

TOWN COUNCIL MEETING

NOVEMBER 10, 1998

6:30 P.M.

AGENDA

Blessing -

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve Tax Refunds (#241-286) Totaling \$41,555.56 - Tax Collector
 - b. Approve and Accept the Minutes of the September 15, 1998 Public Speaking Meeting
 - c. Approve and Accept the Minutes of the October 13, 1998 Town Council Meeting
 - d. Approve and Accept the Minutes of the October 20, 1998 Public Speaking Meeting
 - e. Approve and Accept the Minutes of the October 27, 1998 Town Council Meeting
 - f. Consider and Approve a Request by Wallingford Center, Inc. To Use the Parade Grounds on Saturday, November 28, 1998 from 10 AM to 6 PM to Hold WCI's 3rd Annual Ice Carving Contest
 - g. Consider and Approve the Establishment of a Special Revenue Fund for the Purpose of Administering the Community Employment Incentive Program - Mayor/Youth and Social Services
 - h. Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Self-Insurance Claims Acct. #001-8030-800-8280 to Professional Services - Specialists Acct. #001-1320-901-9003 - Town Attorney

Consider and Approve a Transfer of Funds in the Amount of \$5,716 from Finance - Revaluation Acct. #1401-999-9909 to Finance - Overtime Acct. #1401-101-1400 - Comptroller

4. Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD

6. Discussion and Possible Action Regarding the Negotiated Teacher's Contract Effective September 1, 1999 through August 31, 2003 - Board of Education

7. Consider and Approve One (1) Appointment/Re-Appointment to the Housing Authority for a Term of Five (5) Years to Expire 10/31/2003

8. Report Out by the Community Lake Restoration Committee in Light of a Report by Deleuw, Cather to the State of Connecticut as Requested by Chairman Robert F. Parisi and Councilor Stephen W. Knight

Consider and Approve a Resolution Authorizing the Mayor to Execute and File an Application for a State Drug Enforcement Grant - Mayor

10. PUBLIC HEARING on an Ordinance Appropriating \$3,875,000 for the Acquisition of Real Properties Known as 1390 Whirlwind Hill Road, 135 Cooke Road and 200 Northford Road for Open Space, Recreation and Town Purposes and Authorizing the Issuance of \$3,875,000 Bonds of the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose - The Town Council will consider and act upon the proposed ordinance following the public hearing at 7:45 P.M.

11a. Discussion and Possible Action on Making Application to the State of Connecticut for the Replacement of Open Space Property in Durham with the Cooke Property in Wallingford and that the Proceeds from the Sale of the Durham Property be Used to Offset the Cost Associated with the Purchase of the Cooke Property as Requested by Councilor Geno J. Zandri, Jr.

b. Consider and Approve the Sale of Approximately 158 Acres of Land Located in the Town of Durham for an Amount Equal to Its Appraised Value to the Town of Durham - Mayor

12. Discussion and Possible Action on Selling the Former Simpson School Property and all Proceeds Derived from the Sale be Used to Offset the Cost Associated with the Purchase of the Cooke Property as Requested by Councilor Geno J. Zandri, Jr.

- 1999
- Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Maintenance, Collecting and Impounding Acct. #612-000 to Laboratory Expenses Acct. #642-001
- Water Division
14. Consider and Approve a Waiver of Bid to Allow for Use of the So. Central CT. Regional Water Authority's Laboratory to Perform Required Analysis of Haloacetic Acids to Meet Regulatory Compliance Requirements - Water Division
15. Consider and Approve a Waiver of Bid to Authorize the Hiring of Quality Associates (Contractor for "Seiter Hill Project") for Fox Run Drive Water Main Installation - Water Division
16. Consider and Approve the Hiring of Outside Legal Counsel for Representation of the Town in Negotiations with Respect to Merchant Power Plant - Town Attorney
17. Executive Session Pursuant to Section 1-18a(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations With Respect to Pending Litigation - Town Attorney
- Executive Session Pursuant to Section 1-18a(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations with Respect to Pending Claim - Town Attorney
19. Executive Session Pursuant to Section 1-18a(6)(D) of the CT. General Statutes to Discuss the Purchase, Sale and/or Lease of Property - Mayor
20. Discussion and Possible Action Regarding the Purchase , Sale and/or Lease of Property as Discussed in Executive Session
- 1999

TOWN COUNCIL MEETING

NOVEMBER 10, 1998

6:30 P.M.

