

Town Council Meeting Summary

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October 13, 1987

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Public question and answer period/discussed rodent problem on Yale Avenue/Mr. Frederick Eannotte/thanks to everyone who participated in celebration on Green on October 10, 1987.	1-5
Reappointed Robert W. Prentice to Housing Authority/sworn in.	5-6
Reappointed Roger M. DeBaise and Michael Denino to Wallingford Transit District.	6
Adopted an ORDINANCE ESTABLISHING A FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF WALLINGFORD.	7-9
Appointed Flood and Erosion Control Board/Town Council Members.	9
Approved a transfer of \$15,418 from Contingency to Education Refund State Blind Grant, Fiscal Year 1986, Board of Education.	9
Confirmed Mayor Dickinson's appointment of Mr. James L. Kendall to Board of Ethics, waived waiting period and sworn in.	9-11
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Approved a transfer of \$660 from Dog Food to Supplies, Dog Warden.	11
Approved Special Funds Resolution establishing budgets for grants, Wallingford Education Department.	11-13
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Approved a transfer of \$1,000 from Civilian Dispatcher's Wages to Wrecker Service, Police Department.	14
Approved a transfer of \$2,546 from General Wages to Clerk's Wages, Police Department.	14
Approved a budget amendment of \$4,500 from Other Revenue Recovery Third Party Workmen's Compensation to Third Party Workmen's Compensation, Risk Manager.	15
Discussed Fire Department Radio Transmitter Tower/waived bidding procedure for new antenna.	15
Withdrew subject of authorization for sale of current Yalesville Volunteer Fire Company property.	15
Public Hearing Set at 8:00 p.m. on October 27, 1987 on an ORDINANCE APPROPRIATING THE SUM OF \$642,000 FOR THE CONSTRUCTION OF THE YALESVILLE FIRE HOUSE, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES OF THE TOWN TO DEFRAY SAID APPROPRIATION AND CONSOLIDATING VARIOUS FUNDING ACCOUNTS IN CONNECTION WITH AUTHORIZED YALESVILLE FIREHOUSE PROJECT EXPENDITURES.	15
Noted for record financial statements and narratives of Electric, Water and Sewer Divisions for the month of August, 1987.	16
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Approved appropriation of funds of \$75,000 from Prior Retained Earnings to Repairs to Pistapaug and Ulbrich Dams, Water Division.	18
Addendum: Approved waiving bidding procedure for repair of #2 Induced Draft Fan at Pierce Station.	18
Waived bidding procedure for engineering services for construction review services relative to dam repairs at Pistapaug Pond and Ulbrich Reservoir, not to exceed \$4,050.	18-19

Appointed feasibility committee to research looking into replacing three part-time Town Attorney positions with two full-time attorney positions, such committee to include five members:

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24-26

Frank C. Adams, Jr.
Mary Beth Applegate
Steven B. Holmes
David A. Gessert
Adam Mantzaris

24-26

Noted for record financial statements of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the quarter ended June 30, 1987.

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Accepted Town Council Meeting Minutes dated September 22, 1987.

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Meeting adjourned.

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TOWN COUNCIL MEETING

October 13, 1987

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Consider reappointment of Robert W. Prentice to Wallingford Housing Authority - term commencing on November 1, 1987 and ending on October 31, 1992.
- (4) Consider reappointment of Roger M. DeBaise to Wallingford Transit District - term commencing on September 16, 1987 and ending on September 16, 1991.
- (5) Consider reappointment of Michael Denino to Wallingford Transit District - term commencing on September 16, 1987 and ending on September 16, 1991.
- (6) PUBLIC HEARING 8:00 p.m. on AN ORDINANCE ESTABLISHING A FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF WALLINGFORD.
- (7) Consider appointment of Flood and Erosion Control Board in accordance with Connecticut General Statutes and in accordance with Town Ordinance, requested by Philip A. Wright, Jr., Chairman, Community Lake Study Committee.
- (8) Consider confirmation of Mayor William W. Dickinson, Jr.'s appointment of Mr. James L. Kendall to Board of Ethics.
- (9) Consider and approve a transfer of \$1,000 from Contingency to ~~WITHDRAWN~~-Public Celebrations, requested by Mayor William W. Dickinson, Jr.
- (10) Consider and approve a transfer of \$660 from Dog Food to Supplies, requested by Shirley Gianotti, Dog Warden.
- (11) Consider and approve a transfer of \$15,418 from Contingency to Education Refund State Blind Grant, FISCAL YEAR 1986, requested by Robert Nicoletti, Superintendent of Schools.
- (12) Consider two requests for Wallingford Education Department:
 - (a) Special Funds Resolution establishing budgets for grants:

<u>Teacher Evaluation Planning Grant:</u>	
Revenue	\$12,087
Expenditure	\$12,087
<u>Teacher Career Incentive Grant:</u>	
Revenue	\$12,087
Expenditure	\$12,087
<u>Professional Development Grant:</u>	
Revenue	\$30,690
Expenditure	\$30,690
 - (b) Budget Amendment appropriating teacher salary aid funds.

- (13) Consider and approve a transfer of \$1,000 from Civilian Dispatcher's Wages to Wrecker Service, requested by Police Chief Joseph J. Bevan.
- (14) Consider and approve a transfer of \$2,546 from General Wages to Clerk's Wages, requested by Police Chief Joseph J. Bevan.
- (15) Consider and approve a budget amendment of \$4,500 from Other Revenue Recovery Third Party Workmen's Compensation to Third Party Worker's Compensation, requested by Mark Wilson.
- (16) Discussion and possible action on Fire Department Radio Transmitter Tower, requested by Fire Chief Jack K. McElfish.
- (17) Consider authorization for sale of current Yalesville Volunteer WITHDRAWN-Fire Company property, pursuant to public bidding process.
- (18) SET PUBLIC HEARING ON AN ORDINANCE APPROPRIATING THE SUM OF \$642,000 FOR THE CONSTRUCTION OF THE YALESVILLE FIRE HOUSE, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES OF THE TOWN TO DEFRAY SAID APPROPRIATION AND CONSOLIDATING VARIOUS FUNDING ACCOUNTS IN CONNECTION WITH AUTHORIZED YALESVILLE FIREHOUSE PROJECT EXPENDITURES.
- (19) NOTE FOR THE RECORD the financial statements and narratives of Electric, Water and Sewer Divisions for the month of August, 1987.
- (20) Consider and approve a budget amendment for the Electric Division: \$165,000 from Net Income to Boiler Maintenance, requested by Charles F. Walters.
- ADDENDUM-Waived bidding for repair on #2 I.D. FAN/PIERCE STATION.
- (21) Consider appropriation of funds of \$75,000 from Prior Retained Earnings to Repairs to Pistapaug and Ulbrich Dams, requested by Raymond F. Smith, Director of Public Utilities.
- (22) Consider waiving bidding procedure and granting authority to award contract to Lenard Engineering, Storrs, Connecticut, for construction review services relative to dam repairs at Pistapaug Pond and Ulbrich Reservoir, requested by Raymond F. Smith, Director of Public Utilities.
- (23) Consider acceptance of THE SOUTHERN NEW ENGLAND TELEPHONE COMPANY EASEMENT AGREEMENT - Woodhouse Avenue, requested by Gerald E. Farrell, Assistant Town Attorney.
- (24) Discussion and possible action on the formation of a committee made up of Council Members and citizens (including former Charter Revision Members) to actively look into the feasibility of replacing three part-time Town Attorney positions with two full-time attorney positions, requested by Councilman Adams.
- (25) NOTE FOR THE RECORD the financial statements of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens Center for the quarter ended June 30, 1987.
- (26) Consider acceptance of Town Council Meeting Minutes dated September 22, 1987.

