

TOWN COUNCIL MEETING

AUGUST 27, 1996

6:30 P.M.

AGENDA

Blessing - Rev. Glenn B. Havumaki - Elim Park Baptist Home

1. Roll Call and Pledge of Allegiance
2. Consent Agenda
 - a. Approve and Accept the Minutes of the July 23, 1996 Town Council Meeting
 - b. Approve and Accept the Minutes of the August 1, 1996 Special Town Council Meeting
 - c. Consider and Approve Tax Refunds (#8-23) Totalling \$8,391.56 - Tax Collector
 - d. Note for the Record Mayoral Transfers Approved to Date
 - e. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - f. Consider and Approve a Transfer of Funds in the Amount of \$1,500 from Contingency - Reserve for Emergencies Acct. to Social Services - Center Street Cemetery Assoc. Acct. to List the Center Street Cemetery on the National Register of Historic Places - Center St. Cemetery Assoc.
 - g. SET A PUBLIC HEARING for September 10, 1996 at 7:45 P.M. on an Ordinance Amending Ordinance No. 277 Entitled, "Regulating the Use of Public Parks, Playgrounds and Recreation Facilities in the Town of Wallingford"
 - h. Consider and Approve a Transfer of Funds in the Amount of \$760 from Overtime Acct. and \$375 from Office Supplies and Expenses Account for a Total of \$1,135 of Which \$860 is Transferred to a New Capital Account Entitled, "Fax Machine" and \$275 is Transferred to Telephone Acct. - Town Council Office
 - i. SET A PUBLIC HEARING for September 10, 1996 at 8:00 P.M. on an Ordinance Appropriating \$1,700,000 for the Planning, Acquisition and Construction of Improvements to Lyman Hall High School for a Vocational Agricultural Program

- j. Consider and Approve a Transfer of Funds in the Amount of \$30,000 from Contingency Reserve for Emergency Acct. to Professional Services/Specialists Acct. - Town Attorney
- k. Consider and Approve a Transfer of Funds in the Amount of \$1,599 from Prevention & Psychotherapy Consultants Acct. of Which \$1,485 is Transferred to Asst. Program Coord. Salaries & Wages Acct. and \$114 is Transferred to FICA & Medicare Acct. - Youth Service Bureau
- l. Consider and Approve a Planting Agreement Between the State of Connecticut Dept. of Transportation and the Town of Wallingford Regarding the Beautification Phase III Tree Plantings - Mayor's Office
- m. Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State of CT. Dept. of Social Services for the Undertaking of a Social Service Block Grant Program Involving the Meals on Wheels Program as Well as Counseling Programs at the Wlfd. Day Care Center and Youth Service Bureau - Mayor's Office
- n. Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State of CT. Office of Policy and Management for a State Drug Enforcement Grant - Mayor's Office
- o. Consider and Approve a Transfer of Funds in the Amount of \$75,000 from Uncollectible Expense Acct. to Depreciation Expense Account - Electric Division
- p. Consider and Approve Four (4) Transfers for the Water Division in the F.Y. 1995/96 Budget of the Department
 - 1. \$3,400 from Liability Insurance Acct. and \$3,600 from Misc. & General Expense Acct. for a Total of \$7,000 to Chemical Expense Acct.
 - 2. \$16,500 from Power Purchased for Pumping Acct.; \$15,400 from Outside Services Employed Acct.; \$10,000 from Lien Expense Account for a Total of \$41,900 to Worker's Compensation Acct.
 - 3. \$30,000 from Various Accounts Within the Department's Budget to Employee's Pension & Benefits Acct.
 - 4. \$3,750 from Property Insurance Acct. to Interest on Long Term Debt Acct.

3. Items Removed from the Consent Agenda

4. PUBLIC QUESTION AND ANSWER PERIOD
5. Consider and Approve Formally Returning Yalesville School to the Board of Education Effective August 15, 1996
6. Consider and Approve the Use and Occupancy of Town Property by the East Wallingford Volunteer Fire Department
7. Consider and Approve a Transfer of Funds in the Amount of \$78,200 from Contingency Reserve for Emergency Acct. to Demolition Wooding Property Fence and Plants Acct. - Public Works Department
8. Remove from the Table to Consider and Approve Accepting Two Roads:
 - a. A Portion of Promontory Drive
 - b. Grassy Hill Court
9. PUBLIC HEARING on an Ordinance Appropriating \$315,000 for the Planning and Design of the West Side Tankage and Associated System Improvements - 7:45 P.M.
10. Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State Department of Social Services for the SCOW Grant - Mayor's Office
11. Consider and Approve Waiving the Lease Payment of \$750 by SCOW Unless Grant Money to Cover Said Payment is Available - Mayor's Office
12. Consider and Approve an Appropriation of Funds in the Amount of \$2,690 to the Revenue and Expenditures Budget of the S.C.O.W. Program to Cover the Cost of Required Financial Reports to the United Way and Internal Revenue Service - Mayor's Office
13. Consider and Approve Authorizing the Mayor to Sign a Five Year Lease to Renew the Farm Lease Program in the Town of Wallingford - Mayor's Office
14. Report Out by the Town Engineer on the Status of Various Capital Projects as Requested by Councilor David J. Doherty
15. Report Out by the Water/Sewer Division on the Status of Various Capital Projects as Requested by Councilor David J. Doherty
16. Discussion and Possible Action Regarding Recommending that the Chief Executive Officer (Mayor) Contract Out Responsibility Under C.G.S. 47a-42(c) For Evicted Tenant's Goods Left on Sidewalk or Street as Requested by Councilor Tom Zappala

17. Discussion and Possible Action on a Recommendation from the Golf Course Study Committee Regarding the Disposition of Approximately 200 Acres of Town-Owned Property that was the Subject of a Proposed Golf Course Site in Durham as Requested by Councilor G. Tom Zappala
18. Consider and Approve Adding One Member to the Public Safety Sub-Committee of the Council to Replace Robert Fritz as Requested by Vice Chairman Raymond J. Rys, Sr.
19. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale or Purchase of Property - Mayor's Office

TOWN COUNCIL MEETING

AUGUST 27, 1996

6:30 P.M.

ADDENDUM TO AGENDA

20. Executive Session Pursuant to Section 1-19b(9) of the CT. General Statutes Pertaining to Strategy and Negotiations with Respect to Collective Bargaining

TOWN COUNCIL MEETING

AUGUST 27, 1996

6:30 P.M.

SUMMARY

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11. Approve Waiving the Lease Payment of \$750 by SCOW Unless Grant Money to Cover Said Payment is Available	20
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17. Recommendation by the Golf Course Study Committee to Sell Approximately 200 Acres of Town-Owned Property in Durham that was the Subject of a Proposed Golf Course Site	24-27
18. Approve Adding the Name of Edward Polanski to the Public Safety Sub-Committee of the Council to Replace Robert Fritz	27
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ADDENDUM

20. Executive Session - 1-19b(9) - Strategy and Negotiations with Respect to Collective Bargaining	27-28
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WAIVER OF RULE V

Approve a Tax Refund (#23.5) in the Amount of \$72.42

TOWN COUNCIL MEETING

AUGUST 27, 1996

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, August 27, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:32 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr.; Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Rev. Glenn Havumaki, resident of Wallingford and Chaplain at the Elim Park Baptist Home of Cheshire.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Consent Agenda

ITEM #2a Approve and Accept the Minutes of the July 23, 1996 Town Council Meeting

ITEM #2b Approve and Accept the Minutes of the August 1, 1996 Special Town Council Meeting

ITEM #2c Consider and Approve Tax Refunds (#8-23) Totalling \$8,391.56 - Tax Collector

ITEM #2d Note for the Record Mayoral Transfers Approved to Date

ITEM #2e Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #2f Consider and Approve a Transfer of Funds in the Amount of \$1,500 from Contingency - Reserve for Emergencies Acct. to Social Services - Center Street Cemetery Assoc. Acct. to List the Center Street Cemetery on the National Register of Historic Places - Center St. Cemetery Assoc.