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TOWN COUNCIL MEETING

NOVEMBER 10, 1998

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, November 10, 1998 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Vice Chairman Raymond J. Rys, Sr., at 6:31 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati with the exception of Chairman Robert F. Parisi who was ill at home. Mayor William W. Dickinson, Jr. arrived at 6:36 P.M. and Assistant Town Attorney Gerald E. Farrell, Sr. arrived at 6:39 P.M. Comptroller Thomas A. Myers was also present.

A blessing was bestowed upon the Council by Rev. Dean Warburton, First Congregational Church of Wallingford.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

No items of correspondence were presented at this time.

ITEM #3 Consent Agenda

ITEM #3a. Consider and Approve Tax Refunds (#241-286) Totaling \$41,555.56 - Tax Collector

ITEM #3b Approve and Accept the Minutes of the September 15, 1998 Public Speaking Meeting

ITEM #3c Approve and Accept the Minutes of the October 13, 1998 Town Council Meeting

ITEM #3d Approve and Accept the Minutes of the October 20, 1998 Public Speaking Meeting

ITEM #3e Approve and Accept the Minutes of the October 27, 1998 Town Council Meeting

EM #3f Consider and Approve a Request by Wallingford Center, Inc. To Use the Parade Grounds on Saturday, November 28, 1998 from 10 AM to 6 PM to Hold WCI's 3rd Annual Ice Carving Contest

ITEM #3g Consider and Approve the Establishment of a Special Revenue Fund for the Purpose of Administering the Community Employment Incentive Program - Mayor/Youth & Social Services

ITEM #3h Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Self-Insurance Claims Acct. #001-8030-800-8200 to Professional Services - Specialists Acct. #001-1320-901-9003 - Town Attorney

ITEM #3i Consider and Approve a Transfer of Funds in the Amount of \$5,716 from Finance - Revaluation Acct. #1401-999-9909 to Finance - Overtime Acct. #1401-101-1400- Comptroller

Motion was made by Mr. Knight to Approve the Consent Agenda Items 3a-i, seconded by Mr. Farrell.

VOTE: Parisi was absent; Zappala abstained; all others, aye. Motion duly carried.

ITEM #4 Withdrawn

ITEM #5 PUBLIC QUESTION AND ANSWER PERIOD

Attorney Hugh Manke with the law firm of Updike, Kelly and Spellacy in New Haven representing John Orsini, 1070 North Farms Road, LLC was the first to address the Council. Atty. Manke stated that he had sent a letter to Chairman Parisi yesterday with regards to the Council's oversight function overseeing the Public Utilities Commission. The objective of the letter was to ask that you assert your Charter power to re-examine the question that was addressed by the P.U.C. concerning the auto auction. I think that there was something seriously wrong that was done there and I would hope that this group would use its power, under the Charter, to review that decision. It is possible that this is a moot issue if the article in the newspaper today was correct; it is possible that they are going to re-examine their decision which would be a great thing I think because, after all, Mr. Orsini has offered to construct 3,100 linear feet of sewer main, 2,100 linear feet of water main at his expense, he is not looking for a helping hand from the Town. It seems that the P.U.C. was well beyond its bounds in denying him access to sewer and water that he was prepared to construct. Hopefully, the issue does not have to get to you but that, of course, will depend on what the P.U.C. does. If they decide not to reconsider their decision of November 4th, I would hope that you would take the letter that I did send to the Chairman of your Council and assert your jurisdiction to re-examine the decision of the P.U.C.

Appears as though there's a lot of misinformation about auto auctions. I have been a municipal lawyer for twenty years and I cannot believe the amount of "frenzy" I would call it with regards to certain public officials concerning this particular use. What do you know about this use? You voted

