

Town Council Meeting.

640

September 8, 1987

7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Report from Comptroller on Bond Anticipation Notes.
- (4) Public Hearing 7:45 p.m. on AN ORDINANCE AMENDING ORDINANCE NO. 348 BY INCREASING THE AUTHORIZED APPROPRIATION FOR THE RENOVATION AND CONVERSION OF ROBERT EARLEY SCHOOL TO MUNICIPAL OFFICES FROM \$2,500,000 TO \$2,630,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.
- (5) Consider waiving the bidding procedure for installation of ENTRY ALARMS AND PUBLIC ADDRESS SYSTEM for Robert Earley.
- (6) Authorize Mayor to amend the Judd Square Contract for additional improvements to Robert Earley.
- (7) Authorize Judd Square Associates to carry out roof repairs to building at 350 Center Street, at no cost to the town.
- (8) Consider and approve a transfer of \$4,000 from Repair Flood Damage to Summer/Temporary Help, requested by John J. Costello. (Temporary Help amended to Part-Time Help.)
- (9) Consider and approve a transfer of \$21,625 from Reserve for Emergency to Municipal Infrastructure Trust Fund-Local Match, requested by Mayor William W. Dickinson, Jr.
- (10) EXECUTIVE SESSION to discuss contract negotiations, requested by Stanley A. Seadale, Jr.
Consider and approve Agreement between The Town of Wallingford Board of Education and Local 1303-60 of Council #4 American Federation of State, County and Municipal Employees dated 10/1/86.
- (11) Consider and approve a transfer of \$3,250 from Public Works Wages to Railroad Station Janitorial Contract, requested by Mr. Deak.
- (12) Consider and approve a transfer of \$550 from Monitor Hydroxide Wells and \$2,050 from Public Works General Wages/\$550 to Professional Services Monitor Test Wells and \$2,050 to Professional Services Monitor Test Wells, requested by Steven L. Deak.
- (13) Consider and approve tax refunds totalling \$10,970.98, requested by Norman Z. Rosow, Tax Collector.
- (14) Consider resolution authorizing Mayor to sign application for Social Services Block Grant, requested by Donald W. Roe.
- (15) Consider and approve a transfer of \$2,000 from Reserve for Emergency to Insurance-Workers' Compensation Food Service, requested by Mark Wilson, Risk Manager.
- (16) Consider waiving bidding procedure for engineering services for Oak Street Well. (Backup documentation forthcoming on 9/4/87.)
- (17) Consider and approve a transfer of \$9,000 from Various Size Services to Structures (Strathmore Pump Station) and a funds appropriation reduction of \$6,000 from Estimated Unappropriated Balance to Various Size Services, Water Division, requested by Raymond F. Smith.
- (18) Consider and approve a transfer of \$37,500 from Office Contingency to Office Equipment, requested by Charles F. Walters.
- (19) Consider and approve Easement from the City of Meriden to the Town of Wallingford, requested by Attorney Gerald E. Farrell.
- (20) Consider and approve a transfer of \$10,000 from Contingency to Mechanical/Electrical, Parker Farms School Capital Project Fund, requested by Robert E. Devine.
Waived Rule V/discussed maintenance of Yalesville School.
- (21) Consider approval of clean-up work in old Community Lake bed, requested by Philip A. Wright, Jr., Chairman, Community Lake Study Committee.
Waived Rule V/discussed Flood & Erosion Control Board.

641

- (22) Consider waiving bidding procedure for purchase of 1987 Yankee Coach demonstrator ambulance, requested by Fire Chief.
- (23) Consider and approve a transfer of \$3,825 from Repave Fire Headquarters, \$58 from Paving, \$95 from Electric Range and \$861 from Scott Air Paks, a total of \$4,839 to Paving, requested by Fire Chief Jack K. McElfish.
- (24) Consider General Fund Resolution attributable to the Federal Seizure Program, requested by Police Chief Joseph J. Bevan.
- (25) Consider acceptance of roads in Saw Mill Colony-Saw Mill Drive and a portion of Reene Lane, requested by Linda A. Bush. Accepted 100,285 sq. ft. parcel of land from Don Murchie, Inc.
- (26) Consider authorization to proceed with condemnation of property rights on certain properties in the Westview Hills area to facilitate settlement of the deed restriction issue.
- (27) Consider authorizing Mayor to sign Enhancement 911 Emergency Telephone Equipment user's agreement with State of Connecticut. Waived Rule V/approved \$3,000 transfer for Police Department.
- (28) Consider Memorandum of Understanding with the State of Connecticut, Department of Housing, for Rental Assistance Programs.
- (29) Consider amending 1987-1988 Budget by deleting Clerk Typist II and replacing with Chief Clerk, effective October 1, 1987 and a transfer of \$850 from Clerk's Wages (Clerk Typist I/new) to Clerk's Wages (Chief Clerk/Step 2), requested by Town Clerk.
- (30) NOTE FOR RECORD Financial Statements of the Town of Wallingford for the month ended July 31, 1987 (distributed on 8/18/87).
- (31) Consider acceptance of Town Council Meeting Minutes dated August 11, 1987.
- (32) Consider acceptance of Town Council Meeting Minutes dated August 18, 1987 (Special Meeting).

Summary/Town Council Meeting

September 8, 1987

	<u>Page</u>
Public question and answer period/Moment of Silence observed for William P. Conte, Jr./Discussed Town Charter Revision/Discussed compilation of personal information on town residents re Westview Hills issue/Discussed groundwater contamination.	1-3
Report from Comptroller on Bond Anticipation Notes.	3-4
Adopted AN ORDINANCE AMENDING ORDINANCE NO. 348 BY INCREASING THE AUTHORIZED APPROPRIATION FOR THE RENOVATION AND CONVERSION OF ROBERT EARLEY SCHOOL TO MUNICIPAL OFFICES FROM \$2,500,000 TO \$2,630,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAID SAID APPROPRIATION.	4-11
Waived bidding procedure for installation of ENTRY ALARMS AND PUBLIC ADDRESS SYSTEM for Robert Earley facility.	11-12
Authorized Mayor to amend Judd Square Contract for additional improvements to Robert Earley facility.	12-13
Authorized Judd Square Associates to carry out roof repairs to building at 350 Center Street, at no cost to the town.	13
Approved a transfer of \$4,000 from Repair Flood Damage to Part-Time Help, Engineering Department.	13
Established A/C 001-5011-999-0018 and approved a transfer of \$21,625 from Reserve for Emergency to Municipal Infrastructure Trust Fund-Local Match.	13-14
Executive Session. Approved Agreement between the Town of Wallingford Board of Education and Local 1303-60 of Council #4 American Federation of State, County & Municipal Employees dated October 1, 1986.	14

Approved a transfer of \$3,250 from Public Works Wages to Railroad Station Janitorial Contract.	14-15
Approved a transfer of \$550 from Monitor Hydroxide Wells and \$2,050 from Public Works General Wages/\$550 to Professional Services Monitor Test Wells and \$2,050 to Professional Services Monitor Test Wells, Public Works Department.	15
Approved tax refunds totalling \$10,970.98.	15-16
Adopted resolution authorizing Mayor to sign application for Social Services Block Grant Program.	16-17
Approved a transfer of \$2,000 from Reserve for Emergency to Insurance-Workers' Compensation Food Service, requested by Risk Manager.	17
Waived bidding procedure for engineering services for Oak Street Well.	17-23
Established A/C 321-088 Structures & Improvements (Strathmore Pump Station), Water Division, and approved a transfer of \$9,000 from Various Size Services to Structures (Strathmore Pump Station) and a funds reduction of \$6,000 INCREASE Estimated Unappropriated Balance and \$6,000 DECREASE in Various Size Services, Water Div.	23-24
Approved a transfer of \$37,500 from Office Contingency to Office Equipment, Electric Division.	24
Accepted Easement from City of Meriden to Town of Wallingford.	24-28
Approved a transfer of \$10,000 from Contingency to Mechanical/Electrical/Parker Farms School Capital Project Fund.	28
Waived Rule V to discuss maintenance of Yalesville School.	28
Approved clean-up work in old Community Lake bed.	28-29
Waived Rule V to discuss Floor and Erosion Control Board.	30
Waived bidding procedure to allow purchase of 1987 Yankee Coach Demonstrator Ambulance for Fire Department.	31
DENIED transfer of \$4,839 to Paving, Fire Department.	31
Amended General Fund Revenue Budget attributable to the Federal Seizure Program, Police Department.	32-33
Accepted Saw Mill Colony Roads--Saw Mill Drive and a portion of Reene Lane, Planning & Zoning.	33
Accepted 100,285 square foot parcel of land from Don Murchie, Inc., Planning & Zoning.	33-36
DID NOT AUTHORIZE proceeding with condemnation of property rights on certain properties in Westview Hills area to facilitate settlement of deed restriction issue.	36-43
Authorized Mayor to sign Enhance 911 Emergency Telephone User's Agreement with the State of Connecticut.	43
Waived Rule V and approved a transfer of \$3,000 from Patrol Wages, Police Department, to Telephone.	43-44
Approved Memorandum of Understanding with State of Connecticut, Department of Housing, for Rental Assistance Programs.	44-45
Amended 1987-1988 budget by deleting Clerk Typist II and replacing with Chief Clerk, effective 10/1/87 and transferred \$850 from Clerk's Wages (Clerk Typist I/new) to Clerk's Wages (Chief Clerk/Step 2).	45
NOTES FOR RECORD financial statements of the Town of Wallingford for the month ended July 31, 1987.	45
Did not accept Town Council Meeting Minutes of August 11, 1987.	45
Did not accept Town Council Meeting Minutes of August 18, 1987.	46
Meeting adjourned.	46

Town Council Meeting

September 8, 1987

643

7:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 7:32 p.m. by Chairman David A. Gessert. Answering present to the roll called by Rosemary A. Rascati, Town Clerk, were Council Members Adams, Bergamini, Holmes, Killen, Papale, Polanski, Rys and Gessert. Councilman Gouveia arrived after the roll was called. Also present were Mayor William W. Dickinson, Jr., Town Attorney Adam Mantzaris and Comptroller Thomas A. Myers. The pledge of allegiance was given to the flag.

Mr. Gessert explained that the Town of Wallingford lost a very dedicated employee last night by the name of William P. Conte, Jr. who has been with the Public Works Department for quite a while, and asked for a MOMENT OF SILENCE.

Public question and answer period.

Mr. Pasquale W. Melillo, 15 Haller Place, asked the Council if they felt it was past time that the Town Charter was overhauled and brought up to date and Mr. Gessert explained that the Town Charter was revised in 1981 with a tremendous effort on the part of a lot of people including Ms. Applegate, Mrs. Marie Bergamini and numerous others who were very heavily involved in that process. Could it be done again and are there things that could be corrected, the answer to that is yes. It can always be updated but the difficulty is finding both people that are capable and willing to spend a year going through it night after night to make the changes that are necessary. You bring me 9 capable and willing people and we will put it on the agenda. Mr. Melillo asked if this was under the domain of the Town Attorney and Mr. Gessert answered no, it is not up to the Town Attorney to do this. The Town Attorney's Office is involved very heavily in the process when the Charter revision is in progress. Attorney Mantzaris spent probably hundreds of hours the last time the Charter was written and spent almost all of his evenings with the Charter Revision Committee. The Committee is not appointed by the Town Attorney's Office, they are appointed by the Town Council. Mr. Melillo added that he feels that this is a very important subject. Mr. Gessert thanked Mr. Melillo for his comments.

Mr. Paul Gough, 1 Kingsland Avenue, commented that someone in the Town of Wallingford has been compiling personal information on people. My marital status, the number of people that live in my home and the relationship of people living in another home were all discussed at a public meeting and I want to know why the Town of Wallingford feels that they can violate personal privacy. I want to know who authorized it, who paid for that information that was collected and who checked the accuracy of the information. Mr. Gessert explained that no one at the Council table has been checking Mr. Gough's house to the best of his knowledge. Mr. Gough asked the Council to investigate invasions of privacy committed by public officials with public funds. Mr. Gessert told Mr. Gough that he would look into this if he could have the names of the public officials involved. Mr. Gough explained that an Assistant Town Attorney (reported in the newspapers) stated a marital status for me and some information which involved some people that live in my home. Is that proof that my privacy has been violated? This was brought out at a meeting last week publicly. Mr. Gessert added that he was sure that if you looked in the Price and Lee Directory, it tells names and addresses of people along with where they work, and information regarding my family. This information is compiled every year and the directories are sold. Mr. Gough added that he still feels that his right to privacy has been violated by the Town of Wallingford and I do not believe that all of that information stated was correct. This information came up at a PUC meeting and I have given the Mayor a letter asking him to disclose all of the information the Town of Wallingford has on me and I expect a reply on that under the Freedom of Information Act by Monday afternoon. Mr. Gessert thanked Mr. Gough for his comments.

Mr. Edward Musso, 56 Dibble Edge Road, commented that he thought a lot of William Conte and added "I think it is going too far when you get every employee, you are going to have a flag draped there forever. There is always someone dropping dead, that is part of the process. Just for an employee, that is carrying the ball too far. In answer to Mr. Gough's question, the reason that they compile this information, is to make them aware of why they want to pay him whatever they want to pay him. They are not looking to see if he is sneaking in bed with anyone else. They just want to find out how much usage he is getting out of the town facilities." Mr. Gessert thanked Mr. Musso for his enlightened comments. 644

Mr. Pasquale Melillo asked if it was true that about 65% of the ground water in Wallingford is contaminated and Mr. Gessert explained that it depends on how you measure contamination. He added that he has no knowledge of this. Mr. Melillo added that he would like an investigation into this matter. Mr. Gessert asked Mr. Melillo to send him a letter and tell him what laws were violated and who he feels the alleged violators are, that are polluting the ground waters, he would be happy to investigate it.