ITEM #2g SET A PUBLIC HEARING for September 10, 1996 at 7:45 P.M. on an Ordinance Amending Ordinance No. 277 Entitled, "Regulating the Use of Public Parks, Playgrounds and Recreation Facilities in the Town of Wallingford"

ITEM #2h Consider and Approve a Transfer of Funds in the Amount of \$760 from Overtime Acct. and \$375 from Office Supplies and Expenses Acct. for a Total of \$1,135 of Which \$860 is Transferred to a New Capital Account Entitled, "Fax Machine" and \$275 is Transferred to Telephone Acct. - Town Council Office

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ITEM #2k Consider and Approve a Transfer of Funds in the Amount of \$1,599 from Prevention & Psychotherapy Consultants Acct. of Which \$1,485 is Transferred to Asst. Program Coord. Salaries & Wages Acct. and \$114 is Transferred to FICA & Medicare Acct. - Youth Service Bureau

ITEM #2l Consider and Approve a Planting Agreement Between the State of Connecticut Dept. of Transportation and the Town of Wallingford Regarding the Beautification Phase III Tree Plantings - Mayor's Office

ITEM #2m Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State of CT. Depart. of Social Services for the Undertaking of a Social Service Block Grant Program Involving the Meals on Wheels Program as Well as Counseling Programs at the Wlfd. Day Care Center and Youth Service Bureau - Mayor's Office

ITEM #2n Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State of CT. Office of Policy and Management for a State Drug Enforcement Grant - Mayor's Office

ITEM #2o Consider and Approve a Transfer of Funds in the Amount of \$75,000 from Uncollectible Expense Acct. to Depreciation Expense Acct. - Electric Division

ITEM #2p Consider and Approve Four (4) Transfers for the Water Division in the F.Y. 1995-96 Budget of the Department:

1. \$3,400 from Liability Insurance Acct. and \$3,600 from Misc. & General Expense Acct. for a Total of \$7,000 to Chemical Expense Acct.
2. \$16,500 from Power Purchased for Pumping Acct.; \$15,400 from Outside Services Employed Acct.; \$10,000 from Lien Expense Account for a Total of \$41,900 to Workers Compensation Acct.
3. \$30,000 from Various Accounts Within the Department's Budget to Employee's Pension and Benefits Acct.

4. \$3,750 from Property Insurance Acct. to Interest on Long Term Debt Acct.

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, seconded by Mr. Centner.

VOTE: Farrell abstained due to Item #2f; Zappala abstained due to Items #2a & 2b; all others, aye; motion duly carried.

ITEM #3 Withdrawn

WAIVER OF RULE V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Considering a Tax Refund, seconded by Mr. Centner.

VOTE TO WAIVE RULE V: All ayes; motion duly carried.

Motion was made by Mr. Rys to Approve Tax Refund #23.5 in the Amount of \$72.42, seconded by Ms. Papale.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Geno Zandri, 37 Hallmark Drive asked, is the Quinnipiac Street bridge a State or Town Project?

Mayor Dickinson responded, that it is both a State and Town project. It is funded through ISTEPA funds, the State is performing the construction and inspection, the Town supplied the engineering.

Mr. Zandri asked, what year is the project slated for completion?

Mayor Dickinson responded that he did not have the details on that issue.

Mr. Zandri pointed out that Quinnipiac Street is one of the main arteries in Wallingford and there has been very little work on the bridge over the entire summer months. This is prime time for getting the work completed and we should start voicing our concern to the State on the progress, or lack of it, on this job.

Mr. Zandri then asked if a status report could be given on S. Elm Street with regards to the paving that is supposed to have been done upon completion of that work.

Mayor Dickinson reported that the street is to have a final surfacing next Spring. Upon consulting the offices involved he can better answer Mr. Zandri's question. It is his belief that the road has to settle for one year after the project. The funds

that the contractor would have used for the paving have been turned over to the Town.

Mr. Zandri asked, did the funds come out of the Sewer Division and are the funds on the town-side of the budget presently and will Public Works handle that project?

Mayor Dickinson responded, the Sewer Division hired a contractor who was to complete it. Public Works is also going to do a job there and the two have been combined. I think the final coat is supposed to be next year, it has to settle through this winter. I will have to verify that.

Mr. Zandri stated that he would like to know where the funds are coming from for the project.

Mr. Doherty stated that correspondence to him from Town Engineer John Costello states that the Quinipiac Street Bridge Project is currently under construction and the Town is only responsible for the engineering costs associated with the project.

With regards to the South Elm Street Project, correspondence directed to Mr. Doherty from Roger Dann, General Manager of the Water/Sewer Division states that the final paving work associated with the project is scheduled to be performed within the next several months. This work will be coordinated with the Public Works Department utilizing the remaining project funds that were budgeted for this purpose. The final project cost is subject to arbitration of contractor's claims.

Mr. Doherty held conversation with Henry McCully, Director of Public Works recently who stated that the work would be performed in September.

Frank Wasilewski, 57 N. Orchard Street stated that he asked Roger Dann the same question last week at the P.U.C. meeting at which time Mr. Dann responded that the only reason the Town has chosen to have Public Works perform the work is because the job will be done a lot cheaper than hiring a private contractor. With regards to the settlement issue, the roadway has settled to its fullest extent, according to Mr. Dann and the work should be done some time in the Fall. He went on to say that the work should have been done prior to the beginning of the new school year. It will be difficult to re-route school bus traffic around the project, it will tie up S. Elm Street. They had all this time to pave the road and should have taken advantage of it. He asked if there will be any curbing installed with the black top and Mr. Dann was not sure if there would be. There seems to be no communication or cooperation between departments on projects such as this. He asked the Mayor to get the departments going on this project for soon the leaves will be falling and clogging up gutters and making a mess

of the roadway.

Philip A. Wright, Sr., 160 Cedar Street read an excerpt of an article that appeared in the Meriden Record Journal on August 26th which states, "We are told that every citizen should take an interest in the affairs of government, either Federal, State or local. How many taxpayers that took an interest in the community no longer attend meetings? Why? They find the politicians do what they want to do, and at the meetings the Council looks down on the people who pay their salaries as though the citizens were on trial and the Council were the judges. The greatest concern of the politicians is whether they will be re-elected." Mr. Wright stated that the article was directed to Meriden, not Wallingford.

Albert E. Killen, 150 Cedar Street asked the Mayor, what was the date for the completion of work for the Quinnipiac Street Bridge?

Mayor Dickinson responded, he was not sure.

Mr. Killen stated that the Record Journal prints a graph of construction projects once a week. The paper lists the Quinnipiac Street project as being completed some time in September. On a separate matter he stated that he was amazed that the Council has an agenda with over thirty items on it and more than fifty percent (50%) of the items are on the Consent Agenda. He found it odd that none of the Councilors had any curiosity with regards to the items. He felt it was disheartening that no questions were being asked on many items. He asked for a report out on the status of the Pierce Plant, specifically, whether or not an agreement has been reached regarding the operation of the plant, when it will be operated, by whom, and how much did it cost to refurbish it?

Mayor Dickinson responded, it is operated pursuant to a contract with CMEEC who has a relationship with Northeast Utilities. When the plant does run it is our employees who are running it.

Mr. Killen was concerned that Northeast Utilities or CMEEC could lay claim to the Pierce Plant if any of their funds were used to refurbish even a portion of the operation.

Mayor Dickinson was of the opinion that Northeast Utilities and/or CMEEC could not lay claim to any portion of the plant nor could they seek reimbursement from the Town. They were obligated to pay the funds to refurbish the plant. The open question is whether or not the companies can incorporate those costs into future rates for the sale of electricity. They have no right to claim title to the plant because they spent money to upgrade the equipment.

Mr. Killen stated that there was no language in the original agreement that called for them to invest money into that plant. They had the right to call on the plant to provide power for them

when they needed it but the agreement did not say that they had to put in any dollars to bring it up to par.

Mayor Dickinson explained, we could have refused to take their money but then pursuant to our contract with CMEEC we may have had to spend the money to bring it into condition. We would not want to refuse them the opportunity to invest in our plant, otherwise it would have cost the Town money.

Mr. Killen reiterated that there is no provision in the original agreement which states that Northeast or CMEEC will invest monies in our plant, therefore they have every right to take us to court and lay claim to the plant. Any action taken on behalf of the Town with these two entities should appear in the minutes of the P.U.C. meetings. He has not been able to find record of any such action in the minutes of the commission. The Council has the right to override any action taken by the commission within a specific amount of time. He asked, who gave the authority for the dollars to be invested in the plant? Who set the target date for operation of the plant? There is no record of who said what.