Town Council Meeting

October 13, 1987

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:36 p.m. by Chairman David A. Gessert. Answering present to the roll called by Rosemary A. Rascati, Town Clerk, were Council Members Adams, Bergamini, Gouveia, Holmes, Killen, Papale, Polanski, Rys and Gessert. Also present were Town Attorney Adam Mantzaris, Mayor William W. Dickinson, Jr. and Thomas A. Myers, Comptroller. The pledge of allegiance was given to the flag.

Public question and answer period.

Attorney Michael J. Laden, from the law firm of Jacobs and Jacobs in Meriden explained that he represents Mr. Fred Eannotte who is having a problem in Wallingford with rats, which has evolved because of Ricci Construction Company and have gone on his property. He explained that they were at a town meeting on July 21st and at that time, they met with the Council and discussed the problem. They have also met with Attorney Laughlin, who represents Ricci Construction Company. He added, that because of the cold weather, the rats are looking for a warm place to stay and have chosen Mr. Eannottee's property. I would like to know what role the town is going to take in this matter. 706

Mr. Gessert explained that the Council is the legislative and financial body of the town. The Council passes laws, ordinances and come up with the money and arrange transfers of funds. We can pass laws against rats, but we cannot go and collect them or kill them, from here. The collecting of the rats or the stopping of the construction, come under the administrative department of the Town of Wallingford. I did go out and look at the situation, and I think we all have some empathy for the situation.

Attorney Laden asked if the Council has made any recommendations to the administrative capacity of the government here in Wallingford and Mayor Dickinson explained that he has a letter dated October 7, 1987 from Attorney Laughlin to Attorney Laden, suggesting that a state exterminator perform services and have the cost split between the parties, and he does not have any correspondence after that, but there are a few letters prior to that, and there is also a copy of a review from the State Exterminator Company and what they indicate is the cost for extermination of the rats.

Attorney Laden explained that his office has been in contact with Attorney Laughlin's office during this whole period and with Ms. Linda Bush, Town Planner and they have been keeping in contact with her and supplying her with the same correspondence that they have been sending to Attorney Laughlin's office and have had no response in regard to that (any input that she may have). We had our exterminator out there back in early July, we gave him our recommendation and sent copies of the same recommendations to Ms. Linda Bush's office and nothing was acted upon and nothing was followed up. It is not our opinion that Mr. Eannotte should be responsible for payment of services for the extermination of rats, for something that he did not contribute to, when all that Mr. Ricci had to do was to follow the ordinance in the town, which was to have the chicken coops exterminated at the time. I was wondering what the position of the town was since they did not follow up.

Mayor Dickinson explained that the Ricci Construction Company was fined for not having gotten the proper permit, but he is not sure what the town can do beyond that. It is not a municipal issue, regarding the extermination. If the Ricci Company is liable for it, then there are means of proving that and forcing them to pay for that. If it should be found that they are not, then there is a sharing of costs, but we are really dealing with private property, we are not dealing with a situation where there is a public responsibility.

Attorney Laden stated that he does not understand this because he believes that there was a violation of an ordinance.

Attorney Mantzaris explained that the ordinance required permits and all they can do is fine the person for not obtaining the permit. In this case, we cannot correct what has been done.

Attorney Laden explained that Mr. Eannotte is a citizen of this town, who is a taxpayer and is having a terrific problem with these rats. They are invading his property.

Mayor Dickinson added that an example would be, if the town went ahead and paid for the extermination, that would mean that anyone in town, if they went ahead and violated an ordinance, would then rely on the fact that because the ordinance was violated, suddenly there is a municipal responsibility, the Town of Wallingford would have to go in and pay the costs of what allegedly occurred as a result of failure to obey the ordinance, when there are private property rights involved here. The corporation owed a duty to your client. If that duty was breached, then there is a liability involved.

Attorney Laden asked what the town does to protect their taxpayers when an ordinance is violated.

Mr. Gessert told Attorney Laden that he has seen the problem and he would not live in that house with those critters walking around his property or in his property. I would get myself a dam good lawyer, right after I got an exterminator, I would get rid of the rats and then sue someone's fanny off. I appreciate the problem that he has and I would have liked to have seen the Planning Department or the Zoning Department go a lot farther and shut down Mr. Ricci, all together and bludgeon him into resolving the problem. We have a law and someone broke the law, how far can we go legally, in hammering someone to compensate for damages.

Attorney Laden asked if the Planning Department has discussed this with Mr. Ricci and Mr. Gessert explained that the last time he understands that Mr. Ricci and Ms. Linda Bush met, Ms. Bush dragged him upstairs and introduced him to Mr. George Yasensky from the Health Department and told him to handle him, which took place at least a month and a half ago.

Mayor Dickinson asked Attorney Laden if there was a factual dispute between the parties as to the cause of this problem and Attorney Laden explained that their position is that the chicken coops were there and they had their exterminators come up and they have said that there is a probability that those chicken coops contained quite a bit of rats and the other buildings on the property had rats. When they were torn down, the rats had no place to go, but the gully and they have been invading Mr. Eannotte's home.

Attorney Barry Jacobs, (who also represents Mr. Eannotte) explained that it is his understanding that this severe problem was a result of not demolishing the chicken coops, in a way in which we could prevent them from invading other peoples properties. It just happens that Mr. Eannotte 's property is the closest to the new development. Some of the other neighbors have also seen rats throughout the neighborhood. It is out contention that this is not only a private nuisance, but it is also a public nuisance. The reason we are here today is because Mr. Eannotte is a taxpayer of the Town of Wallingford. He feels that he is entitled to protection. If you didn't feel that a taxpayer like Mr. Eannotte should be protected, you would not have had the ordinance in the first place.

Mr. Gessert told Attorney Jacobs that he has every opportunity to make an appointment, as a representative of Mr. Eannotte , with any department head in the Town of Wallingford. Attorney Jacobs said that he has met with Ms. Linda Bush but since they have had their exterminator go out there and look at the problem, he has not heard from here. Mr. Gessert asked Attorney Jacobs if he has met with Ms. Linda Bush's boss or even made an appointment to see him and Attorney Jacobs said that he has not.

Mayor Dickinson pointed out that the last correspondence that they have on this is October 7th from Attorney Laughlin. I have no response to that letter. Attorney Laden explained that this letter was a product of him being contacted by several newspapers and a television station. Mayor Dickinson added that all he can go by is what documentation he has. If you want to stick to what is going to be done and who is going to do it, there is no response to the October 7th letter and there is no indication, that I have, that you reject completely, that proposal of Attorney Laughlin on behalf of his client. All we can do is act on the basis of the information that is given to us.