Mr. George Soltesz asked the Council what the purpose of having a Town Charter was and Mr. Gessert explained that the purpose is to set guidelines to allow government to operate. Mr. Soltesz added that he read that a teacher may run for Town Council and the Town Charter prohibits teachers from serving on the Town Council. He also read that the 4 Town Attorney's have said that Doherty can serve on the Council, signing a state law that supercedes the Charter. Here is the state sticking it's nose into the Town's governing laws. The state should look into what they should do with the surplus they have and lower our property taxes. A teacher should not serve on the Town Council because it is a conflict of interest. Mr. Gessert added that the legislature meets every year and they go through the hopper and every legislator wants to pass a lot of laws. We don't change our laws in the Town of Wallingford every year but they certainly do change them and enforce their will on us on a regular basis.

Mr. Dwayne Braithwaite, 26 Kingsland Avenue asked if the Charter states that anything that conflicts with state federal law, that that act will supercede? Mr. Gessert explained that state law supercedes our Council. Mr. Braithwaite added that it is his opinion that the Charter is being upheld because if there is a state statute that supercedes a statute in the Charter, then that is the one that takes hold. Mrs. Bergamini commented that it seems to her that the law says that the Charter is not more stringent and to the benefit of the Town of Wallingford. The education budget is part of the entire town budget and how could you vote on it. It is a legal conflict of interest (for a teacher to be on the Council). Mr. Gessert added that the members of the Council all have different backgrounds and different careers and it is up to them to put their qualifications before the public in November and it is up to them to decide who they want to represent us and will do so in accordance with whatever the state statutes are.

Ms. Eleanor Durgan, 36 Kingsland Avenue commented that you do not have to be a teacher to give benefits to the educational system. Mr. Gessert added that he has also seen situations where somebody sitting on the Council had a relative that was a teacher and voted against the budget.

ITEM 3. Report from Comptroller on Bond Anticipation Notes.

Mr. Thomas A. Myers, Comptroller, introduced Mr. George Post from Connecticut Bank and Attorney Fasi. Mr. Myers explained that on August 3, 1987, he sent each Council Member and the Mayor, an extensive report on bond anticipation notes that we would be issuing a competitive bid on August 20th. The notes were dated August 27th and they mature December 15th. It is our second note issuance under the new law, under the Tax Reform Act of 1986. On August 21st, I sent each Council Member and the Mayor a report on the interest rates for those notes. The low interest rate was 4.24% and it was awarded to the Connecticut National Bank. 4.24% relates to interest of \$29,828.40. The high bid that we received was 4.73% and that was from State Street Bank in Boston, and that relates to \$33,275.55, so there was substantial savings. We were pleased with the number of bids (7 bids). We would like to think that the program that we have embarked on is attractive. We did receive interest in a bid from Kinnan Securities in San Fransisco (second or third time

we have had interest from the West Coast), so we feel that the Town of Wallingford is well marketed and well represented. I feel that at this point, we have provided everything that we could to the Council.

645
Mr. Killen asked Mr. Myers when he expected to go to bonding on this because the rates are going up and Mr. Myers explained that they have talked about bonding and perhaps, before the end of this calendar year, early next calendar year, we might look to bond off the Parker Farms School. The other amounts are pretty small and I am still working on a finance plan for Robert Earley, which we hope we can defer. The big one right here is the Parker Farms School. We have provided \$100,000 in the 87-88 budget and we should be able to, with that \$100,000 and subsequent funding in 88-89, hopefully issue a bond. We would like to issue bonds as frequently as possible and certainly, it is a credit enhancement to the community. It is very favorably looked on by the people in New York City. As you also know, when we issue bonds, we have to come up with financing sources of our own. When we borrow money on the notes, the interest on notes, while a project is under construction, is eligible to be bonded but you cannot use note proceeds to pay for bonds. That means, when we go to sell bonds, we have to have money built into the property tax rate, our electric, water or sewer rates. You have to have a source for repayment on the bond principle and interest, other than from the money that you have received from the borrowing consultant. I think that that is a very important point for us to realize that as we embark on these projects, what we have done over the last 4 or 5 years is, we have infiltrated the cost of the bonding into our rates on a step or a partial basis so there is not a big shock to any one rate at any given time.

Mr. Polanski asked what determines the amount of time you get the notes for and Mr. Myers explained that he meets with Attorney Fasi and Mr. George Post everytime they look to go to the market, and what they have done is put together a program where they are approaching the market on a 60 day basis and they are targeting, starting in June, and their first sale was from June 19th to December 15th and this is our second sale in a series and it was targeted from August 27th, when we had outstanding notes maturing for the Electric Company and we added some Parker Farms (more funding) so we targeted again, to come due in a block on December 15th. We intend to have another sale in October and it will be even shorter so it will be from October 15th and mature December 15th so that in December, we will have one large accumulation of notes. The larger the dollar denomination, the more attractive it is in the market place. In December, we will probably refinance them from December to June.

Mr. Polanski asked what the rate of interest was in the June sale and Mr. Post explained that the rate was 4.06%.

Mr. Gouveia asked Mr. Myers if the interest on the bonds is predicated on the town's bonding rates and Mr. Myers answered yes, and added that the town has a split rate, A-1 with Moodys and AA with Standard and Poors. Mr. Post added that Moodys is the more recognized in the Northeast and they have been working to get that rating up to at least a AA or better. We meet with them everytime there is a bond issue and we hope we can have them up here the next time we sell bonds. Mr. Myers explained that there are 3 parts to rating. There is a management team in the community that they look very heavily at. They pay a lot of attention to the top management community. The second thing is the financial position of the community there is very heavy emphasis on that. The third thing is the socio-economics of the community, and this is beyond our control.

Mr. Melillo asked if there was a possibility that the current investigation going on relative to the bond market and the FCC can affect the Town of Wallingford in any way and Attorney Fasi said no.

ITEM 4. Public Hearing on AN ORDINANCE AMENDING ORDINANCE NO. 348 BY INCREASING THE AUTHORIZED APPROPRIATION FOR THE RENOVATION AND CONVERSION OF ROBERT EARLEY SCHOOL TO MUNICIPAL OFFICES FROM \$2,500,000 TO \$2,630,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

Mrs. Bergamini moved and read the following Ordinance, seconded by Mr. Rys.

AN ORDINANCE AMENDING ORDINANCE NO. 348 BY INCREASING THE AUTHORIZED APPROPRIATION FOR THE RENOVATION AND CONVERSION OF ROBERT EARLEY SCHOOL TO MUNICIPAL OFFICES FROM \$2,500,000 TO \$2,630,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

646

Be it Enacted by the Town Council in Session:

I.

Ordinance No. 348 is hereby amended by increasing the appropriation therein from Two Million Five Hundred Thousand (\$2,500,000) Dollars to Two Million Six Hundred Thirty Thousand (\$2,630,000) Dollars for expenses incurred in the renovation and conversion of Robert Earley School to municipal offices, including payments pursuant to contracts entered into for the renovation, legal fees, administration expenses, and all necessary and appropriate costs associated therewith.

II.

To meet said appropriation, not more than Two Million Six Hundred Thirty Thousand (\$2,630,000) Dollars of bonds of the Town of Wallingford may be issued pursuant to Chapter XV of the Town Charter, as amended, and Section 7-369 of the General Statutes of the State of Connecticut, Revision of 1958, as amended.

III.

The Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to sell the bonds, either all at one time, or from time to time, in series, at public sale, either as a separate issue or combined with other authorized but unissued bonds of the Town of Wallingford, at not less than par and accrued interest, an advertisement of which shall be published before the date of sale in The Bond Buyer or other publication or media specializing in municipal finance. They shall determine the rate of interest of such bonds, the amount of each issue of such bonds, their form, their date, the dates of principal and interest payments, the manner of issuing such bonds, by whom and how such bonds shall be signed or countersigned, provisions for redemption prior to maturity and the terms, conditions and prices thereof, and all other particulars of such issue. The Town Treasurer shall deliver the bonds and receive the proceeds thereof. The Connecticut Bank and Trust Company, N.A., of Hartford, Connecticut, shall be the certifying and paying agent. Adinolfi, O'Brien & Hayes, P.C., Attorneys-at-Law, of Hartford, Connecticut, shall render an opinion approving the legality of such particular issue. Such bonds shall be general obligations of the Town of Wallingford and notwithstanding any provisions to the contrary the full faith and credit of the Town shall be pledged to the punctual payment of principal and interest of the bonds in accordance with their terms.

AN ORDINANCE AMENDING ORDINANCE NO. 348 BY INCREASING THE AUTHORIZED APPROPRIATION FOR THE RENOVATION AND CONVERSION OF ROBERT EARLEY SCHOOL TO MUNICIPAL OFFICES FROM \$2,500,000 TO \$2,630,000 AND AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATION.

IV.

The Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to sell temporary notes of the Town, from time to time, in an amount not to exceed Two Million Six Hundred Thirty Thousand (\$2,630,000) Dollars, under and pursuant to the provisions of Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended, in anticipation of the receipt of the proceeds from the sale of bonds hereby authorized, and are authorized to comply with the provisions of Section 7-378a, as amended, and any other legislation regarding the extension of temporary periods whether presently in effect or enacted subsequent to the passage of this ordinance, if the maturity of such notes shall extend beyond the time permitted by Section 7-378; the Mayor, the Comptroller, and the Treasurer, or any two of them, are hereby authorized to determine the rate of interest of such notes, determine the amount of each issue of notes, their form, their date, the dates of principal and interest payments, the manner of issuing such notes, and by whom and how such notes shall be signed or countersigned, and all other particulars thereof. Such notes shall be general obligations of the Town of

wallingford and notwithstanding any provision to the contrary the full faith and credit of the Town shall be pledged to the punctual payment of principal and interest of the notes in accordance with their terms.

647

V.

The Mayor and the Comptroller are authorized pursuant to C.G.S. §7-369b to make representations and agreements for the benefit of the holders of any bonds, notes, or other obligations which are necessary or appropriate to ensure the exemption from federal taxation of the interest on the bonds, notes or other obligations authorized herein, including the full faith and credit pledge of the Town to rebate to the federal government such sums as are required to be rebated to it if tax exempt obligations are issued pursuant to this resolution.

VI.

Nothing herein shall prohibit the advancement of expenses by the Comptroller from available cash funds of the Town for the purposes authorized by this ordinance and the reimbursement of such funds for such advancement of expenses from the proceeds received from the issuance of bonds or notes authorized by this ordinance.

Mr. Gessert explained that the Ordinance is increasing the amount on the Robert Earley project by \$130,000 and this is basically items that were not included in Mr. Cooke's original proposal and as stated for the past 6 months by Mayor Dickinson, there would be additional costs other than the price that was bid. There are some additional items that were not included and we were aware of that when the project started. These items range from alarm systems to moving the World War II Monument, taking the plaques off of the front of this building and mounting them over there, window blinds, sidewalk work, directories within the building, irrigation work, fire extinguishers, additional furnishing items, etc.

Mayor Dickinson explained that parking is still an issue that has to be resolved. There is also an item on the agenda following this which indicates that the amendment to the Judd Square contract absorbs some \$85,000 of this \$130,000. \$85,475.00 is work that will be performed under the supervision of Judd Square. The remainder of the \$130,000 is work and material that will be purchased and performed under the supervision of other sources.

Mrs. Papale asked what the rest of the \$130,000 was for and Mr. William Fischer (Chairman of the Robert Earley Renovation Committee) explained that not included is the telephone system, moving (approx. \$19,000). Mr. Cooke added that originally, the telephone was \$15,000 (includes moving). Anything to do with communications, alarm systems and moving was something that the town had to do because they only knew what telephone systems they needed, and the moving was nothing that we were involved in originally. Mr. Fischer added that the P.A. System is \$6,600.

Mrs. Bergamini read the following list of additional costs:

(1) War Memorial Monument	\$ 13,500.00
(2) Window Blinds	11,000.00
(3) Sidewalks	12,375.00
(4) Stage Extension	4,000.00
(5) Lawn Watering System	3,500.00
(6) Town Hall Sign	3,000.00
(7) Foyer Lighting	3,000.00
(8) Directories Front & Rear	3,500.00
(9) Interior Signs	3,000.00
(10) Fire Extinguisher Cabinets	2,000.00
(11) New Water Line	8,000.00
(12) Water Coolers (8), Time Clock, Flag Pole, Fire Extinguishers, Night Drop Box	16,000.00
(13) Additional Counters	1,200.00
(14) Paving Additional Parking Area on Robert Earley Site	1,400.00
	<u>1,400.00</u>
	\$ 85,475.00

Mayor Dickinson added the total of \$85,475.00 plus moving expenses at \$15,000, \$15,000 for telephones and \$7,000 for alarms and P.A. Systems, brings the total to \$122,475.00. 648

Mr. Cooke added that there is an item of exterior lighting and that was the 2 lights on the front of the building, as you go up the steps and also 2 lights that are going to be in the middle of the existing sidewalk on each side of the sidewalk for \$6,000.00.

Mr. Edward Musso commented that he does not agree with ripping up the grass in front of the Robert Earley building and does not agree with moving the monument. Mr. Gessert explained that the monument for Korean vets is in front of the Armory and there is a plaque on the front of this building (4 bronze plaques) which lists everybody from Wallingford that served in World War II. What this figure is, they have World War I monument in front of Robert Earley, they are going to put a World War II stone, matching the World War I, they are going to remove the bronze plaques from this building and attach them to a monument over at the new Town Hall. They are also not tearing up the parade ground. They are going to widen South Main Street about 3 to 4 feet for a cut in, similar to the one up on North Main Street. They are not tearing out the parade ground. Mr. Musso suggested that instead of spending a lot of money for parking, they should make a parking lot on the east side of Wallingford and run a commuter bus.

Mr. Edward Bradley asked if this was an open-ended contract and Mr. Gessert replied no. Mr. Bradley then asked why these items were not identified at the time the contract was drawn up and Mr. Gessert explained that they asked for a price on the building (such as building a new house) which does not include carpeting, blinds, alarm systems, etc.

Mr. Holmes added that when this first came about, the Mayor made points that moving expenses were not included as well as telephone systems, and most of the listed items.

Mr. Cooke added that parking was included in the original contract and this due to a change that the Engineering Department felt was necessary to pick up more spaces up at the top of the south side of the property, on the corner of Prince and South Main Street. It closes up the entry way from South Main Street and widens the parking for 4 more cars by taking out a portion of the lawn. This is where the \$1,400.00 comes in.