Mayor Dickinson responded, much of what you are referring to is found in the contract with CMEEC. Everything flows from that document. We can obtain answers for you and if it would be helpful a meeting can be arranged with Ray Smith (Director of Public Utilities), David Gessert (Chairman of the P.U.C.) and the Mayor to review the issue.

Mr. Doherty asked the same questions of Mr. Smith recently and was given the following response via correspondence: "For background information, you are reminded that there is no contract between Northeast Utilities and Wallingford Electric Division for the Pierce Station since the Wallingford Electric Division entered into an agreement with CMEEC giving the joint action agency the right to dispatch units in return for an annual amount of \$656,000. Therefore our agreement is with CMEEC who is responsible for the assignment of capacity in accordance with NEPOOL rules with the actual dispatch being determined by CONVEX. Our agreement with CMEEC remains intact. All work is being done pursuant to our agreement with CMEEC. In response to your letter dated August 12, 1996, the accurate answer to your inquiry is that as of this writing, there is not a signed agreement with Northeast Utilities for the operation of the Pierce Generating Station. For your information I am enclosing a copy of the most recent draft that is being handled between CMEEC and NU outlining the obligations of the most recent improvements made at Pierce. This matter has been the subject of ongoing negotiations between those two entities and I would respectfully request that this information remain confidential since it is still the subject of ongoing discussions and has not yet been finalized. Basically, the arrangements were for CMEEC to make the improvements, while NU agreed to pay for Town

such improvements. However, now there is an issue regarding a cap. Additionally, you will note at the bottom that there is still a need to provide for language regarding the excess operations required by Northeast Utilities that would be outside the requirements of our existing contract."

Albert Killen, 150 Cedar Street stated, as Mr. Doherty read, there are negotiations going on that cannot be found in the P.U.C. minutes authorizing any negotiations. This is how we got stuck with the awful contract that we have now. These things go on until the last minute when it is brought to the Council and you are told to "take it or leave it". You should get your liaison committee involved to find out what is going on, when it started and when the public is going to be notified.

Mr. Parisi stated, there is nothing wrong going on. It is very explicit as to what is happening.

Mayor Dickinson explained, the contract negotiation is between CMEEC and NEU. The Town of Wallingford is not a party to that contract. They are negotiating the terms and conditions between those two bodies over work done here and the ongoing efforts to supply electricity to and through CMEEC. The Town of Wallingford is not a party to that negotiation. Our contract is with CMEEC and the work done at Pierce Plant is pursuant to the contract with CMEEC. Northeast and CMEEC are negotiating between them where they stand and the terms and conditions regarding the money spent by NEU. That is not a contract that Wallingford would be a party to.

Mr. Killen responded, if you read the P.U.C. meeting minutes of May, 1996 it was mentioned by Mr. Cominos that negotiations were ongoing and had not been signed by either party, the Town of Wallingford or CMEEC. Mr. Cominos specifically mentioned the Town of Wallingford and that negotiations are ongoing. It is not something that has been agreed to before, it is something they are trying to reach an agreement on now. Nowhere does it appear in the minutes that an executive session was held to discuss the matter, nowhere in the minutes does it state that anyone has been authorized to negotiate on behalf of the Town...these things are all supposed to be a matter of record for the public to read.

Mr. Parisi stated that it does not necessarily have to be because it is under the contract with CMEEC. He will gladly look into the matter once again for Mr. Killen's sake but he most likely will come up with the same answer.

Frank Wasilewski, 57 N. Orchard Street stated, the Councilor who is the liaison for the utilities should go to the P.U.C. meetings and report back to the Council regarding the matters of the Electric Division. The Council would then be better informed on issues such as this one. It seems as though there should be a Town

special meeting with Ray Smith, Bill Cominos and the attorney who advised us on this contract with CMEEC which Mr. Wasilewski understood to say that once we signed with CMEEC we did not have to produce any electricity in any situation because we were one step away from closing the Pierce Plant. There is nothing in that contract that said we would have to produce electricity, even right now. There must be an agreement between the Electric Division and Northeast Utilities about the Pierce Plant right now.

Mayor Dickinson responded once again, the Town's relationship is with CMEEC. The Town has signed an agreement with CMEEC.

Mr. Wasilewski stated, we are not out of the woods with regards to the Pierce Plant yet. They can produce electricity but they don't have a standby boiler if something goes wrong with one, we are still up the creek. Northeast Utilities does not want to spend the additional money to have a standby boiler.

Pasquale Melillo, 15 Haller Place, Yalesville stated that there seems to be more and more organized confusion by the politicians at the federal, state and local levels. We are not getting any answers and our rights as citizens are being made a mockery of. He stated that the electric rates in the State of Connecticut are 50%-60% higher than other states. Why, then, did we sign a ten year contract with CMEEC when legislature is being proposed to allow residents of the State to purchase electricity from other power companies across the states?

Mayor Dickinson responded, because the terms and price listed in the contract were the best conditions that could be secured by the Town at that time.

Mr. Melillo asked, what happen to all the energy that used to be supplied by the incinerator that Cyanamid used to buy and why can't it be used to supply electricity to our Electric Division?

Mr. Parisi responded, Northeast Utilities is buying that energy.

Philip Wright, Sr., 160 Cedar Street asked Mr. Parisi if he has received an answer from the Law Department regarding whether or not the Town can get out of the CMEEC contract or not?

Mr. Parisi apologized for not yet following up on that matter, he will do so after tonight's meeting.

Lester Slie, 18 Green Street stated that the contractor did a good job of paving three-quarters of Green Street. Only one half an hour more of work would have finished the curbing. Upon questioning the foreman Mr. Slie was told that the crew would return to finish the rest of the work the next day. That conversation took place at 1:30 in the afternoon. All the machines

were pulled off of the street and the gutters were left undone for two and one-half weeks before our own Public Works Department finally came back and fixed the curbing. They did a beautiful job except for the lawns that were cut back and not filled in. Five weeks have passed from the time the work started. He asked, when will the street finally be finished?

Joe DaCunto, Public Works Foreman responded from the audience that the job will be finished this week.

ITEM #5 Consider and Approve Formally Returning Yalesville School to the Board of Education Effective August 15, 1996

Motion was made by Mr. Centner, seconded by Mr. Rys.

Mr. Centner commended the School Building Expansion Committee (SBEC) on their diligence and dedication to the project which proved to be highly successful. The school was completed on time, below budget and is beautiful. The committee's efforts are much appreciated.

Don Harwood, SBEC Chairman stated that the committee met their budget target due to a fine job on the part of the project manager, Gilbane Corporation. Every target date that was committed to by both the committee and Gilbane was met without a problem. With regards to the middle school projects, the committee experienced some delays which resulted in a compressed schedule; one week alone was lost from the schedule due to winter snow days. Despite the delays, however, the committee expects to complete the projects by January of 1997, one month ahead of schedule.

Mr. Doherty also commended the committee for an excellent job well done.

Mr. Harwood explained that by turning over Yalesville School to the Board of Education effective August 15, 1996 expenses incurred by the committee related to the operation and maintenance of Yalesville School will be pro-rated back to the effective date.

Mr. Doherty asked Mr. Harwood to comment on the articles that have appeared in the newspaper with regards to delays caused by asbestos problems for the purpose of clearing up the rumors that the school will not open on time.

Jon Walworth, SBEC member explained, 95-98% of the asbestos in the middle schools was unveiled due to preliminary planning and was removed on target with the schedule of the project. There are times in any program when you will open up an area that is closed for demolition and you will find pipe elbows, asbestos tile and other areas that could not be inspected or were physically impossible to inspect and now you have to enclose the area and

remove the asbestos. That results in a delay that could not be forecasted. Even with those occurrences the two middle schools will be ready. SBEC members visit the sites every night up until 9:00 p.m., walking the schools to make sure that everything is going to be operational. It will not be totally pretty because there is still work going on with the new additions and some of the site work but there are some very happy principals who have been moved into their offices and are glad to learn that they will be operational despite some impossible obstacles.

Pasquale Melillo, 15 Haller Place asked, will there be a night watchman on duty at the schools to deter vandalism?

Mr. Harwood responded, unfortunately at the Yalesville School there has been some graffiti found on the brick which proved distressing to the committee, having lived and breathed the project daily. Once the school is turned over the active security system will take over. The task force element of the committee has been responding to alarms at the school until such time as the building has been returned to the Board.

Mayor Dickinson stated, it is the Board of Education that would make the determination as to whether or not there should be a night watchman on duty.

