

TOWN COUNCIL MEETING

NOVEMBER 13, 1990

7:00 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, November 13, 1990 at 7:00 P.M. in the Robert Earley Auditorium of the Town Hall and called to order by Chairman Albert E. Killen at 7:08 P.M. Answering present to the Roll called by Town Clerk Kathryn J. Wall were Council Members Duryea, Gouveia, Holmes, Killen, Papale, Solinsky and Zandri. Councilor Bradley was out of state on a business trip, Councilor Parisi was ill and could not attend. Mayor William W. Dickinson, Jr., Town Attorney Janis Small and Deputy Comptroller Eva Lamothe were also present.

The Pledge of Allegiance was given to the Flag.

(A recent repair to the recorder left the equipment recording only a designated area of the chamber audio system. That being Mr. Holmes, Mr. Solinsky, the Mayor and the Town Clerk's microphones)

ITEM #2 Consider and Approve an Ordinance Prohibiting the Use of Certain Devices and Activities on Town Streets - SET A PUBLIC HEARING

Motion was made by Ms. Papale to Set a Public Hearing for Tuesday, November 27, 1990 at 7:45 P.M., seconded by Mr. Zandri.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #3 Consider and Approve an Ordinance Amending an Ordinance Appropriating the Sum of \$2,750,000 for Professional Design and Engineering Services for a Water Treatment Facility and Authorizing the Issue of \$2,750,000 Bonds and Temporary Borrowings of the Town to Meet Said Appropriation for Such Purpose - SET A PUBLIC HEARING

Motion was made by Ms. Papale to Set a Public Hearing for Tuesday, November 27, 1990 at 8:00 P.M., seconded by Mrs. Duryea.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #4 Consider and Approve an Ordinance Amending an Ordinance Appropriating \$245,000 for the Planning and Acquisition of an Addition to the Lyman Hall High School Vocational Agricultural Center and Authorizing the Issue of \$245,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose - SET A PUBLIC HEARING

Motion was made by Ms. Papale to Set a Public Hearing for Tuesday, November 27, 1990 at 8:15 P.M., seconded by Holmes.

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VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

Motion was made by Ms. Papale to Move Agenda Item #7, 8 & 9 up to the Next Order of Business, seconded by Mr. Holmes.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #7 Consider and Approve Appointment/Reappointment to the Position of Tenant Commissioner on the Wallingford Housing Authority

Motion was made by Ms. Papale to Nominate Carol Ireland to the Position of Tenant Commissioner, seconded by Mrs. Duryea.

Ms. Ireland replaces Mr. Manuel (Dick) Silvia whose term expired on October 31, 1990.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #8 Consider and Approve Appointment of Walter Dubar to Fill the Position of Selectman

Motion was made by Ms. Papale, seconded by Mrs. Duryea.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #9 Consider and Approve Appointment of Robert Allard to the Position of Constable

Motion was made by Ms. Papale, seconded by Mrs. Duryea

Mr. Allard will replace Charles Revoir in this position.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

Ms. Papale took a moment to congratulate each of the newly appointed individuals and thanked them for their interest in serving the Town of Wallingford. She pointed out Mr. Dubar's contribution to the Town over the past 5 decades, now beginning his 6th and welcomed him into his new position. Carol Ireland and Robert Allard were personally thanked and welcomed as well.

Motion was made by Ms. Papale to Waive the Two Week Waiting Period and Have All Terms Officially Begin Immediately, seconded by Mr. Holmes.

Town Clerk, Kathryn J. Wall officially swore in all the appointees.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

RECEIVED ON FILE **NOV 19 1990**
AT 12:10 P.M.
ATTEST Kathy Wall
TOWN CLERK

ITEM #5 Consider and Approve the Purchase of an Electric Stove and Microwave Oven - Regional Vocational Agricultural Center

Motion was made by Ms. Papale, seconded by Mrs. Duryea.

Mr. Solinsky asked if this bid/purchase was approved by the Purchasing Agent?

Mr. Killen responded, yes.

Ms. Papale pointed out that Mr. Wilford Schultz's son was the lowest bidder for the equipment and the Purchasing Agent as well as Mr. Polanski, Chairman of the Vo-Ag Expansion Committee requested the Council's approval for the purchase.

