

TOWN COUNCIL MEETING

JULY 21, 1998

6:30 P.M.

Blessing - Rev. Sydney Parker (Ret.)

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#1-7) Totaling \$6,361.84 - Tax Collector
 - b. Note for the Record Mayoral Transfers Approved to Date
 - c. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - d. Consider and Approve a Transfer of Funds in the Amount of \$6,158. From Replacement Pay Acct. #2030-101-1500 to Regular Salaries Acct. #2030-101-1000 in the F.Y. 1997-98 Budget of the Dept. Of Fire Services
 - e. Consider and Approve Waiving the Bidding Process to Allow Cole Layer Trumble Company to Perform Requisite Technical Valuation Assignments Necessary to Bring the Assessor's Office Up to Current Status - Comptroller
 - f. Consider and Approve a Transfer of Funds in the Amount of \$22,500 from Revaluation Acct. # 1401-999-9909 to Purchased Services - Property Appraisals Acct. #1401-901-9010 - Comptroller
 - g. Consider and Approve Waiving the Bidding Process for the Purchase of Software to Upgrade the Town's Application Software from R. Walsh Associates at a Cost of \$36,000. - Deputy Comptroller
 - h. Consider and Approve a Transfer of Funds Totaling \$160,000 to Purchased Power Acct. #555 of Which \$35,000 is taken from Cust. Records - Data Processing Acct. #903-1; \$40,000 is from Outside Services - Legal Acct. #923-2; \$50,000 is from Outside Services - Consultants Acct. #923-3 and \$35,000 is from Injury & Damage Insurance Acct. # 925 in the Electric Division Budget

- i. Consider and Approve a Budget Amendment in the Amount of \$5,000 to Adult Education/CAPP Revenue Acct. and to Adult Education/CAPP Expenditure Acct. in the Special Revenue Fund of the Board of Education
 - j. Consider and Approve a Budget Amendment in the Amount of \$5,000 to Adult Education I Revenue Acct. and to Adult Education I Expenditure Acct. in the Special Revenue Fund of the Board of Education
 - k. Consider and Approve a Budget Amendment in the Amount of \$5,000 to Adult Education II Revenue Acct. and to Adult Education II Expenditure Acct. in the Special Revenue Fund of the Board of Education
 - l. Consider and Approve a Budget Amendment in the Amount of \$56,100 to IDEA-Part B, Section 611 Revenue Acct. and IDEA-Part B, Section 611 Expenditure Acct. of the Special Revenue Fund of the Board of Education
 - m. Consider and Approve a Budget Amendment in the Amount of \$25,000 to School to Career Grant Revenue Acct. and to School to Career Grant Expenditure Acct. of the Special Revenue Fund of the Board of Education
 - n. Approve and Accept the Minutes of the March 31, 1998 Special Town Council/P.U.C. Meeting
 - o. Approve and Accept the Minutes of the June 16, 1998 Public Speaking Meeting
 - p. Approve and Accept the Minutes of the June 23, 1998 Town Council Meeting
4. Items Removed from the Consent Agenda
 5. PUBLIC QUESTION AND ANSWER PERIOD
 6. Consider and Approve One (1) Appointment/Re-Appointment to the Position of Commissioner on the Inland Wetlands Watercourse Commission for a Term of Five (5) Years to Expire 3/1/2003

Brief Presentation from the Quinnipiac River Linear Trail Advisory Committee with Regards to the E.P.A. Awards Ceremony as Requested by Councilor Jerry Farrell, Jr.

8. Consider and Approve Waiving the Bidding Process to Facilitate the Hiring of a Professional Engineer, Landscape Architect or Planning Firm to Work with the Quinnipiac River Linear Trail Advisory Committee and Various Town Depts. to Prepare a Concept Plan for the Proposed Trail between the North Haven and Meriden Town Lines - Engineering Dept.
 9. Consider and Approve a Request by the Director of Health to Utilize Additional Grant Funds Offered to the Health Department by the State of Connecticut
 10. Consider and Approve a Transfer of Funds in the Amount of \$67,681 from General Purposes Acct. #8050-800-3190 to Quinnipiac Corridor Construction Acct. #5010-999-0007 - Mayor
 11. Consider and Approve an Appropriation of Funds in an Amount Totaling \$218,500 from Retained Earnings Acct. Of Which \$140,000 is Transferred to Underground Conduit Acct. #366; \$42,500 is Transferred to Underground Conductors Acct. #367 and \$36,000 is Transferred to Services Acct. #369 - Electric Division
- Consider and Approve a Transfer of Funds in the Amount of \$34,000 from General Purposes Acct. #8050-800-3190 to Center St. Cemetery Acct. #3070-600-6880 - Mayor
13. Consider and Approve a Budget Amendment in the Amount of \$271,975 to Cook Hill Relocation Project 133RE Revenue Acct. #1030-050-5027 and to Board of Education Building Improvements Acct. #8600-860-7200 - Mayor
 14. Consider and Approve Waiving the Bidding Process to Hire M.B. Soil Mapping to Map Inland Wetlands on Property in Wallingford - Town Attorney
 15. Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor
 16. Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving the Tax Appeal Entitled, "Wallingford Property Holdings v. Town of Wallingford" - Town Attorney
 17. Consider and Approve the Settlement of Pending Litigation Involving the Tax Appeal Entitled, "Wallingford Property Holdings v. Town of Wallingford" - Town Attorney
 18. Executive Session Pursuant to Section 1-18a(e)(5) of the CT. General Statutes Pertaining to Strategy and Negotiations with Respect to Collective Bargaining

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JULY 21, 1998

6:30 P.M.

SUMMARY

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12. Approve a Transfer of \$34,000 to Center Street Cemetery Acct.	29-31
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6:30 P.M.

A meeting of the Wallingford Town Council was held on Tuesday, July 21, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and was called to Order by Chairman Robert F. Parisi at 6:33 P.M. This meeting takes the place of the two regularly scheduled meetings for the month of July of the Town Council and also replaces the July Public Speaking Meeting originally scheduled for this same date. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Councilors Centner, Renda and Zappala who were on vacation. Mayor William W. Dickinson, Jr., Assistant Town Attorney Gerald Farrell, Sr. And Comptroller Thomas A. Myers were also present. Town Attorney Janis M. Small arrived at 8:30 P.M.

A blessing was bestowed upon the Council by Reverend Sydney Parker (Retired).

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

A proclamation issued by Mayor Dickinson proclaiming August 2 - 8, 1998 as Fire Fighter and EMS Personnel Week was read into the record by Mr. Rys. (Appendix I)

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#1-7) Totaling \$6,361.84 - Tax Collector

ITEM #3b Note for the Record Mayoral Transfers Approved to Date

ITEM #3c Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #3d Consider and Approve a Transfer of Funds in the Amount of \$6,158. From Replacement Acct. #2030-101-1500 to Regular Salaries Acct. #2030-101-1000 in the F.Y. 1997-98 Budget of the Dept. Of Fire Services

M #3e Consider and Approve Waiving the Bidding Process to Allow Cole Layer Trumble Company to Perform Requisite Technical Valuation Assignments Necessary to Bring the Assessor's Office Up to Current Status - Comptroller

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$22,500 from Revaluation Acct. # 1401-999-9909 to Purchased Services - Property Appraisals Acct. #1401-901-9010 - Comptroller

ITEM #3g Consider and Approve Waiving the Bidding Process for the Purchase of Software to Upgrade the Town's Application Software from R. Walsh Associates at a Cost of \$36,000. - Deputy Comptroller

ITEM #3h Consider and Approve a Transfer of Funds Totaling \$160,000 to Purchased Power Acct. #555 of Which \$35,000 is taken from Cust. Records - Data Processing Acct. #903-1; \$40,000 is from Outside Services - Legal Acct. #923-2; \$50,000 is from Outside Services - Consultants Acct. #923-3 and \$35,000 is from Injury & Damage Insurance Acct. # 925 in the Electric Division Budget

ITEM #3i Consider and Approve a Budget Amendment in the Amount of \$5,000 to Adult Education/CAPP Revenue Acct. and to Adult Education/CAPP Expenditure Acct. in the Special Revenue Fund of the Board of Education

ITEM #3j Consider and Approve a Budget Amendment in the Amount of \$5,000 to Adult Education I Revenue Acct. and to Adult Education I Expenditure Acct. in the Special Revenue Fund of the Board of Education

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ITEM #3l Consider and Approve a Budget Amendment in the Amount of \$56,100 to IDEA-Part B, Section 611 Revenue Acct. and IDEA-Part B, Section 611 Expenditure Acct. of the Special Revenue Fund of the Board of Education

ITEM #3m Consider and Approve a Budget Amendment in the Amount of \$25,000 to School to Career Grant Revenue Acct. and to School to Career Grant Expenditure Acct. of the Special Revenue Fund of the Board of Education

EM #3n Approve and Accept the Minutes of the March 31, 1998 Special Town Council/P.U.C. Meeting

ITEM #3o Approve and Accept the Minutes of the June 16, 1998 Public Speaking Meeting

ITEM #3p Approve and Accept the Minutes of the June 23, 1998 Town Council Meeting

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented; Items #3a-p, seconded by Mr. Farrell.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

ITEM #4 Items Removed from the Consent Agenda - Withdrawn

ITEM #5 PUBLIC QUESTION AND ANSWER PERIOD

Reginald Knight, 21 Audette Drive complained about what he deemed to be "unfairness" on the part the Council with regards to not allowing equal time to speakers during the Public Question and Answer Period. He stated that the gentleman who spoke prior to him at the last meeting was allowed two long speeches at the microphone which went on for quite some time. He (Reginald Knight) was called to the microphone next; he was very brief with his remarks and was told that he would be the last speaker. Reginald Knight stated, on the audio tape you can hear a very distinctive voice after Reginald Knight was called up to the microphone saying "let's get on with the vote" and he was not allowed to speak. He is of the opinion that there was a tendency to let some people speak and not let others speak. If nothing else, Mr. Reginald Knight states, there should not even be an appearance of it. It is not fair to the Chairman of the Council or the public when equal time is not allotted speakers at a meeting.