Mr. Walworth stated that the committee will make the recommendation to the Board of Education that they have more than one external camera wired to another location.

VOTE: All ayes; motion duly carried.

ITEM #6 Consider and Approve the Use and Occupancy of Town Property by the East Wallingford Volunteer Fire Department

Motion was made by Mr. Rys, seconded by Mr. Farrell.

At the July 29, 1996 meeting of the Board of Education a portion of land was relinquished to the Town which abuts the rear of the property of the East Wallingford Fire Department on Kondracki Lane. The Fire Department would like to re-construct a two-bay garage on the property. The structure was located on property which the Town purchased adjacent to Yalesville School. The garage will house miscellaneous equipment for the volunteers.

VOTE: All ayes; motion duly carried.

ITEM #7 Consider and Approve a Transfer of Funds in the Amount of \$78,200 from Contingency Reserve for Emergencies Acct. to Demolition Wooding Property Fence and Plants Acct. - Public Works Department

Ms. Papale asked Mayor Dickinson to inform everyone of the outcome of a meeting conducted with the neighbors of the former Wooding/Caplan property and some of the Town Council members.

Mayor Dickinson explained that in the final analysis there was an agreement reached over the Town providing a chain link fence without privacy slats around the perimeter of the property. The Town will also plant some arborvitaes on the Town's side of the property which will help to screen the fence.

Mr. Renda pointed out that the last time this item was before the Council the bid to demolish the buildings was \$43,000. Why is it \$8,200 higher this time?

Mayor Dickinson responded, this is a bid price, costs associated with the disposal of the debris may have increased since the last bid proposal. If asbestos is present then the cost increases as well.

Mr. Zappala stated that the last time this project was placed out to bid Mr. McCully stated that the selected vendor agreed to hold the bid price on the work until the Town was ready to do the job.

Mayor Dickinson responded, Mr. McCully checked with the contractor to find that he was no longer willing to hold his price.

Mr. Zappala stated that he was glad that the Town came to an agreement with the neighbors and he was also glad that the fence would be chain link in construction.

Philip Wright, Sr., 160 Cedar Street asked if the project was bid the second time?

Mr. Parisi responded, yes.

Albert E. Killen, 150 Cedar Street asked if anyone had given any thought to looking over the building to see if any of the materials can be salvaged and re-used by someone else?

Mayor Dickinson suggested that if anyone is interested they come forward quickly. Some concerns may be raised with regards to asbestos and/or lead paint, etc. that may exist in the older structures. There are many new standards in effect that may prohibit the use of the materials under specific conditions. This topic has been discussed a number of times (demolition of the buildings) and he would hate to delay the work after finally reaching this stage.

Mr. Parisi stated that perhaps someone will view the meeting or read about the issue in the paper and will come forward requesting material. If so, he would have no problem with having them sign

a waiver of some kind relieving the Town of any liability.

Mr. Killen asked, was the chain link fence placed out to bid?

Mayor Dickinson responded, yes, the price of the fence is pursuant to bid price.

Mr. Parisi believed the price to be set by State bid.

Mr. Killen asked Attorney Mantzaris if the Town can take advantage of a State bid when the Town has not formally waived the bidding process for such contracts?

Atty. Mantzaris responded that he has drafted an opinion which states that the Town can take advantage of State bid prices. He will forward a copy of that opinion to Mr. Killen.

Mr. Killen argued that the Charter clearly states that the Town must go out to bid on any item it wishes to purchase over \$2,000. He will discuss this matter further with Atty. Mantzaris at a future date.

Mr. Doherty asked, how soon will the demolition take place?

Mayor Dickinson stated that he will check with Mr. McCully on that matter.

Mr. Doherty expressed his concern over the fact that the buildings have been subjected to fire on one occasion and is fearful that it may occur again. He asked if asbestos was discovered in the building which was subjected to the fire?

Mayor Dickinson responded that he did not have that information available to him at this time.

Mr. Doherty asked if asbestos removal was part of the bid specifications?

Mayor Dickinson did not have those details. He will check with Mr. McCully and the Purchasing Department. The contractors had to visit the site and price their bids based on what they saw.

Attorney Mantzaris informed the Mayor that the first time the project went out to bid the Law Department did furnish information to Purchasing and/or Public Works regarding asbestos shingles and that information was made part of the bidding process at that time. The Mayor therefore assumed that some of the pricing reflects the cost for removal of asbestos material.

VOTE: All ayes; motion duly carried.

ITEM #9 PUBLIC HEARING on an Ordinance Appropriating \$315,000 for the Planning and Design of the West Side Tankage and Associated System Improvements - 7:45 P.M.

Mr. Rys read a portion of the ordinance into the record (Appendix I) and moved to Append the Ordinance to the Minutes of this Meeting, seconded by Mr. Knight.

David Gessert, Public Utilities Commission Chairman stated that this project has been planned for a long time and is finally getting under way. Agreements have finally been negotiated to determine where the tanks will be located. Fire protection on the west side of Town needs this type of coverage; pressure needed to be improved to allow for expansion of the system as Wallingford develops on this side of Town.

Roger Dann, General Manager of the Water Division provided an overview of the project to the Council explaining that the primary purpose of the project is to provide for both equalizing and fire storage on the west side of town. The primary benefits of the project will be that we will have that storage placed there and available as needed; by being able to reconfigure the distribution system and the associated zones we will also be able to better match the capacity of the existing Parker Farms pump station and Masonic storage tanks to the zone that it is serving. Over time the Parker Farms pump station area which services both the Masonic zone and also feeds up to the Gaylord Pump Station has grown considerably and has reached the point of capacity and we now need to reconfigure that portion of our system. We envision that through this project we will be consolidating the pump stations, constructing one new pump station and we plan to eliminate three stations in the process leaving us with fewer stations to operate and maintain in the long term. Finally, by virtue of both the storage and the capacity of the mains to be installed we will be improving available fire flows through most of the current Gaylord pressure district. The project, itself, involves three major components:

1. Storage

Based on a preliminary engineering analysis, Mr. Dann is anticipating approximately 1,100,000 gallons of total storage to be installed in either a single or two tank configuration. Preliminary information indicates that two tanks will likely be more cost-effective and also provide operating advantages to us.

2. Pump Station

This is necessary to push water from our gravity system up into this tankage and into that newly created zone. It is anticipated

that the station is to be located on property owned by the Town at Lufberry Park adjacent to Cheshire Road. A number of years ago that site had been identified, in fact some of the preliminary pipe work had been done to accommodate a station at that location.

3. Pipelines

The necessary pipelines will need to be installed to approach the tanks and to connect from the tankage into the distribution system. Some piping improvements may be necessary to allow for the carrying of the zone further to the north up into the Hayledge Court portion of the district.

Mr. Dann went on to say that the tankage, itself, is supposed to be located on property the Town will be obtaining from Gaylord Hospital. We have negotiated successfully for a parcel up there. There was, at one time, another parcel that had been allocated some time ago that was no longer determined to be advantageous for we could not fit as much storage on that site as we would have liked to. Gaylord also felt that it was not situated to their best advantage as well. To this point in time we have done preliminary engineering work in-house. On the basis of that we have had an engineering bid received and those bids are the basis for the funding ordinance being proposed this evening. Once the engineering work has been completed the project will then proceed to a preliminary peer review of the work that we have done and based on finalization of the various elements of the project we will go to final design. Ultimately, we would look to go out to bid on the construction phase. At that point in time the P.U.C. and Mr. Dann will be coming back before the Council for an increase to the funding authorization necessary to fund the overall construction.

Geno Zandri, 37 Hallmark Drive asked, do you have an estimate on the total cost of the project?

Mr. Dann responded, \$3.5 million based on a fair amount of investigation on the cost of tankage as well as estimates on the other phases of the project. We have carried that estimate within our anticipated rate structure in the future as well.

Mr. Zandri asked, will the entire project be bonded and will it effect the rates as they exist today?

Mr. Dann answered, we anticipate that project will be funded through a combination of bonding and potentially some funds of the division, although primarily through bonding. The debt service associated with that will be carried through the water rate structure.

Mr. Zandri asked, is it already built into the rates or is it expected that the rates will increase because of the project?

Mr. Dann explained, the major impact we anticipate will occur beginning in Fiscal Year 1998-99. We have built that into our analysis of the rates and we feel that even with that impact we should be able to hold the water rate structure, without change, through the year 1999-2000. Beyond that we will need to perform another analysis of it. The additional cost associated with this project is certainly an element of what our revenue needs are going to be.