Mr. Gessert suggested that a meeting be set up with all of the Attorneys, Ms. Bush, Mr. Eannotte and Ms. Bush's boss and try to sit down and come to an agreement.

Mrs. Papale commented that the rats are still there, which is the problem. You can sue people and go on and on and that will not get rid of the rats. If I was in your shoes, my first priority would be to get rid of the rats.

Attorney Jacobs explained that Mr. Eannotte is not in a financial position to get rid of the rats because he is on disability. Mr. Ricci could afford this more than Mr. Eannotte .

Mr. Eannotte commented that the ordinance was put into effect for this and the town did not go out there and check it before they

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gave the permits out. That is the town's fault, at first. I found out that they never went out there before they gave the permits. They told me that they did not know what was up there because the Assistant Town Planner that went up there, told me that they made a mistake and there are a few things that he did not do right and they should have taken care of it before the permits were issued. I think it is the town's fault because they did not check it first, before they gave the permits.

Mrs. Bergamini told Mr. Eannotte that about 2 years ago, she went with Mr. Killen to the neighborhood at 7:30 a.m. because they had a report about rats. They thought that this had been corrected.

Mr. Killen asked Attorney Jacobs and Attorney Laden what they would like to have the Council do. Attorney Jacobs stated that all they are looking to do is, resolve the problem of the rats invading his property, and specifically his home. I think that the town should be able to put some pressure on this developer, and if the Council sees fit, to send a memo to someone to look into it, that would be most appreciated. Mr. Gessert said that he would be glad to very firmly urge someone to get off his duff.

Attorney Jacobs added that it is his understanding that the developer does not feel that he caused this problem.

Mr. Holmes asked what the estimate was for the extermination and Attorney Jacobs explained that they have 2 estimates, one for \$850 and one is for \$685, for Mr. Eannotte 's home. For the entire problem, we have an estimate (for the entire neighborhood) of between \$1200 and \$1800.

Mayor Dickinson explained that as he stated before, the last letter he has is from Attorney Laughlin and there is no indication from the law office representing Mr. Eannotte, that they reject that proposal. A small claims action costs \$20 to bring and it covers any claim up to \$1500. At some point, government can't constantly go for private problems. If this is more than a private property problem, then I have to have information submitted to my office. Instead, what we are getting, is a big show at a council meeting without the necessary paper work to back up anything. Attorney Laden stated that they submitted petitions and Mayor Dickinson explained that a petition does not justify the expenditure of public funds on private property. I need more evidence than a petition to allow public taxpayer dollars to be used on private property. The Town of Wallingford is not obligated to correct damages as a result of a private party breaching an ordinance. If that were the case, we would be on nearly every private property in town spending public funds to correct one abuse or another. The expenditure of public dollars must be justified. We do not even have a complete record of the correspondence between the parties. You are coming here tonight and asking for immediate relief of some kind. The Town of Wallingford does pass ordinances. However, that ordinance obligates a private party to obtain a permit. It does not place a burden on the town to go out to every private property and get an affidavit from every owner, to find out if they intend to tear down a building on their property. As you know, everyone is presumed to know the law. A law was breached and unless there is a larger issue, it creates a private property lawsuit. You do have action in Small Claims Court for the sum of \$20, and you don't want to do that. There is going to have to be something more, justifying the town to go out and spend tax dollars, to correct what apparently, at this point, is a private property issue.

Mr. Gessert stated that he would be happy to send a letter to the proper agency and recommended that they meet with the enforcement officer and her boss, to sit down and go over it and see what further can be done from their aspect and inform the Mayor of any correspondence or agreements on it.

Attorney Jacobs said that he will take Mr. Gessert's advice and will meet with the Zoning Enforcement Agency of the town.

Mrs. Bergamini commented that she has often wished in the past to be on Planning and Zoning and she has never wished it as much as she does now because if Mr. Ricci ever came before her, \$1800 for what he is building, is a drop in the bucket. To cause all of this commotion for \$1800, he would dot every i and cross every t on every application he ever made from now on. He is a big developer and this should not happen because all we can do is give a lousy \$50 fine and every developer in town could pretend that he is ignorant and then just get a \$50 fine.

Mr. Eannotte. asked if wetlands are taken care of by the town and and Mr. Holmes replied that the state takes care of that. Mr. Eannottee pointed out that Mr. Ricci is filling in wetlands. Mr. Killen suggested that they file a complaint. 709

Mr. Killen stated that he would like to give a big vote of thanks to everyone that took part in the celebration Saturday and I think that recognition should be given to all of those who took part in it. (the celebration at the green) Mr. Gessert agreed with Mr. Killen.

ITEM 3. Consider reappointment of Robert W. Prentice to Wallingford Housing Authority - term commencing on November 1, 1987 and ending on October 31, 1992, moved by Mrs. Bergamini and seconded by Mr. Holmes.

Mr. Gessert read the following letter submitted by Mr. Robert W. Prentice.

Dear Council Members:

It has been an eventful and interesting 20 months since I've become a commissioner on the Wallingford Housing Authority. Six (6) months into my commission I was elected Chairman to replace the retired Rabbi Manson.

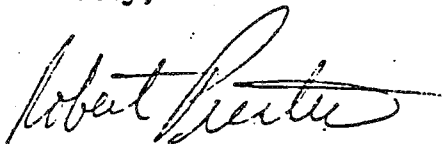
Since taking the Chairmanship, our Authority has obtained almost one million dollars in grant money for rehab work. We have also received bonding from the State Department of Housing for \$2,275,000 to build 35 elderly units at our Simpson School sight. Our office is in the process of being a forerunner in the computerization of local Housing Authorities. We have applied for grant money to modernize our office.

The commission of the Wallingford Housing Authority has taken pride in the fact that we are one of the leaders in quality public housing.

With the Council's support I would like to continue my commission for at least another five (5) years so I may follow-up on all the projects I've started.

I'd also like to thank the Town Council for its support of our continued success in public housing.

Sincerely,



Robert W. Prentice
Chairman - Wallingford
Housing Authority

Mr. Holmes stated that he thinks Mr. Prentice has done a fine job.

Mr. Gessert agreed with Mr. Holmes and added that they are moving along towards getting some new housing built and there is a tremendous demand for it. He added that he noticed in the paper that the people from Wallingford are being placed in these homes before out of town people.

VOTE: All ayes; motion duly carried.

Mr. Robert W. Prentice was sworn in by Mrs. Rosemary A. Rascati, Town Clerk. (APPLAUSE)

Mr. Prentice thanked the Council.

ITEM 4. Consider reappointment of Roger M. DeBaise to Wallingford Transit District - term commencing on September 16, 1987 and ending on September 16, 1991, moved by Mrs. Bergamini and seconded by Mr. Holmes.

Mr. Gessert commented that Mr. DeBaise has been doing a wonderful job on the Wallingford Transit District.

VOTE: All ayes; motion duly carried.

ITEM 5. Consider reappointment of Michael Denino to Wallingford Transit District - term commencing on September 16, 1987 and ending on September 16, 1991, moved by Mr. Killen and seconded by Mrs. Papale.