Reginald Knight next spoke to the issue of how Councilor Knight supported Mr. Rys at the last meeting and was allowed to do so and he (Reginald Knight) was glad to hear Mr. Knight support his fellow Councilor and pointed out that Mr. Parisi also supported Mr. Rys. The reason he (Reginald Knight) had come up to the microphone at that time was that he was patiently waiting and waiting for someone to protect or rather support Mr. Zandri when his integrity, his intelligence and his ethics were put under the microscope because he collected signatures (on a petition). He did not hear anyone from the other side of the aisle support him. He thought that Mr. Zandri's own party would have spoke up. He said, as a friend or anything else, I would vouch for his ethics and common decency. He would not do anything that was illegal or wrong.

With regards to the topic of litter and trash, Reginald Knight stated that there is a building on North Main Street with trash bags collecting on the property. He displayed photographs taken two weeks ago and stated that the trash bags are still there today. They are accumulating on Main Street and it is amazing that no one sees them and does something about it. How many people walk around this town and really look at it closely? Sidewalks and pavement have been patched on top of patch and have been that way ten to fifteen years. It is not temporary patch. We have spent hours and hours talking about brickwork for the Quinnipiac Corridor project. All taxpayers have a right to a decent sidewalk; not a fancy sidewalk, but a decent one.

Mr. Parisi stated, the Ordinance Committee will be addressing the situation of sidewalks very soon.

Reginald Knight stated that many cities have pot hole inspectors examining the roads. It would be nice to have a Town employee who can do the same, checking the Town's properties for unsafe conditions.

Mr. Parisi stated, that is supposed to be done as it is. How effectively? I won't get into that. I agree, it is something that we have all strived for over the years. Somehow it is very elusive. He asked that Reginald Knight call the Public Works Department with the locations of the bags.

Reginald Knight stated, it is beyond the Chiropractor on North Main Street about 150 yards up from the Police Station.

Mayor Dickinson stated, with regards to the sidewalks, the Town has been spending somewhere around \$200,000 per year; this year it was \$260,000 on repair. To my knowledge most, if not all, of that money is spent each year. Considerable work is done on the sidewalks. With the mileage of sidewalks we have in the community, you can't be everywhere at once. Where ever there is a problem and it is phoned into the Mayor's Office or Engineering, it is put on a list. We then go out to bid with various locations and the money is spent to repair the sidewalks.

Mr. Parisi stated, if anyone sees a problem then it should be a call right into the Mayor's Office. It would be helpful to let the Mayor's Office know. Hopefully, it will get done.

Rev. Sydney Parker stated, my wife and I are delighted, along with many other citizens of our town, with what is and will be done with Community Pool. We are missing the pool this summer but the work is necessary. In reading the article about the pool in the June 25th Record Journal, it brought us up to date on the expenditures that will be laid out. Next to the final paragraph, after announcing that it is going to cost of \$2 million to do the work on the pool, it says the following, "there will be some improvement to the bathhouse", like an afterthought. I hope that the bathhouse will receive some

stantial improvement. The last time I was at the facility in the men's shower room, I think there were ten shower heads and maybe one or two were working and then you had to "bash" the device which set the thing off to give me some water. The lockers; I don't think any of the lockers in the room work. I would hope that some of these things would be improved and corrected and made useable once again. If I may make an additional request; to warm the water for showers, would it be possible to put in solar heaters? It is just a thought. My suggestion is this; it relates to police work in our community. There have been a lot of break-ins and vandalism, cemetery thefts, etc., and I am just wondering if it wouldn't be appropriate to re-establish, if it ever existed in town before, foot patrols. After a police car goes by, the people know that the car is not coming around again so soon. Foot patrols downtown or in other possible areas might be worthwhile.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he was opposed to waiving the bidding process (consent agenda items) and felt that the items should not be passed without discussing them.

Mr. Parisi reminded Mr. Melillo that there is no discussion on the part of the Council or public on the consent agenda items. He asked Mr. Melillo if he had any other question which did not pertain to the consent agenda?

Mr. Melillo stated his opposition to the practice of not discussing the consent agenda and the practice of waiving bids. He next referred to the traffic light that will be placed at Community Pool and asked, since Shaw's and other large businesses are going to generate most of the traffic in the Community Pool area, why aren't they paying something towards the cost of the traffic light and its installation?

Mr. Knight responded, the fact is that the pool project was not far enough along to obligate Shaw's or the firm building that shopping center to take Community Pool traffic into consideration.

John Thompson, Town Engineer added, when Shaw's made their application approximately three (3) years ago, the traffic volumes were such that a signal at Beaumont Road, the Community Pool driveway and North Main Street Extension was not justified. It was only after we included their traffic and we re-evaluated the traffic volumes in the Fall of 1997 that a signal was warranted at that location.

Mr. Melillo stated, getting back to the referendum that was executed recently whereby the deal fell through and you, the Council, admitted you made a mistake and acknowledged that the referendum process was correct and those behind it were doing the most intelligent thing for the Town, the ordinance was repealed. If you recall there was at least one or two of you talking about the possibility in the future of purchasing two of those areas that were originally listed in the ordinance

It was repealed. Since the referendum encompassed all three parcels, would it be legal for the Council to purchase two of the properties?

Mr. Rys explained, through a new ordinance process with new monies and the properties identified, they could be purchased. If someone didn't like it we could go through the entire referendum process again.

Attorney Gerald Farrell, Sr. verified Mr. Rys' statement.

Mr. Melillo next stated, over 3,000 Welfare recipients were served by the Town of Wallingford in the past year. Now we have no Welfare Office to take care of them. I read in the paper that there is at least one town.....

Mr. Parisi interrupted Mr. Melillo to inform him that he did not believe that information to be correct. I think the article in the paper stated that someone had been hired as a caseworker.

Mr. Melillo stated, we do not have a specific office open for these people.

Mayor Dickinson explained, anyone receiving or eligible for state assistance and previously the Town provided general assistance for unemployed, single individuals, the state is still providing that program through an office in Meriden. The state centralized and reduced the number of program sites and the state is now running that program; the site for this area would be Meriden. There were a number of other social programs that were run from the Welfare Department. Those programs will continue to be offered through the Youth and Social Services Department. There is no loss of any of the programs. The state, through state law, took over the General Assistance Program and that was the primary work assignment of the Welfare Department and the other social programs offered through the Welfare Department are now offered from the Youth and Social Services Department.

Mr. Melillo stated, I cannot agree that there is no loss....

Mr. Parisi cut off the debate on the issue. While Mr. Melillo continued to voice his opposition to the closing of the Welfare Office, Mr. Parisi called the next speaker to the microphone.

Andy Kapi, 6 Deme Road stated that he did not want to make any comments on the consent agenda or procedural items but he did want to make some remarks about the overall preponderance of some budget activities on the overall agenda. He pointed out that the agenda has four items that are bid waivers, Items 3e, 3g, 8 & 14.....

Mr. Parisi stopped Mr. Kapi to inform him that the items are not up for discussion. The consent agenda is not an item up for discussion.

Mr. Kapi pointed out that Items #8 & 14 are not on the consent agenda. He went on to explain that he was not discussing the items, he was discussing the fact that \$900,000 of budget adjustments are being made two weeks into the new budget cycle. He asked if he could make comments to that fact?

Mr. Parisi responded, go ahead, make them.

Mr. Kapi pointed out budget transfers (Items #3d, 3f, 3h) totaling \$188,628; Item #10 & 12 total \$101,681 for a total of \$290,309 for budget transfers three weeks into the new fiscal year. There were budget amendments or additional appropriations (Items #3l, 3j, 3k, 3l, 3m) for a total of \$96,100; Items #11 & 13 add \$490,475 to that figure for a grand total of \$586,575 of budget amendments or additional appropriations. That totals up to \$876,884 of budget re-adjustments. This is the twenty-first of July; we are three weeks into the new budget cycle.....

Mr. Parisi interrupted Mr. Kapi to point out that they are all budget items.

Mr. Kapi asked if the transfers/appropriations affected the last fiscal year's budget or the current fiscal year's budget?

Mr. Rys responded, some are from F.Y. 1997-98.

Mr. Parisi explained, the transfer for Cole, Layer & Trumble was to fill in for people missing in the Assessor's Office. We did not have any choice on that one.

Mr. Kapi stated, I don't want to say anything off base, that is why I want to get this straight. Are these adjustments.....