unanimously kill the project that is proposed for Northrop Road but I dare say that everybody has very little information about an auto auction. It really, from a zoning point of view, and I have been a zoning lawyer for twenty years, this is a warehousing function. Whether it be cars that are warehoused or refrigerators, it is a warehousing function; it is the same, it operates.....the auto auction would operate the same as a refrigerator warehouse or a kitchen cabinet warehouse, that is what the zoning is calling for in that area and that is what the auto auction is all about. It is a great surprise that people would consider an auto auction as something to really rally around and make a big issue out of. This is one of the key points that I want to make; that the frenzy about this issue is blurring the line between.....in some people's eyes, between what is legal and what is illegal and I think that is really, really unfortunate. I will leave out here a picture, a rendering of the auto auction that is proposed for this site. It is a far sight better than some of the warehouses that I have seen in town and certainly better than some of the warehouses that I have seen across the street from the location where Mr. Orsini would like to build his facility. Finally, let me just make two points; one is, I think it is one thing to have open dialogue in a community about an issue. I think it is another to put unnecessary pressure on a statutorily created body such as the Planning & Zoning Commission which has a statutory duty to implement its regulations. I think this Council's voting was a step in the wrong direction with regards to this public policy debate; it is not something that should be dealt with on the Council level but something that should be dealt with at the Planning & Zoning level. The vote by the Council was followed by some incredibly inflammatory testimony by the Council Chair at a Planning & Zoning meeting and I think that is also going beyond the proper bounds. That was followed by another councilmember's recent claim that, if need be, to kill this project we will buy the land; we will use eminent domain to take it. Again, unnecessary, unfair pressure put on the Planning & Zoning Commission. Just recently this morning, the P.U.C. Chair was quoted in the newspaper as saying that an auto auction is not appropriate. "I guess it is up to the P&Z Commission to do their thing and protect the community and certainly I hope they do the right thing." Again, an inordinate amount of pressure put on a body that is supposed to be acting independently in the best interests of all residents and property owners in the Town of Wallingford. Is this pressure legal or illegal? That is going to depend, in part, on what the Planning & Zoning Commission does. If the project is turned down, there will be many of those on the developer's side who say that the matter has been unfairly tainted by the pressure of the Council and the P.U.C. You have made it clear that an open space program is an important thing for the town of Wallingford. I think it is a laudable goal and it should happen. The question is, how should it happen? Should it happen through a Planning & Zoning Commission that is asked to unreasonably deny applications so that land is not developed or should it be done in the normal way which is to appropriate money, develop a plan, appropriate money and go out and acquire properties. I am afraid that there are some among us who feel that the way to have an open space program implemented is to have a Planning & Zoning Commission that goes beyond reasonable bounds. Zoning is to regulate property and not to prohibit development. It is a big difference and I urge you to allow the Planning & Zoning Commission to do its statutory duty, independently and legally. Thank you.

Ms. Papale stated, I wanted to mention that Mr. Parisi, as I read in the paper, did receive the letter yesterday and I think, due to his illness, the letter was not gotten to us (Council) so we do not have that letter that you are referring to. What ever we know about the letter, we read in the paper this morning. I also want to mention, and not to dwell on it, we, as a Council, did unanimously make the decision about the letter to the Planning & Zoning Department but before that decision was made we do have much information on auto auctions and you mentioned that we probably don't. We do have....before we decided on that we really make sure we knew what our thoughts were. We did receive much information. I don't believe the letter put pressure on the Planning & Zoning. The Planning & Zoning, the members there have a mind of their own and it was just our view but many times we have given them our view and they have done what they thought was right. I do not think it was an unreasonable decision. You spoke to us and I felt that I had to return my thoughts.

Mr. Zandri asked, I would like clarification from the Mayor on this. Seeing that the article was in the paper this morning where the Town Attorney ruled on the P.U.C. decision that happened this past week or actually last week; we are limited by the number of days that this Council can act on that, I think it is fifteen (15) days in order to overturn something.....a decision there. Is it your opinion that : Town Attorney ruled that their action was not appropriate?

Mayor Dickinson stated, I believe the Town Attorney sent a letter to the (P.U.C.) Commission members indicated that it was an inappropriate action and indicating that they should take it up again, reconsider and I believe the meeting has been set for that to happen.

Mr. Zandri asked, would it be moot for us to act on their ruling for this past meeting?

Mayor Dickinson answered, at this point I don't think it is necessary. I think there is a clear intent that has been established I believe for the seventeenth. I believe the intent is there to take the matter up and reverse their decision.

Mr. Zandri stated, I just want to make sure with the understanding that we are limited for time to act on it. If that is the case.....

Mayor Dickinson responded, I agree with you. If I felt that the time was going to elapse I would feel otherwise but given her (Town Attorney's) letter and the response as I understand it from the commission and I do know a meeting has been set with that as an agenda item I expect it will occur.