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VOTE: Bergamini, Holmes and Gessert passed;
Rys was not present for the vote;
Adams, Gouveia, Killen, Papale and Polanski voted yes;
motion duly carried.

ITEM 6. PUBLIC HEARING 8:00 p.m. on AN ORDINANCE ESTABLISHING A FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF WALLINGFORD.

Mrs. Bergamini read and moved the following Ordinance:

FILE NO. _____

AN ORDINANCE ESTABLISHING A FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF WALLINGFORD

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

That Ordinance No. 267, "An Ordinance Establishing A Flood and Erosion Control Board For the Town of Wallingford", is hereby repealed, and that the following Ordinance is substituted therefor.

I.

There is hereby established a Flood and Erosion Control Board of the Town of Wallingford pursuant to the provisions of Section 25-84 of the Connecticut General Statutes.

II.

Said Board shall consist of seven (7) members of the Town Council of the Town of Wallingford to be appointed by the Chairman of said Council with due consideration for the provisions of Section 9-167a of the Connecticut General Statutes, Minority Representation. The remaining two (2) members of the Town Council shall serve as alternate members to said Board.

"The initial appointments shall be made at the next scheduled meeting of the Town Council following the effective date of this Ordinance, and future appointments shall be made from time to time as the membership of the Council changes by election or otherwise."

FILE NO. _____

AN ORDINANCE ESTABLISHING A FLOOD AND EROSION CONTROL BOARD FOR THE TOWN OF WALLINGFORD

III.

Said Board shall have all the powers and duties provided by Section 25-84 through Section 25-94 of the Connecticut General Statutes.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____, 1987, in accordance with the provisions of the Charter of the Town of Wallingford.

The above Ordinance was seconded by Mr. Holmes.

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Mrs. Shirley Calandrella told the Council that she is totally against this Ordinance. She urged the Council to not go ahead with the lake project because they have already started the town green project which will take quite a few years to get that area done. We need our streets to be repaired and widened, sewer plant that has to be built, water plants, sewer lines and water lines that have to be replaced, our drinking water is not up to par and I also noticed the apartments going up in the industrial area which will have to be heated and air-conditioned, which will mean a larger use of our utilities in Wallingford. I would like to see some money put aside for our own utility plant. I think we should put a lot of landfill in the lake area and plant a lot of daffodils, which would look beautiful. I do not want to see this be put on the taxpayers back. We have enough to do in this town including the Robert Earley building. I would like to see the town take a greater interest in getting business to come to Center Street. Let's go on with we have started and get that out of the way. I think you should listen to the taxpayers in this town. Let's put our money where the taxpayers can see something done with it.

Mr. Killen pointed out that the only reason that this is being discussed is because the Community Lake Committee decided to apply for funds. The State of Connecticut says that you can apply for them through your Flood and Erosion Control Board. We had one in place which didn't meet the state statutes. We are changing that around so the one that we have will be a bonafide Flood and Erosion Control Board. That is entirely separate from the application to the state for Community Lake funds. These are two separate items.

Mr. Edward Bradley asked who is currently the Flood and Erosion Control Board and Mr. Gessert replied that it is the Town Council. Mr. Bradley added that he believes that the Flood and Erosion Control Board was established in the late 70's or early 80's for the purpose of obtaining flood insurance.

VOTE: All ayes; motion duly carried.

ITEM 7. Consider appointment of Flood and Erosion Control Board in accordance with Connecticut General Statutes and in accordance with Town Ordinance, requested by Community Lake Study Committee, moved by Mr. Rys and seconded by Mr. Killen.

The Flood and Erosion Control Board will consist of:

Edward Polanski	Alternates:	Marie Bergamini
Steven Holmes		Iris Papale
Raymond Rys		
David A. Gessert		
Peter Gouveia		
Frank Adams		
Albert Killen		

VOTE: All ayes; motion duly carried.

Mr. Killen suggested that a letter be sent to the state and Mr. Philip A. Wright, Jr., Chairman, Community Lake Study Committee stated that he will make a rough draft and forward it to Mr. Gessert.

A motion was made by Mr. Rys to move up Item 11, seconded by Mrs. Papale.

VOTE: All ayes; motion duly carried.

ITEM 11. Consider and approve a transfer of \$15,418 from Contingency to Education Refund State Blind Grant, FISCAL YEAR 1986, requested by the Superintendent of Schools, moved by Mr. Rys and seconded by Mrs. Papale.

Mr. Holmes explained they applied on behalf of a student in town and we received money from the state and subsequently, we found out that he did not meet the eligibility requirements.

Dr. Bivona added that because this is an overpayment, the state statute requires that the money be refunded.

VOTE: Killen voted no;
Adams, Bergamini, Gouveia, Holmes, Papale, Polanski, Rys
and Gessert voted yes: motion duly carried

Dr. Bivona mentioned that the town gets quite a bit of money back on the Special Education Reimbursement.

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ITEM 8. Consider confirmation of Mayor William W. Dickinson, Jr.'s appointment of Mr. James L. Kendall to Board of Ethics, moved by Mr. Rys and seconded by Mrs. Bergamini.

Mr. Gessert read the following letter from Mayor William W. Dickinson, Jr. dated October 7, 1987:

Dear Council Members:

This letter will serve as my official appointment of Mr. James L. Kendall to the Board of Ethics. Mr. Kendall is retired and resides at Ashlar Village. He formerly was an auditor for the State of Vermont. This term of office is effective immediately upon Council approval and expires December 31, 1987.

Please place this appointment for Council approval on your agenda for Tuesday, October 13th.

Sincerely,



William W. Dickinson, Jr.
Mayor

Mr. Kendall explained that he read in the Wallingford Post that the Mayor was being urged to fill a vacancy on the Board of Ethics. It occurred to me, that up in the village, we have quite a number of retired seasoned executives who have been through the mill and have no local axes to grind. I was born and raised in Maine and with my wife, migrated to Bridgeport in 1929. I had a job out there and survived the depression. In 1943, I was running the Federal Credit Union for the Bridgeport Brass Company when the Navy grabbed me and made me a Navy Auditor. While working for the Navy, I was in charge of auditing war contracts for the Fairfield County area. After the war, I became an Assistant Comptroller for a corporation in Danbury. Then I went to Albany, New York where I was a Comptroller and Treasurer for a corporation there. Later, I started my own accounting business in the Albany area. In 1962, I went to Vermont and served there as Director of the Order Division. I retired in 1975 and after my retirement, when Vermont got the State Lottery in 1978, the Governor asked me to become Lottery Commissioner and I served there for 4 years. During that time, I became the Town Auditor for the town of Barre for 5 years. I came to Wallingford in 1984. I thought this might be a Committee that I could serve the town in some manner and would try to do a good job.

Mr. Gessert said that on behalf of the Town of Wallingford, he would like to express their appreciation to Mr. Kendall, for coming out of the woodwork and added that he thinks it is nice that Mr. Kendall is willing to take on this type of position and he could tell his friends at Ashlar Village if they are interested, they would welcome them to come forward because Wallingford has a lot of Boards, Commissions and Agencies.

VOTE: All ayes; motion duly carried.

A motion was made by Mr. Killen to waive the 2 week waiting period to have Mr. Kendall sworn in, seconded by Mr. Adams.