Mr. Parisi stated once again, this is not a discussion item; the consent agenda.

Mr. Kapi responded, I am not discussing the consent agenda.

Mr. Parisi pointed out that Mr. Kapi has quoted items on the consent agenda.

Mr. Kapi answered, I am talking about the preponderance of budget amendments and transfers.

Mr. Parisi stated, give me another question and we will be glad to answer it but this is business that is done already. If you would like an answer the Comptroller, I am sure, will give you a very detailed answer.

Mr. Kapi asked, Items 8, 10, 11, 12, 13 & 14 are not done yet and they are included among the items, bid waivers, budget transfers and budget amendments.

Mr. Parisi stated, we will be happy to discuss them when we get to them.

Mr. Kapi replied, I am talking about the collectivity of an overall.....

Mr. Parisi stated, we will answer them as we get to them. I don't have a problem with that and I don't think anyone else does either. You are asking about items....

Mr. Kapi tried to explain, I am not arguing the merits of any individual item I have mentioned.

Parisi asked, what are you arguing?

Mr. Kapi asked, are these adjustments to the budget that we just voted in? Are they changes? Are they transfers from line items that we just approved; are the amendments and additional appropriations added to the budget we just approved?

Mr. Parisi stated, when we get to those (items) we will be happy to answer your question. It is as simple as that.

Mr. Kapi responded, it is not simple. Why are there so many of these? Why are we, in the first meeting of the new budget cycle.....

Mr. Parisi stated, we will answer that as the items come up.

Mayor Dickinson stated, that will be the easiest way. We don't want business here anymore than anyone else does but in order to accomplish certain tasks, the procedural issues that you see before you have to be dealt with. There is nothing out of the ordinary here; some are budget amendments which reflect new revenue coming in not known at the time that the budget was adopted. There are a ple of changes from the past budget. For the most part though, the items involve work to be performed in this fiscal year, the 1998-99 budget. As each item comes up any question can be addressed on it. The action is necessary in order to see work performed. Some of the

transfers/amendments are to the budget that has just been approved and some are not. As they come up, that is a legitimate question to ask.

Mr. Parisi stated, we are happy to answer them. As they come up we will be glad to deal with them.

Mr. Kapi asked, if an amount is transferred from one line item to another in the newly approved budget, the line item from which those funds were derived, in next year's budget is that line item reduced accordingly because apparently they did not need that amount anyhow?

Mayor Dickinson answered, there is no simple answer to that. It may or may not depend on what work is forecasted in the next submittal by the department. It depends upon the nature of what the transfer is at this point and unless you deal with specifics of the actual transfer, it is almost impossible to generalize why, collectively, any of them occur or don't occur.

Robert Sheehan, 11 Cooper Avenue stated, every year I make this speech and I am just going to say it the length of this agenda, every item on it should be publicly discussed for the simple reason that perception is 100% of the game. Listening to all of this and the way you get so riled at the consent agenda, I'm sitting here thinking that there must be something on there you are trying to hide. Must be, and I come to all of the meetings. I say every year, at the end of the fiscal year, you should not have a ten, fifteen, twenty item consent agenda just for the simple fact that.....and we all know that it is everyday business conducted by the Town balancing accounts.....it just looks bad. You get people up here who you get into an argument with and it looks like there is something in this, an item or two, that you want to hide. It behooves me why you put yourselves in this position every year at this time.

Usually it is in June but this year it fell in July and I can't understand it. It is a very simple process. I don't know if it is because it is the summer and you don't want to spend a lot of time here or what.

Mr. Parisi explained, one of the things is that we have a summer schedule and it is just one meeting per month and that is why the agenda is as long as it is. Secondly, anyone at any time can get a copy from the Council Secretary and they are welcome to and they can call any of the departments on the agenda and ask questions about it. That is not a problem either.

Sheehan stated, ninety percent of the people who are interested in these meetings get their information by watching it on television. They can read the agenda on the television and if they want to come to a meeting they can come and if they want to watch they can watch. Just to say that it is the summer schedule; I don't care if it is summer or what, you can make the effort. The perception is that you are hiding something; I know you are not but it looks that way. If it looks that way to me,

How does it look to the guy at home is all I am saying. I make this speech every year but one of these times maybe it will register with all of you.

Tom Vitale, 653 N. Elm Street stated, I come before you tonight to ask for your help in solving this well contamination problem at North Elm Street and Seiter Hill. I have yet to see a real sense of urgency on the Town's behalf on helping find solutions to this. Two weeks ago during an initial meeting we were told there would be a follow-up meeting this week; two weeks later there is no notification of a follow-up meeting with a solution or any answers. I have yet to see any pro-active concrete plan by the Water Department to bring us water and I am interested in finding out how long it is going to take for this item to get on to your agenda.

Mr. Parisi stated, I cannot answer that question right now, as to how long before it is on our agenda. I can tell you that I was in contact with the Health Director today and as we speak letters are in the mail to residents. That is happening. Without going into the specifics of everything that has been done, there has been considerable work done by the Health and Water Departments.

Mr. Vitale asked, I am more interested in the timeframe on the Water Department.

Mr. Parisi stated, that is a very difficult question for anyone to answer because as testing goes on, results are sent out and results are received.....

Mr. Vitale stated, I am not interested in the results of testing. I am interested in finding out when there will be a plan to bring us town water. I don't see it on the agenda. At that last meeting I asked for it to be on this agenda; no that was not something that would be done.

Mr. Parisi stated, this would not be something that would be on this agenda at this point. The Water Department; the Public Utilities Commission is the body that will handle this. It is not at the point where it comes to this Council yet. When an expenditure of money or a solid specific plan has to be considered, I believe it will come to the Council at that time.

Mr. Vitale stated, we were told that night, five to six months. Every week that we delay puts us into December or January or February. We won't see a potential water solution until a year from now.

Mr. Parisi replied, I understand your frustration and I suppose from where you are it looks as though nothing is being done but I can assure you that things are being done.

Mr. Vitale stated, I am waiting to find out, that is why I am here.

Mr. Parisi added, I am sure that Councilors are asking questions constantly. I happened to call the Health Department today and I was told that the letters were in the mail. I received a call from someone in your neighborhood last night. Things are being done and it was not at my prompting; those letters were done before I called. I think that everyone involved is doing the best they can with what they have. Is it a cumbersome project? Unfortunately, I am sure that it is. Does it move slowly? Yes, it does.

Mr. Vitale stated, this is my concern; moving slowly. This is not an issue of Community Pool or a recreation center but an issue of personal property values; personal health. I don't want to hear that it is in the works and there are things happening. I want to see a plan and some pro-active sense of urgency going on.

Mr. Parisi replied, there is a sense of urgency and people are on top of it. I am not going to lie to you and tell you it is going to be done in two weeks and have you be happy for two weeks and then be disappointed. I am going to tell you the truth as I see it and as I see it and from past experience there is a process that we have to go through and we are doing that. I am comfortable with the fact that everyone is doing it as fast as they can.

Mr. Vitale asked, what is your expected time frame for some kind of concrete answers then?

Mr. Parisi yielded the question to the Mayor and Chairman of the Public Utilities Commission.

Mayor Dickinson stated, additional wells are being tested; some on Grieb Road and some on North Elm St. We hoped to have those results; the meeting has been set and you will get a letter indicating July 30th at 6:30. Next week we hope to have the results on those tests. There is an additional test we would like to have performed, a very expensive one costing \$250 per test. We get information and we have to act on that and that is all part of the process. I am learning something right now as I am sitting here and that is the speed with which it is occurring. The Health Director has been in touch with the State Health Department personnel who was down here earlier this week. Everything takes analysis and time. You may support public water going in there while others may not. Unless we have a clear picture of everyone's situation and how each one can address his or her situation we will never have a consensus. Unless we have all that information together it is going to be difficult to make a decision.

Mayor Yann Cherniak Lexius, Health Director explained, the test referred to by the Mayor is a microparticulate analysis. In the spirit of also pushing this process along we came to realize that it

was going to delay us further to wait for those results to come in. We have been prompted by such comments as Mr. Vitale has just said that there has been more and more of an interest going toward public water. This test is an expensive one and definitely needs to be done if, in fact, people want to be upgrading their water supplies. If it is not going in that direction it does not seem to be prudent at this point to pursue that, spend the money and get additional scientific information if it is not necessary. We will be offering that as an opportunity if people want to have that done, at the meeting on the 30th. We could not have had the meeting and had all of our results in hand by the 30th had we waited for this test.

Mayor Dickinson stated, if there is some chance that we need that, maybe we should proceed and get the transfer anyway.

Ms. Lexius stated, we have since found out that the State Health Dept. will pay for that test for us. If, in fact, as a result of our meeting on the 30th with the residents they do want to go ahead with that, there will be some criteria that need to be established but the State Health Department has offered to pick up the tab for that.

Mr. Zandri asked the Mayor, as far as bringing Town water in to that area, is there a parallel path going on here besides just the testing? Is the Water Division looking into or making plans that if Town water is needed there that at least that process is started?

Mayor Dickinson responded, they are definitely in a planning stage regarding that. To the degree to which it is advanced, I can't answer right now but they have an integral part of identifying where the furthest extensions are, in what direction they have to come; they have been very active in that regard.