Mr. Rys stated, this Council, when they acted that evening probably acted basically on the same concept that I acted on; this issue had been an extremely large, emotional issue with a large group of people who live in the area, who live throughout the town. I haven't remembered an issue bigger

since the trash plant back in the early eighties. This Council, I can speak for myself, I had received more telephone calls on this issue than I have on anything. They just don't want it there. I don't know how the other members acted but I am sure that they have gotten the same telephone calls that I received and not only telephone calls but people who I have met out in the public. So I feel, upon myself that when I do receive that many comments and I have attended a couple of the auto auction meetings with the Planning & Zoning, I don't ever feel that I am putting any pressure on P&Z even though we are the appointing authority. I feel that they are going to act in a manner that they need to according to the State laws of the State of Connecticut. If they don't then they should be replaced. Never, ever, have I and I don't think any of these Councilors here feel that we are putting pressure on Planning & Zoning and I don't want you or anybody in the public to feel that way.

Atty. Manke responded, I certainly hope that the Planning & Zoning Commission acts independently and with an open mind, that is very important.

Reginald Knight, 21 Audette Drive approached the microphone to read the following into the record: "I call upon every citizen to take interest in the community, attend meetings and express concern. If you are treated discourteously and discouraged from participation in town government, I want to know about it. That was a campaign promise and will be an office reality."

Reginald Knight stated, that was a quotation that Mr. Dickinson made in 1984. At the last meeting I was at Mr. Wasilewski got up to the microphone and he was speaking about tapes and just as he drew away Mr. Wright was called (to the microphone). In the meantime somebody up there (Council) forgot to switch off their microphone and a remark was passed. Now I have taped that remark off of the videotape which is currently showing to the town. I want you to listen to it because there is a remark there that I think owes an apology to either Mr. Wasilewski or to Mr. Wright.

At this time Reginald Knight played the audiotape into the record as follows:

Mr. Rys: "Mr. Wasilewski that might be your opinion but he did ask. He did ask Councilors and he also asked Mr. Hanley if it would be all right."

Mr. Wasilewski: "The reason I am saying this is when I asked, why don't we save the tapes, a question came up that we can't afford to do it. I say that is a lot of baloney."

Mr. Rys: That is just an opinion. Mr. Wright?

Councilor : "(breath)...and the peanut gallery speaks."

Reginald Knight repeated the statement made by Councilor Knight; a member of the peanut gallery speaks. He stated, I think that is very demeaning to the public who come here, I really do. As I said the quality of the tape is not very good, it is a cheap little set. But to send that out over the air....to me these are distinguished gentlemen (members of the public). I know that I am not much but I look upon these distinguished gentlemen and I think that they deserve a little better than that.

Pasquale Melillo, 15 Haller Place, Yalesville asked, with regards to Robert's Rules of Order, does the Council have the right to "move the question"? He did not like the fact that the Council can cut off comments by the public who take the time and interest in their government to come out to the meetings, when they feel they do not want to hear what the public has to say. What gives the Town Council the legal right to move the question and is it one of Robert's Rules?

Atty. Farrell, Sr., stated, my understanding of the rule in Robert's Rules is, at any point in the debate the body that is governed by Robert's Rules can choose to vote the question that is before it. The vote on move the question has to be voted first, that is my understanding and if the body does vote to move the question then debate is cut off. That is the right of the body hearing the discussion. The Town Council has adopted Robert's Rules as its rules of order. So at any point they can choose to do it.

Mr. Melillo stated, in my opinion, it is a violation of the First Amendment of the Constitution. That is entering the field of legal dictatorial process. Can't that be interpreted that way? It seems to me that Robert's Rules should be eliminated and the Town Council should pass an ordinance to eliminate that. Just by the laws of common sense, in my opinion, the evidence is blatant. It is a violation of the Constitution. I got a lot of phone calls about that from people asking me to be their representative. I am fed up to my ears with the few in this country in the federal, state and local level dominating the people.

With regards to the Conservation Commission, a couple of sessions ago we talked about the secrecy of the Conservation Commission regarding the disclosing of open space properties that they are looking into. It was my impression that the Conservation Commission was going to release the list of properties that they have been working on, make it public information, and it has not materialized, why?

Mayor Dickinson stated, the list of properties is protected, confidential, under the State law. The issue was taken to the Freedom of Information Commission which ruled that such a list is rightfully confidential and not public information.