VOTE: All ayes; motion duly carried.

Mr. James L. Kendall was sworn in by Rosemary A. Rascati, Town Clerk. (APPLAUSE)

Mr. Kendall thanked the Town Council.

ITEM 9. Consider and approve a transfer of \$1,000 from Contingency to Public Celebrations. WITHDRAWN

ITEM 10. Consider and approve a transfer of \$660 from Dog Food to Supplies, requested by Dog Warden, moved by Mr. Holmes and seconded by Mr. Polanski.

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Mr. Polanski pointed out that Ms. Shirley Gianotti, Dog Warden never asks for anything unless she really needs it.

VOTE: Gessert was not present for the vote;
Adams, Bergamini, Gouveia, Holmes, Killen, Papale, Polanski and Rys voted yes; motion duly carried.

ITEM 12.

Consider two requests for Wallingford Education Department:

(a) Special Funds Resolution establishing budgets for grants:

<u>Teacher Evaluation Planning Grant:</u>	
Revenue	\$12,087
Expenditure	\$12,087
<u>Teacher Career Incentive Grant:</u>	
Revenue	\$12,087
Expenditure	\$12,087
<u>Professional Development Grant:</u>	
Revenue	\$30,690
Expenditure	\$30,690

(b) Budget Amendment appropriating teacher salary aid funds.

ITEM 12a. moved by Mr. Rys and seconded by Mrs. Papale.

Ms. Clelia Tenerowicz explained that under the Teacher Evaluation Planning and Incentive, the state has come forth with new guidelines as far as teacher evaluation. In addition to that, teachers are being trained and will be subjected to a new system of evaluation prior to receiving their tenure. The state has offered a Grant to school systems to plan for that new evaluation system and it is our understanding, that after the planning stage, which is the \$12,000 this year, that plan is to go before the state and then monies will be forthcoming from the state thereafter. Career Incentive is along the same lines. Teachers will be serving along with this evaluation as mentor teachers, as cooperating teachers, that can be part of a career incentive for teachers who want to go above and beyond their regular classroom assignments.

Mr. Adams explained that the state makes money available for towns to participate in various programs. The state is attempting to improve the qualifications of new teachers and improve the background and the training of present teachers and also providing money for in-service activities, etc. for those teachers who are in town. The money that is coming in is earmarked for Wallingford and what the panel has to do is submit a proposal to the state to have that approved and once it is approved, that money has to be spent according to the way they set up the Grants, etc. If we don't use it, we don't get it and some other town will get it.

Mr. Gessert commented that he agrees that the Education system should be upgraded and asked what would be done if a teacher deserved an "F" in performance and Ms. Tenerowicz explained that this proposal is for people to apply for their career incentives and it would be subject to approval by the body to be determined, when that proposal comes forth. Some of the career incentives deal with math and science and they might go to Masters Teachers or to teachers who hold special projects beyond their regular load or they might go for teachers who are putting in a longer day. The marginal teacher (teacher with an "F" performance) probably would not be applying for this, and if they did, we would have to be confident that they would not be accepted.

Mr. Killen asked if the budget has been revised because there are deadlines that are long since past, and Ms. Tenerowicz said that the Grant was revised.

Ms. Rollins mentioned that part of the money for the Grant does go for training for teachers in the summer (Special Development Grant). This is geared at hoping that all teachers will improve their structures in the classrooms and part of this grant is for in-service during the course of the year.

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Mr. Edward Musso, 56 Dibble Edge Road commented that he is against teacher evaluation planning and career incentives and professional development. The state is barking up the wrong tree. Let them go to the colleges and train these teachers. Those teachers are supposed to come over here with the knowledge and ability to do the teaching. It is not up to Wallingford to teach them because we have to pay them. I do not think it is Wallingford's job.

Mr. Adams told Mr. Musso that the state, right now, is under way of increasing preparation of teachers at the college level. There is a new certification that is planned to go into effect, not only for new teachers but for existing teachers. The evaluation and incentive grants are out there to make sure that when new teachers do come in, they are going to be properly trained, not only in college but also on the job training, so that the teachers that are being the Masters teachers, or the teachers of Wallingford that they are working with, are going to have the expertise to make sure the transition from the classroom in college to the classroom in school, is going to be very effective and productive for everyone involved. The purpose of the Professional Development Grant is to provide training and activities for all teachers, not only new ones but ones that are presently teaching and part of that has to do with 18 hours a year of training that they are going to have to have in a 5 year period. This will include everyone and it will improve their abilities as an educator or administrator (or at least attempt to). This is the purpose of these programs.

Mr. Polanski added that this money is coming from the state and not out of the Wallingford budget.

VOTE: All ayes; motion duly carried.

ITEM 12b. Budget Amendment appropriating teacher salary aid funds, moved by Mr. Rys and seconded by Mrs. Bergamini.

Town of Wallingford
General Fund
Budget Amendment
Year Ending June 30, 1988

Revenue Budget

State Grant School Aid

Salary Aid

Account 001-1030-050-5027

\$10,482.00

Expenditure Budget

Education Department

Salary Aid

Account 001-8500-800-7014

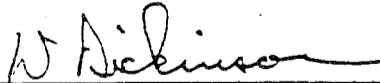
\$10,482.00

Certified:



Thomas A. Myers, Comptroller

Approved:



William W. Dickinson, Jr., Mayor

VOTE: All ayes; motion duly carried.

Mr. Gessert asked Mr. Kari if they will see any money for the Choral Room before he leaves the Council in January and Mr. Kari explained that he went with Dr. Nicoletti to see the state people about that about 2 or 3 months ago and they have assured us that the money will be forthcoming, but it will not be a one lump sum total. Since the amount is under \$25,000, it will come in partial

payments over 5 years in the amount of \$4,000 or \$5,000 each. This is based on our reimbursement rate. They would not commit themselves as to a date. They said the earliest would be at the end of October or November, but I wouldn't bet the farm on that.

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ITEM 13. Consider and approve a transfer of \$1,000 from Civilian Dispatcher's Wages to Wrecker Service, Police Department, moved by Mr. Rys and seconded by Mrs. Papale.

Mr. Rys asked Chief Bevan feels that he is going to have enough money for the end of the year and Chief Bevan replied that he hopes so because he still has positions that he has not filled yet. At this time, the Personnel Department is retesting.

Mr. Gessert asked if Chief Bevan had any idea when they would get some more names for the Dispatcher position and Chief Bevan said that he hopes it is not too far down the road, and he imagines it will be in the next 4-6 weeks.

Mr. Killen asked to have the changing of the law explained and Chief Bevan explained that it is not so much the changing of the law, but DEP is getting into the act and it is getting to be one hellish problem with the abandoned cars and junk cars. The people strip off the identification and walk away and leave them and the town is saddled with getting rid of them, and the wrecker firms are the people in the middle. They have to keep the vehicles so long and take them to the junk yard. Then, the junk yard has to strip it, they can't burn seats, they are either buried or taken to the landfill areas and there can't be any oil left in them, etc. The wrecker firms come out at our request and handle all of the paper work with the Motor Vehicle Department, and after they have waited a reasonable length of time, then they are turned over to the junk yards and in some cases, they have to pay the junk yards because the junk yards don't want them, because they are such a problem.