Mr. Zandri stated, I would like to see at least that part of it pursued in the event that we are going to go ahead with that, we won't lose any time in the interim.

Mr. Parisi closed the Public Question and Answer Period at this time.

ITEM #6 Withdrawn

ITEM #7 Brief Presentation from the Quinnipiac River Linear Trail Advisory Committee with regards to the E.P.A. Awards Ceremony as Requested by Councilor Jerry Farrell, Jr.

Jacqueline Iaderosa, Quinnipiac River Linear Trail Advisory Committee Secretary, introduced Tim Dineen, Publicity Subcommittee Member, to the Council. She stated, approximately six months ago a group of citizens came before this Council asking for your support to become the Advisory

Committee to the Quinnipiac River Linear Trail Project. Since that time our town has watched this committee move forward at an amazing rate. I come before you tonight on behalf of the Quinnipiac River Linear Trail Advisory Committee to say thank you. On Earth Day, April 22, 1998 John D. Velard, Regional Administrator of the United States Environmental Protection Agency, New England Region I presented Environmental Merit Awards at its annual ceremony in Boston to the Quinnipiac River Linear Trail Advisory Committee Co-Chairs, Mary Mushinsky and Rich Centner. With certificates of appreciation in recognition of their demonstrated commitment and significant contributions to the environment. It was a pleasure for me to nominate the committee for this award and an honor for the committee to receive it. The Quinnipiac River Linear Trail Advisory Committee exist to aid in the design environmental assessment and funding of a riverside trail for the purpose of recreational activities for all ages and including those with disabilities. We wish to say thank you for this could not be possible without the support of the Town of Wallingford and the Town Council. It is a pleasure and an even greater honor to present these commemorative plaques of the awards ceremony inscribed in blue to symbolize the river and green to symbolize the trees to both the Town Council and Mayor Dickinson tonight. Thank you for your support. (Applause)

Mr. Parisi congratulated the committee.

ITEM #8 Consider and Approve Waiving the Bidding Process to Facilitate the Hiring of a Professional Engineer, Landscape Architect or Planning Firm to Work with the Quinnipiac River Linear Trail Advisory Committee and Various Town Departments to Prepare a Conceptual Plan for the Proposed Trail Between the North Haven and Meriden Town Lines - Engineering Dept.

John Thompson, Town Engineer stated that he placed a request to the Mayor's Office requesting a bid waiver on the selection of a consultant. We will go through the standard process, the only portion of it we are asking waiver of is the price portion of the proposal, not being the compelling reason for selection of a qualified consultant.

Mr. Knight stated, from your correspondence, this looks identical to the way the State makes their selections for vendors often, where they pre-qualify and most of the weight is put on the qualifications with the price being a secondary consideration only taken up after the bidders have been ranked on qualifications.

Mr. Thompson replied, price in the State qualification-based selection process never becomes an issue until a consultant is actually selected and then the consultant develops the scope of services and then through a mutual negotiation process a fee is negotiated. Fee is the very last element in the

State's process. We are asking for fee but we are just not asking that it be the compelling reason for selection of a consultant for this assignment.

Mr. Knight stated, this is not a waiver per say, it is a different way of qualifying, making sure we have the most qualified person and price becomes a secondary consideration. Price will become a consideration once the bidders are ranked. Are you going to choose one and then decide what the price is going to be? I am not seeing that.

Mr. Thompson stated, we have a target range of what we believe is the expenditure that we want to make for this element of the Linear Trail. What we want to do is, within that amount we have established, select the most qualified consultant based on the amount of work that we are going to get for our expected expenditure.

Mr. Knight asked, are you going to have an R.F.P. (Request For Proposal)? Am I reading that right? That, you are not going to determine the scope of services after that, it is going to be within the R.F.P. is it not?

Mr. Thompson replied, no. The whole reason for this process is, what we are asking for is a visionary; somebody that can look beyond my technical capabilities, beyond the limitations of the Q.R.L.T.A.C. (Quinnipiac River Linear Trail Advisory Committee) in terms of how to go about this the best way. What we are looking for is a consulting firm to look at the 6.7 miles and to how best to put that trail in place; should it be on the left side or the east side of the river; to work with King's Mark Environmental Review Team and determine what the environmental constraints are; to understand the funding process and set up phases of construction. What we have asked for in this draft request for proposals is for the consultant to tell us the very best way to go about undertaking the ultimate construction of the 6.7 miles of trail that is being proposed in Wallingford. Rather than giving the bidders the scope of services, we are asking them to give us how they believe, based on their professional experience and expertise, how best to go about it and then put a cost with that. We will evaluate the scope of services, the deliverables, the time frame, all of the elements that need to be considered and we will weigh that against the prices that are submitted and then make a selection of the most qualified consultant based on scope of services and the dollar amount with which we want to work within.

Farrell complimented Mr. Thompson for unbeknownst to the public he has been putting a lot of time into this project, helping the committee push forward with it, going to all sorts of locations unknown encountering dangerous plants. He wanted people to know the great job Mr. Thompson has been doing on this. He asked, could you flesh out what the rationale would be for basically

setting aside the monetary consideration and going with someone who is selected more for design ability?

Mr. Thompson stated, that is exactly the route we are trying to go on this trail project. The first phase of the trail was approximately 4,500 feet adjacent to Community Lake up to the Quinnipiac River crossing. We are going out with request for proposals for a very specific design assignment. That is something that I can write because it is "nuts and bolts" it is mathematical evaluation of going from point "A" to point "B". As an engineer I can very easily write that because I know exactly what I want to get out of it. We are not going to be asking for bid waivers on selection of design consultants for the various phases as we go along, it is only this vision consultant, this constant planning consultant where we need somebody who is unconstrained by my written word. We want the global universe of consultants, planners, landscape architects to share with us how best to go about this and not be constrained by a specific dollar amount.

Mr. Farrell stated, the public generally may be believing that the trail is going to follow the Quinnipiac River. Are there logistical hurdles that necessitate someone with this kind of design ability being hired? I am thinking specifically about crossing the parkway and issues such as that.

Mr. Thompson stated, that is exactly why we need this visionary/planning consultant. Sometimes we get so close to a problem that we don't see what other alternatives exist. In order to avoid dealing with fourteen private property owners there may be an alternative of dealing with three or four. There may be other opportunities along the trail that we may be missing; there may be environmental considerations that we need to look at. There are certainly a number of right-of-way property acquisition issues; easements issues we will need to deal with. This consultant can tell us what they are, how best to deal with them based on experience in other communities with other trails. It will be a mutually cooperative effort between the QRLTAC, the selected consultant and the Engineering Dept. as to how we best go about doing this.

Mr. Parisi asked, do we have to use this process or is it the process-of-choice?

Mr. Thompson replied, I am recommending that for this element of this project that we go with this process. For all the other specific design assignments we will be able to work within the Town's procurement process.

Mr. Parisi stated, my concern is, even with the bidding process we can eliminate companies that don't measure up to what is expected.

Mr. Thompson explained, it is very difficult to eliminate a low bidder if they are otherwise qualified in the part "A" selection process. Without getting into history of the Town's procurement and bidding, my experience from both sides of the table is that it is not the best system. The Council may believe that bidding professional services gets us the best price but ultimately, at the end of the job when all is said and done, the right price paid through what ever cost adjustments are made in the contract with each of the professionals that we procure; the system that we use, in my opinion, needs some refinement/adjustments and that is a topic for another evening. Right now what I am asking for is the waiving of price being the compelling reason for selection for a consultant on this particular project.

Mr. Parisi stated, I do have the deepest respect for what you are and have been doing, I think you are in a pioneering mode from your past life in the private sector which I am not going to say is right or wrong, however, it is difficult for me to easily waive the bidding process probably because for so many years I fought not to waive the bids. I find it difficult to say that this is the only way to get a qualified bidder by ranking them on a scale or specific categories. Yet, price does not enter into the picture. I am familiar with a project that the Water Department recently bid up at Gaylord. The best bidder is installing the pipe and they have been outstanding; they have done an excellent job. They have been sensitive to the problems of the hospital and have kept pretty much to the schedule that they projected initially. I could not fault them if I had to. That renews my faith in the bidding process. It is not always that we come up on the wrong end of the nickel because we took the lowest price. It was my understanding of the bidding process that it was not always price alone that was the determining factors, that other criteria had to also be met and if it was not it was possible to discount that bidder. I have been in that position and on occasion I have been able to convince my facility not to buy the lowest price because it was based on a very solid appraisal of what we were bidding and very appropriate and an abundance of rationale why we should not go with the lowest bidder. It was my understanding that that could also be done in the public sector, too.

Mr. Thompson replied, you are right, the Town of Wallingford and the Water/Sewer Division was extremely lucky to get a contractor like they have gotten for the Gaylord Farm water main installation. They have been a pleasure to work with and are very competent and were, in fact, the low bidder. But they were low bidder on very specific items. They bid on 1,000 feet of 12 inch water main, they bid on 1,000 feet of trench, they bid on very specific units of work. What I am asking for in this assignment is not those very specific units of work but creativity, thought, vision; things that are very difficult to quantify with exact dollars.