Mr. Melillo next asked, has the Council any additional information to offer on the status of the proposal by Pennsylvania Power and Light Global?

Mr. Zandri stated, I attended a P.U.C. meeting last week at which time they stated that PP&L, Global will be at their next meeting to report out regarding the progress on the plant.

Mr. Melillo stated, as I recall the three month period has expired and any company can now bid on that property, correct?

Mayor Dickinson replied, no, we are still in the midst of the term with PP&L and Stone and Webster who will be getting back to us with a proposed contract and work out specific details. I don't believe at this time that anyone else can be involved in that project until we reach a conclusion with PP&L. It is my understanding that the contract is still in effect.

Mr. Melillo stated, it is a legal violation, in my opinion.

Philip Wright, Sr., 160 Cedar Street stated, I understand Robert's Rules and Robert's Rules has been the bible of the Town Council in this town for many, many years. I have been coming to meetings a lot longer than some of you have been councilors. We have some very good conversations here, some that were rather heated and personalities got in the way from time to time but in my memory I can not ever recall moving the question, seldom was it done, never in the midst of a man's presentation. You guys may be right, you have Robert's Rules on your side but that is all that you got.

ITEM #6 Discussion and Possible Action Regarding the Negotiated Teacher's Contract Effective September 1, 1999 through August 31, 2003 as Requested by the Board of Education

Dale Wilson, Assistant Superintendent and Patricia Corsetti, Chair, Wallingford Board of Education were in attendance for this item.

Mr. Wilson reviewed a summary of contract changes in benefits with the Council (Appendix I).

Salary

Salary increments are 3% each year of the contract and the seventh year stipend will increase by \$10.00 per year to \$2,865; \$2,875; \$2,885 and \$2,895. The doctorate stipend will increase \$10.00 per year to \$5,720; \$5,730; \$5,740 and \$5,750.

Medical

change from the current Blue Cross/Blue Shield/Major Medical plan to the Century Preferred Plan with vision and a \$3.00/\$5.00/\$10.00 prescription co-payment on prescription drugs.

Insurance co-payment will increase from 10% to 12% in the last year of the contract. Long-term disability protection was increased from \$300.00 per month to \$350.00 month.

Teacher Employment Year

The teacher employment year will be increased by one (1) student day effective with the fourth (4th) year of the contract. The total work year will be 190 work days (185 student days).

Patricia Corsetti, Chairman, Board of Education stated that the Board was very pleased with the outcome of the negotiations. They felt it was a fair contract for both sides and achieved both the Board's four objectives as well as the W.E.A.'s (Wallingford Education Association) objectives.

Mr. Centner commended both parties for the success rate achieved in meeting the concerns of all involved. He stated, it is a good contract, I am pleased with it and I intend to support it. With regards to Section H., Item #2 which reads, "The Board of Education may pay up to \$5,000 stipend teachers in "hard to find" subject areas....."; I can appreciate how the career fields change all the time. Can you give me an idea of what kind of fields or levels that you are finding to be "hard to find"?

Mr. Wilson responded, presently it is \$1,000. and we have used that once in twelve (12) years and that was for a Vo-Ag teacher recently. It is a very, very difficult area to find. We found someone who would not take the position unless we matched the salary and it was necessary to agree on a \$1,000 stipend for one year for that person. That is one example. We think that as we go down the line it will be more and more difficult in some of the hard to find areas such as the vocational education areas, the Vo-Ag areas, etc. The Board decided to put that increase in there if it was necessary. It does not mean it is going to be used and it does not mean that it is going to be \$5,000 but at least it is in the contract and will not cause a problem with the W.E.A. if we have that.

Mr. Centner asked, do you think it will increase your applicant rate or do you have no applicants at all and it will give you a single applicant?

Mr. Wilson answered, I don't know because this information will be know by people but when you are interviewing for teachers obviously, when you select a teacher for a position.....when I interview I interview a person what the salary is going to be based on their years of experience and the degrees that they have. Some candidates say, fine, others say that they cannot take the position at the salary offered. We then have to make a decision to continue looking or ask, is that the only candidate, is it

best candidate? We have to make the determination at that point and discuss it with the Board. Presently, I have four positions that are open; that has never happened in the twelve years that I have been Asst. Superintendent. Three of the positions are in a difficult area and one is not so difficult. We feel that in the next three, four, five years we are going to find this more and more until the cycle changes again.