Mr. George Soltesz commented that he will be watching the renovations very closely, and added that he hopes this does not mushroom like Parker Farms School did. Mr. Gessert added that everyone there shares his concern, and believes that this will not be like Parker Farms School. Mr. Cooke added that what he proposed for that price, will be done.

Mayor Dickinson explained that there is no money, in the \$2.5 million dollars for financing costs. That alone is a large figure, and in addition, as was stated when the Ordinance was first adopted in February of 1987, parking (additional) is not included in the \$2.5 million dollars. There are 2 large figures that are not here.

Mrs. Bergamini stated that she is tired of hearing about the parking. When we measured square footage in that building and measured the parking spaces, under our P&Z regulations, there is sufficient number of parking spaces, otherwise, the Town of Wallingford would have had to go to ZBA or Planning and Zoning to get a variance. I am not saying that additional parking spaces are not needed, but for the building that we have, it is my understanding that there is sufficient parking for the square footage. Mayor Dickinson stated that he believes that the maps did indicate additional parking beyond what is there. Mrs. Bergamini asked why they did not go for a variance and Mayor Dickinson explained they did not because the maps showed sufficient parking.

Mr. Cooke added that they have 14,000 feet of common area, such as hallways, lavatories, etc. and 10,000 feet of auditorium. When you are considering parking, you are talking about the actual office space, the common areas do not count anywhere. If they arrived at it by footage, it would come out different, and by usage, it would come out correct.

Mr. David Doherty asked how much beyond the \$2.6 million dollars they are going to be headed and Mr. Cooke explained that there is no additional parking cost at this time, other than the \$1,400 that was requested tonight. Mr. Doherty then asked if there was an offer for \$300,000 made and the Council Members replied no. Mayor Dickinson added that most of the lots along North Main Street are selling for between \$250,000 and \$400,000. Financing costs would run about \$200,000-\$300,000. 649

Mr. Musso commented that he still believes it would be cheaper to build a lot on the east side of Wallingford and commute, and charge the people to go back and forth.

Mr. Braithwaite asked if they were looking at the possibility of \$500,000 for parking and Mr. Gessert explained that there will be cost for interim finance during the construction process which comes with any project. As far as when do we need more parking, how much more parking, what we are willing to pay, none of that has been defined to this point in time.

Mr. Cooke explained that when the projection was made for the new office building, they projected into the year 2000, for the employee growth of the Town Hall. If you don't provide parking for the employees, they take parking away from the people who want to participate with the merchants that exist in the business district. Buying a piece of land is an investment.

Mayor Dickinson added that this is a substantial figure but early on, he indicated that to do it properly, they would be talking in the neighborhood of \$4.5 million dollars, which he does not think it will reach. The \$2.5 million dollars was not the total cost of the project and it was decided to go ahead with the project because the building was deteriorating, we were under contract to sell these buildings, the rehabilitation prices were only going up and it was in the interest of the town to proceed and develop the other costs as necessary as required as facts came in, etc. and all of that has taken place. The original ground rules of this process have not changed at all. Mr. Gessert added that in 1979, they had a proposal to do this building for \$2.9 million dollars and that included parking.

Mr. Holmes asked if leasing parking facilities was still a viable option and Mayor Dickinson explained that there was discussion about leasing space from the American Legion and we believe that it would cost upwards of \$60,000 or more for improvements to that property to make it usable for parking. I don't think that we should improve private property and then lease that property, having spent public dollars to improve it. If we are going to provide parking, it should be on a permanent basis, which means purchased.

Mr. Gouveia asked if there was any monies offered to anyone for parking and Mayor Dickinson said no. Mr. Cooke explained that there was some discussion about leasing the parking from the American Legion for \$100.00 a month, but after reviewing it and seeing the amount of work that had to be done, it was decided by some of the Council Members and the Mayor that they did not want to put that kind of money into private property. Mayor Dickinson added that there was a discussion with the American Legion about their willingness to sell the property and they had an appraisal. They went to their membership and voted that they were not interested in selling. Mr. Gouveia added that the Council should be made aware of all of the options and should be part of those discussions.

Mr. Gouveia asked to have the additional sidewalks explained and Mr. Cooke explained that the front sidewalks are in very bad repair and all of the sidewalks are going to be changed. Originally, we planned on changing the sidewalks along the exterior (north and south sides) because they had deteriorated completely.

Mr. Gouveia asked who made the decision to widen South Main Street and Mrs. Bergamini explained that that was part of Engineering's plan. Mrs. Bergamini added that the money for this will come out of the Capital Budget. Mayor Dickinson added that this has been a concern regarding the right-hand turn from Center Street onto South Main Street. In order to provide more parking along the street, it will be widened by 2 or 3 feet all along that stretch of highway. Mrs. Bergamini added that this was discussed about 4 years ago and it had nothing to do with Robert Earley. Mr. Killen pointed out that there is also a problem turning from Prince Street onto Center Street.

Mr. Gouveia asked if the fire extinguisher cabinets are going to be inbedded in the walls and Mr. Cooke explained that they are going to be mounted on the walls, and that was the decision of the Committee. Mr. Gouveia asked to have the water line explained and Mr. Cooke explained that the water line was a decision of the Committee to change the water line in totality in the building. We had to change the water line that came in from the street because of where the elevator was going to be placed. The Committee, on the recommendation of Mr. Ulbrich, decided to change and put all new water lines into the building. Mr. Gessert explained that Mr. Ulbrich pointed out to the Committee that some of those pipes were already 50 years old and while the building is apart, why not replace all of the interior water lines so you won't end up with leaks down the road in the future. Mr. Cooke explained that it was in his contract to repair or replace any damaged pipes but it was the decision of the Committee to replace them all. Some of that cost will be offset because I sold some of the copper to a scrapeyard in New Haven and we should have a check for that for the next meeting. 650

Mr. Gessert pointed out that the Committee has received refunds totaling \$1,500 to date.

Mr. Killen stated that at a previous meeting, he mentioned that he did not care to go for the bonding route and added that he does not feel that they have the money on hand and sees no reason to go for the \$130,000 bonding again.

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

ITEM 5. Consider waiving the bidding procedure for installation of ENTRY ALARMS AND PUBLIC ADDRESS SYSTEM for Robert Earley, moved by Mrs. Bergamini for discussion and seconded by Mr. Polanski. (Motion withdrawn on page 12.)

Mrs. Bergamini commented that she has a problem with waiving the entire thing and added that she never agreed to go along with accepting this figure on microphones, microphone stands, and would like other bidders to give them prices on these items. She has no objection to waiving the bidding on installation.

Mr. Gessert asked Mr. Cooke if he had any objection to the Council waiving the bidding procedure, so they won't have to do 2 months of formal specifications, going out and requesting other vendors to submit proposals and Mr. Cooke explained that the only thing he had Monitor Controls, Inc. do was, move the existing control panel to the permanent location. They won't hold us up as long as they get there before we put the ceiling in, which will be the last 2 weeks.

Mr. Gessert pointed out that he would be in favor of waiving the bidding procedure to seek proposals for other companies. Mr. Cooke and Mr. Fischer said that there would be no problem with that.

Mrs. Papale asked why they have to waive the bid for a public address system and Mr. Roe explained that the project is moving along at a very rapid rate and the concern is not to have those elements that the town is responsible for, end up happening at a time once the walls are already in place and at a time it is not appropriate to do that. For that reason, we only went to Monitor controls, Inc. for a proposal for both the alarming and the auditorium P.A. system. Mr. Gessert added that he believes that the Committee should have the choice of which company and price they would like to go with, and bring before the Council.

Mr. Polanski stated that he can't see any reason why they should waive the bid on this when they don't have comparable prices. Mr. Gessert agreed and added that the Committee should get other proposals and see what other vendors have to say.

Mr. Rys agreed with Mr. Polanski and Mr. Gessert and added that they should also go to other towns.

Mr. Roe pointed out that there are no specs for this and Mrs. Bergamini asked what Monitor Controls used for a guide. Mr. Cooke explained that they bid on the guide that was set forth by the Fire Marshal and the number of door outlets that could be burglarized.

Mr. Killen asked what the approximate date was that this had to be done by and Mr. Cooke explained that it has to be done by the first of the year, and added that this is going to take time to get the quoting process done. We will be starting from scratch and the Fire Marshal sets the criteria for the alarm set-up. 651

Mr. Killen pointed out that the Charter says that the Council can waive the bid when it is in the best interest of the Town of Wallingford. If we have the time to do it, then we can't get out of putting it out to bid. Mr. Cooke added that he would like to have them start installing on the 1st of December, and added that all of the ceiling grids in and all of the above ceiling work will be being completed at that time including communication wires, computer wires, etc. so they can run their wiring above the ceiling where all of the utilities are going in.

Mr. Killen asked what Monitor Controls had to work from and Mr. Roe explained that there are no specs and does not know who could write one and on the alarm side, there are intruder alarms for the vaults and the Comptroller's Office. Mr. Killen added that he can't understand why no-one can draw up specs for this.

Mr. Adams pointed out that they have been stuck in the past when they have gone to cheaper prices on the outside and one of the things that he has always maintained is that he would like to look as favorably as possible or consider Wallingford's own merchants because, not only are they supporting their own community but at the same time, they are right there where we can grab a hold of them.

Mr. Gouveia pointed out that the bid from Monitor Controls is \$4,502.75 and is now public and therefore, anyone involved in the bidding procedure will be using this as a target so we are making a mockery of the bidding procedure and I think that in the future, we should not even come up with any figures like that, either 3 or 4 different proposals or the bidding procedure.

Mrs. Bergamini withdrew her previous motion.

A motion was made by Mrs. Bergamini to accept the proposal on the Town Hall vaults from Monitor controls, Inc. for the total of \$2,056.43 to include waiving the bid in accepting this part of the proposal, seconded by Mr. Polanski.

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

A motion was made by Mrs. Bergamini not to accept the second proposal, but that the Building Committee request from other Vendors, prices on the Amplifier, Microphones, Speakers, Stands, Shielded Cable and Microphone Connector (P.A. System), seconded by Mr. Rys.

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

ITEM 6. Authorize Mayor to amend the Judd Square Contract for additional improvements to Robert Earley, moved by Mr. Rys and seconded by Mrs. Papale.

Mr. Killen asked Mr. Cooke if the amount of \$4,000 for the stage extension was the correct price and Mr. Cooke replied yes.

VOTE: Unanimous ayes; motion duly carried.

ITEM 7. Authorize Judd Square Associates to carry out roof repairs to building at 350 Center Street, at no cost to the town, moved by Mrs. Bergamini and seconded by Mr. Polanski.

Mr. Gessert explained that Judd Square is the purchaser of this building (current Town Hall) and it needs roof repairs and they would like to fix the roof because they will be the new owners and this will allow them to go up on the roof and do the repairs so they won't end up with a leaky building.

VOTE: Unanimous ayes; motion duly carried.

ITEM 8. Consider and approve a transfer of \$4,000 from Repair Flood Damage to Summer/Part-Time Help, requested by John J. Costello, moved by Mrs. Bergamini and seconded by Mr. Rys. (52)

Mr. Killen asked Mr. Costello of this was going to be an ongoing position and if he would be putting this in future budgets and Mr. Costello replied that this was his intention at this time.

VOTE: Unanimous ayes; motion duly carried.

ITEM 9. Consider and approve a transfer of \$21,625 from Reserve for Emergency to Municipal Infrastructure Trust Fund-Local Match, requested by Mayor William W. Dickinson, Jr. and Establish Account #001-5011-999-0018-Municipal Infrastructure Trust Fund-Local Match, moved by Mr. Rys and seconded by Mr. Holmes.

Mr. Killen asked Mr. Roe to explain this account and Mr. Roe explained that this is from the fiscal year 86/87 which for MITF, is based on a calendar year. The state implemented in the first year, starting January/February. It actually ended up being a 2 year program which we are now implementing the second year of that program. Mr. Killen asked how this will fit in with their calendar year and Mr. Roe explained that Grants rarely fit in with their calendar year. The Federal Government's fiscal year is October 1- September 30. Mr. Killen pointed out that the figures he has show -0- for the fiscal year 87/88 and for Infrastructure 86/87 it shows \$182,693. Mayor Dickinson explained that for the state purposes, 87/88 would start January/88 and the 1987 year started in January and runs through December of 1987 and that is the \$195,000. The prior year was calendar 1986. When they describe it, they use fiscal year dates but it is actually applied for and administered on a calendar year basis.

Mr. Gouveia asked Mr. Roe if he recalled how much money was received the previous year and Mr. Roe explained that the entitlement for the first year was \$201,623. so, our entitlement went down for the second program year. The entitlement for the second year was \$185,647. but the \$195,109 reflects an underexpenditure from the first year and it rolls over to your second year. Mr. Gouveia asked if this had anything to do with the TIP money received and Mr. Roe said that this is in addition to the TIP money, which there is no second year to the TIP Program.

VOTE: Killen voted no, Holmes was not present for the vote, Adams, Bergamini, Gouveia, Papale, Polanski, Rys and Gessert voted yes; motion duly carried.

ITEM 10. EXECUTIVE SESSION to discuss contract negotiations, requested by Stanley A. Seadale, Jr.

Consider and approve Agreement between The Town of Wallingford Board of Education and Local 1303-60 of Council #4 American Federation of State, County and Municipal Employees dated 10/1/86.

A motion was made by Mrs. Bergamini to enter into EXECUTIVE SESSION to discuss contract negotiations, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried and EXECUTIVE SESSION began at 9:26 p.m.

A motion was made by Mrs. Bergamini to come out of EXECUTIVE SESSION, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried and EXECUTIVE SESSION ended at 9:45 p.m.

Consider and approve Agreement between The Town of Wallingford Board of Education and Local 1303-60 of Council #4 American Federation of State, County and Municipal Employees dated 10/1/86, moved by Mrs. Bergamini and seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

ITEM 11. Consider and approve a transfer of \$3,250 from Public Works Wages to Railroad Station Janitorial Contract, requested by Mr. Deak, moved by Mr. Rys and seconded by Mrs. Papale.