Mr. Parisi asked, what will be the limits of this creativity? When do we say, we can't afford it?

Mr. Thompson replied, the first time I brought this concept of the bid waiver to the Council, I had a dollar amount in there. We asked that the consultant give us the scope of services to fit within that fixed dollar amount. That was our budget. That budget remains firm in our mind that that is what we want to spend on this assignment. We have to work within a financial constraint. That dollar amount remains today, the dollars that we want to spend on this assignment. I know that dollar amount and I believe with my expertise and training and specific experience on trails that I will be able to make a reasonable assessment with the people that I have indicated. Not only on the qualification side but on the dollar side as well.

Mr. Parisi stated, there is a control factor, then. Do you still feel comfortable with the fact that whether or not you pick whomever you pick, though they may be more expensive, in essence you are going to say that they may be more precise in what they do therefore their expense will still not exceed in any way the price that you have set as a cap?

Mr. Thompson explained, more importantly, I am not selecting. I will come back to you with a recommendation of who we believe.....with a recommendation with justification for the qualification price of the firm that I am recommending that the Town engage. I will go through the process and bring it back to the Council.

Mr. Parisi added, and you will have a committee?

Mr. Thompson replied, yes.

Mr. Parisi stated, I want to have it on record then that there is a cap on this so it is not just a wide open....that there is some thought in here that, in fact, there will be a cost containment, if you will. Therefore we are saying that we are hoping we can get someone that will be able to work at a higher level within the dollar figures that are available. At some point they will have to know the amount that they are working within, right?

Mr. Thompson responded, we don't want to bias their creativity. We are indicating to the consultants that price will not be the sole motivation or criteria for selection but it is something that we will consider as part of the process. They have to be cost-conscious. The real world, the consultant community that responds to proposals by the Town knows full well how we select consultants; there is no secret in the outside world and price always is an issue, even when you have a bid waiver.

Mr. Parisi stated, at some point they are going to have to know when the end is near.

Thompson explained, when we select a consultant with a price, that price will become the final number and.....

Mr. Parisi added, it will have to be agreed upon otherwise they could walk away. It is kind of a gamble, to a degree. I am satisfied with that.

Mr. Zandri commented, obviously this is definitely a unique project and writing a specification if you wanted to go out to bid for a project like this would be very difficult. I support Mr. Thompson's efforts in asking for this waiver on this item.

Mr. Parisi stated, I am not implying by my questions that I am not in favor of it but I am trying to be sensitive to those who have commented that this Council has waived too many bids. I thought I should ask questions to a greater degree to satisfy not only myself but those other people, too.

Ms. Papale commented, in the many years that I have served on the Council, the Council has swayed a little to waive too many bids as it was just said. I think, however, the way Mr. Thompson presented this scenario to us, we would be incorrect in not waiving this bid. The lowest bidder is not always the best bidder for the job. I will support this request.

Mr. Knight asked, is it too far-fetched to say that probably most of the pricing will come in as a rough percentage of what they feel the total project costs will be similar to the way architects bid a lot of jobs?

Mr. Thompson responded, I had not thought of that as being the basis for the fee estimation. I am not quite sure that is how they would estimate it. I think it will be a case of how long it is going to take for them to compile mapping to do a field walk, similar to what a lot of the trail committee has done to familiarize themselves with the general topography of the area, the environmental constraints, the right-of-way issues. A lot of the information in the R.F.P. has already been assembled so it is not taking the assembled information and thinking about it. They will estimate that thinking takes ten hours per mile (for the sake of an easy number) and those ten hours equate to some dollars and there will be certain documents involved, etc. It will be more of a case of looking at it and how long will it take to do the process as opposed to the 6.7 miles costing say \$100. per foot, etc., etc. I think it will be more likely estimated based on a realistic assessment of exactly how long it is going to take to do the thought process.

..... Knight asked, this will be the firm that ultimately designs the project?

Mr. Thompson replied, not necessarily. This is part of the step. I wanted to be further along in this vision process because the Town Council has approved, in the 1998-99 budget design monies for phase I. Simultaneously with this I am developing a scope of services and bid request for actual design of phase I. We are not stopping the design process while this is being done. This is just one aspect of the overall process. The consultant working on this may or may not be the consultant doing a design phase for phase I. The goal of this assignment is to get to a conceptual design.

Mr. Knight asked, will it be a firm that is capable of taking on the entire project through design?

Mr. Thompson answered, it can be.

Mr. Knight asked, is that going to be in your R.F.P.? Is that going to be one of your primary considerations?

Mr. Thompson answered, no, I don't need a firm for this assignment that can do engineering design. I need someone who can think through the process. Once someone thinks through the process and where the trail should be, how we want it to look, what the function should be, then the designer can pick that up. I am a designer. When someone tells me what they want done, I can design it. I am not real good at the visionary aspect of things. That is why we are going outside, to get someone who has those talents.

Mr. Knight stated, this is a unique enough project that would warrant deviation from our accepted normal practices but I can appreciate where people may have some misgivings about pushing the envelope without knowing what your end game is, cost-wise.

Mr. Thompson stated, that ultimate decision rests with the Council. When I come back to you at the end of this process I will present to you the exact financial picture of where we are with that. The Town went through the exact same process when it selected a consultant to do the Route 5 traffic study process. In this process, we want to get the highest-qualified but they may not be the lowest bidder in this process. That is something that we will have to grapple with within the financial constraints that we have established and bring back to you some logical reason if we don't go with the lowest-priced firm. That will be your decision. You will have then the ranking of the firms based on qualifications and also the hard numbers so that you can see how we made our decision or recommendation to you on how to move forward.

Reginald Knight, 21 Audette Drive stated, no matter who got the bid, whether they be the lowest or the highest, there is no guarantee to say that even the lowest bidder for the conceptual design would

come up with a plan that in the actual making of it would be cheaper. The highest bidder could come up with a plan that has a lower cost of construction. I think it would be hard not to waive this. I am not fond of waivers myself but it is very difficult to put a price tag on a conception. When a price tag is associated with that conception it will come before the Council for approval at which time you can stamp to reject it if you think it is not appropriate for the situation.

Mr. Parisi stated, I want to make it clear that there is a financial cap which we will not exceed.

Rick Hillegas, 3 Promontory Drive stated, I will play devil's advocate because of the argument our Town Engineer made which I found interesting. Basically what you are really wanting to do is have creativity and vision, correct?

Mr. Thompson replied, yes.

Mr. Hillegas responded, it does not necessarily follow that the best firms are usually the most creative. It is usually the hungry firms that are the most creative. Since Mr. Thompson stated that he will make the recommendation and bring it to the Council, isn't he, in essence, saying that he is king the firm?

Mr. Thompson replied, I am making a recommendation to the Council. Being the Council is the only body that can authorize the expenditure of funds, they are the only ones who can instruct someone to enter into a contract. If I present a good reason to the Council for doing something, a specific firm, I would hope they would go along but there are nine individual members and they are all entitled to their opinion.

Mr. Hillegas asked, don't you think the Council would have a better opportunity if you offered them three choices as opposed to one? Are you telling me that in or outside of this state we cannot find three creative visionaries to do this?

Mr. Thompson answered, I can come back with a ranking of the top five firms or how ever many firms submit on this.

Mr. Hillegas stated, what I heard you say earlier was that you were going to come back with just one (recommendation). Is that correct?

Mr. Thompson replied, that is correct.

Mr. Hillegas stated, there is an opportunity to offer more than one firm that would meet your criteria.

Mr. Thompson stated, I could present that information to the Council, yes.

Mr. Hillegas stated, I would just like to take this time to recognize the individuals who have worked on the linear trail. Jackie (Iaderos) is one that I see and Jerry Farrell there are other members that are missing but also the Council. It is an outstanding idea and I think the individuals who really started this should be recognized.

Tim Dineen, 40 North Turnpike Road, QRLTAC Member stated, Mr. Farrell summed it up very nicely; it is not a sidewalk next to a river, it is a lot more complex than that. It has taken approximately sixty (60) committee members this long to get this far. I am supporting the request for we need the vision. We have the ideas but we need the assistance. There is also an issue of credibility which comes with the hiring of this consultant. There is the issue of grant approvals and once this consultant is hired we can move along with that as well as progress with the development of the trail.

Pasquale Melillo, 15 Haller Place, Yalesville stated, this project has been blown way out of proportion. When this was first proposed it was done so with the idea that people could just walk on the natural habitat of nature, the natural open spaces enjoying the scenery and wildlife. The way this is developing it is going to wind up being a highway. Why can't we leave it the way it was originally proposed? Why make it so complicated? We have expert volunteers pitching in; we don't need to hire professionals. Why do we now have to spend more money on professionals? How are the other towns that are being mentioned going to participate in the situation?

Mr. Thompson replied, the reality is that we are constrained by time and finances as volunteer committee members and paid time staff. I do not have the time nor the vision to do this work. It was decided to go outside for that particular expertise. We will be asking the consultant to be looking at the area from the North Haven town line on our south to the Meriden town line on the north. Our trail concept is going from Long Island Sound along the Quinnipiac River through Meriden, into Southington, perhaps into Middlefield with linkages, perhaps over to Hamden to the Farmington Canal, we are looking at every single opportunity to make sure our trail links to other existing or proposed trails. We don't want this to be a one mile section of trail. We want it to be part of a more comprehensive system. We are working with the State and our joint neighbors to make sure that happens in a comprehensive fashion. The other towns are working on their own plans. Eventually, it will tie together.