Phil Wright, Sr., 160 Cedar Street asked, are the existing tanks that are up at Gaylord to remain or be removed?

Raymond Smith, Director of Public Utilities responded, they are to be removed. They are not our tanks, they belong to Gaylord. They have their own water system currently and will convert to become a Water Division customer at the conclusion of the project.

Mr. Dann added, Gaylord has their own wells, they are not a municipal water customer. They are, however, a sewer customer and once the project is completed they will have the option of connecting to the Town water supply system. There is no commitment nor obligation in the agreement that we reached with them that they must connect.

Frank Wasilewski, 57 N. Orchard Street asked when the project will be completed?

Mr. Dann responded, approximately the middle of 1999.

Mr. Wasilewski stated that he is of the opinion that our water and sewer rates in Wallingford are too high presently.

Mr. Gessert stated, every effort is made to keep the rates down and if you look at the operating budgets of the Water/Sewer/Electric Divisions this year you will see that they are lower than the previous year.

Mr. Doherty asked, have any funds been expended to date on this project?

Mr. Dann responded, a small amount of funds have been appropriated so that the department could proceed with necessary work to reach the final agreement with Gaylord. Some survey work was involved as well as some initial legal work such as title searches were required. Funds were appropriated in the capital budget for the work but he failed to remember exactly how much. It could be as little as \$10,000 or as much as \$25,000.

Mr. Doherty asked, how much money is in the division's unappropriated fund balance account/reserve account presently?

Mr. Dann guessed it to be in the vicinity of approximately \$2 million.

Mr. Doherty asked, are you using any of those funds for this project? He was told on budget night that there were capital projects that those funds would be used for.

Mr. Gessert responded, Mr. Dann indicated earlier that the \$3.5 million would consist of some borrowed funds but also additional revenues would come from the division.

Mr. Doherty asked, any figure off the top of your head on how much would be used?

Mr. Dann answered, the funds that we have set aside that we have shown in our future projections have been allocated at the present time or designated towards work that needs to be done at Well #1. To the extent that we may need less than what we anticipated for that project if we go forward with it, then we may look to utilize some of that funding for the purposes of this project. None of the funds that we are talking about in the unappropriated fund balance have currently been designated to this project. Our record has always been that if we can make funds available to reduce the level of bonding for any of the projects, we attempt to do that.

Mr. Centner stated, approximately ten years ago a water tower project was scheduled for Hayledge Court. How does this compare or is it going to be a similar result, these tanks being located elsewhere?

Mr. Dann answered, we expect the result to be more favorable. The site at Hayledge Court had specific height limitations attached to the property deed. Those limitations impact upon the available pressure that we can obtain in the tank and therefore also impact upon the service area that we can work with. At the Gaylord location we can go with a somewhat higher tank. We will be able to pick up a little more pressure and a little bit wider service area as a result.

Mr. Wasilewski asked, is any taxpayer money going to be involved in this project?

Mr. Smith responded, that is the plan at this point. The Water Division would pick up the debt service.

Mr. Wasilewski reminded everyone that a number of years ago the Town of Wallingford, the taxpayers, contributed \$500,000 a year for six years to projects in the Water and Sewer Divisions. Is that

correct? Did taxpayer's money go into the projects?

Mr. Smith responded, you are probably referring to the Sewer Treatment Plant. The original arrangement back in 1984 was that the contribution for the interest came from the taxes.

Mr. Wasilewski stated, that was not right to do. Taxpayer money should not have gone into those projects. We are talking about \$3 million that helped whatever projects the Water and Sewer Divisions were doing. The taxpayers never got a refund on all this money and no matter how big this project is, the rates should not go up because the taxpayers of Wallingford always paid for everything. He does not want to see another \$3 million of taxpayers money go into a business...this business should be run a little better than it is.

Mr. Dann explained that when looking at the rate structure, particularly the sewer rate structure, we have spent considerable time inquiring of other communities how their sewer rates are constructed. One of the major differences that has been identified between our operation and most other municipal operations is the fact that our sewer revenues fully support all our costs of operation including all of our costs for debt service at this point in time. When you talk about the sewer rates appearing to be higher you have to be sure that you understand how you are comparing. In other situations the cost of capital projects may very well be carried within the general tax structure rather than in the sewer rate structure. We found that to be quite common.

Mr. Gessert pointed out that up until the 1980s all of the capital projects for sewer were funded completely by the Town. There was a major change and those costs are now allocated to the Sewer Division rather than coming out of general government taxation.

VOTE: All ayes; motion duly carried.

ITEM #15 Motion was made by Mr. Rys to Move Agenda Item #15 Up to the Next Order of Business, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

ITEM #15 Report Out by the Water/Sewer Divisions on the Status of Various Capital Projects as Requested by Councilor David J. Doherty

Mr. Doherty asked Mr. Dann to report out on the following projects:

Durham Road Pump Station

Mr. Dann stated that the amount of the funding ordinance is \$3,965,000; to date through June 30th \$180,322 has been spent; the estimated final cost of the project is \$2.5 million.

The status of the project at this point is the design work has proceeded sufficiently such that the division can now enter into the construction phase of the project. It is expected that the installation of pipe will begin the first week of September. Shortly thereafter the excavation for the pump station will begin. Based upon the contractor's current representations the division thinks he may be ready to place the station in operation by Spring of 1997, well ahead of the schedule originally sought by the division.

South Elm Street Sewer Project

The amount of the funding ordinance is \$3,370,000; to date through June 30th \$2,663,850 has been spent; a projected final cost for the project is \$2.8 million.

The project had included pavement restoration through the portion of work the division had performed. In coming to the end of the project it was determined through discussions and mutual agreement between the Public Works Department and the Water/Sewer Division that the Town could get better utilization of the funds that have been allocated for that purpose if we allow Public Works to utilize the funds through the bids they had available and the pricing that they had available to perform that final work in reconstructing the entire roadway. By agreement between the contractor and Public Works that is the direction the division chose to proceed with. During the last discussion Mr. Dann had with Henry McCully on the issue he was informed that the work would begin in either late August or early September.

Parker Farms Sanitary Sewer Project

The amount of funds that have been appropriated in the current year's capital budget for the project is \$120,000. Based on the current workload Mr. Dann is hoping to place the work out to bid in the first few months of 1997.

Sewage Treatment Plant Project

The project had a funding ordinance of \$38,300,000; expenses to date are \$36,894,018. That is anticipated to be the final project cost. That project is not yet closed out and the reason for that is that we are going through a final E.P.A. auditing process that is necessary in order to determine the final amount of grant money that will be available from both federal and state, ultimately. That audit process has now been going on for about two years and we don't yet have a final draft of that report in hand. We are on hold until that process is completed.

Mr. Doherty asked, what happens to the difference of \$1.3 million?

Mr. Dann responded, the difference is, in essence it is money that is just not expended. Once the project closes out Mr. Myers will formally acknowledge that so that the Town's records can properly reflect that it is no longer a potential liability of the Town.

Mr. Doherty asked, have we bonded that \$1.3 million?

Mr. Dann responded, no, we have actually only bonded \$11 million on that project to date. The rest is coming from federal, state and we have a significant dollar value that sewer division revenues contributed to the project as well....almost \$3 million of Sewer Division Funds were put towards the project as well. There is an authorization up to the level of the amount of the ordinance, however, as you can see throughout all of these projects that our record has been to attempt to and pretty successfully maintain the actual costs below the level of authorization.

Water Supply Projects

The amount of the funding ordinance has been \$27,720,000; the expenditures to date through 6/30/96 were \$26,081,324.; the final project cost is expected to be slightly above \$26,120,000.

There are a couple of items that still remain to be completed there; several minor punch list items existed that we have been working with the contractor on for several years to complete; three items are left and we are very close to finalizing that. The other element of the project that we are keeping this open for is to complete the rehabilitation of the former raw water transmission mains for utilization as finish work transmission mains. We have a redundant set of pipes getting all the way from the treatment plant down to the former McKenzie treatment plant area. We have been working on that for a number of years and we are very close to completion. Hopefully within the next month we will see those mains placed back in service.

Mr. Smith added, with many of these ordinances we go out with a "cap", a limit that we cannot spend beyond. Any money that is unexpended is just not utilized.