Mr. Polanski asked Mr. Deak how much the rent was and Mr. Deak explained that the rent was \$900.00 which will now be paid to the Town. Mr. Polanski asked what was going to happen to the rest of money and Mr. Deak explained that they will use this to clean the rest of the building occupied by the Board of Education. Mr. Polanski asked why the Board of Education does not pay for their own cleaning and Mayor Dickinson explained that the Adult Education Grants do not provide funds for the cleaning. If it changes in the future, they will pay for their own cleaning. It is a government building and we are responsible for cleaning it. 653

Mr. Gessert suggested that a letter be directed to the Board of Education notifying them that this should be included in their budget for next year.

Mr. Rys asked if they were going to be spending \$8,500 for this fiscal year and Mr. Deak replied yes. Mr. Rys asked how often they clean the building and Mr. Deak explained that they clean the building 5 times a week.

Mr. Killen asked how accessible the Railroad building was and if it was going to remain that way and Mr. Deak explained that right now, the only way to get into the building is on the railroad side and it was supposed to be finished a long time ago but they are having trouble with the bricks, but they are promising everyday.

Mr. Deak told Mr. Rys that the cost to clean the building is \$80.00 a week, and that portion of the building costs \$12.50 a day to clean. (portion used by the Board of Education) Mr. Killen commented that this was a very high price to pay.

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

ITEM 12. Consider and approve a transfer of \$550 from Monitor Hydroxide Wells and \$2,050 from Public Works General Wages/\$550 to Professional Services Monitor Test Wells and \$2,050 to Professional Services Monitor Test Wells, requested by Steven L. Deak, moved by Mr. Rys and seconded by Mr. Holmes.

Mr. Gessert pointed out that this is relative to Mr. Melillo's comments earlier about ground water. This is to measure ground water contamination from the landfill.

Mr. Polanski commented that he is against taking the money out of General Wages.

Mr. Killen asked Mr. Deak if the bid for the Hydroxide Wells has gone out and Mr. Deak explained that both have gone out and one is already awarded.

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

ITEM 13. Consider and approve tax refunds totalling \$10,970.98, requested by Norman Z. Rosow, Tax Collector, moved by Mr. Holmes and seconded by Mr. Polanski for the following:

No. 1	James Berg-Johnson	\$	151.80
2	Vincent Diana		52.14
3	Barbara Melchiori		6.60
4	William Robinson		24.09
5	Dinatale Ercs. Inc.		9,702.18
6	Marie Perricone		774.36
7	Carol Buchanan		34.57
8	Jane McNichol		20.73
9	Carmine Berardesca		39.20
10	John Kozak		48.28
11	Kenneth Polizzo		6.48
12	Charles Tosney		110.55

\$10,970.98

Mr. Killen asked Mr. Myers if any of these funds were collected in this fiscal year and if there was any way to reimburse them from the General Fund directly. Mr. Myers explained that the \$9,702.18 refund was on the 1985 list. 654

VOTE: Unanimous ayes; motion duly carried.

ITEM 14. Consider resolution authorizing Mayor to sign application for Social Services Block Grant, requested by Donald W. Roe.

Mrs. Bergamini moved and read the following resolution:

CERTIFIED RESOLUTION OF LOCAL AGENCY

Certified a true copy of a resolution duly adopted by the Local Agency at a meeting of its Governing Body on _____, and which has
(Date)
not been rescinded or modified in any way whatsoever.

(Date)

(Clerk)

(Secretary)

(SEAL)

WHEREAS, pursuant to Chapters 133 and 300a of the Connecticut General Statutes, the Commissioner of Human Resources is authorized to extend financial assistance to municipalities and human resource development agencies; and

WHEREAS, it is desirable and in the public interest that the

TOWN OF WALLINGFORD

(Name of Local Agency)

make application to the State in such amounts as may be made available for undertaking a Social Services Block Grant

Programs and, to execute a Grant Action Request therefore.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:
(Governing Body of Local Agency)

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Chapter 133 and 300a of the Connecticut General Statutes.
2. That it recognizes the responsibility for the provision of local grant-in-aids to the extent that they are necessary and required for said program.
3. That the filing of an application by the Local Agency is hereby approved and that the MAYOR OF THE TOWN OF WALLINGFORD
(Title of Authorized Official of Agency)

is hereby authorized and directed to execute and file such application with the Commissioner of Human Resources, to provide such additional information as the Commissioner may request, to execute a Grant Action Request with the State of Connecticut for state financial assistance if such an agreement is offered, to execute any amendments, rescissions, and revisions thereto, and to act as the authorized representative of the Local Agency.

seconded by Mr. Holmes.

Mr. Roe explained that these funds are used to support the Meals On Wheels Program, which provides home bound people with a nutritious meal, as well as counseling services provided at the Y.S.B. and Day Care Centers.

VOTE: Rys was not present for the vote,
Adams, Bergamini, Gouveia, Holmes, Killen, Papale, Polanski 655
and Gessert voted yes; motion duly carried.

ITEM 15. Consider and approve a transfer of \$2,000 from Reserve for Emergency to Insurance-Workers' compensation Food Service, requested by Mark Wilson, Risk Manager, moved by Mrs. Bergamini and seconded by Mr. Holmes.

Mrs. Bergamini explained that no funds were budgeted for the account for the current fiscal year.

Mr. Gessert explained that this is for the Workers' Compensation account in case someone gets injured on the job and the Food Service is for the school system.

VOTE: Mr. Killen voted no, Rys was not present for the vote,
Adams, Bergamini, Gouveia, Holmes, Papale, Polanski and
Gessert voted yes; motion duly carried.

ITEM 16. Consider waiving bidding procedure for engineering services for Oak Street Well, moved by Mrs. Bergamini and seconded by Mr. Polanski.

Mr. Raymond Smith explained that the Commission has established this Oak Street Well as a priority item. My quickest way to respond to this was to get a proposal from the firm that is currently doing work for us in conjunction with the Water Treatment Plant. The monies for this work are available under the MLTF Program and the award was announced on August 25th. In order to expedite this work, I would like to get the Council's blessing on waiving the bid and moving forward.

Mayor Dickinson commented that Mr. Don Roe should be applauded, who on our initial request from the state to make this part of the MLTF, refused it and it was redrafted with Mr. Smith's help but, Mr. Roe did a good job redrafting it to fit their guidelines and it was approved. Mr. Roe deserves a lot of credit for that.

Mr. Smith added that he would also like to echo his appreciation to Mr. Roe.

Mr. Gessert pointed out that there are some people present from Circle Drive and are concerned about the manganese problem and asked what impact this study will have on their situation. Mr. Smith explained that the short range solution appears to be a greensand filter. Mr. Oliver Poirier is here from Whitman & Howard and will explain the details. I would like to add that I talked to the State Department of Health Services today and in order to put anything into the water system, you must first prove that it is going to be usable and with these results you can go forward with design and application. The anticipated cost at this point is a ballpark number that may be up to \$600,000 for application of this device on Well #3. That Well produces approximately 1 million gallons a day. The initial phase of this study would be focused in on that problem and see how soon we can prove this system is workable, get results in and get a system installed, if that is the answer. If that is not the answer, they can come up with another recommendation. I would also like to state some longtime solutions that may be applicable to that Well Field. There are some impacts from the landfill up in the Meriden area, and we want to start looking at those, if the landfill is going to be expanded, what should we require and what should we be looking for? Again, because of the shortage of help in the Water Division, I am just trying to expedite things and get things started in those directions. I am not guaranteeing a cure on the long time solution, it appears very feasible in the short time solution.

Mr. Poirier explained that the only reason that they recommended the possibility of the greensand filter for well #3 is because based on the water analysis of the water coming from Well #3, greensand filtration looked like it would be a very expedient and effective way to treat the water. However, to insure that that would be the case, we would prefer to do a small pilot test program which would probably involve about 3 weeks of installing a pilot filter at the Well location and putting the Well water through it. I am quite confident that greensand filtration would be acceptable and effective for treating that Well and if that was the case after a short pilot program, I think you can probably have an operational well in about a year.

Mr. Gessert asked if there are any home type filters that would do the same job and Mr. Poirier answered yes and added, unfortunately, there is sodium in that Well and it borders on the acceptable limits proposed by the Federal Government at 20 parts per million. The most common home remedy for manganese would be a salt regenerated water softener, however, that puts additional sodium back into the water. If you take out manganese and iron, you put a little sodium back into the water which would put you in excess of the E.P.A. maximum contaminated level for sodium. A greensand filter is the only filter that can remove the manganese. For people in that area that already have the municipal water system, they would have to put in the hydromatic system, which would boost the water from the town system through their greensand filter into their residence. Very often, greensand filters are not recommended for domestic use because, they require a greater backwash flow and pressure. 656

Mr. Gessert asked if the greensand filters are more cost effective for people vs. the \$600,000 filter at the Well location and Mr. Poirier explained that this is something that they could tell him from the Public Utilities Department rather than me sitting in this chair. I think that an individual greensand filtration system with a hydromatic tank and a booster pump would probably be in the range of \$1,300 to \$1,800 per residence as opposed to up to \$600,000 for a designed and installed greensand filtration system for the town. Even though Mr. Smith has suggested that this is an immediate short term solution, it could very well be a longer term solution, which would provide the town with that additional 1 million gallons of water. We know that there is a manganese problem now and there is evidence that there could in the future be an organic problem but, you do have over 1.5 million gallons of water available between Well #2 and Well #3. I have been assured that Well #3 has a greater capacity, so it is a potentially long term Well supply providing the quality remains good.

Mr. Holmes asked if this was approved tonight, how long before the pilot program could be started and Mr. Poirier answered, 1 month. Within 2½ months, you would have design on the way if the pilot were as successful as I imagine it will be. I think that 2½ months would be a reasonable time to get the program started and get it completed and get designs on the way. Greensand filtration is not as complicated a procedure as a conventional Treatment Plant, as you have at MacKenzie Reservoir. If you are not familiar with greensand pressure filtration, what I envision is probably, 3-9 to 9½ foot pressure vessels that would be housed at the Well #3 location and the Well water would be pumped through those pressure filters directly into the system. Once every 3 weeks, those filters would have to be taken off line one at a time for backwashing or regeneration or both. A year is probably a good frame work for that. Those are manufactured items so, once the design is complete, they will be manufactured and shipped accross the highways to your location. The building that would be required is a simple building, it would be a slab (warehouse type) building. At the time we put that estimate together, we were not sure what input the town would have as to what kind of a building.

Mr. Rys asked Mr. Smith how many Wells there were in the Oak Street area and Mr. Smith replied that there are 2 Wells, and added that there is 1 Well that is being utilized on the Hartford Turnpike. We did cut back on the usage for that Well because it does have a higher sodium problem, which was about 2½ years ago. Our reservoirs were down 74% as of August 31st so, during the summer, we have to utilize all of our Wells.

Mr. Polanski pointed out that it will cost \$600,000 to install the system and asked what it would cost to operate the system. Mr. Poirier explained that that is one of the factors that they are looking for with the Pilot Study. The Pilot Study for the greensand filter would be able to put a fresh filter on line and run it until it is exhausted and once we know the interval that is required to exhaust the brand new filter, then we would be able to calculate what the chemical cost would be. Mr. Polanski then asked, what if it is determined that the Meriden Landfill is contributing to the contamination of our Wells, is there any recourse to charge the City of Meriden for contaminating our Wells? Mr. Smith explained that he thought about that process and one of the things that we want to get into, which is part of the phase 2 of this program, is to start building some ground work for that potential. Right now, there is no clear cut identification that says where the source is.

Mr. Polanski added that if the contamination was not caused by the people of the Town of Wallingford, but by other people using Town of Wallingford property, if they contaminated our Wells, they should be charged for the problem that they caused. 657

Mr. Gouveia commented that he thinks it is appalling that it has taken so long to come to this point to do something about the Oak Street Wells, and it may even take years to get this program completed. In my opinion, the City of Meriden is illegally dumping in the Town of Wallingford. The City of Meriden purchased 5 or 6 parcels of land dating back to 1910, and had changed the use of that land without coming to our Planning and Zoning for a change of use of the land and as far as I am concerned, those used to be farm lands and woodlands and they are changing the use of the land by changing it into a dumping area. I have read this a variety of times and I think that it is extremely important for those people out there that have some concerns for this, to please take it and read it because I know that the PUC is very much concerned about not panicking the people concerning water quality in Yalesville, but the fact is that there are very serious concerns here. The ultimate objective of this report (evaluation) will be the development of recommendations to the Town of Wallingford, for additional measures, if appropriate which will minimize the threat of Wallingford ground water resources by the existing landfill and the proposed landfill expansion. We are going to spend, on this alone, \$18,500, which is test 1 and test 2 of phase one. We are already paying a price for something that has not yet started which is the dumping of ash in Yalesville. I think that we should do something rather quickly to at least appease the feeling of the people that live up here, that in fact their quality of water could and should be improved. Also, in your report, you state "The site reconnaissance will be coupled with a meeting with appropriate Wallingford officials to outline the observations made during the site reconnaissance and to receive additional direction and comment from the Town." I will hope that this meeting with the Wallingford officials will be a public meeting, so that the people in Wallingford will know first hand, exactly what is happening.

Mr. Gessert asked what the health risk or danger would be if those Wells were used, and Mr. Smith explained that he talked to the State Department of Health Services and have asked them if there was any need to order us to shut these wells down and they replied no, not at this point. Mr. Poirier added that the water quality in both of those Wells are quite different. Well #3, which has the high manganese, manganese is not considered to be a health hazard in drinking water, unless it is of extremely high concentrations, which you don't have in that well. What you have is a nuisance, which can make a lot of consumers unhappy when it stains laundry, etc. otherwise, the most current analysis from Well #3 shows nothing to indicate a health problem. Well #2 has some trace organic compounds in the water. The most dominant species is TCE and right now, the EPA maximum contaminant level is 20 parts per billion and that is expected to be decreased to 5. Once it is decreased to 5, then your Well #2 might not meet the recommended amount, but right now it meets the standards. As far as the actual health impact, there is a lot of indecision, both in the Federal Government and in the Waterworks Industry. The AWWA has been fighting for several years now, to have the EPA temper its evaluation of MCL (maximum contamination level). As an engineer, I cannot say what the actual health hazards or aspects are associated with these

maximum contaminant levels issued by the EPA. Once the maximum contaminant level has been established, then we and all of the municipalities that have water with TCE in it, will have to abide by that in one form or another. The promising aspect of most organics is that the most effective treatment or process is relatively inexpensive. Airstripping, by use of airstripping towers is the most common way to remove all of the organic compounds from water and if a municipality such as Wallingford were to have to implement the treatment program like that, to salvage a water supply, that is probably one of the most least expensive treatment processes that you could buy.