Mr. Melillo stated, I think all of this can be accomplished by volunteers.

Motion was made by Mr. Farrell to Move the Question, seconded by Mr. Knight.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

The Town Clerk pointed out that there was no motion on the floor at this time.

Mr. Parisi and Mr. Rys acknowledged that fact stating, it is not a motion; there is no motion.

Motion was made by Mr. Farrell to Consider and Approve Waiving the Bidding Process as Worded on the Agenda, seconded by Mr. Rys.

Mr. Zandri asked for a point of clarification. He asked, even though this bidding process is going to be waived, you are definitely going out for R.F.P.s and several firms will be solicited for this work and you will be evaluating all those firms?

Mr. Thompson replied, yes. It is open solicitation. Anyone that wants to respond and meets the basic qualifications can respond to it.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

ITEM #9 Consider and Approve a Request by the Director of Health to Utilize Additional Grant Funds Offered to the Health Department by the State of Connecticut

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

Health Director Marianne Cherniak Lexius explained, the State of Connecticut has increased the allocation to full-time Health Departments and Health Districts as well as part-time Health Departments this year. The per capita block grant increased from \$.52 per capita for our town to \$1.02 per capita. At the time the Town Council approved the budget the Health Department's budget was based upon the \$.52 per capita amount. The end result is an increase of \$20,674 in funds that we did not expect to receive and need to be looked at as far as how we are going to be expending them. I am hopeful that \$14,750 of that money can be allocated for program development and begin to update several programs of the Health Department to current State standards. The balance, \$924, we would like to put towards the Director of Health's salary.

Mayor Dickinson added, in order to apply to the State for the extra funding the Health Department must indicate how the extra funds will be used.

At this time Ms. Cherniak-Lexius proceeded to outline the programs she would like to update.

Mr. Farrell stated his concern with the lead paint program gaining some scene since false assumptions are too often made regarding the source of lead paint poisoning. In our particular area of the country it may be more outside than inside that we have high levels of activity that have gone on over hundreds of years; dirt that children come in contact with may be as much the culprit as lead paint on the interior of a home.

Mrs. Cherniak-Lexius agreed stating, there are also environmental concerns in this industrialized part of the country for so many years; that there is lead in the soil and where there are high traffic areas. For lead assessment, that is taken into account for an environmental lead assessment. The \$7,000 has been placed aside to make use of a Lead Inspector Risk Assessor who has been trained and is a contractor who can do this type of assessment. We may not use the entire amount.

Mr. Farrell asked, are you saying these monies are more for investigation than public education? Because my own perception is that some of the public education going on out there places, netimes, a false "bogeyman" if you will that is not necessarily the cause for people to jump to that conclusion and costs thousands of dollars for something that may not remedy the problem.

Mrs. Cherniak-Lexius responded, this money is intended to specifically assist us in the carrying out of our responsibility of the compliance with the lead poisoning prevention regulations. They come into play when the Health Department is notified that a child has already experienced an elevated blood lead problem. These monies would be used as a per diem to have an inspector go out and do the work that, if we had additional staff, we would do ourselves. This money would not be for public education but for the mechanical and technical assistance of the Health Department to carry out what we are required to do in an investigation of lead poisoning. If, in fact, we don't need this money, by December we will have a handle on it and a budget adjustment can be made within the grant and probably apply that money towards the Director of Health's salary or something else. We already have this work in front of us to do and we are having a problem doing it correctly without the equipment and man-hours.

Mr. Zandri asked, is this a one year allocation or something that we can expect on a yearly basis?

Mrs. Cherniak-Lexius responded, every year.

Mr. Zandri stated, that is good because once you start programs like this you hate to have the money pulled out from underneath you. It is nice to know the state is funding this.

Mr. Knight asked, with the receipt of the extra money and development, it would appear that you will be developing more programs that then will have a commensurate cost to it that the Town will absorb? The State rarely assumes the entire obligation and I am not sure if what this is is not a pretty good case in point and, to that end I ask you the question, what financial impact is this money going to have in the future in order to make the programs that this is beginning to fund effective?

Mrs. Cherniak-Lexius answered, the public health need is there. The public health requirements as well as the public health code are very clear on food service inspection, septic system inspection, also in lead poisoning prevention and control regulations. I don't know that by beginning to put this money towards those efforts to solve problems and handle public health concerns locally that that is a negative.

Mr. Knight responded, I am not suggesting it may not be but if there is a financial impact, do you have a handle on what that might be?

Mrs. Cherniak-Lexius replied, at this time I don't. I sense however that we have a lot of work to do here for protection of the public's health especially in the areas that I have begun with. I wish I had a definitive answer for you on that but I cannot look into the future.

TE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$67,681 from General Purposes Acct. #8050-800-3190 to Quinnipiac Corridor Construction Acct. #5010-999-0007 - Mayor

Correspondence from Town Engineer, John Thompson, states, "As a follow-up to discussions with the Town Council earlier this year.....we have finally developed a program and cost estimate to relocate the existing overhead utilities between Cherry Street and U.S. Route 5 (Colony Road). So that we can proceed with the finalization of our design work for this section of Quinnipiac Street.....an additional appropriation to cover the utility relocation costs will be required."

Motion was made by Mr. Rys to Approve the transfer, seconded by Mr. Farrell.

Ms. Papale asked why are there two items pertaining to the undergrounding of utilities on the agenda with one request being made from the Mayor and the other from the Town Engineer; why is it being done this way?

Mayor Dickinson replied, there is a different source for the funds. The \$67,000 is coming from a contingency account.....

Mr. Papale understood the reason as the Mayor began to explain.

Robert Sheehan, 11 Cooper Avenue asked if this was the Town's final payment to this project under the Quinipiac Corridor title?

Mayor Dickinson responded, to my knowledge this is the final portion of the project.

Mr. Sheehan stated, the undergrounding has nothing to do with the Quinipiac Corridor project and I want to know if this is our final payment on the Quinipiac Corridor project?

Mayor Dickinson explained, the \$67,000 is money spent to underground the lines of SNET, I-SNET and TCI in the area of between Route 5 and Cherry Street. The \$218,000 is for the Electric Division to underground their lines and transmission capabilities.

Mr. Sheehan asked, when is the Quinipiac Corridor project going to be completed from Washington Street to Cook Hill Road?

Mr. Thompson stated, Cook Hill Road and Hartford Turnpike is completed. It has been inspected and turned over to the Town. We are working on Bull Avenue/Lufberry easterly to Washington Street; it is part of the basic contract. That project was originally scheduled and remains scheduled to be completed in August of 1999.

Mr. Sheehan asked, when will the undergrounding of SNET and the Electric Division going to start?

Raymond Smith, Director of Public Utilities responded, assuming the appropriation is approved tonight, it will probably be initiated in September or the Fall of this year. It will probably be wrapped up before the end of this year.

Andy Kapi, 6 Deme Road stated, I would like a point of clarification on my right to speak on this issue or any other. He read the following from the Town Council Meeting Procedures, "The Chairman has the authority to limit total discussion time for each agenda item except in the case of a public hearing." I don't see where it states that discussion ends when a Councilor says, "I move the question."

Mr. Parisi stated, oh yes it does. Robert's Rules, it says it. An opinion from the Town Attorney also backs it up.

Mr. Kapi read further, "Except as otherwise specified in this procedure"?

17.11. Parisi answered, no, in parliamentary procedure one of the prime motions to end discussion is to vote as we voted tonight. When that motion is made to call the question, that is it.

Mr. Kapi pointed out that Robert's Rules of Order also states that it requires six votes of a nine member body to amend the meeting procedures that have already been put into place.

Mr. Parisi stated, we did not amend the meeting procedures, we didn't do anything to them. This is part of parliamentary procedure.

Mr. Kapi stated, you put them into effect and then you amended them.

Mr. Parisi responded, no we didn't. Go ahead, ask your question.

Mr. Kapi stated, I was not allowed to speak on Item #8 and I would like to tell Mr. Thompson as I said in the hall, I would have supported his waiver request because of the way he made his argument. I did not get a chance to say that.

Luca Melillo, 15 Haller Place, Yalesville asked if the project is being synchronized/coordinated with T.C.I. and SNET to the highest degree possible?

Mr. Gessert responded, yes.

Mr. Melillo asked, how are State and Federal monies fitting into this situation?

Mr. Thompson responded, this is all being funded by the Town's money. It was a decision made by the Mayor's Office and supported by the Town Council to proceed with this additional work using Town resources.

Mr. Melillo explained, recently a Federal Highway Act was passed by Congress with monies being made available to states, cities and towns across the country involved in these specific types of projects. Why aren't we tapping those funds?

Mr. Thompson stated, we currently have three projects before the planning agency that is going to be funded under the Transportation Efficiency Act. We are also requesting monies for enhancement projects. The Town is very aggressive in pursuing state and federal money. The process of getting money, however, is relatively slow and we would not have had the opportunity to expand this project in a time frame consistent with utilizing the contractor that we have on record right now to

construct this project. The decision was made to proceed in the absence of state and federal money, utilizing town money.