Mayor Dickinson stated for the record that the Purchasing Ordinance requires that if any Town employee has a direct or indirect interest in a purchase, it must be disclosed and the Council has to determine if it is in the best interest of the Town to proceed. The Purchasing Agent cannot do that.

Mr. Solinsky had a problem with the fact that if the Council Members were just to read the back up information provided, that (the possible conflict of interest) would not be disclosed, there is not enough information contained in the literature. It could have been detailed in the correspondence much better.

Mr. Killen agreed with Mr. Solinsky with his case in point. He asked that a motion be made that this purchase go forward in provision of Section 10 of Ordinance #272.

Ms. Papale made that motion, seconded by Mrs. Duryea.

VOTE: Bradley & Parisi were absent; Holmes, no; all others, aye; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$800.00 to Professional Services Acct. #012-900-900-9000, from YSB Counselor Acct. #012-900-100-1350.

Mr. Killen asked that the YSB Counselor Acct. # be corrected to read #012-9000-100-1350. The correction was noted.

Motion was made by Ms. Papale, seconded by Mr. Holmes.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #13 Note for the Record the Financial Reports from the Wallingford Public Library, Visiting Nurse Association and the Senior Citizens Center - Mayor's Office

Motion was made by Ms. Papale, seconded by Mr. Holmes.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

PUBLIC QUESTION & ANSWER PERIOD - 7:30 P.M.

There was no one from the audience that wished to participate in the question and answer period so the Council proceeded to the next agenda item.

ITEM #14 Consider and Approve Tax Refunds in the Amount of \$24,586.35 - Tax Collector's Office

Motion was made by Ms. Papale, seconded by Mr. Holmes.

Mr. Gouveia asked why refund #114 was such a large refund (\$20,289.30)?

Ms. Lamothe explained that the overpayment was the result of a lease agreement being paid for by both the Lessee and the Lessor to the Town. Hence, the reimbursement needed to be made to one or the other.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve Waiving of the Bidding Procedure and Authorize the Awarding of an Agreement for Technical and Professional Services for Oversight of the Small Cities Community Development Block Grant for Year Two - Program Planner's Office

Motion was made by Ms. Papale, seconded by Mr. Holmes.

Mr. Don Roe, Program Planner explained that some time ago an application was made to the Dept. of Housing for first year funds and the Town received an award that only provided funds for residential rehabilitation. As part of that, Don's office went out and sought proposals and came before the Council to seek a waiver of the bid to secure proposals for a company to oversee that program. That process was complete and once again brought before the Council for presentation of the results. DeCarlo & Doll turned out to be the best company for the job as well as the lowest bidder. For Year Two, the Town's application was submitted with a proposal that was a follow up to Year One and, in fact, was basically mirroring our Year One Proposal. That included funds for the Residential Rehab Program and a request for funds to do rehab of the Railroad Station. This time, we received notice from the State that they would, indeed fund the entire proposal. That means that for Year Two, we have \$100-110,000 in the Rehab program and the balance of the funds in the Railroad Station Project. In order to move ahead with the Railroad Station Project, we need to and will be going out to solicit bids from architects for design work. Don will appear before the Council on that matter in the future when all the information is obtained.

The other part for Year Two is the continuation of the program that was started in Year One (Residential Rehab Program). For that, Don is proposing that the Council authorize his office to waive the bid and to sit down with DeCarlo & Doll and look at putting together a Year Two Proposal from them which Don would then bring back before the Council. His reason being that basically, Year Two is a continuation of Year One, primarily one program. The pot for both years get blended together and become one. The Town is now embarking on the implementation of that program. Some property owners have been met with, no contracts have been signed to date, but some interest has been displayed. A summary of the application packet was in the Agenda Packet and distributed to the Council Members. In order to avoid a situation where you would experience an "overlap", i.e., one owner, the same building, rehabilitating units in that building with some of the funds coming from Year One and some from Year Two, Don suggested, as an initial start, he would like to see whether or not the Town could work out a Year Two Contract with DeCarlo & Doll that would be agreeable to the Town and to the Council.

Mr. Gouveia asked several questions of which only the following was fairly audible through the system.

Mr. Gouveia: How much were the consulting fees from the first year?