Regarding Well #3, Mr. Killen asked if the problem with manganese was a problem right from the inception of that Well and Mr. Poirier explained that he believes that that concentration has grown over the years. It started off lower, but increased with time and I think it has leveled off in the last couple of years and that is not uncommon with metal concentrations in well water. Often times a Well will begin to produce water with only trace concentrations of iron and

manganese, but after a period of operation, the concentrations will increase to some maximum level and then level off. There is some suspicion that manganese actually comes from the river where there may be anarobic conditions from time to time, which reduces the iron and manganese and allows it to flow through the granular material into the vicinity of the Well. From what I understand about Well #3, its proximity to the river allows it to serve as a filter gallery. It actually filters water coming from the river. In so doing, the water quality improves by the time it gets to the Well. I have been told that there are high concentrations in the river bottom, of manganese and suspicion is strong that that is where the manganese comes from. 658

Mr. Killen commented to Mr. Poirier that if a Well is a hazard, someone with his background should be able to prove that it is a hazard. If it is a hazard, it is a hazard now, it will not become anymore of a hazard five years down the road.

Mr. Poirier added that they know about things in water that they never understood or anticipated before. Our ability to detect traces of compounds has greatly increased over the last 10 years and considerable research has gone on to try to identify any health hazard associated with these compounds that are found in water. So, it is a very dynamic and growing research area and industry in the water works industry.

Mr. Rys commented that Mr. Polanski mentioned something about the Meriden Landfill having something to do with the contamination and added that the Grieb Road problem was indicated by an expert that came out and mentioned that it is quite conceivable with the way that the water cables run, that some of this material can be coming as far as Rocky Hill and Mr. Smith Smith said that this could be true. There are other Wells in other Towns that have problems and the Cheshire Wells have airstripping devices on them and some of the Meriden Wells also do.

Mr. Gouveia commented that Well #2 is barely safe right now and if the requirement is lowered to 5%, and if you change it tomorrow, would that make it less safe than it is today? Mr. Poirier explained that he would prefer not to use the words barely safe or less than safe. It barely meets the EPA MCL. Whether or not it is safe, that is something that I cannot say, simply because there is so much uncertainty about what the MCL's really do for long term health. I don't mean to minimize the developments or the value of what the EPA is doing but, there are still a lot of questions among between the Waterworks Industry, and health people.

Mr. Ed Bradley felt that the problem in the well has existed since 1980 and 1981 and the manganese in well #3 comes from the river bed and well #3 is adjacent to the Quinnipiac River. Mr. Bradley continued that the DEP and he concur with each other that the well is infiltrated by the Quinnipiac River, both during high and low levels. During the winter, standing between the two wells, there is a big mountain on the other side of the street, the Meriden Landfill and a well should not have been put there. Well #2 is high in organics; well #1 is high in sodium, again a health problem for those with elevated blood pressure. The reports in the newspapers are that the manganese levels range from 3 to 5 times the NCL, on the low side; on the high side, it ranges from 10 to 11 times the NCL. Mr. Bradley said you must look at the short term problem and an aggressive, comprehensive water program. Mr. Bradley asked if it was a good investment to spend this money? The people of Wallingford have a right to know the health factors and they are entitled to good, clean water and Mr. Bradley recommends looking at a short term solution and looking down the road 8, 10 and 20 years from now. Water pressure is also a problem.

Mr. David J. Doherty, 6 Reynolds Drive spoke in favor of this request to give the residents relief and he warned that the worst concentration of manganese, Circle, North Lane and Partridge have, at the next P & Z meeting, a 44 lot cluster subdivision proposed for 29 acres off North Lane and South Curtis Street which will be fed by the same water.

Mr. John J. Magnesi, 7 Partridge Run has a problem with the manganese which discolors the bathroom fixtures and he has an expense removing the stains. Mr. Magnesi pointed out that a woman in the audience brought a number of dishes discolored by the manganese and Mr. Gesert said the point is well taken.

Mr. Robert Beaumont commented that the PUC is planning to address the short term problem, the object of coming before the Council. The PUC is looking to do a comprehensive water supply study, part of which is in the works with regard to surface and the wells. If it appears there will be significant problems, perhaps more will have to be done other than utilizing the wells in the Oak Street area. 659

Mr. Gessert asked if the PUC consultant would recommend providing bottled water to the residents until the problem is resolved and Mr. Poirier said the possibility is to blend the waters of both wells for the sole purpose of diluting TCE in well #2 with the water in well #3 and this may solve two things for the short term-- reduce the manganese level on the one hand and reduce the TCE level on the other hand, a compromise until a manganese removal plan is on line. Mr. Gessert asked the PUC to consider these alternatives.

Mr. Nunn advised the Council that there has been ongoing research over the past years and there have been a number of well sites considered other than in the Oak Street area and there have been a number of borings to determine the quality and the quantity that will be required. Mr. Ray Smith said 7-8 borings were done and one was done this last summer in the Barnes Park area but the quality or quantity was not sufficient. There is a good quantity of water in the well by Community Lake but it has a higher sodium content than well #1. Mr. Nunn reminded everyone that this problem has not been ignored and in addition to that, there has been discussion of putting on a fourth reservoir for which there is land available and with the new Water Treatment Plant on the horizon, it might be the best solution since chemicals that may have been put on the land as much as 10 years ago have migrated into the aquifer and are posing problems today so the possibility exists of eliminating wells long range and going completely to surface water, namely reservoirs and all of these considerations have been looked into by the PUC over the years, in addition to buying water and various degrees of plant treatment and Mr. Nunn wanted to emphasize that work has been done and the PUC has been aware of these problems.

Mr. Poirier wanted to make a point that in the past, everyone felt comfortable with the fact that you had to treat surface water because it was known to be open to contamination but it has only been within the last 10 years or so that people began to recognize the fact that groundwater must be treated the same way since you notice new things in the water that weren't there before and many communities are finding out that free, untreatable ground water is a thing of the past.

VOTE: Unanimous ayes; motion duly carried.

ITEM 17(a). Mrs. Bergamini moved a transfer of \$9,000 from Various Size Services to Structures & Improvements (Strathmore Pump Station), Water Division, seconded by Mr. Rys. (New account established on page 24 and motion repeated.)

Mr. Smith explained that Hayledge Court is near Highland Avenue where there were severe water pressure problems this summer. Mr. Smith said that at budget time, funds were appropriated for a mapping plan and when the Council struck that out of the budget, this line was missed apparently and \$15,000 remained in which was a capital appropriation, really a funding for the mapping. \$9,000 will go toward the Structures and Improvements and the other \$6,000 will go back to Estimated Unappropriated Balance; it just falls back into Retained Earnings.

Mr. Killen said Hayledge Court was promised relief in June and the Council was told that the developer was holding things up and Mr. Smith said he was told the same information; apparently Mr. Mascia did not conceive this would cost as much and just last week, Mr. Mascia was told this could not be a capital appropriation because an asset is being added into the system and you must establish the funds and monies to go into that account. Mr. Killen said he feels like a damned fool now. Mr. Killen said the whole map making project was cut and Mr. Smith said Mr. Denison said there was one place that it wasn't and if not, the monies are obviously not available there and we must go back into Retained Earnings.

Mr. Smith asked if there was an account number 345-000-088 in the budget book itself and it was found on page 9 and Mr. Killen wondered why it was left in and Mr. Smith felt it was an oversight.

660

Mr. Smith said that account 321-088 had to be established first, Structures & Improvements (Strathmore Pump Station).

Mr. Polanski moved establishment of account 321-088 Structures & Improvements (Strathmore Pump Station), Water Division, seconded by Mrs. Papale.

VOTE: Mr. Gessert was not present for the vote; Mr. Killen voted no; Adams, Bergamini, Gouveia, Holmes, Papale, Polanski and Rys voted aye; motion duly carried.

ITEM 17(a). Mr. Rys moved a transfer of \$9,000 from Various Size Services to Structures & Improvements (Strathmore Pump Station), Water Division, seconded by Mr. Polanski.

VOTE: Mr. Gessert was not present for the vote; Mr. Killen voted no; Adams, Bergamini, Gouveia, Holmes, Papale, Polanski and Rys voted aye; motion duly carried.

ITEM 17(b). Mr. Rys moved an appropriation of funds reduction of \$6,000 INCREASE Estimated Unappropriated Balance and \$6,000 DECREASE in Various Size Services, Water Division, seconded by Mr. Polanski.

VOTE: Mr. Gessert was not present for the vote; Mr. Killen voted no; Adams, Bergamini, Gouveia, Holmes, Papale, Polanski and Rys voted aye; motion duly carried.

ITEM 18. Mr. Rys moved a transfer of \$37,500 from Office Contingency to Office Equipment, Electric Division, seconded by Mr. Polanski.

Mr. Walters explained that this is for outfitting the Data Processing Room. Mr. Killen asked for the specifics of the breakdown and Mr. Walters explained that this did come up from Burroughs at a later date. Mr. Killen stated that \$20,000 was for airconditioning the computer room, \$6,000 for dedicated electric circuits, \$12,000 for static free carpeting, \$8,500 for petitions and unknown \$1,500, for a total of \$48,000 and there is nothing about raising the flooring. Mr. Walters said this was their anticipation and some of these things are not needed and others have been recommended by Burroughs, a shift in what they are looking to accomplish. Mr. Killen asked if the work could be done for the \$48,000 figure and Mr. Walters said they don't have a figure on the carpeting but the airconditioning is less costly than what had been provided and they are hoping that this will make it.

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

ITEM 19. Mr. Rys moved acceptance of Easement from the City of Meriden to the Town of Wallingford, seconded by Mr. Killen.

Mrs. Bergamini read Mr. R. F. Smith's memo in this regard. Mr. Smith explained that in order to get the sewer line across, Meriden was granted an easement to the Town of Wallingford to allow them to put that sewer lateral in.

ITEM 19.

E A S E M E N T

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME,

GREETING:

KNOW YE THAT THE CITY OF MERIDEN, a municipal corporation specially chartered by the General Assembly of the State of Connecticut and located in the County of New Haven, hereinafter referred to as the "Grantor"

for the consideration of ONE AND 00/100 (\$1.00) DOLLAR and other good and valuable considerations received to our full satisfaction of the TOWN OF WALLINGFORD, a municipal corporation organized and

existing under the laws of the State of Connecticut, do hereby give, grant, bargain, sell and confirm unto the said TOWN OF WALLINGFORD, its successors and assigns forever the right, privilege, and authority to perpetually maintain a permanent easement and right-of-way for a sanitary sewer including the right to lay pipes and to alter, maintain, repair and replace the same in and through a strip of land owned by the Grantor. Said easement is more particularly described on Schedule A attached hereto and made a part hereof.

Together with the right to flow sewerage through said sewer line or main; and

The Grantor does also grant the right to enter on the land within said permanent easement for the purpose of constructing, servicing, repairing or replacing said sewer lines.

The Grantee agrees for itself and its successors and assigns to restore the land within said easement to as nearly its present condition as possible commensurate with the above provided use of the land and to similarly restore the land at any that it is necessary to disturb the surface thereof in connection with servicing, repairing or replacing said sewer lines.

ITEM 19.

-2-

The Grantor herein reserves the right to itself and its heirs, successors and assigns, to continue to use the land within which the aforesaid easement has been granted for any uses and purposes which do not in any way interfere with the use thereof by the grantee, its successors and assigns, in fulfilling the purposes for which this easement is granted.

TO HAVE AND TO HOLD the above-granted rights, privileges and authority unto the said Grantee, its successors and assigns, to it and its own proper use and behoof.

IN WITNESS WHEREOF said Grantor has signed and sealed this instrument, or if a corporation, has caused these presents to be signed by its corporate officers and its corporate seal to be hereto affixed this _____ day of _____, 1987.

Signed, Sealed and Delivered
in the presence of:

THE CITY OF MERIDEN

BY _____

Its Manager and Chairman
of its Public Utility
Commission

STATE OF CONNECTICUT)
) ss
COUNTY OF NEW HAVEN)

On this the _____ day of _____, 1987, before me, _____, the undersigned officer, personally appeared _____, who acknowledged himself to be the Manager of the City of Meriden, a municipal corporation, and Chairman of its Public Utilities Commission, and that he as such Manager and Chairman, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Manager and Chairman of its Public Utilities Commission.

ITEM 19.

SCHEDULE A

Beginning at a point set in the easterly street line of a town highway known as Grove Street; said point further located as being 205.23 feet southerly on a bearing of south $13^{\circ} 49' 21''$ east from an existing iron pipe marking the northwesterly property corner of said grantor. Said iron pipe also marking the southwesterly property corner of property now or formerly of Joseph and Mario DiNatale and also being in the easterly street line of said Grove Street.

Thence, the center line of the proposed sewer runs straight on a bearing of north $82^{\circ} 13' 00''$ east for a distance of 114.00 feet along land of the grantor herein to a point marking the center line of said sewer to a proposed manhole thence on a bearing of south $16^{\circ} 46' 00''$ east and a distance of 258.0' along land of the grantor herein to a point marking a proposed manhole.