Mr. Melillo asked, even though we have put up our own monies, isn't there a way to contact our congressional representatives to have it organized for us to be reimbursed in the future ?

Mr. Gessert replied, the chances of that happening are zero and none. If you go out and pay for a project and then try to get the federal government to reimburse you later, the likelihood is not very good.

Mr. Melillo stated that we should still give it the old college try.

Mayor Dickinson stated, the overall Quinnipiac Corridor Project has substantial funding from the federal and state sources. There is no way to change the scope of the project at this point given that money from the previous Act expired last October. The amount we received exhausted the funds available. New projects will be eligible for the new funds starting this year and on into the future over the next few years. There is no option to look for reimbursement on these funds. If we are going to do it, we have to fund it.

Mr. Melillo asked the Mayor, are you saying you checked with all the appropriate sources?

Mayor Dickinson replied, no, I have not checked with any congressional offices. I am relying upon my knowledge of the way the system works, the money we used is a good five years old now and the Act that made that money available is now expired. There is no way to receive funding under the old Act for this project.

Mr. Melillo stated, there is a possibility that you could be wrong. Many Acts have amendments made to them at later dates.

Mr. Thompson stated, when the town made the decision to expand the project in January of this year and we wanted to expand the limits to Route 5 and westerly to the Quinnipiac River Bridge, I approached the State of Connecticut and asked whether there was an opportunity to secure funding under the then current ISTEA program. I was told that we would have to go through a complete re-scoping of the project which involves several year's worth of time. I did ask for the money, the money was not available and even if it was it would not be made available in a time frame consistent with our needs. We did ask, it was not available and it could not be made available. We are aggressively pursuing every single dollar that is available for allocation to the Town of Wallingford under the new Act.

Mr. Zandri stated, the total for this project was listed at \$296,128 including contingency, is that correct?

Mr. Thompson answered, yes.

Mr. Zandri asked, are these two transfers we are addressing tonight (Item #10 & 11) combined supposed to offset that entire total or are there additional dollars somewhere else?

Mr. Gessert answered, this is it as far as I know.

Mr. Zandri asked, the entire cost of the project is \$296,128. Are these two transfers supposed to offset the entire cost of that or are there other dollars somewhere else?

Mayor Dickinson asked, do you mean are there other funds being spent for this same purpose, the undergrounding?

Zandri replied, yes. I wondered if these two were the only two (transfers) to offset the total?

Mayor Dickinson asked, isn't this the total cost of the undergrounding?

Raymond Smith, Director of Public Utilities responded, the only difference is that we did not use a fifteen percent (15%) contingency for the Electric Division. We used approximately ten percent (10%).

Mr. Zandri explained, if you add the two figures from the transfers up they do not balance to the \$296,128.

Mr. Smith replied, that is because we (Elec. Div.) used a ten percent (10%) contingency and the Town had earmarked fifteen percent (15%).

Mr. Zandri pointed out there is less money allocated than is needed if you use the numbers as listed in Mr. Thompson's correspondence.

Mayor Dickinson asked Mr. Thompson if he was comfortable with the amount being allocated?

Mr. Thompson responded, we had combined them (contingencies) and the decision was made by your office (Mayor) to separate out what Wallingford Electric would pay for versus what general

vernment would pay for. When we separated out the cost, the Elec. Division calculated their construction costs differently.

Mr. Zandri wanted to be sure there were enough dollars being allocated since the figures did not add up to what was required for the job.

VOTE: Centner, Renda and Zappala were absent; Zandri, no; all others, aye; motion duly carried.

ITEM #11 Consider and Approve an Appropriation of Funds in an Amount Totaling \$218,500 from Retained Earnings Acct. of Which \$140,000 is Transferred to Underground Conduit Acct. #366; \$42,500 is Transferred to Underground Conductors Acct. #367 and \$36,000 is Transferred to Services Acct. #369 - Electric Division

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

VOTE: Centner, Renda and Zappala were absent; Zandri, no; all others, aye; motion duly carried.

ITEM #12 Consider and Approve a Transfer of Funds in the Amount of \$34,000 from General poses Acct. #8050-800-3190 to Center Street Cemetery Acct. #3070-600-6880 - Mayor

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

Correspondence from Gerald E. Farrell, Jr., President of the Center Street Cemetery Association states, "Since we forwarded our budget to you in January, two very unexpected items have come up that need immediate attention. Vandalism occurred several weeks ago wherein fifteen (15) monuments were vandalized. Many of these monuments are very old.....the estimated cost of repairs is in the area of \$20,000. The second incident has been a recurring problem since mid-spring.....we have had recurring problems with our mower and its attachments. We would expect that a new mower and attachments.....will cost \$13,840.95 and will last approximately ten years."

A request for a transfer of funds in an amount totaling \$34,000 has been made to cover the cost of repairing the monuments and purchasing a new mower.

Mr. Knight asked, what are the steps that will be taken to assure that restitution will be forthcoming from the vandals?

..... Farrell explained that criminal charges will be brought against the individuals at which time the judge will order that restitution be made by the individuals. A condition of probation is that the

Individuals make scheduled payments of an amount determined sufficient by the court on a regular basis as restitution. If the individuals do not make restitution, it becomes a violation of their probation and the court can issue a warrant for their arrest and incarcerate them. It is difficult to get the probation system to move at times.

Mr. Parisi asked for clarification of Mr. Farrell's statement regarding the speed at which the probation system works.

Mr. Farrell explained, the probation department has obviously been cut back in recent years. There are many cases that they have. Property crimes, while not trying to minimize them in any way, they do have physical violence crimes which they have to keep tabs on as well. Not that I am justifying it but if that is a case that you have to keep track of, I cannot necessarily blame them. A case which involves physical violence gets more attention than our property case. It is a serious, serious thing but in terms of them allocating their resources, the public wants to be protected from physically-violent crimes. It would not hurt if we had a letter from the Council Chairman inquiring into the matter.

Mr. Parisi asked, what happens when the time limit to pay restitution expires? Is the person free of responsibility?

Mr. Farrell stated, assuming we are successful and we get a judgment in civil suits we are planning to bring, we would be able to go after them through independent means, not through the probation department and we would have additional time, up to twelve years in which to collect on it.

Mr. Parisi asked, what are the costs involved?

Mr. Farrell replied, it costs approximately \$150 per case to bring a civil suit against someone. The Cemetery Association does have the funds to bring the lawsuit, pay the sheriff, pay the entry fee into the court. Beyond that my law firm feels strongly enough about the case that we will be doing this pro bono unless the court awards us additional attorney's fees beyond a judgment that the cemetery would get. We would not charge the cemetery anything for our legal services.

Reginald Knight, 21 Audette Drive asked for an explanation of the procedure that will be used to repair the monuments.

Mr. Farrell explained in great detail how the repairs will be made.

Reginald Knight stated that he feels ambivalent about who gets punished for the crime. Just because someone is the biological parent does not mean that they are responsible for the damage done by his

children. It would be hard for parents who have tried to bring their children up well to be hit for \$10,000 or \$30,000.

Mr. Farrell pointed out that the price for the lawn mower is the same price that Public Works would pay under the State bid.

VOTE: Centner, Renda and Zappala were absent; Farrell abstained; all others, aye; motion duly carried.

ITEM #13 Consider and Approve a Budget Amendment in the Amount of \$271,975 to Cook Hill Relocation Project 133RE Revenue Acct. #1030-050-5027 and to Board of Education Building Improvements Acct. #8600-860-7200 - Mayor

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

Mayor Dickinson stated, I have a corrected budget amendment and a letter that backs it up.

Patricia Corsetti, Chairman of the Board of Education apologized for the last minute change stating that she just received the information today from the State. She explained that this is the Board's Cook Hill Pre-K project; three to five year old Pre-K program. We are buying and moving portables over to Cook Hill. We are asking for an increase in the amount that is in the letter.

Mr. Parisi stated, the State has approved the Board's request therefore there is no additional cost to the Town for the project.

Mrs. Corsetti stated, there is additional cost to the town. The State has agreed to the increase and has agreed to refund fifty-five percent (55%) of that increase.

The corrected amount of the budget amendment is \$327,598.00, an increase of \$55,623.

Mayor Dickinson explained, there is an estimated increase in the project of about \$101,000.

Mr. Rys asked, is it legal to increase the amount without publicizing it?

Mayor Dickinson replied, this is not an ordinance and not a public hearing. We are changing the amount here in order to reflect what the true amount is.

Mr. Zandri asked, when you originally did the budget you had dollar amounts allocated for these accounts; is this just reflecting what the increase is?

Dale Wilson, Assistant Superintendent of Schools responded, the project was originally \$595,633 when we originally went to budget. The Board budgeted forty-five percent (45%) of that which was \$268,005. The Town's share (55%) would be \$327,598. Which is \$55,623 over what is in the amount on the agenda.

Mr. Zandri asked, if the original project amount has not changed from when you did your budget.....

Mr. Wilson stated, the original project in December when the Superintendent sent it to the State was \$494,500. When the estimates came in Jerry Powers (Bld. & Grounds Maintenance Supervisor) looked into estimates of buying portables.....\$101,000 additional was needed as an estimate to complete this project. Paperwork was done in January but the \$494,500 already went to the General Assembly that could not be changed. We received a letter saying that they approved it and all along through January up until today, we knew the estimated project to be \$595,000.