Mayor Dickinson pointed out that the change in the state law indicates that the municipality has to pay for the towing, where as previously, it did not indicate that. Chief Bevan agreed and added that they try to make an effort to find out who the owners are but it is difficult because all of the identification is stripped off.

VOTE: Polanski voted no;
Adams, Bergamini, Gouveia, Holmes, Killen, Papale, Rys and Gessert voted yes; motion duly carried.

ITEM 14. Consider and approve a transfer of \$2,546 from General Wages to Clerk's Wages, Police Department, moved by Mr. Rys and seconded by Mr. Holmes.

Mr. Killen asked what step the new clerk would start at and Chief Bevan replied minimum and Mrs. Doolittle is at maximum and the transfer is needed for the training period.

VOTE: Unanimous ayes; motion duly carried.

ITEM 15. Mr. Rys moved approval of a budget amendment of \$4,500 from Other Revenue Recovery Third Party Workmen's Compensation to Third Party-Workmen's Compensation, requested by Risk Manager, seconded by Mr. Holmes.

Mr. Killen noted that the account number for Third Party Workmen's Compensation should be 8040-800-8360.

VOTE: Mr. Gouveia was not present for the vote; all other Council Members voted aye; motion duly carried.

ITEM 16. Mr. Rys moved for discussion the subject of Fire Department Radio Transmitter Tower, seconded by Mr. Polanski.

Chief McElfish explained that no transfer is needed and a week ago last Saturday, the tower fell down and through the town's deductible, a new replacement tower was ordered today and it should be back in operation in 2-3 weeks and the old antenna is being used, with modifications. The new antenna will have 4 guy wires instead of 3. The deductible is \$5,000 on the building and this cost is \$2,901. Mr. Myers explained that the account in Mark Wilson's budget is to provide the amount of deductible when it is covered by insurance and nothing will be received from the insurance company here. Mr. Killen wanted

everyone to understand what we are doing here. Chief McElfish was advised by Mark Wilson to get two prices for which specifications were written. Mr. Myers felt that the bid should be waived. 716

Mr. Polanski asked what the department has for a backup antenna system in case this happens again and Chief McElfish said they have an emergency system.

Mr. Killen moved to waive Rule 5 to waive the bidding procedure for the Fire Department Radio Transmitter Tower, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes moved to waive the bidding procedure to replace the Fire Department Radio Transmitter Tower antenna, seconded by Mr. Killen.

VOTE: Unanimous ayes; motion duly carried.

ITEM 17 WITHDRAWN/Consider authorization for sale of current Yalesville Volunteer Fire Company property. Mayor Dickinson requested that this item be withdrawn because to pursue Item 17 without having acted on Item 18 is putting the cart before the horse.

ITEM 18. Mr. Rys moved to set a public hearing at 8:00 p.m. on October 27, 1987 on an ORDINANCE APPROPRIATING THE SUM OF \$642,000 FOR THE CONSTRUCTION OF THE YALESVILLE FIRE HOUSE, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES OF THE TOWN TO DEFRAY SAID APPROPRIATION AND CONSOLIDATING VARIOUS FUNDING ACCOUNTS IN CONNECTION WITH AUTHORIZED YALESVILLE FIREHOUSE PROJECT EXPENDITURES, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

Chief McElfish explained that he has a commitment on October 27, 1987 but that the committee would be present at the public hearing and he hopes to have written commitments by that time. Mr. Killen feels that the site leaves a little to be desired. Mr. Polanski hopes that a complete breakdown will be available of all costs and he wants to know the bid breakdown at the public hearing. Chief McElfish distributed copies of the plans to the Council.

ITEM 19. Mr. Rys moved to note for the record the financial statements and narratives of the Electric, Water and Sewer Divisions for the month of August, 1987, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

ITEM 20. Mr. Rys moved a budget amendment of \$165,000 from Net Income to Boiler Maintenance, seconded by Mrs. Bergamini.

Mr. Walters explained that when this situation became apparent in the #1 and #3 boilers, it went out to bid and the price for doing just one boiler was \$167,000 and what is being proposed is to postpone the budget item that had been approved for \$280,000 to replace the generating tubes in the #1 boiler and use what is left of that to just about cover one boiler and with the delay in the work in the #2 boiler, the funds were available in the previous fiscal year but about \$120,000 of that is actually being accomplished in this fiscal year and that leaves just about enough to cover one of the two boilers that need work; the reason an additional \$165,000 is being requested.

Mr. Gessert asked what was done with the \$1.2 million which was spent when the conversion was made from coal to oil and Mr. Walters explained that this wasn't it and a program of replacing the generating tubes was started and now it is found that the superheater header was cracked in multiple locations.

Mr. Gessert asked if money could be transferred from the Retained Earnings/Capital Accounts designated for projects which have never been done and use those funds for this boiler work and Mr. Myers said they could but last year for the first time in many years, they came pretty close to the Capital Budget and at the end of the year, he believed that their Capital Budget was approximately \$1,720,000 and their expenditures were close to \$1,500,000 and he feels it may be too early in the year for them to make a

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determination as to what part of their capital projects will not be completed and based on that advice, the Comptroller and Mayor went along with this. Another point Mr. Myers made is the contribution from the Electric Fund to the General Fund is not based on the Net Income anymore, just a contribution based on dollars, a figure set by the Council.

Mayor Dickinson explained that the rate increase and the spacing of that resulted in no net income and it was a cash flow problem and the town would have received nothing unless a separate amount was budgeted for the town, regardless of net income.

Mr. Rys asked how much was left in A/C 512 and Mr. Walters said a considerable amount has been encumbered for the #2 boiler work which is finishing up; \$280,000 was for the #1 boiler and there are a number of other items in their and money was taken from this for the circuit breaker repairs several months ago and the Electric Division is having trouble living within this particular budget. Mr. Rys asked how long it would be until they are at full capacity and Mr. Walters felt that if a commitment can be made this week, the material acquisition will take approximately 5 months before the superheater header and the tubes are available and this is what has delayed the #2 boiler project far beyond what was originally anticipated. Mr. Walters envisions that they will wait until the materials are here or almost here before work commences which would put them into April or May of next year. Mr. Walters explained that this series of cracks in the superheater header is a safety consideration and the other problem is not nearly as critical a problem as this.

Mr. Holmes asked if a total package was put together as to what exactly is deficient at the Pierce Station and Mr. Walters said they are essentially attempting to identify the most critical items and taking them in turn. The retubing of the #2 boiler that is in progress and the budgeted retubing of the generating tubes of #1 were an attempt to get going on some of the major items and most of the components in the station are 35 years old and it would be a wise move to make an overall study of the plant and look ahead and draw up a budget.

Mr. Holmes felt that everything has been addressed except keeping the Pierce Station operating at its full potential and he asked what long range planning is being done--what is the overall game plan for the Pierce Plant?