Thence on a bearing of south $7^{\circ} 00' 00''$ east for a distance of 222.0' along land of the grantor to a point marking the center line of said sewer and a point in the northerly street line of a town highway known as Chimney Hill Road; said point further located as being 253.88' easterly of the easterly side of said Grove Street; said sewer easement being 30' wide as shown on

Mrs. Bergamini said this matter with Goldfeder has been going on for five or six years and Mr. Smith explained that he is under order from the DEP to take care of this discharge problem. Mr. Smith said the easement runs across the property south of the airport and will allow Goldfeder to discharge into Wallingford's sewer system and he has pre-treatment requirements. Mrs. Bergamini felt that this man has never done what he was told and she asked who would monitor this--Mr. Smith was sure Jim Kirkland would monitor it carefully since he is very apprehensive about it. Mr. Smith is satisfied with the easement and Engineering has verified that the document supports the actual field conditions. Mrs. Bergamini asked how much time, after this goes into effect, Mr. Goldfeder has to connect to the sewers and Mr. Smith said the order is from the DEP. Mr. Smith explained that Mr. Goldfeder has his own treatment plant with a discharge permit into the Quinnipiac River and there apparently has been a violation to that discharge permit and the state has ordered him to take corrective action and one of the alternatives was to discharge to Wallingford's sewer system on Grove Street in Yalesville.

VOTE: Mr. Gessert passed; Mrs. Bergamini voted no; Adams, Gouveia, Holmes, Killen, Papale, Polanski and Rys voted aye; motion duly carried. 663

ITEM 20. Mr. Rys moved a transfer of \$10,000 from Contingency to Mechanical/Electrical/Parker Farms School Capital Project Fund, seconded by Mr. Holmes.

Mr. Rys explained that this transfer is to replace wires from the pole service box which were contaminated by water.

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

Mr. Killen moved to waive Rule V to discuss Yalesville School, seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen asked the Mayor if any money has been put aside now that Yalesville School has been turned over to the town to maintain the school for the balance of the fiscal year and Mayor Dickinson said no money has been put aside. Mr. Killen recommended that the Director of Public Works and the Comptroller look through the other accounts, especially since some of these buildings will be abandoned, to see if they can't come up with some money for maintenance.

ITEM 21. Mrs. Bergamini moved, for discussion, approval of clean-up work in old Community Lake bed, seconded by Mr. Killen.

Mr. Gessert read a portion of Mr. Philip A. Wright, Jr.'s letter of August 20, 1987 pertaining to this item. Mr. Gouveia asked if any of the students were hurt, who would be liable? Mr. Wright said that Mr. Sylvester is here from Choate and he will address that subject. What is anticipated at the very most is students using hand tools and there is no power equipment involved.

Mr. Wright commented that Choate students have done this in the past. Mr. Sylvester of Choate said Choate students have done 4 projects in the past and there has never been a problem and the school does have insurance to protect itself against action from students, as well as to protect the grounds crew in using a chain saw. The mission of the students would be to haul the felled trees to a part of the lake where they could be chipped up and hauled away. Mr. Gouveia is concerned about the town's liability since they are working on town property. Mr. Sylvester said the plan of action was to have the trees cut ahead of time by the grounds crew and there would be no tree felling at the time, just a question of hauling the downed trees.

Mr. Gouveia asked about the supervision of the 200 students and Mr. Sylvester explained that this is part of a community service day with 1,000 boys and girls and 100 faculty members supervising, one of fourteen projects. Last year, there were 100 Sheehan and Lyman Hall students involved and Mr. Sylvester hopes that there may be that many or more this year and they planned to use them at the cemetery and the five parks and they were not planning to use Lyman Hall or Sheehan students at Community Lake.

Mayor Dickinson commented that the community project day program has gone on for several years and it has really worked very well and the Mayor commends Choate-Rosemary Hall for the help that they do render the town. The Mayor raised one question--whether there is any problem with DEP--what he wouldn't want to have happen is to allow erosion and other elements of refuse into the river and end up with violations of the environmental statutes. Mayor Dickinson said that by removing trees, brush, etc., the area is denuded and will start washing away with a heavy rainstorm. Mayor Dickinson knows that at the point the lake is restored, removal of the berms is a problem because of that--you are not supposed to end up with any increased silt going downstream and before we could move ahead, it should at least be contingent upon checking it out with DEP. Mr. Sylvester said they did ask this question at the last Community Lake Study Committee Meeting of the DEP man and he said that before the lake is restored, all the trees would have to be removed and there is a particular grove of

about 50 trees near the Choate boat house that have trunks 3" thick, 20 feet tall and it was felt it would be a good time to remove them.

Mr. Wright said that what they did speak with Chuck Berger who is a engineer in the Department of Environmental Protection and this issue was raised and he felt there was no problem with removing the trees as contemplated. The trees along the river are not being discussed but instead back much further and that would make it less likely that there would be any increase in siltation and the Mayor's point is well taken. (664)

Mr. Gessert welcomed this participation. Mr. Killen asked if this work would be coordinated with Steve Deak and Mayor Dickinson said that every year, Public Works provides the pickup and this will be coordinated with Mr. Deak.

VOTE: Unanimous ayes; motion duly carried.

Mr. Killen moved to waive Rule V to consider another matter for Mr. Wright, activation of Flood and Erosion Control Board, seconded by Mr. Gouveia.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert read from a letter dated August 19, 1987, "In consideration that the State of Connecticut will provide, at no cost to the Town of Wallingford at this time, the Feasibility and Impact Evaluation Study for the Quinnipiac River. . .we request that the Town Council appoint or activate their Flood and Erosion Control Board in accordance with the Connecticut General Statutes and in accordance with the Town ordinance of 1979."

Mr. Gessert said that a request for a review of the Flood and Erosion Control Ordinance was sent to the Town Attorney's Office in July to be investigated because there was a conflict with State Statutes which reads that such board shall contain no less than five people and no more than seven and the Town Council who is the Town's Flood and Erosion Control Board had 9 members and he does not think this issue has been resolved. Attorney Mantzaris said he has not written a recommendation but he is aware of the charge. Mr. Mantzaris continued that the statute is very confusing--he has sent to the Legislative Library for a history on the statute and a history on the amendment which added the "no less than five, no more than seven," neither one of which was informative on what the statute really means. The statute also reads that in a town with a population of less than 25,000, the Board of Selectmen can be the Flood and Erosion Control Board and then it goes on to say that in each city or borough, the legislative body, Council, Board of Aldermen or authority having power to adopt ordinances can be the legislative control board, without any reference as to how many people might be on those bodies in a city or borough. Attorney Mantzaris felt that is inconsistent with the first part where there can be no less than five, no more than seven. Attorney Mantzaris explained that the Flood and Erosion Control Board is a very powerful board--it can levy taxes; it can condemn property; it has the powers similar to that of a Town Council in its ordinary legislature and with that confusion, it is the opinion of the Town Attorney's Office that Ordinance #267 complies with the statute--the full Council should have that authority and inasmuch as its given to cities or boroughs regardless of population, he doesn't understand why a town the size of Wallingford should not fit in that category also. Precisely, Attorney Mantzaris cannot say which of those would control and he understands it has been discussed with one member of the Department of Environmental Protection and he feels that our ordinance does comply with the statute and the Town Attorney's Office would rule that the existing ordinance complies with Statute 25-84.

Mr. Gessert would prefer not to take action on this item until he receives that opinion in writing and at that point, he would be happy to put this item back on the agenda. Attorney Mantzaris apologized for not having the opinion tonight but he did not realize this item would be on the agenda. Mr. Wright said the DEP cannot begin entering into contracts with the study until a letter is received from the Town Flood and Erosion Control Board asking them to do so.

ITEM 22. Mr. Rys moved to waive the bidding procedure for the purchase of a 1987 Yankee Coach demonstrator Ambulance, seconded by Mr. Polanski. (665)

Chief McElfish referred to the letter dated August 12, 1987 written by Assistant Chief Wayne H. Lefebvre pertaining to the Ambulance Research Committee to determine which type of unit would best serve the community.

Mr. Gessert asked if the response was checked out since diesels are not known for good acceleration and Mr. Lefebvre said it has been driven by the paramedics and Chief McElfish added that Ford and G.M. will probably not have gasoline engines from 1988 on. Mr. Gessert asked if prices of other vehicles were checked and Mr. Lefebvre said the next step up from this is \$65,000 to \$70,000 since the market went crazy from the initial estimate to this spring. There is \$55,000 budgeted for this item which includes lettering and delivery and a 30 day delivery, perhaps a little longer. With the money available, cabinetry will be added.

Mr. Killen asked if the Committee limited itself deciding that this was the only type of vehicle they would be interested in and Mr. Lefebvre said that is the only manufacturer the industry is using right now--Ford is the only chassis power plant available. The manufacturer might be able to get a Dodge, etc., if available. Mr. Killen does not like to see specs built around a particular item when going out to bid unless it's all that is available. Mr. Lefebvre said the cut-away model is the type 3 they are interested in to allow walking from the cab to the patient compartment--it was bought the last time and everybody really liked it vs. getting out of the vehicle and going through the back door. Mr. Killen felt there are numerous reasons to waive the bid and this is fine with him.

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

ITEM 23. Mrs. Papale moved a transfer of \$3,825 from Repave Fire Headquarters, \$58 from Paving, \$95 from Electric Range and \$861 from Scott Air Paks, a total of \$4,839 to PAVING/EAST WALLINGFORD, seconded by Mr. Polanski.

Mr. Polanski asked if this fire house was about the same size as Cook Hill and Chief McElfish answered that it was and Mr. Polanski asked why more parking space was needed. Mr. Lefebvre explained that they have two driveways and Cook Hill has one driveway. Mr. Polanski asked what the paving cost at Cook Hill and Mr. Lefebvre said it was approximately \$7,000 and the paving at Company 8 ran over \$12,000--the work has not yet been done. Mr. Gessert felt that the parameters were set when the \$10,000 was appropriated. Mr. Lefebvre said it was assumed the square footage was the same but Tilcon-Tomasso determined they were not the same. Mr. Polanski asked for the total amount for paving East Wallingford and Mr. Gessert said it would be \$14,839. Mr. Gessert felt that \$10,000 is more than enough and if the job can't be done with \$10,000, they will have to live with crushed stone.

Mr. Gessert felt that he would buy items to fight fires or save lives, but. . . Mr. Polanski added that \$10,000 was budgeted for paving and they can get \$10,000 worth of paving as far as he is concerned. Mr. Rys pointed out there is no in and out entrance like Central and this needs to be noted since all this is doing is paving the back parking lot. Mr. Killen wanted it clear we are talking about volunteers--we estimated wrong and if we don't want to give it to them, let's not make them feel as though they did something wrong. Chief McElfish said they had the figure for 5 or 6 years and it had never been approved.

VOTE: Council Members Adams, Gouveia, Killen and Papale voted aye; Bergamini, Gessert, Polanski and Rys voted no; Mr. Holmes was not present for the vote; MOTION DID NOT CARRY.

Chief McElfish said they are going to look at the new pumper September 20-21-22 and will hopefully have it delivered around October 1; the ladder truck should be around November 1.

Mayor Dickinson suggested looking at what space is necessary for the parking and how many cars have to use the area. Mr. Gessert

said \$10,000 is the limit and we are not going to discuss it any further.

6666

ITEM 24. Mrs. Bergamini read and moved the following resolution, seconded by Mrs. Papale.

Resolution
General Fund

Whereas the Town of Wallingford Police Department in accordance with municipal ordinance participates in the Federal Seizure Program

And whereas the Town of Wallingford General Fund has received and deposited a check from the Federal government in the amount of \$5,580.00 on August 28, 1987 attributable to the Federal Seizure Program

Now therefore be it resolved:

the 1987-88 General Fund Revenue Budget is amended as follows:

<u>Account Number</u>	<u>Title</u>	
	Federal Grant	
001-1050-050-5870	Federal Seizure Program (Police)	\$5,580.00

the 1987-88 General Fund Expenditure Budget is amended as follows:

<u>Account Number</u>	<u>Title</u>	
	Police Department	
	Administrative	
001-2011-999-9903	Capital (Federal Seizure Funds)	\$5,580.00
	Photo ID's and Replace Walkie-Talkies	

Mr. Polanski asked for a breakdown of the cost of the photo I.D.'s and the walkie-talkies and Bill Butka said there is approximately \$2,000 for photo I.D.'s since they have not been changed in 30 years and they are not aware of the cost of walkie-talkie repairs. Equipment will be purchased to allow photo I.D.'s to be made at the Police Department and they will also be made for other town employees, constables, etc. Mayor Dickinson said the items were filled in by Tom Myers and himself and if they are incorrect, it is not Lt. Butka's fault.

VOTE: Unanimous ayes; motion duly carried.

ITEM 25. Mrs. Bergamini moved acceptance of roads in Saw Mill Colony--Saw Mill Drive and a portion of Reene Lane, seconded by Mrs. Papale.

Miss Bush said this development was built in the late 1950's and never accepted by the town and we now have a deed; it's been maintained and considered a town road for 30 years. Mr. Killen asked if no bond was required and Miss Bush said that the records from 1959 and 1960 are not that great.

The reason this came to light, according to Miss Bush, is that the town holds a mortgage on a lot in East Wallingford and they want us to release that and she believes it's around the Signal Hill area.

Mr. Killen asked if Engineering has reviewed this and Miss Bush said Engineering wrote the legal description for the deed and even if the road is not to town standards, we have been maintaining it for 30 years and she assumes something was wrong and it was never accepted but nobody knows the reason why it was never accepted 30 years ago.

Mrs. Papale asked if these roads were not accepted, would Miss Bush feel the town should stop maintaining them? Miss Bush said we would have to tell the developer what we would have to do to get the town to accept the road--some work not completed 30 years ago.

VOTE: Mr. Holmes was not present for the vote; Mr. Gessert voted

no; Adams, Bergamini, Gouveia, Killen, Papale, Polanski and Rys voted aye; motion duly carried.

6608

Mr. Rys moved acceptance of a 100,285 square foot parcel of land from Don Murchie, Inc., between Mansion Road and Nod Brook Circle, seconded by Mr. Polanski.

Mr. Gessert explained that the purpose is to provide an exit onto Mansion Road for the town. Miss Bush said there is no cost and it's not a good piece of land--when Nod Brook subdivision was approved, only one means of access was required and there are 70 to 80 lots there. The town accepted a piece of property from Mr. Murchie abutting Mansion Road prior to 1982; this piece would be between the piece the town already owns and the rear lot of some Nod Brook property--we have a right to pass over this property but it was offered to the town. Mr. Killen wanted the description of the land included with the minutes and the deed is included on pages 34 and 35 of these minutes.