Philip Wright, Sr., 160 Cedar Street commended Mr. Doherty for bringing these issues to the table so that the public is aware of the status of the projects. He asked for a copy of Mr. Dann's report.

Mr. Doherty will provide a copy of Mr. Dann's information to Mr. Wright.

No action taken.

ITEM #8 Remove from the Table to Consider and Approve Accepting Two Roads:

- a. A Portion of Promontory Drive
- b. Grassy Hill Court

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

VOTE TO REMOVE FROM THE TABLE. All ayes; motion duly carried.

Motion was made by Mr. Rys to Accept a Portion of Promontory Drive and Accept Grassy Hill Court, seconded by Mr. Knight.

Attorney James Loughlin representing Ravenswood Developers and Dean Fiske of Ravenswood were available for this item of discussion.

Mr. Parisi noted that the items of concern raised by the Council at its last meeting pertaining to these roads have been addressed. Ms. Papale, Mr. Zappala, Mr. Rys, Mr. Parisi and Mr. Doherty all visited the area and were pleased with the results. The curbing was corrected and the patch fixed.

Geno J. Zandri, Jr. asked if the roads were approved by Planning & Zoning?

Mr. Parisi responded, yes.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve a Resolution Authorizing the Mayor to Make Application to the State Department of Social Services for the SCOW Grant

Mr. Rys read the resolution into the record (Appendix II).

Motion was made by Mr. Rys, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve Waiving the Lease Payment of \$750 by SCOW Unless Grant Money to Cover Said Payment is Available - Mayor's Office

Motion was made by Mr. Rys, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve an Appropriation of Funds in the Amount of \$2,690 to the Revenue and Expenditures Budget of the S.C.O.W. Program to Cover the Cost of Required Financial Reports to the United Way and Internal Revenue Service

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

Don Roe, Program Planner explained, we have in our special funds budget in the front of the budget book, our S.C.O.W. funds listed. The number we used back in February that was submitted at budget time did not include some expenses that are now on our doorstep relating to the I.R.S. 501C3 documentation. As it turned out they wanted thirteen (13) years of financial information. That is the purpose of this amendment. It does not mean that any additional Town funds are being requested, it is an amendment to allow us to deal with the need to supply I.R.S. with that information.

Mayor Dickinson clarified that the funds are not being sought to provide financial reports for the United Way.

Mr. Roe informed the Council that S.C.O.W. was successful in becoming a participating member in the United Way recently.

VOTE: All ayes; motion duly carried.

ITEM #13 Consider and Approve Authorizing the Mayor to Sign a Five Year Lease to Renew the Farm Lease Program in the Town of Wallingford - Mayor's Office

Mr. Rys read correspondence from the Mayor into the record (Appendix III).

Motion was made by Mr. Rys to Approve the Lease and Append a Copy of it Along with a List of the Parcels to the Minutes of This Meeting, seconded by Mr. Farrell.

Mr. Zappala stated that he would like the Town-owned property on Howd Road, Durham to be removed from the list of parcels for the farm lease program. It is part of Item #15 to be addressed later.

Mr. Parisi asked if anyone is currently leasing the property?

Mr. Roe responded, twenty-five acres of the site is under lease with the Town. There is a termination clause in the lease which states that if you did not want to continue to have the property included in the program all that is required is a 180 day notification period to terminate the agreement. You can amend the lease for a ninety day notice period if the Council so chooses.

Mr. Parisi suggested leaving the property on the list for this item

Mr. Roe stated that he does not have strong feelings to argue in favor of keeping the property in the program. It is entirely up to the Council.

Motion was made by Mr. Zappala to Delete the Twenty-Five Acres of Town-Owned Leased Property in the Howd Road Area of Durham from the Program and List, seconded by Ms. Papale.

VOTE: Zappala and Papale, aye; all others, no; motion failed.

VOTE ON ORIGINAL MOTION: All ayes; motion duly carried.

ITEM #14 Report Out by the Town Engineer on the Status of Various Capital Projects as Requested by Councilor David J. Doherty

Motion was made by Mr. Rys to Hear the Report, seconded by Mr. Knight.

John Costello, Town Engineer was ill and unable to make the meeting this evening, however he did respond via correspondence which was read into the record by Mr. Doherty. (Appendix IV)

In his letter to Mr. Costello, Mr. Doherty requested a report out on the status of several capital projects that seemed to have no activity on them for many months, and in some cases numerous years, yet exhibited a balance in their accounts on the monthly statement distributed by the Comptroller's office.

In discussing the matter further it was explained by the Mayor that although some accounts may exhibit a balance it does not necessarily mean that funds remain in the account. When a funding ordinance is passed the Town bonds exactly what the total of that ordinance is. When borrowing occurs, only the exact amount of the completed project cost is borrowed. In all actuality there are no funds left over it is simply the difference between the total bonding amount and the actual amount expended on the project.

The Tyler Mill and Jobs Road Projects are closed and completed.

With regards to the Grove Street Project in F.Y. 1994-94, Mr. Costello's report states that the project is currently on hold. When the preliminary plans were completed three (3) problems were encountered that have yet to be resolved (see report Appendix IV).

Mr. Doherty asked if the project is going to go ahead or not?

Mayor Dickinson responded, the last he heard is that there are some right-of-way issues involved with regards to the road. He is not sure if those issues have been resolved. If they were then we are still left with the sidewalk issue. We had one meeting before the Council where there was considerable controversy expressed over the

road and sidewalks. Some residents did not want to see the road widened and others did not want to see sidewalks. The final design has not been brought forward yet from Engineering.

In response to the status of Chimney Hill Road Reconstruction Project Mr. Costello states that a 400' section of roadway west of Schwab Terrace is currently being reconstructed at a lower elevation to improve sight distance for vehicles entering and leaving Schwab Terrace.

A portion of the Quinnipiac Corridor Design project is currently at a stand still. It is now in the twenty-sixth month of an eleven month project. The ConnDOT review process and the one year delay in getting any response from Amtrak has considerably and unreasonably extended the consultant's contract time necessitating an adjustment in the consultant's fee. No surplus can be expected in this account.

Mayor Dickinson added, we are still awaiting Amtrak's response regarding a perceived need to close Hosford Street. At some point, assuming that information comes forward the Council will have to deal with that subject. Following that would be the need for a design involving preemption to circuitry in the railroad and the traffic signals. It has been a very complicated project. The consultant is seeking more money and we are reviewing that matter. This project was to include improvements to Wallace Park as well as some improvements along the sidewalks of Quinnipiac Street. That facet of the project is no longer possible because the railroad portion of the project has absorbed over \$500,000.

All of the bridge projects listed in the F.Y. 1994-95 and F.Y. 1995-96 budgets are currently under design.

Mr. Doherty asked, will the West Dayton Hill Road Bridge project still be going forward? Several letters of correspondence from neighbors in that area have been forwarded to the Council stating their opposition to the project.

Mayor Dickinson responded, it is still an active project. There is a single land bridge there presently that cannot be justified. We cannot bring fire equipment down off of Woodhouse Avenue should the other means of access into West Dayton Hill Road be blocked. There are other complicated factors involved, some right-of-way issues and the designs for the bridge need to be reviewed. The project will have to be taken up by the new town Engineer once hired.

Mr. Doherty asked about the dam that is out there; are there legal questions surrounding the ownership of the dam?

Mayor Dickinson answered, the last he heard the Town does not own

the dam. We probably own the pond but the ownership of the dam may rest in the original corporation that developed the area. There is some concern regarding the liability of the dam. D.E.P. is currently involved and reviewing the matter and will notify all the owners upon completion of their investigation. If the Town is then notified then we will know for sure if we are considered owners in the matter.

Mr. Doherty asked, is the dam involved in any way with the construction of the bridge?

Mayor Dickinson responded, I don't believe so.

Philip Wright, Sr., 160 Cedar Street stated that many projects are assigned to the Public Works Department. We have an enormous amount of equipment on hand that we should get rid of and bid the projects out to contractors.

Mr. Doherty stated, it is his impression that years ago the intention was to purchase a lot of heavy equipment and have Public Works bid for the work. They have shown that they can do it. He was not sure if we would get a fair bid price if no labor costs are charged against it.

No action taken.