Mr. Smith said one of the commitments which must be made is to demonstrate the capacity of the Pierce Plant and he feels strongly that we must look to replacement in kind of the Pierce Plant or modifications to it. Replacement in kind could be a gas turbine located behind the facility to displace that capacity and look at the short term and long term economic benefit. Rider A is beneficial to the tune of \$1,025,000 a year; in the 1990's, there appears to be a potential of capacity shortages in New England and anyone with available capacity will be in good bargaining shape. Putting in a gas turbine will probably take 2-3 years, continued Mr. Smith. Mr. Smith recommended to the PUC tonight that after resolution of the rate case, some of that money can be taken and used as seed money to build capacity and start looking toward long term. The Pierce Station itself would still be an operating entity because the electrical components in the Pierce Station are integral to the distribution system and they must be maintained; a gas turbine will have capacity at a fairly nominal price, say \$80-\$90 a kilowatt and it may be \$5-\$6 million to replace 30 megawatts of capacity for what is being put in the Pierce Plant today.

Mr. Holmes felt that a future Council should establish a commitment to keeping that Rider A intact and making sure that the town can generate power on demand, vital to the community.

Mr. Gessert asked for the ballpark figure for gas turbine and Mr. Smith felt it would be about \$6 million. Mr. Beaumont added that if Seabrook goes on line, the power crunch may happen in the mid 1990's and his own personal feeling is that it is not just a matter of replacing the capacity but he would be interested in taking a look of adding to the existing capacity with the idea of perhaps selling power to other utilities and this is being looked into, among other things and more efforts are being directed toward planning. Mr. Killen is glad that someone is planning to go beyond the Pierce Plant which was

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passe' before it was completed. Mr. Killen mentioned that his vote would be contingent upon a street light at the corner by Simpson Court, at Center Street with an extinguished bulb, along with the first light on Main Street and three on Center Street, opposite Meadow, William and by the Dime Bank and this does detract from the center of town.

VOTE: Unanimous ayes; motion duly carried.

ADDENDUM/Consider waiver of the normal bidding procedure to allow the repair on the #2 I.D. Fan at the Pierce Station, requested by Raymond F. Smith, Director of Public Utilities, moved by Mrs. Bergamini and seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert referred to Mr. Walters' October 9, 1987 letter regarding waiver of bid for repair of #2 Induced Draft Fan.

Mrs. Bergamini moved to waive the bidding procedure for repair of the #2 Induced Draft Fan, seconded by Mr. Polanski.

Mr. Walters explained that it is the same account #512-2 and the mechanism for accomplishing that is to defer the repair of the boiler feed pump which is in this year's budget, again, robbing Peter to pay Paul and this has suddenly moved up to be a higher priority since it is not working at all.

VOTE: Unanimous ayes; motion duly carried.

ITEM 21. Mr. Rys moved an appropriation of \$75,000 from Prior Retained Earnings to Repairs to Pistapaug and Ulbrich Dams, seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

ITEM 22. Mrs. Bergamini moved to waive the bidding procedure for engineering services for construction review services relative to dam repairs at Pistapaug Pond and Ulbrich Reservoir, seconded by Mrs. Papale. (Motion amended on page 19.)

Mr. Smith explained that back in 1983 or 1984, bids went out to engineering firms to come up with the necessary repairs to the dams and put together plans and specifications for those repairs and Lenard Engineering was the successful bidder at that time and that project was delayed for various reasons.

Mr. Smith recontacted Lenard Engineering and asked them what it would cost for construction administration to make sure that the plans and specifications are being adhered to by the contractor and a proposal was submitted estimated at \$4,050 and a per diem price of \$45 per hour on the project, somewhat loose since it has not been determined how long the project will take but the estimate is 90 hours. Mr. Smith explained that there is nobody on staff who can provide any expertise to determine if the contractor is adhering to the contract and it is felt it would be sensible to go back to Lenard who drew up the original plans and specs.

Mr. Killen moved to waive the bidding procedure for engineering services for construction review services relative to dam repairs at Pistapaug Pond and Ulbrich Reservoir, provided the cost does not exceed \$4,050, seconded by Mrs. Papale. (This motion was made as a friendly amendment to the motion on page 18.)

Mr. Smith commented that the bid was prepared on estimated quantities and each bidder was given a number; for example, there is removal of 100 square yards of unsuitable material in the spillway channel and once they get into these areas, they may determine precisely what is needed--there are seven unit prices on the Pistapaug work and if the contractor runs in excess, then obviously the engineer will have to come back and review more and Mr. Smith does not want to have to stop the job to go back to the Council for additional funds and that is why the appropriation has a contingency in it. Mr. Smith does not have a problem with coming back to the Council and reporting that it is running higher but he would not like to see the project stopped if an engineer is needed for a couple of extra hours. Mr. Gessert suggested that if it gets close, he should contact the Council for a meeting.

VOTE: Mr. Gouveia was not present for the vote; all other Council Members voted aye; motion duly carried.

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Mr. Smith mentioned that he is also receiving bids on October 14 for engineering services on the water supply plan which must be submitted to the state by May of 1988; the spec was written several weeks back and proposals are being requested from engineering concerns. Mr. Smith told the Council that this would require a waiver of bid but he did not know if this would require any reappropriation and he wanted to alert the Council to that since it will probably be on the October 27 agenda.

Mr. Killen asked why this would require a waiver of bid and Mr. Smith explained that these are informal, RFP's, not an item bid with a formal full specification and this was discussed with the Purchasing Agent--Mr. Killen added that the Council is the only body who can decide whether the bidding is waived or not.

ITEM 23. Mr. Rys moved acceptance of THE SOUTHERN NEW ENGLAND TELEPHONE COMPANY EASEMENT AGREEMENT - Woodhouse Avenue, seconded by Mrs. Papale. (Pages 20, 21, 22 and 23 of minutes.)

EASEMENT AGREEMENT

This AGREEMENT made and entered into this day of , 1987, by and between the TOWN OF WALLINGFORD, acting herein by its Mayor, William W. Dickinson, Jr., duly authorized, hereinafter referred to as "the Grantor", and THE SOUTHERN NEW ENGLAND TELEPHONE COMPANY, a corporation specially chartered by the General Assembly of the State of Connecticut, with a place of business in the City of New Haven, County of New Haven and State of Connecticut, hereinafter referred to as "the Company".

W I T N E S S E T H :

WHEREAS, the Grantor owns and holds title to a parcel of real property situated in the Town of Wallingford, County of New Haven and State of Connecticut, as shown on a map entitled:

"Easement To Be Acquired from the Town of Wallingford by the Southern New England Telephone Company, Woodhouse Avenue, Wallingford, Connecticut", by Greiner, Wallingford, scale 1" = 20', dated August 1987, said parcel being more particularly bounded and described as follows:

Beginning at a point on the Westerly street line of Woodhouse Avenue, said point being located South 18°-49'-15", West, 278.00 from a concrete monument on the Westerly street line of Woodhouse Avenue, when measured along said street line;

Thence running South 18°-49'-15" West, 20.00 feet
along the Westerly street line of Woodhouse Avenue;

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Thence running North 71°-10'-45" West, 30.00 feet,
North 18°-49'-15" East, 20.00 feet
and South 71°-10'-45" East, 30.00 feet
through land of the Town of Wallingford to the point and
place of beginning.