Mr. Roe: We have a contract with them for \$24,200.00.

Mr. Gouveia: Is that fee paid from that \$130,000?

Mr. Roe: Yes, these are all from the Small Cities Block Grant.

Mr. Gouveia: What exactly did this company oversee?

Mr. Roe: The fact that the facility meets the qualifications, that the tenants are agreeable to what the conditions are. They prepare the plans and specifications, the Town takes care of the bidding and once a contractor is selected, they oversee the project. Our target area is North & South Cherry Street, parts of Washington, Silk St., along the railroad tracks and station area. I would also like DeCarlo & Doll to do the administration oversight that goes beyond just the residential rehab part.

Ms. Papale made a motion to Waive the Bid Procedure and Authorize the Awarding of an Agreement for Technical and Professional Services for Oversight of the Small Cities Community Development Block Grant for Year Two with the Exception of the Railroad Station, seconded by Mr. Holmes.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #16 Consider and Approve a Transfer of Funds in the Amount of \$15,000 to Worker's Compensation Replacement Acct. #2032-100-1630 from Acct. #2032-100-1320, General Wage - Fire Department

Mr. Killen asked why \$40,000 was expended this year to date and for the entire past year \$47,000 was expended?

Acting Fire Chief Steve Hacku responded that the total injury days in the 89-90 budget was 292. Most of the year the department was fully manned. To date, 246 injury days have occurred. This is almost double. He referred to the injury reports that were forwarded to the Councilors and explained the circumstances surrounding each case. Some injuries took place well before this year's budget and are long-term injury leaves. Four of the cases alone account for 216 injury days themselves. The remainder accounted for approximately 30 days. Consequently, being short on staff, plus the injuries, wiped the department dry. Two people are currently going through physicals and hopefully will be joining the staff shortly. One employee is about to retire and two are currently going through therapy.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #17 Discussion and Possible Action on the Discontinuance of a Portion of Old Colony Road - Mayor's Office

Motion was made by Ms. Papale, seconded by Mr. Solinsky

Atty. Edward P. Loughlin explained the location and ownership of the property to the Council. The Valenti family is requesting that the road be discontinued since it runs through both pieces of their property and a dumping problem has developed. He thanked and complimented Mr. Costello, Town Engineer, for his assistance in supplying a great deal of history and backup material for this item. He was impressed with the thorough record-keeping that had been maintained.

Mr. Zandri asked if the portion of the road was definitely a Town road?

Mr. Loughlin: There have been a law cases to determine if a Town, in fact for a number of years, maintains a road and there is no public usage of it, and no State aid funds have been received, it may be determined that it is abandoned. In any sort of efficient manner, no one would ever give you a legal opinion that it was closed until this Council has officially acted and discontinued the road. Yes it is a Town road for lack of any legal statement to the contrary.

Mr. Zandri asked if the road is maintained by the Town as far as plowing, etc?

Mr. Loughlin: No. There is nothing there. As long as it remains unabandoned, there is a question, does Valenti have the

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right to place a barrier across it to prevent people from going in there to dump their trash?

Mr. Zandri: Do the records prove that it is a Town road?

Mr. Loughlin: I doubt it. It is as old as Center Street. The Town is exposed to absolutely no liability whatsoever by closing this road.

Mr. Zandri: I am concerned because I am currently involved with a situation which involved a Town road, and after much research it was determined that it was not, in fact, a Town road. It is a different situation in one respect, yet not necessarily so. Do we have the right to give this property to the Valenti family if it was not legally turned over to the Town to begin with?

Mr. Loughlin: You are not giving property to anyone. There is no transfer of property. You are not determining who is going to get the property.

Mr. Zandri: Who am I to say that this piece of land is now yours, to the Valenti family.

Mr. Loughlin: You are not saying that. You are only saying that it is not the Town's.

Mr. Zandri: If it is not the Town's then what are you doing here?

Mr. Loughlin: I am asking you to say that it is not the Town's.

Mr. Gouveia: In doing so, then it becomes property of the Valentis.

Mr. Loughlin: Absolutely, because they own both sides of it. That is a legal opinion.

Mr. Zandri: Can we have an opinion as to whether or not this is a Town owned piece of property?