ITEM #16 Withdrawn

ITEM #17 Discussion and Possible Action on a Recommendation from the Golf Course Study Committee Regarding the Disposition of Approximately 200 Acres of Town-Owned Property that was the Subject of a Proposed Golf Course Site in Durham as Requested by Councilor G. Tom Zappala

Motion was made by Mr. Rys, seconded by Mr. Zappala.

Mr. Zappala stated that the land was purchased originally with the intention of having a reservoir in Durham. That never materialized and the Town continued to own the property paying taxes on it to Durham. It has recently been the subject of a proposed golf course and after conducting many meetings on the proposal with Durham and neighbors of the property, the committee found that the surrounding property owners were opposed to the idea. The committee tried to address the areas of concern with the residents, to no avail. Out of the thirty-five abutting property owners only ten were in favor of the proposal. He cannot see keeping the property if nothing is going to be done with it. If the land were located within the boundaries of Wallingford then he would have no problem leaving it as open space, however it is in Durham and costing the taxpayers money each year which is a poor investment of their money.

In speaking with Roger Dann, General Manager of the Water Division, it was recommended that twenty-eight acres of the land be kept to protect Wallingford properties. The remaining two hundred acres is of no use to the Water Division any longer.

The Golf Committee therefore recommends that the remaining land be sold and the proceeds derived from the sale be used to purchase other land within the boundaries of Wallingford for recreational use. When the land was originally purchased using State open space grant funds a stipulation was included; if the land was to be sold at any time in the future it must either be replaced by other open space property equal in size or the proceeds from the sale were to be returned to the State.

Motion was amended by Mr. Zappala to Place the Town of Wallingford Property in Durham, Generally Described as Being at the North End of Paug Pond, on the Open Market for Sale with the Proceeds of Any Such Sale to be Used for the Acquisition of Comparable Land to be Used for Recreation or Conservation, all Subject, however, to the Approval of the Commissioner of Environmental Protection, seconded by Ms. Papale.

Mayor Dickinson stated that some research would have to be conducted to determine what D.E.P. would want, how much money was spent through State grants and how much may have been funded by the Water Division in the past. The property would not be listed until the information was obtained.

Mr. Knight did not wish to move so quickly on this issue without checking out all of the details surrounding the original purchase and the stipulations which apply to the proposed sale of the property.

Mr. Farrell stated, whether or not we have a golf course it is our obligation to look at retaining or disposing of the parcel in terms of what is in the best interest of the Town and making that kind of decision while we are still hot with Durham is not considered a wise move. Our typical procedure in these cases is to ask all Town departments to comment, which we have not yet done, and this procedure allows us to look at whether or not there is another a municipal use for the property or whether there would be an impact on the Town if the property is sold. In this case before he could think of selling the parcel he would want to know whether or not there is absolutely no chance of building a reservoir on the property given that there are very few two hundred acre parcels in the area. Will residential development in the area affect the watershed of the Town's current reservoirs? How will residential development on this parcel affect adjacent Wallingford roads? Much of Whirlwind Hill Road in this area is a mere one lane road. Will developing this property force the Town to spend a lot of money upgrading our roads and how much will that cost? Finally, if we sold the property can we limit the type of development so

that we don't have septic tanks leaking into our drinking water or cars overwhelming Whirlwind Hill Road? The bottom line is, without serious answers to these questions we should not be thinking about selling the property. Let's put aside our anger for a moment, consider the issue carefully and not rush to do anything tonight.

Mr. Farrell stated that he was using the term in a figurative manner when stating that there may be some anger harbored against Durham for not agreeing to the golf course proposal.

Mr. Parisi stated for the record that he is not angry about this issue.

Ms. Papale asked Mr. Farrell if these issues so stated by him would have existed if the proposal for the golf course was accepted?

Mr. Farrell responded that he would not have voted in favor of the golf course based on the issues he listed above.

Ms. Papale asked, would the Council feel better if this item was put on hold for a few weeks so that the issues raised by Mr. Farrell would have answers to them? It was her impression that Mr. Zappala was merely asking if the Council supported the sale should all the potential issues be resolved.

Mr. Parisi responded, there is a lot of information to be gathered and he does not feel it will be accomplished in only a few weeks' time.

Motion was made by Mr. Farrell to Table This Item Until the First Meeting of October, seconded by Mr. Centner.

Mr. Doherty was not in any rush to sell any property owned by the Town. He recognizes the fact that the committee worked long and hard on this issue but, unfortunately, it did not work out the way they would have liked it to and they should take a step back and look in other directions.

VOTE: Farrell, Centner, Knight and Doherty, aye; all others, no; motion failed.

Lester Slie, 18 Green Street stated that he has been trying to get a golf course in this town since 1979. He is a member of the Wallingford Golf Course for fifty-five (55) years. Over a five day period this summer the Silver City Golf Club sponsored a golfing program for the youths of Meriden. The program initially boasted a membership of thirty. This year over one hundred (100) youths participated between the ages of 6-16. This Town offers a large variety of other sports to its youth, but not golf. How many of the other sports programs pay for themselves? The cost to the parents of a child wishing to play golf is approximately \$400-\$1,000/yr.

A child who participates in other sports in this town pays approximately 1/10th that amount and has full use of the Town's fields and equipment. Three separate studies have been conducted on this matter with each costing the taxpayers a significant amount of money, all for nothing. He urged the Council not to give up the search for open space for golf.

VOTE ON AMENDED MOTION: Papale, Renda, Rys, Zappala and Parisi, aye; all others, no; motion passed.

ITEM #18 Consider and Approve Adding One Member to the Public Safety Sub-Committee of the Council to Replace Robert Fritz as Requested by Vice Chairman Raymond J. Rys, Sr.

Motion was made by Mr. Rys to Add the Name of Edward Polanski to the Committee, seconded by Mr. Centner.

VOTE: Parisi was absent; all others, aye; motion duly carried.

ITEM #19 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes with Respect to the Sale or Purchase of Property

ITEM #20 Executive Session Pursuant to Section 1-19b(9) of the CT. General Statutes Pertaining to the Strategy and Negotiations with Respect to Collective Bargaining

Motion was made by Mr. Knight to Enter Into Both Executive Sessions, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

In executive session pertaining to 1-19b(9), those individuals present were the Town Council, Mayor Dickinson, Attorney Mantzaris and Personnel Director Terrence Sullivan.

Present in Executive Session pertaining to Section 1-18a(e)(4) were all Councilors, Mayor Dickinson and Attorney Mantzaris.

It is noted that Councilor Farrell left the Executive Session at 10:25 P.M. when discussion on the matter at hand pertained to one of his clients. Councilor Farrell re-entered the meeting at the close of the executive session.

Motion was made by Mr. Rys to Exit the Executive Session, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Rys to Adjourn the Meeting, seconded by Mr. Centner.

VOTE: All ayes; motion duly carried.

There being no further business, the meeting adjourned at 10:34 P.M.

Meeting recorded and transcribed by:

Kathryn F. Milano

Kathryn F. Milano
Town Council Secretary

Approved by:

Robert F. Parisi
Robert F. Parisi, Chairman

9-24-96

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

9-24-96

Date

AN ORDINANCE APPROPRIATING \$315,000 FOR THE PLANNING AND DESIGN OF WEST SIDE TANKAGE AND ASSOCIATED SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$315,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$315,000 is appropriated for the planning and design of West Side Tankage and Associated System Improvements including tanks, pump stations, piping and appurtenances and improvements related thereto, and for administrative, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

Section 2. To meet said appropriation \$315,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. Said bonds shall be issued in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated times of the receipt of the proceeds thereof, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate

principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town (the "Issuer") hereby

expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 6. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are hereby authorized, on behalf of the Town, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to nationally recognized municipal securities information repositories or state based information repositories (the "Repositories") and to provide notices to the Repositories of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance. Any agreements or representations to provide information to Repositories made prior hereto are hereby confirmed, ratified and approved.

CERTIFIED RESOLUTION OF LOCAL AGENCY

Certified a true copy of a resolution duly adopted by the Town Council of the Town of Wallingford at its meeting on _____, and which has not been rescinded or modified in any way whatsoever.

Date Clerk Secretary

WHEREAS, it is desirable and in the public interest that the TOWN OF WALLINGFORD make application to the Department of Social Services in such amounts as may be made available for undertaking a Community Service Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD that the Mayor, William W. Dickinson, Jr., file such application with the Department of Social Services, to provide such additional information as may be requested, to enter into and amend contractual instruments in the name and on behalf of the Town and to act as the authorized representative of the Town.