FORM 173A CONNECTICUT - WARRANTY DEED

REV. 8/81



TUTTLE, BLAU & CO. REGISTERED U. S. PAT. OFFICE
TUTTLE LAW PRINT. PUBLISHERS BURLINGAME, CA. 94010

To all People to Whom these Presents shall Come, Greeting:

Know Ye; That It, DON MURCHIE, INC., a Connecticut corporation having a principal place of business in the Town of Southington, County of Hartford, and State of Connecticut,

for the consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATIONS,

received to its full satisfaction of THE TOWN OF WALLINGFORD,

does give, grant, bargain, sell and confirm unto the said TOWN OF WALLINGFORD, its successors and assigns forever,

ALL THAT certain piece or parcel of land with the improvements thereon, situated in the Town of Wallingford, County of New Haven and State of Connecticut, being shown as "To be deeded to the Town of Wallingford (Wetlands)" on that certain map entitled "Subdivision Plat Plan Land of Don Murchie Inc. South Turnpike Road Wallingford, Connecticut Date: Sept 4, 1986 Scale 1" = 100'" by Juliano Associates, which map is to be filed in the Wallingford Town Clerk's Office.

Said Parcel is further bounded and described as follows:

NORTHEASTERLY
AND NORTHERLY: by land now or formerly of Marjo Corp. 339.17 feet and 23.55 feet, respectively;
EASTERLY: by land now or formerly of the Town of Wallingford, 268.30 feet;
SOUTHERLY: by other land of Don Murchie, Inc., being a bent line as shown on said map, 147.29 feet and 107.66 feet;
WESTERLY: by Nod Brook Section 4, 419.01 feet.

All lines and dimensions are to conform in every respect as delineated on said map.

The Grantor reserves for itself, its successors and assigns forever, a right of way for all purposes on that fifty (50') foot wide strip of land running in a general west to east direction to Mansion Road as shown on the aforementioned map.

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto it, the said grantee, its ~~xxxx~~ successors and assigns forever, to its and their own proper use and behoof.

And also, it, the said grantor, does for itself, its / ~~xxxx~~ successors, executors and administrators, covenant with the said grantee, its successors, heirs and assigns, that at and until the ensembling of these presents, it is well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and has good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, it, the said grantor, does by these presents bind itself and its successors, ~~xxxx~~ executors and administrators forever to WARRANT AND DEFEND the above granted and bargained premises to it, the said grantee, its successors, heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, it has caused ^{to} have hereunto set . its hand and seal this 7th day of April, in the year of our Lord nineteen hundred and eighty-seven. Signed, Sealed and Delivered in presence of DON MURCHIE, INC.

Leon J. Gouin
LEON J. GOUIN

BY: Donald M. Murchie
DONALD M. MURCHIE, President
Duly Authorized

Roderick L. Murchie
RODERICK L. MURCHIE

Please execute this document in the presence of two witnesses and a Notary Public who should complete the acknowledgment and affix his or her impression seal and the date upon which his or her commission expires. Under the signatures of the witnesses and the Notary, their names should be either printed or typed in. The Notary may serve as one of the two witnesses if you so desire.

State of Connecticut, }
County of New Haven } ss. Wallingford April 7, A. D. 1987

Personally Appeared Donald M. Murchie, President of DON MURCHIE, INC., duly authorized,

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said corporation, before me.

Leon J. Gouin
LEON J. GOUIN
Commissioner of the Superior Court

Latest address of Grantee:
No. and Street _____
City _____
State _____ Zip _____

Title of Officer

APPROVED AS TO FORM ONLY
OFFICE OF THE TOWN ATTORNEY
BY: [Signature]

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

ITEM 26. Mrs. Bergamini moved to purchase the real covenants dealing with sanitary sewer use charges attached to and running with the premises owned by Paul Gough at 1 Kingsland Avenue and owned by Dwayne A. Braithwaite and Michelene G. Braithwaite at 26 Kingsland Avenue and, if necessary, to acquire said covenants by eminent domain pursuant to State Statutes, seconded by Mr. Rys.

Mr. Henry Renfrew, Rights-In-Deeds Steering Committee, 25 Audette Drive read the following statement to be included in the record:

On behalf of the Right-In-Deeds Steering Committee, we wish to comment on Mayor Dickinson's proposal to condemn the agreements. We support any movement to reach a settlement but have little

faith in this latest attempt to resolve this issue. The Mayor seems to think that negotiations with us has failed. We disagree. At our only negotiation with the Mayor, he presented an offer considering our agreements as property rights and not contractual rights. We refer to this as his bedroom/bathroom offer. We tried to discuss several other issues but the Mayor refused. Specifically, we wanted to discuss the proposed imposition of liens on our property and the back payment issue regarding the Audette Drive and Kondracki Lane residents. Now the Mayor comes before you, requesting that you approve condemnation on two residences. It is important for you to remember the following before you vote. (670)

In December of 1986, the PUC began billing affected residents the full sewer rate. Some of these persons are senior citizens on a fixed income. This action was taken without a clear warning to the affected residents. In February, 1987, the PUC considered our agreements null and void which this Town Council allowed to happen by failing to over-ride the action and the Board of Ethics refused to consider our appeal that the PUC violated the Town Charter.

For eight months, we have fought to be heard in this town. We have been repeatedly presented to you as a group of citizens without a valid cause. We have been forced to organize and spend thousands of dollars to be recognized. Why? Because to the town, our contracts had no value for eight months. Now we have filed a lawsuit against the town and finally attracted the Mayor's attention. We have an offer of over a quarter of a million dollars for our agreements. I ask you--should the Mayor offer us a quarter of a million dollars for a worthless document? Now we are passing into a new situation. Obviously, the Town now considers our agreements valid, but only as a property right. We consider them a contractual right. Our agreements may in reality be a combination of both. We believe that the question can best be resolved by negotiations or by Superior Court under our lawsuit. Through our lawsuit, we have the right to ask the court to stop condemnation. We will consult with our attorney regarding the latest move by the Mayor and advise this town as to our position.

In reality, since the PUC hired an attorney over two years ago, it clearly had the opportunity to condemn our agreements long ago. Instead, the town chose to rip us off and treat the agreements as worthless.

We are here today because we chose to protect our rights. The town obviously has not from the beginning of this issue been concerned about the rights of citizens.

In closing, we support open dialogue but will consult further with our attorney. We wish we had more faith in the ability of the town to resolve this issue. We have been forced to pay thousands of dollars. Someone should reimburse us. After eight months of arguing whether the contracts are valid or not, we are now arguing contractual vs. property right. Is there any doubt that we were right from the beginning? The contracts are valid. Let's set a fair price and settle this issue and save the \$15,000,000 grant before it is too late. Thank you.

Dwayne Braithwaite, 26 Kingsland Avenue agrees with Henry that he has been billed since December for something you don't own--he has been charged 10% and forced to get an attorney and had a lien placed on his house which was rescinded on Friday. Mr. Braithwaite came before the Mayor initially and was told that it could not be condemned and it was strictly contractual and then the argument pursued. Who will reimburse him for 9 months of suffering in this work and the thousands of dollars that residents have spent in this area to find out what they thought was true in the first place was indeed true. The Connecticut Statutes, under the rights of sewer charges and what not, if our right is condemnable, it is conceivable that we were never informed that our rates would change, continued Mr. Braithwaite. Other sewer users without this agreement effectively had a public hearing--this group did not and under the State Statutes, a hearing must be held when there is a revision to any usage sewer system charge and under that, there is also a right for appeal to Superior Court--Mr. Braithwaite has never had his right to appeal.

Mr. Braithwaite said there was a question asked at a public hearing

and it may be that the question addressed was that of the Westview Hills area and it was deemed in the best interest of the town not to bring that to court at that time. His first assumption, if this is correct, is that this town has cost him a lot of money, pain and aggravation--for 35 families there since, after 9 months, it is determined that this is a property right and can be condemned. Mr. Braithwaite does not see any clear-cut leadership on the town in resolving this problem. 671

Mr. Braithwaite would welcome somebody taking something to court to get some sort of judgment from a judge because he thinks they will find out all the assumptions made beforehand, the thousands of dollars the town has spent on Norbert Church, Wiggins & Dana and appraisers. . .he doesn't understand it and he feels all the citizens have every right to be upset about the way this has been handled. If you want to condemn them, go ahead.

Mr. Gessert did not want to engage in a lengthy debate but this thing has gone around and around for a long time and he is not sure that this is the best action to take; however, if this is the action to get it into a court system where it can be resolved on an unemotional basis and the legal people can sit down and argue their case and the judge can sort through the facts and it facilitates that process, then he feels it is worthwhile to pursue. Mr. Gessert is somewhat confused from some comments made because comments were made indicating that only certain dollar amounts would be acceptable several months ago and several weeks ago, it was said you didn't care if you didn't get a dime for the whole contract--it's the principle of the thing. Mr. Braithwaite said it is not the money.

Mr. Gessert asked, if it's the principle, do we send a letter to the PUC telling them they should have notified everybody before they proceeded with this, or take some other punitive action--does that satisfy one's feeling of principle or is it dollars? In some cases, it's principle and in others it's dollars. We sat down and talked dollars with the Mayor and the Mayor put a proposal on the table and the proposal was taken and a counter-proposal was not made at that particular time.

Mr. Gessert said that if this administration tries to negotiate individual agreements with 335 people and they succeeded in doing one every two days, it would be two years before it is resolved. There may be 335 opinions on the satisfactory remedy and Mr. Gessert feels that going into a court system is probably the best idea.

Mr. Paul Gough, 1 Kingsland Avenue feels that his privacy has been violated because of the actions of the town and last Tuesday night at the PUC meeting, the right to free speech was violated by this town and the contract rights are in some way being violated and he believes Mr. Gessert was quoted as saying there are no clear cut leaders--there are elected leaders. Mr. Gessert explained what he told the newspaper--he said he didn't know if Dwayne Braithwaite sat down with the Mayor and came to an agreement on a particular number and Dwayne said fine, I'll buy that, and he could take that and it would be agreeable to 335 people. Mr. Braithwaite asked how the Mayor knew when he sat down with the Ashlar Village people and negotiated an agreement that that would be accepted by the 9 members of the Town Council--you present something and you vote on it. The offer was presented to the Mayor's Office and he was told at that meeting that it would take several weeks to get that information out and it was assumed that the group would return after the results of the poll were obtained. Replies were requested by August 30 and the Mayor should have received a letter today informing him that his offer had been rejected and we would hear from him if he wanted to talk to us any further. It was assumed that negotiations would continue but the Mayor didn't communicate that negotiations had broken down.

Mr. Braithwaite did believe that there would be a large consensus of what to do with the PUC in this matter. The town is in this position because of this branch because, in Mr. Braithwaite's view, the Mayor filed some documents indicating there were no problems and this turns up. This group is rushing now against a deadline--completion of that plant.

Mr. Braithwaite said a class action lawsuit has been filed and therefore there is already a case in court and they do not need a condemnation case to bring this to a judge's decision. Mr. Gessert replied that he was not a lawyer. There are people in the neighborhood who were afraid Mr. Braithwaite would lose his house because of this and there were people intimidated by the PUC and liens and ran to pay their bills--he doesn't think people should be afraid of town government when exerting their rights. Mr. Braithwaite felt that a public hearing will be held and they may or may not get a decision and they feel it is within their rights to block it by injunction. The town must find some way to resolve this and make the people of Westview Hills unified since they have done so much to antagonize them. It will be very difficult but they will do their best to get a consensus. They are willing to negotiate a settlement but if you want it to be resolved in court, it's fine with them. 672

Mr. Henry Renfrew mentioned that at times, members of their group make individual statements to the press and it is important that the Town Council recognize that there are six members on our committee, very unified and strong and all issues and positions are discussed fully. Mr. Renfrew felt that what may be happening at times is that statements made by individuals or even himself are interpreted as a full position. Mr. Braithwaite has had numerous phone calls and has expressed himself as a good leader and he is very proud of the positions he has taken but at times it does not reflect the responsibilities of the committee and there may be some confusion about the statements he has made as an individual and as our leader. The steering committee is responsible for collectively the statement that was given tonight as an example of the unified voice of the entire committee and this should be read.

Mr. Polanski asked how many people responded to the survey and the response was more than half. Mr. Polanski said this situation began a long time ago but has reached this level because of the grant. Mr. Polanski was disturbed when the Mayor presented an offer and the committee refused to give an offer and Mr. Killen and Mr. Polanski were ignored when no negotiations took place during the first session. Mr. Braithwaite explained the reasons for not going in there since they were offered \$1,000 and their figure is \$5,000 and everybody says meet in the middle at \$3,700. The Mayor is correct that there is a battle going on right now--are these based on contract or a property right--the Mayor's figures were based on property rights and the Rights-In-Deeds group's figure was based on contract and even the newspaper misinterpreted the proceedings. Mr. Braithwaite challenges the Mayor that if his assumptions are true, please condemn his contract because he thinks a judge will throw this thing out.

Mr. Polanski felt it should have gone to court from the beginning and whatever is determined, the Council must look out for the other tens of thousands of people in town--what will the others say if a decision is made that benefits one small group in town.

Mr. Adams said Mr. Renfrew and Mr. Gough have made it quite clear that they haven't given up on the possibility of reaching a settlement, hopefully something that would be a fair price, and the Council must be concerned for everyone and having a \$15,000,000 grant for the Sewer Treatment Plant is extremely important.

Mr. Adams felt that a little more time should be given to look into a settlement since time was taken to work out the agreement with Ashlar Village and perhaps tonight is the impetus needed to reach a settlement and he does not want to see a development which will bring more disharmony.