WHEREAS, The Company desires to construct and operate
Subscriber Line Carrier Systems including all equipment and
material associated therewith on said parcel, and have the
ability to construct, repair, replace and maintain same;

NOW THEREFORE, it is agreed as follows:

1. The Grantor does hereby grant, assign and set over to the Company, its successors and assigns an Easement to construct, reconstruct, operate, repair, replace and maintain Subscriber Line Carrier Systems, including all equipment and material associated therewith upon, across, over and/or under said property, together with ingress thereto and egress therefrom.
2. The Grantor, its agents, contractors, successors or assigns shall have the right to use the Easement areas so long as such use does not interfere with SNETCO's permitted use and enjoyment of the Easement.
3. The Company shall plant a buffer of shrubbery in order to obscure this equipment from view. Said buffer of shrubbery shall be of a type and size and at a location selected by the Company, subject to the approval of the Grantor, which approval shall not be unreasonably withheld.
4. The Company shall restore said parcel to as near its original condition as reasonably possible upon the termination hereof, which termination shall occur at such time as the Company notifies the Grantor, his successors or assigns in writing of the Company's intention to terminate this Easement.
5. The consideration for this Easement shall be FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS and other good and valuable considerations.

6. This agreement is contingent upon the Company receiving all applicable governmental approvals.

Mr. Gessert wanted it noted for the record that he would not be voting on this matter since he is an employee of SNETCo.

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Mr. Rys had a question of number 3 of the agreement which says, "The Company shall plant a buffer of shrubbery in order to obscure this equipment from view." Mr. Rys felt that because of the area that it is in which is completely woodland, he would hope the shrubbery does hide this particular equipment because he has seen other locations where the plantings take five years to grow to obscurity. Mr. James Nieman, SNETCo. representative, said the equipment is 5½ feet high and they will try to plant shrubbery to obscure it. Mr. Killen pointed out that consideration of this easement shall be \$5,000.00.

VOTE: Mr. Gessert abstained from voting on this item; all other Council Members voted aye; motion duly carried.

ITEM 24. Mr. Holmes moved for discussion and possible action the formation of a committee made up of Council Members and citizens to actively look into the feasibility of replacing three part-time Town Attorney positions with two full-time attorney positions, seconded by Mr. Polanski.

Mr. Adams wanted to explain why he requested this agenda item--he realizes the cost effectiveness which is sometimes a factor; however, he thinks it is necessary to judge it more fairly to look at it more closely with a group of people, from an objective point of view. He felt that a lawyer could be a part of this group and former Charter Revision Members might serve that purpose well because if something like this is ever considered, it would mandate a change in the Town Charter. Mr. Adams proposes this change because he feels that there are too many conflicts that arise when we have our attorneys dealing with such things as Rights-In-Deed and many of those people who are citizens of the town are also clients of our attorneys. Mr. Adams felt that if we had one or two attorneys whose sole job is to serve the Town of Wallingford and no one else, we would know exactly where they were coming from and who they were representing at all times and he also felt that we do need someone who is an expert in contract law. Mr. Adams felt that if you go back years and look at some of the contracts the Town of Wallingford has been a part of, for the most part, they haven't acted in the best interests of the residents of the taxpayers of the town and he feels that these people should be served best and have an expert in contract law because one bad contract could cost ten years of full time salaries. Mr. Adams added that he is not aiming this at any individual at all but he finds it difficult to serve two masters and he felt that someone in a situation with a guaranteed income in this position and you also are allowed to do some freelancing on the side, it would seem to him that there would be some people who would be likely to lean towards that part of their income that would be supplemental and he felt that this is a flaw but is not casting aspersions at any one person but there is a possibility for that to happen, a weak point, that does not serve the best interests of the taxpayers.

Mr. Adams did not think it was necessary right now to go into many specifics but he would like to see the pleasure of the Council Members to look into forming a committee. Mr. Holmes asked how big this commission would be since there is a broad mix of individuals who Mr. Adams would like to see serve-- Mr. Adams felt that six or seven people would be adequate for a feasibility study. Mr. Holmes has no qualms about forming this committee.

Mrs. Bergamini asked if Mr. Adams knew of any communities who have their own town attorney and Mr. Adams felt that this would be part of what the committee would look into. Attorney Mantzaris said this information would be requested via letter but there are towns--Middletown, New Britain, Meriden, etc.

Mr. Adams felt that this is an attempt to look forward and, looking into the possibility of self-insurance, he felt we would definitely need more legal representation and a full-time attorney would be available at all times.

Mr. Gessert was asked to comment on this proposal by the press and he said very candidly that he felt this is something worth looking at since it has been discussed from time to time, usually during Budget Workshops when it cannot be delved into in depth but Mr. Gessert felt this was worth looking into, from the standpoint of the best way to do this because, too often, we do things because that's the way we always did them. Mr. Gessert felt that sometimes that's the best way and sometimes, it's the worst reason for doing anything but he has no objection to this and he would be willing to serve on this committee, along with Mr. Adams. 723

Mr. Rys has no problem with this but wondered if the Council Members appointed could only serve until the end of their terms. Mr. Adams felt that one of the goals would be to try to get this resolved by Christmas and he would like it done as rapidly and as thoroughly as possible. Mr. Gessert felt that a questionnaire could be sent to all communities in the region inquiring about their attorneys and also determining how much is being spent by them for outside consultants, etc. Mr. Killen said this advisory board would expire at the expiration of the term of this Council.

Mrs. Papale noted that the request mentioned former Charter Revision Members since Charter Revision would have to take place if this change took place and Mr. Adams felt that having someone in at ground zero would be beneficial. Mr. Gessert said that Mary Beth Applegate put in many hours on Charter Revision. Attorney Mantzaris suggested that this may be done by ordinance, something to be determined at meetings. Mr. Holmes felt that Charter Revision discussion is premature.

Mr. Gessert suggested having Adam Mantzaris serve on the committee, along with Mary Beth Applegate, Steve Holmes, Frank Adams and himself, for a total of five and Mr. Adams felt that this number would be adequate.

Mr. Gessert listed the following members of the feasibility committee to determine feasibility of replacing three part-time attorney positions with two full-time attorney positions:

Frank C. Adams, Jr., Mary Beth Applegate, Steven B. Holmes, David A. Gessert and Adam Mantzaris.

Mr. Killen asked if this committee would have to have minority representation and Attorney Mantzaris said it would not. Mr. Gessert asked Mr. Killen if he wanted to be included and he felt that a committee of five is fine.

VOTE: Unanimous ayes; motion duly carried.

ITEM 25. Mr. Holmes moved to note for the record the financial reports of the Wallingford Public Library, Visiting Nurse Association and Senior Citizens center for the quarter ended June 30, 1987, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

ITEM 26. Mr. Holmes moved acceptance of the Town Council Meeting Minutes dated September 22, 1987, seconded by Mr. Rys.

VOTE: Councilman Killen passed; all other Council Members voted aye; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 10:34 p.m.

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Meeting recorded by:
Susan M. Baron, Council Secretary
Meeting transcribed by:
Susan M. Baron and Delores B. Fetta

Approved *David A. Gessert*
David A. Gessert, Chairman

October 27, 1987
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

October 27, 1987
Date