Appendix III

LE A S E

THIS INDENTURE made this day of , 199 , by and between the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut and exercising its municipal functions in the Town of Wallingford, County of New Haven and State of Connecticut, hereinafter call "Lessor," acting herein by William W. Dickinson, Jr., its Mayor, duly authorized by a vote of the Town Council of the Town of Wallingford on , 199 ; and of the Town of Wallingford, County of New Haven and State of Connecticut, hereinafter called "Lessee;"

W I T N E S S E T H :

That the Lessor has leased and does hereby lease to the Lessee those certain pieces or parcels of land located in the Town of Wallingford, County of New Haven and State of Connecticut, more particularly described on SCHEDULE A attached hereto and made a part hereof.

Said leased premises shall be subject to any easements and

rights of way or other encumbrances owned by the Lessor, and said Lessor herein reserves unto itself the right to enter and re-enter upon said property for the purposes of maintaining, inspecting, repairing, or using any such easements, rights of way or other encumbrances owned by the Lessor.

It is hereby understood that said leased premises are to be used by the Lessee solely for agricultural purposes. Lessee shall comply with the University of Connecticut information sheet regarding soil and fertilizer nitrogen, marked Exhibit A, appended hereto and made a part hereof. In the event the Lessee uses any of the leased premises as cropland he shall comply with Soil Conservation Service Bulletin numbered 340-1 and marked Exhibit B, appended hereto and made a part hereof. In the event the Lessee uses any part of the leased premises as hayland he shall comply with Soil Conservation Service Bulletin numbered 510-1 and marked as Exhibit C, appended hereto and made a part hereof. The application of any pesticides shall be in strict compliance with the 1991 New England Guide to Chemical Control of Problem Weeds and Brush on Non-Cropland, marked as Exhibit D, and appended hereto and made a part hereof, and the 1991 New England Guide to Weed Control in Corn and Forage Crops, marked Exhibit E, appended hereto and made a part hereof. In addition to compliance with Soil Conservation Service Bulletin #340-1,

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Lessee agrees to fully comply with cropland management requirements set forth in Exhibit F appended hereto and made a part hereof. The Town of Wallingford may make periodic inspections of the leased premises to insure compliance with the foregoing, and the Lessee agrees to comply with any reasonable recommendations of the Town of Wallingford designed to insure the continued arability of the soil.

The term of this lease shall commence upon the date first above written and expire on _____, _____. The annual rent for said lease shall be (\$ _____ .00) DOLLARS payable annually on or before the anniversary date.

Lessee agrees to carry, at Lessee's own expense, sufficient insurance to hold the Lessor harmless from any and all claims for damages or loss to any person or property, including that of the Lessee, his agents, servants, employees and heirs, arising from the use of said property. Lessee further agrees to provide Lessor with copies of said policies, which policies shall be subject to the reasonable approval of the Lessor.

Lessee covenants and agrees to maintain trees, tree lines, stone walls, fences, stream beds, watercourses, wetlands, paths, horse trails, and other existing features or conditions of the

premises, and to allow members of the general public reasonable access to any of said existing features and conditions for the purposes of birdwatching, hiking, horseback riding, or hunting.

Lessee further covenants and agrees that if Lessee shall use the leased premises for any purpose other than that hereinbefore authorized; or breach any express covenant, term, restriction or condition contained herein; or assign this Lease or underlet the whole or any portion of the leased premises without the express written consent of the Lessor; or make any alteration therein; or commit waste or suffer the same to be committed on said premises; or injure or misuse the same; then this Lease shall thereupon, by virtue of this express stipulation therein, expire and terminate, and the Lessor may, at any time thereafter, re-enter said premises, and the same have and possess as of its former estate, and without such re-entry, may recover possession thereof in the manner prescribed by the statute relating to summary process; it being understood that no demand for rent, and no re-entry for condition broken, as at common law, shall be necessary to enable the Lessor to recover such possession pursuant to said statute relating to summary process, but that all right to any such demand, or any such re-entry, is hereby expressly waived by the Lessee.

And it is further agreed between the parties hereto that,

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whenever this Lease shall terminate either by lapse of time or by virtue of any of the express stipulations therein, the said Lessee hereby waives all right to any notice to quit possession, as prescribed by the statute relating to summary process.

And it is further agreed between the parties hereto that the Lessee is to comply with and conform to all the laws of the State of Connecticut and the by-laws, rules and regulations of the Town within which the premises hereby leased are or may be concerned; and to save the Lessor harmless from all fines, penalties and costs for violation of or non-compliance with the same, and that said premises shall be at all times open for inspection by said Lessor or its agents.

And the Lessee covenants and agrees that, in the event the Lessor is required to employ an attorney in order to enforce any provision of this Lease, the Lessee shall pay a reasonable attorney's fee in connection with any such enforcement work.

This Lease may be terminated by either party hereto upon one hundred eighty (180) days notice to the other, which notice shall be in writing.

And it is further agreed between the parties hereto and expressly understood that this Agreement shall terminate upon the death of the Lessee or upon said Lessee discontinuing the

use of said leased premises for agricultural purposes; provided, however, that the heirs of the Lessee shall have the right to complete the harvesting of any and all existing, growing crops. Said heirs shall be required to abide by all the terms of this Lease.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals and to a duplicate of the same tenor and effect the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

LESSOR
TOWN OF WALLINGFORD

BY: _____
WILLIAM W. DICKINSON, JR.
Its Mayor

LESSEE

BY: _____

**PROPERTIES AVAILABLE IN
FARMLAND LEASE PROGRAM
(1/1/97 - 12/31/01)**

<u>Parcel #</u>	<u>Location</u>	<u>Map</u>	<u>Acreage</u>	<u>Comment</u>
1.	Branford Road	S-142	9.5	B
2.	Branford Road	S-142	8.1	B
3.	Branford Road	S-142	19.3	B
4.	Branford Road	S-142	16.6	B
5.	Branford Road	S-142	3.5	B
6.	Branford Road	S-142	2.5	B
7.	Branford Road	S-152	2.8	B
8.	Branford Road	S-142	1.1	B
9.	Branford Road	S-142	5.1	B
10.	Branford Road	S-142	4.6	
11.	Branford Road	S-142	2.6	
12.	Branford Road	S-142	7.6	B
13.	Branford Road	S-142	2.7	B
14.	Branford Road	S-142	4.1	B
15.	Branford Road	S-142	1.0	B
15.	East Center Street	S-140	3.7	E
16.	East Center Street	S-140	28.0	E
19.	East Center Street	S-140	5.0	E
20.	East Center Street	S-140	10.0	E
22.	Northford Road	BB-609	6.5	B/D
24.	Tamarac Swamp Road	S-141	4.1	E
26.	Tamarac Swamp Road	S-141	2.2	E
27.	Tamarac Swamp Road	S-141	6.3	E
31.	Tamarac Swamp Road	CC-74	10.1	
32.	Tamarac Swamp Road	S-141	14.0	E
37.	Northford Road	CC-77	19.3	
38.	Anderson Road	CC-76	2.6	
39.	Anderson Road	CC-76	4.2	
44.	Maltby Road	BB-611	2.6	
46.	Maltby Road	BB-611	1.6	
49.	East Center Street	CC-75	4.9	B
50.	East Center Street	CC-75	1.1	B
51.	East Center Street	CC-75	4.6	B

<u>Parcel #</u>	<u>Location</u>	<u>Map</u>	<u>Acreage</u>	<u>Comments</u>
52.	East Center Street	CC-75	1.6	B
53.	East Center Street	CC-75	4.1	B
54.	East Center Street	CC-75	2.8	B
55.	East Center Street	CC-75	3.1	B
56.	Howds Road			
57.	Howds Road	Cons. Plan		
58.	Howds Road	Map, SCS	25.0	
59.	Howds Road			
60.	Woodhouse Avenue	AA-450	2.0	
61A.	Tyler Mill Rd./East Center Street	0-933A	10.1	B
61B.	Tyler Mill Rd./East Center Street	0-933A	3.5	B
	205 Main Street	0-934-L	4.0	A
	143 Hope Hill Road	S-31-L	10.5	A/C
	90 Tamarac Swamp Rd.		<u>25.2</u>	
		Total	313.8	

- * A = Aquifer (Restrict to Hay)
- B = Watershed Area (Restrict to Hay)
- C = Site of Public Celebrations' Fireworks