applied.

Mr. Doherty stated as I've said the Community Pool thing sparked my interest and I just wondered if that one is out there how many more are waiting to be done. I think it's a good practice for us to go through these after the fiscal year and see what has or hasn't been done and why.

Mr. Bradley asked this money can be used over three years on some of these projects?

Mr. Myers replied yes. It's a standard practice that if it's appropriated for capital we carry it out for three years or leave it open for a three year period. Normally my staff tracks these and asks the departments if they're going to pursue it and what the estimated start and completion dates are. One thing we will not let them do is carry the money forward and then try to purchase something other than what the funds were provided for.

Mr. Bradley stated some of these projects can be done in a year and I find it somewhat excessive that they're allowed to go three years.

Mr. Myers replied it's usually a rare exception that a piece of capital equipment doesn't get purchased. Most of these listed in here are construction projects and they get hung up on bid specs, design, etc.

Mr. Zandri stated I'm still not convinced after the discussion tonight that this three year leeway is legitimate and I'm going to have the Town Attorney explain this to me and see exactly how he interprets the Charter.

ITEM 18 Consider and Approve the Town Council Minutes of July 25, 1989. Motion was made by Mrs. Papale.

Motion was made by Mr. Solinsky to Table This Item. Seconded by Mr. Doherty.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Motion to adjourn was made by Mrs. Papale, seconded by Mr. Solinsky.

VOTE: Holmes was absent; all other ayes; motion duly carried.

Meeting adjourned at 12:35 a.m.

Meeting recorded and transcribed by:
Katrina M. Manley, Council Secretary

Approved:

Albert E. Killen, Chairman

Date

Kathryn J. Wall, Town Clerk

Date