..... Zandri asked, should we be increasing the amounts in the budget by the total or just the difference between what you originally estimated and now this difference?

Mr. Wilson answered, the increase amount is the \$101,133 to complete the project. The Town's portion, fifty-five percent (55%) of that is the \$55,623 increase. The Board has already budgeted the other forty-five percent (45%). The correction here is the \$55,623.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

ITEM #14 Consider and Approve Waiving the Bidding Process to Hire M.D. Soil Mapping to Map Inland Wetlands on Property in Wallingford - Town Attorney

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

Attorney Janis M. Small stated that the Town is in the process of evaluating three parcels of land. Part of the evaluation requires that we determine how much wetlands are on the property and where they are located. That is going to affect the actual value that is determined by the appraiser and he does the mapping done in order to make that determination. The property owner is not willing to wait very long to decide whether or not we are interested in buying the property. This has to be done as soon as possible otherwise the opportunity to purchase it will go. It is a very busy time for these professionals and it is very difficult to find someone who is willing to do it right now and we have

someone that will and we have a property owner who does not want to wait very long for us to make up our minds.

Mr. Zandri asked, is \$60/hr. the going rate?

Atty. Small answered, yes it is.

Pasquale Melillo, 15 Haller Place, Yalesville stated his objection to waiving the bidding process.

Andy Kapi, 6 Deme Road supported the pragmatic efforts of the Town to get us back on track to be examining parcels and making selections and hopefully following through without the impediments that we experienced before. I am wondering, absent this type of adhoc work, is there any repository or general preliminary Inland Wetlands type of information along these lines that exists anywhere? For example, the Conservation Commission is looking at parcels and I had assumed that they had information like that available to them in making those judgments and prioritization. Do they not have any background mapping or any old mapping that may need to be improved?

Atty. Small stated, maps were viewed. There are some maps that are quite old outlining wetlands in the area that we are looking at and one, they are not up to date enough for the appraiser and they are not as detailed as the appraiser would need to make a judgment as to value. You need to send someone out there to tell you where they are and how extensive they are and the quality of them. We have also talked to Inland Wetlands staff to see if there is some way of shortcutting having to have the work done in order to make the analysis. We do need to have it done in this case.

Mr. Kapi stated, discovering a certain amount of wetlands on a parcel and given the fact that we may want to have it for open space to some extent, keeping a natural habitat in place in almost a plus; does that raise the value or lower it?

Atty. Small answered, when an appraiser appraises land, he determines its highest and best use. Wetlands to him, in terms of value, they interfere with the development of the property. The more wetlands on a property from a fair market value, the less valuable it is. I see your point but that is not how an appraiser values it.

Kapi stated, that is sort of a protection against the developer coming in and.....having the incentive. It is what it is so if you discover wetlands and map them thusly, in theory a developer would be looking at the same thing and making his estimation from a very different vantage point.

y. Small stated, you would pay more for a piece of land that had no wetlands in terms of its fair market value than one that has so much wetlands that it prohibits major development on it. That is a factor that we are interested in because we are looking to pay fair market value for the property.

Mr. Kapi stated, I would assume therefore that any information we get in this fashion, their work product would go to the Conservation Commission whether the parcel is purchased or not?

Atty. Small answered, that is correct.

Mayor Dickinson explained, when we get appraisals it is for the highest and best use of the property. We don't get property valued as open space, as vacant property, as forest; we are obligated to pay the highest value for that piece of property. It is not a case of us paying less money than someone else would who would develop the property. Sometimes there is confusion about that.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

Mr. Rys read the following into the record, "March 4, 1998. Mr. Robert F. Parisi, Chairman, Wallingford Town Council. This was directed to him by Adam Mantzaris, Corporation Counselor. Dear Mr. Chairman, At the Town Council Meeting of February 24, 1998 you asked the undersigned to look into a question of whether there was a legal impediment in limiting or closing off debate at a scheduled public hearing. In the opinion of this office, debate at a public hearing whether by members of the public or by members of the legislative body itself can be limited or closed off. The commonly employed methods include a motion to move the question, a motion to close debate at a certain time, a motion to limit debate to a certain period of time or a motion to table the question. One can imagine that without such tools a member of the public or a member of the legislative body could unreasonably delay or actually defeat the question by filibuster. Signed by Adam Mantzaris, Corporation Counselor."

ITEM #15 Executive Session Pursuant to Section 1-18a(e)(4) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Lease of Property - Mayor

ITEM #16 Executive Session Pursuant to Section 1-18a(e)(2) of the CT. General Statutes to Discuss Pending Litigation Involving the Tax Appeal Entitled, "Wallingford Property Holdings v. Town of Wallingford" - Town Attorney

tion was made by Mr. Rys to Enter Into Executive Session under the Statutes Listed Above, seconded by Mr. Knight.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

The Council entered into executive session at 9:20 P.M.

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

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

The Council exited executive session at 9:41 P.M.

ITEM #17 Consider and Approve the Settlement of Pending Litigation Involving the Tax Appeal Entitled, "Wallingford Property Holdings v. Town of Wallingford" - Town Attorney

Motion was made by Mr. Rys to Approve Authorizing the Town Attorney to Settle the Tax Appeal as Discussed in Executive Session, seconded by Mr. Farrell.

v JTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

WAIVER OF RULE V Motion was made by Mr. Rys to Waive Rule V of the Town Council Meeting Procedures to Discuss the Sale/Purchase of Property, seconded by Mr. Knight.

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

Motion was made by Mr. Rys to Approve the Sale of Property Known as 33 North Cherry Street Measuring 4.7' x 70' at a Sales Price of \$1,546.30 and Request that the Town Attorney and Mayor Draft and Execute a Contract for Sale to the Bounding Owner, Ralph DeMatteo, of Brother's Restaurant, seconded by Mr. Farrell.

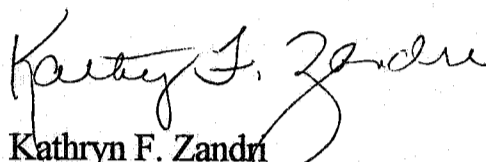
VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

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

VOTE: Centner, Renda and Zappala were absent; all others, aye; motion duly carried.

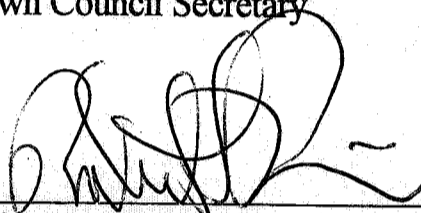
There being no further business the meeting adjourned at 9:45 P.M.

Meeting recorded and transcribed by:



Kathryn F. Zandri
Town Council Secretary

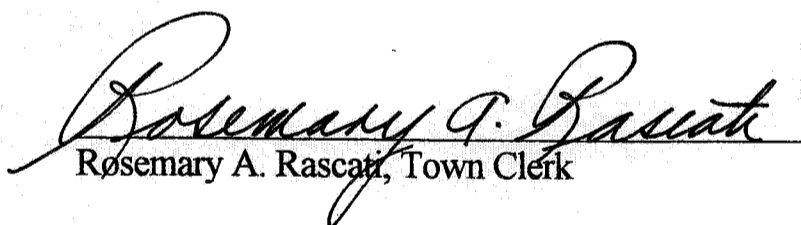
Approved by :



Robert. F. Parisi, Chairman

8 - 18 - 98

Date



Rosemary A. Rascati, Town Clerk

8 - 18 - 98

Date



WILLIAM W. DICKINSON, JR.
MAYOR

OFFICE OF THE MAYOR
TOWN OF WALLINGFORD
CONNECTICUT

PROCLAMATION

WHEREAS, the State of Connecticut has proclaimed the first week in August of each year to honor our Fire Fighters and Emergency Medical Service personnel, and

WHEREAS, these individuals work diligently and are committed to provide emergency services to our citizens and stand ready to meet any challenge to save lives and property in our community, and

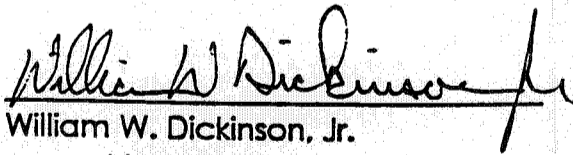
WHEREAS, our Fire Fighters, both career and volunteer, and our EMS personnel work hard to ensure that timely, appropriate care is available for all those who are victims of sudden accident or illness, and

WHEREAS, the Town of Wallingford is very appreciative and proud to recognize the dedicated services of our Fire Fighters and EMS personnel. They are courageous individuals who put the welfare of others before themselves and we thank them all for their unselfish efforts.

NOW, THEREFORE, I, William W. Dickinson, Jr., Mayor of the Town of Wallingford, in accordance with recent state legislation, proclaim the week of **August 2 - 8, 1998,** as

FIRE FIGHTER AND EMS PERSONNEL WEEK

in tribute to these dedicated men and women who provide such vital services to our community.


William W. Dickinson, Jr.
Mayor

DATED THIS 20th DAY OF July 1998
WALLINGFORD, CONNECTICUT