Ms. Small: Mr. Loughlin is asking that you abandon any interests the Town may have in that road. He is eliminating the Town as one possible entity that will claim ownership of that road so that he can give some type of legal opinion on the issue and make a cleaner title for his client.

Mr. Loughlin: In 1945 the Board of Selectmen determined that it was a Town road and they abandoned it at that time. It is safe to presume that the rest of the road was also a public road.

Mr. Solinsky: Is there access on this road up to the Valenti property right now?

Mr. Loughlin: Yes but they never use it. They front on Rte. #5.

Mr. Solinsky: I can't picture this road in question since this sketch is not to scale, but the question I have is that we are purchasing property in that area for the substation, I don't know what effect it would have on the property, where the road goes, etc. I would like to see a surveyor's map on this property.

Ms. Papale made a motion to Table this item until November 27, 1990, seconded by Mr. Solinsky.

VOTE: Bradley & Parisi were absent; all others, aye; motion duly carried.

ITEM #11 Consider and Approve a Transfer of Funds in the Amount of \$60,000 from Contingency - Reserve for Emergency Acct. #8050-800-3190 to Storm Drainage Improvements Old Farm Road & Colonial Lane Acct. #5011-999-0027 - Engineering Dept.

Motion was made by Ms. Papale, seconded by Mr. Solinsky

Mr. Gouveia: Is this a recent problem?

Mr. John Costello: Yes, it has been for the past 1 1/2 - 2 years.

Mr. Gouveia: It seems that the problem has gotten a lot worse over the past 6 months. It has been reported that a flow of approximately 6 inches deep to several feet in width occurs after a heavy rainfall. This has not occurred until recently.

Mr. Costello: It was never noticed before.

Mr. Gouveia: Do you think that the other new road being constructed is adding to the problem?

Mr. Costello: Only that it is exposing more dirt, not contributing to the flow. This road has its own drainage system, some of it discharges into the ravine which heads in this direction but the rest comes down to Hartford Turnpike. They installed a large leaching gallery this past summer and ran a connection under the State highway.

Mr. Gouveia: Again, the problem has surfaced within the past 6 months or so and I feel that the new house is not the culprit

Mr. Costello agreed that the house was not the culprit but the victim. They are in the path of the runoff and have had their garden washed out several times. The contours were changed and some of the homes on Forest Road are now getting runoff in their backyards. Prior to 1 year ago, the only complaint received from Forest Road was from the June 1982 storm which was very large.

Mr. Gouveia: Then it is safe to say that the problem we are now experiencing is due to that sanitary sewer line?

Mr. Costello: No, it has just made the problem more obvious. The fact that the drainage system, which should have been put in place when this subdivision was built is not in place.

Mr. Gouveia: If the water has been coming down the same route all these years and continues to do so, and the only problem previous to this one was in June of 1982, then the problem has occurred ever since the sewer line was built. The culprit is the sewer line.

Mr. Costello: When the lot was vacant, no one could complain.

Mr. Gouveia: I am not talking about the lot I am talking about North Turnpike Road/Colonial Lane. You are saying that before the lot was developed there was no problem because the water was able to stay on the lot. Actually the lot was sloped and the water always ran down to the road.

Mayor Dickinson: We have to identify clearly where the problem is. The problem we are experiencing is on North Turnpike Road, on the road itself. Taking a left onto Colonial Lane in that area there has been periodic water problems in there but we are addressing the issue of the water that comes onto North Turnpike Road from Forest Road, the backyards, not necessarily Forest Road. There are other water problems in that area but not caused by this problem. This problem is coming off of Masonic property and as Mr. Costello is indicating, always probably took the route that it is taking except that it is more channelized now due to construction to a house as well as on the Masonic property. It increases its velocity and is more visible since it has been channelized.

Mr. Costello: I never had a complaint from the residents on Forest Road since the 1982 storm.

Mr. Gouveia: Was there ever any reason to suspect that this project would cause this to happen?

Mr. Costello: No. It was not that we were not aware of such a diversion of flow along those rear property lines down the Hartford Turnpike. The construction of the sanitary sewer should not have aggravated the problem, the reason that the problem was brought to the surface was because the system that was supposed to be in place to handle the runoff is not there.