Mr. Gouveia asked if these deeds were legitimate or not; in the past 30 years, the town has strengthened the legitimacy of these deeds by accepting the money the deeds called for and look what happened in the last 7 months after the town unilaterally breached the contract with these people, engaged in a series of contradictory activities which serve no purpose whatsoever other than play havoc with people's emotions and to augment the legitimacy of these agreements--nothing more than that. Mr. Gouveia said that immediately after the agreements were voted void, \$500 cash or \$700 credit were offered to these people and after that, there were recommendations for negotiations and some negotiations took place, an appraiser was hired by the town and he came up with a figure of \$700 to \$1,100 and the latest thing is that the town acknowledged that these deeds have some property rights, real value. Mr. Gouveia is troubled because he sees a great deal of contradictions and

673

he noticed there were two names in the condemnation motion and he would like to know who these two names were arrived at. Attorney Mantzaris did not select the names but they were taken from what Attorney Farrell said in the paper--they represented the two ends of the values, one being on the high end and one being on the low end and since only two are being selected for purposes of condemnation, that would be the most practical and, if you want to call it this, education for the rest of the people. Mr. Gouveia asked how the value was arrived at--one \$400 and one \$1,200 and Mr. Mantzaris said that was done by the appraiser. Mr. Gouveis said it was mentioned that the property right goes with the people in the house or does it go with the people in the house. Mr. Mantzaris said the appraiser determined the value and the judge will decide. Mr. Gouveia asked under what state statute these property rights are being condemned and Mr. Mantzaris said it was 48-6.

Mr. Ronald C. Donath, 43 Carr Street feels that if the town admits that they should buy these rights, his offer has been \$5,000 all the way through because it's the dollars that matter to him.

Mayor Dickinson said that no action has been taken by his office without a great deal of thought. It is quite evident that no matter what anyone negotiates, everyone else could take a different opinion. The leaders can be entitled to negotiate for 350 people but they cannot bond anyone other than themselves to whatever a figure happens to be--there is not that authority. The analogy to the vote on Ashlar Village is incorrect because the town can and does legally bind the town of Wallingford. The Rights-In-Deeds persons in the audience all began to talk at once and no one person was clear.

Mayor Dickinson asked if someone decides not to agree with your figure, what is your remedy? Someone answered an attorney would be hired and the Mayor agreed that once again, the Town of Wallingford deals with one individual--you have no legal authority to impose a figure on any member of your group.

Again, the entire group began speaking at once and Mr. Killen pointed out that this group will ask for accurate records and the tape can only pick up one person speaking at a time.

Mayor Dickinson stated that legally, the Town Council has the ability to bind the Town of Wallingford. Your group, rightfully elected, does not have the legal ability to bind anyone out there, a leader or anyone else and if any one of you decides you don't like what was negotiated, you can go off on your own and there is no way the Mayor knows of that the elected leaders can bind anyone to the figure they negotiate which puts the Town of Wallingford ultimately in the position of possibly dealing again with 350 odd people individually. For that reason, the Mayor posed this question to the Council, if the figure should be one over the appraisal figure, which of you, knowing that there is an appraisal figure lower will vote to appropriate funds at the higher figure? You have to ask yourselves that, continued the Mayor. In the Mayor's opinion, he does not see too many of you, at least the majority of you doing that. You will want some objective standard to be able to turn around to the entire community and say this is the money we must raise through whatever means in order to solve this problem--without that objective standard, you are going to be second guessed from here until the day you die as to whether that was too much--that is the reason for the condemnation action. The pending actions in court will not bring to issue the acquisition of that right by the Town of Wallingford--the condemnation action will and it will settle the issue of whether it is a property right or a contract right. The lawsuits that have been filed by the Rights-In-Deeds indicate that as a property right which runs with the land and they also argue that it is a contract right. Mayor Dickinson does not have any problem with that--you can plead alternatively and argue alternatively in any court in this country and you can argue that way on any issue, just as has been done by both sides in this case, both the Town of Wallingford and the Rights-In-Deeds argue both sides, looking to present the best light on their case. It's one more thing that has to be dealt with but we are not going to make any

674
headway with this until we have some objective standard and that means (1) using an appraisal figure that you can use and justify the raising of funds and (2) solving the whole contract vs. property right issue which, in the Mayor's opinion, will not be solved by the pending lawsuits.

Susan Cone, 18 Audette Drive asked what the condemnation would cost the town and Mr. Gessert did not know what the figure would be. Mayor Dickinson said we are proceeding at this point with two actions and those two actions should give some indication of what the legal parameters are; what follows after those actions come to conclusion has not been decided but we need to know is that appraisal figure accurate and is it a property right or is it a contract right? Mayor Dickinson has right along stated that he supported a settlement of the issue.

Mayor Dickinson thought that if he had not supported a settlement, then you could raise the issue of the action by the PUC voiding it and they were worth nothing. Mayor Dickinson has never indicated that he felt it was worth nothing--he has indicated from the beginning that he supported a settlement of the issue but we are not going to get anywhere by arguing individually over the amount of dollars.

Mr. Killen has a problem with the amount of information on the paper and he found flaws in things thrown at the Council. Mr. Killen would like to know how a conclusion was reached that this is the best way to go and he would like to see a letter now of which the PUC has a copy indicating an opinion that this is the way to go and they also have the reasons the appraiser reached his choices and these things have not been sent to the Council. Mr. Killen feels that he needs more than this to vote tonight. Attorney Mantzaris explained that all this is doing is authorizing condemnation and Mr. Killen wanted to know why we are going to condemnation and the background on this being a contract since he hasn't seen anything from the Town Attorney's Office on this--everything has been from an outside attorney. Attorney Mantzaris felt that ultimately, this is probably going to have to be decided by a judge and this is the only avenue to protect the town's interest. Attorney Mantzaris mentioned at a July meeting that he had been sent copies of proposed lawsuits by the Rights-In-Deeds attorneys and neither of those lawsuits would answer the question from the town's point of view--both lawsuits sought to have the condition continue as a valid condition in one case and in the other case, they are asking for refunds for overcharges and in neither of those lawsuits could the town have used its argument that these are property rights and we ought to take them under condemnation which is what we are seeking to do now. Those lawsuits will not serve the town's purpose in proposing a uniform sewer use charge to allow the \$15,000,000 grant. It's a question of whether it's a property right and condemnable and therefore we can take it away and satisfy the requirement of federal statute--the only way possible is by eminent domain and that will bring the issue straight on to a judge of a Superior Court and will probably be appealed by the losing side and our Supreme Court will eventually answer this but at least the process will be in place to achieve a uniform rate structure and receive the \$15,000,000 grant and there is no other way, except through condemnation, stated Attorney Mantzaris. It does not seem that negotiations will prove very fruitful in a short period of time. The Town Attorney's Office concurs with the Mayor's recommendation to proceed with condemnation of these two to begin with and, if successful, it will set the stage for the balance of it.

Mr. Killen would like to see all this in writing so he can do a little homework. Mr. Gouveia said Section 7-247 is one of the sections and the following section 7-247(a) says that no municipal water pollution control or authority shall construct or for any part of sewage until after a public hearing at which the affected property owners of the municipality shall have an opportunity to be heard and if that's the case, this problem was known in 1985 and negotiations were held with Masonic before 1985, even before these people were aware that they were being impacted by this action.

Mr. Gouveia said the option available now was available before and why jerk around with these people? 675

VOTE: Bergamini, Polanski, Rys and Gessert voted aye; Adams, Gouveia, Killen and Papale voted no; MOTION DID NOT CARRY.

ITEM 27. Mrs. Papale moved to authorize the Mayor to sign Enhancement 911 Emergency Telephone User's Agreement with State of Connecticut, seconded by Mr. Polanski.

Mr. Killen asked if the town is responsible if this system broke down and Mr. Hacku said we are insured against loss and loss could mean flooding, lightning strike, etc. and there is a service contract yearly, a cost of around \$2,000 per year right now. The State will place the equipment and retain ownership of it and there are two positions but one public service answering position in each city. Mr. Polanski was concerned that if something were to happen at Central Fire Station, we would lose the whole system. Mr. Hacku said we have had 911 all these years and there is a backup system.

VOTE: Messrs. Gessert and Gouveia were not present for the vote; all other Council Members voted aye; motion duly carried.

Mrs. Papale moved to waive Rule V to consider a transfer for the Police Department, seconded by Mr. Polanski.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Papale moved a transfer of \$3,000 from Council Contingency for Emergency to Telephone, seconded by Mr. Killen.
(New motion on page 44.)

Mayor Dickinson explained that the Police Chief brought to his attention that the change in the 911 system will necessitate some changes at the Police Department. Mr. Hacku checked on it and ultimately SNETCo. was contacted and the Mayor's Office had contact with Kathy Mellilo of SNETCo. and from the conversation with her, currently the Police Department has a 10 button set and a console, two places where the dispatcher has to answer the phone. When the enhanced 911 comes in, the lines from the Fire Department are needed--what is there currently cannot handle the enhanced 911 capability and those new lines have to come over and that is not a cost; however, they recommend that we add another two circuit packs but that would mean three sets a dispatcher would have to answer and in an emergency situation, it's ridiculous to have three sets of phones. The Mayor said that in order to avoid three sets and have two sets and be able to use a console requires two circuit packs and that is what costs the \$3,000 and it is not money the state will reimburse the town for. Lt. Butka said there must be a backup system and the Police Department is at full capacity at this time and they must have those cards, a one-time cost. Mrs. Bergamini has no problem with the transfer but she has a problem with where the money is coming from.

Mr. Polanski asked how a 911 call is presently handled and Mr. Hacku said the Fire Department has SNETCo. and the Police have Sonnetcor and they must put an adapter on a key button set. Lt. Butka said the Police Department handles 30,000+ calls a year, one person, and that's a tremendous stress to put on people in the emergency area in the Police Department.

Mr. Polanski agreed with Mrs. Bergamini that this \$3,000 could be found in the Police Department Budget; I'll lay odds they are not up to full staff and there thousands of dollars in wage accounts which will be transferred later and unless it can be proven there is no excess in the wage account, he will not vote for this transfer. Lt. Butka did not know which account the money could be taken from and the equipment is already scheduled to be put in and this should be resolved now. Mr. Killen felt that this didn't happen overnight and Lt. Butka said the Police Department just found out about it. Mrs. Bergamini asked Mr. Myers to provide a wage account from which to take the funds and if there is an objection, there aren't the votes to pass this.

Mr. Myers provided A/C 2015-100-1310, Patrol Wages.

Mr. Polanski moved a transfer of \$3,000 from A/C 2015-100-1310, Patrol Wages, Police Department, to Telephone, seconded by Mrs. Papale.

676

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

ITEM 28. Mrs. Papale moved COOPERATION AGREEMENT BETWEEN THE TOWN OF WALLINGFORD AND THE STATE OF CONNECTICUT, DEPARTMENT OF HOUSING, seconded by Mr. Polanski:

COOPERATION AGREEMENT BETWEEN THE TOWN OF WALLINGFORD AND THE STATE OF CONNECTICUT, DEPARTMENT OF HOUSING

WHEREAS: The State of Connecticut Department of Housing administers a Section 8 Existing Housing Program and the State Rent Subsidy Program:

WHEREAS: This agency must undertake activities to affirmatively promote fair housing and deconcentration of low income persons by the operation of its program;

WHEREAS: The State of Connecticut, Department of Housing has available certificates and vouchers for the Federally Subsidized Section 8 Rental Assistance Program and the State Rental Assistance Program for use in the Town of Wallingford.

WHEREAS: 24 C.F.R. s 882.204 (b) (i) (B) mandates "achieving the participation of owners of units of suitable price and quality outside of low income and minority concentrations and outside the local jurisdiction where possible:"

BE IT THEREFORE RESOLVED THAT: The State of Connecticut, Department of Housing and the Town of Wallingford shall enter into this Cooperation Agreement to provide decent, safe and sanitary shelter to tenants participating in the State administered Rent Subsidy Programs.

BE IT FURTHER RESOLVED THAT: The cost of servicing the Housing Assistance Payments Contracts and the issuance of the Housing Assistance Payments to the landlord is to be borne by the State of Connecticut, Department of Housing which issues the vouchers and certificates of family participation.

BE IT FURTHER RESOLVED THAT: The Town of Wallingford will not be asked to service in any manner the placement of any tenants in receipt of certificates or vouchers issued under the Rent Subsidy Program.

BE IF FURTHER RESOLVED THAT: All parties to this document agree to take the above noted actions to implement these provisions.

THIS AGREEMENT SHALL REMAIN IN EFFECT IMMEDIATELY UPON THE SIGNING OF ALL PARTIES AND BE EFFECTIVE FOR THE DURATION OF THE PROGRAMS FUNDING.

DATE

John Papanarea, Commissioner
State of Connecticut, Department of Housing

DATE

William W. Dickinson Jr., Mayor
Town of Wallingford

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

ITEM 29. Mr. Polanski moved an amendment to the 1987-1988 budget to delete Clerk Typist II and replacing with Chief Clerk, effective October 1, 1987 and moved a transfer of \$850 from Clerk's Wages Clerk Typist I (new) to Clerk's Wages Chief Clerk/Step 2, seconded by Mrs. Papale.

Mayor Dickinson said this has been reviewed by the Personnel Department and the position performs the duties of a Chief Clerk.

VOTE: Adams, Bergamini, Gouveia, Killen, Papale and Polanski voted aye; Gessert, Holmes and Rys were not present for the vote; motion duly carried. 677

ITEM 30. Mr. Polanski moved to note for the record the financial statements of the Town of Wallingford for the month ended August 31, 1987, seconded by Mrs. Papale.

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

Mr. Killen asked when the last time was that the Council received numbers from the PUC.

ITEM 31. Mrs. Papale moved acceptance of the Town Council Meeting Minutes dated August 11, 1987, seconded by Mr. Polanski.

VOTE: Bergamini, Gouveia, Papale and Polanski voted aye; Adams and Killen passed, Gessert, Holmes and Rys were not present; motion did not carry.

Mrs. Bergamini asked Mr. Killen if he was going to pass on the minutes of August 18, 1987 and he replied that he would. These minutes will be placed on the September 22, 1987 agenda for acceptance.

Mrs. Papale reminded everyone that the play rehearsal will be held on Thursday night at 7:30 p.m.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 12:57 a.m.

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

September 22, 1987
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

September 22, 1987
Date