Mr. Gouveia: It was doing the job, maybe not adequately, but it was doing the job before the sanitary sewer came in.

Mr. Zandri: I travel along this road almost every day of the week and I have noticed the problem over the past 6 months in this particular area and it is my opinion that it is due to the construction in the Ashlar Village Project that is causing this problem to be greater. Do some of the catch basins in the new road area go strictly into retention areas?

Mr. Costello: Yes, underground leaching galleries on the

west side. It is in that island like area.

Mr. Zandri: As you go further west on that road, are all of those catch basins piped out into the fields?

Mr. Costello: There is one outlet into the field. They are piped into a series of catch basins and the last one is out into the field.

Mr. Zandri: And that water ultimately ends up following whatever land contours there are and finds its way back down to the turnpike. You don't feel that is the main problem that we are having now in that area?

Mr. Costello: No I don't.

Mr. Zandri: There was never a problem before to this extreme and I have witnessed water come across that road 6 inches deep in front of 70 Masonic Avenue and I attribute it to that new road that has gone in because you are taking all the rainwater off of that road and are piping it out into an open field and eventually that water ends up down on the turnpike. I believe that you cannot divert water onto other property according to regulations it is prohibited.

Mr. Costello: Everyone discharges onto someone else's land.

Mr. Zandri: I don't believe so. They have diverted runoff that was natural before and have channeled it in a direction that it was not channeled before.

Mr. Costello: In the second to the last paragraph of my letter it states that BeeMac Construction will grade the drainage swail which may have been disturbed by the sanitary sewer and put in a detention basin on that property. The discharge from the detention basin will go into the pipes that are in the system that we propose. They have not changed the limits of the drainage area. Everyone associates it with Ashlar Village because the water is discolored, but it is from the construction uphill, it came from there before they started building Ashlar Village. It is not from a new area. I am talking about the area that comes from up the hill, funneled down into an underground leaching system and then under Rte. #150 to the parkway. You are talking about the system that is south of the ravine. We are talking about an area that is more uphill that discharges over onto Forest Rd. Yes, they have had a lot of problems at that location with mud and during storms.

Mr. Zandri: Is the area you are talking about on the turnpike on Rte. #150?

Mr. Costello: Yes, just 2 houses from Colonial Lane. The new house.

Mr. Zandri: It is coming down from behind the house and crossing the property? Are we going to do anything to prohibit it from going across the property?

Mr. Costello: Yes it is crossing the property. We are going to channelize it starting back at the outlet of the ravine down to the detention basin on Masonic property, which they will do. The discharge from the detention basin will be close to where Old Farm Road ends and our pipe will pick it up from there. It is two separate drainage areas.

Mr. Zandri: I don't understand why it has suddenly become a problem.

Mr. Costello: Because before the new house was built it ran across an empty field and no one ever complained about it. When they constructed the sanitary sewer line they changed the contours up in the area and now some of the water goes into the backyards along Forest Road. The swail that was in place before the sanitary sewer was constructed will be recreated.

Mr. Zandri: When residents want to build construction in this Town, Planning & Zoning Regulations require that they make improvements to the general area of the Town roads, sewer lines, pumping stations etc., why can't that same rule apply there? I think that the cause of the problem is the development of Ashlar Village and they should be made to remedy the problem caused by the construction. Why should the taxpayers pay for it?

Mr. Costello: If the drainage system that should have been put in place in 1952 was in place, we would have no problems.

Mayor Dickinson: Planning & Zoning has approved the Ashlar Village development without those improvements and there is no reason that anyone would suspect they would be necessary if things worked as they were supposed to in the existing subdivision. One of the storm drains actually drains in an opposite direction than what it is supposed to.

Mr. Costello: The subdivision plans show that a pair of catch basins on Forest Road discharging into the swail in the back, but other plans show the diversion into that pipe.

Mayor Dickinson: Two sets of plans conflict with each other. Whether or not it would be possible for the Town to require these improvements of the Ashlar Village Masonic Project is an open question. I don't know. The fact of the matter is that those plans have already been approved. You are really talking about whether they are liable or not. I think that this project should go ahead whether or not they are. We can look into that.

Mr. Holmes: Is there any problem with standing water at that intersection?