Mr. Centner stated, from what I gather you apply this stipend to a position that you are experiencing trouble filling rather than just identifying teaching positions then applying the stipend and advertising it that way?

Mr. Wilson answered, that is correct.

Mr. Centner asked, you would wait for experience to show that it is difficult to fill and then apportion some part of that stipend?

Mr. Wilson answered, yes.

Mr. Zandri asked, is the 3% salary increase on a total pool of money and not necessarily on individuals?

Mr. Wilson answered, yes.

Mr. Zandri stated, I wanted to make sure it was understood that it was a pool of money.....I want the general public to understand that this is not necessarily by individual.

Mr. Wilson stated, if you follow the salary schedules you can see....that is exactly correct. The pool of money; you take 3% of the base salary and that money is distributed accordingly. The base changes after each year and it is 3% of that and that goes on for four years; that is correct.

Mr. Zandri asked, is this insurance plan less than what they had before?

Mr. Wilson answered, yes.

Mr. Zandri asked, was there anything that had to be given in order for you to get the rank and file to agree to this change?

Wilson answered, no. It was part of the package; it was a very strong part of our negotiations. We made it very clear to the W.E.A. that this was very critical for the Board of Education. A lot of work was done prior to negotiations. I worked with the union for almost a year with Blue Cross/Blue

ield representatives working with the leadership, meeting with the leadership so that they had a thorough knowledge of the plan. This is the entire package.

Mr. Zandri stated, I just wanted to see if anything had to be given up for this. Obviously, if there is a cost savings to the Board of Education in this area, this is something that we may want to look at across the Board for the whole town.

Ms. Corsetti stated, I want to commend Mr. Wilson. He worked very hard for about a year on this so that when it came up it was very well received.

Mr. Knight asked, what does the term "rified" mean? The last sentence in Section H, Item 2 reads, "The teacher does not have to pay the stipend back if they are rified."

Mr. Wilson responded, reduction in force; if the position is eliminated.

Mr. Knight referred to Section H, Item 10 which has to do with the number of teacher conferences that would be allowed. This section reads, in part, "Conferences and Open House shall be limited to a total of 5 nights per school year. Conferences shall not exceed 15 minutes per individual conference....." He stated, I am interested in the rationale behind that, mostly for kids that are needing more help than some other kids might need it and why that kind of language would be written into a contract?

Mr. Wilson replied, that is presently occurring. That is just re-defining what we are doing. Those are open houses where parents sign up to meet with teachers. We try to get in as many parents as possible. For example, if a teacher only had five parents showing up then we are not concerned about the fifteen minutes. If we had twenty (parents) we cannot allow twenty minutes or one half hour because you are not going to have enough time to meet with them. This is summarizing what we are presently doing, it is not a change.

Ms. Corsetti stated, when a parent wants to speak with a teacher they call the office of that school and an appointment is set up for the teacher. That gives the teacher a guideline as to what they are going to have for that evening. They go through the Central Office of the school that is holding the open house.

Mr. Knight asked, individual conferences or consultations that parents want to make with those teachers are not part of this?

Mr. Wilson replied, that is right. Parents are encouraged to call anytime for conferences and as much time as needed is scheduled. This refers to special evenings that happen five times during the course

... a year at all schools to allow parents to meet the teachers and get an update on how things are going during the course of a year. This is not related to needing special conferences, that would be separate from this.

Ms. Papale asked, why was the additional day such a big part of this contract negotiations? It is one more day added to the school year.

Ms. Corsetti stated, in the fourth year of the contract one additional day instructional day will be added to the school year.

Ms. Papale asked, one day means that much as far as the student's education?

Mr. Wilson explained, when you look at history, five years ago it was 180 days. At the end of this contract it will be 185 days. That is five additional days. It is one of the highest in the State. One day overall may not be an impact but we have five additional days and the Board is very interested in adding this. I am sure the next time they negotiate, they will want to add another day. The more instruction time you have for students is advantageous.

... Corsetti stated, we expect a lot from our students academically and we need the time to be able to give them that.

Pasquale Melillo, 15 Haller Place, Yalesville asked, how much of the contract is dictated by State mandate?

Mayor Dickinson explained, there are two areas of state mandate, if that is what you want to call them; one is the process of collective bargaining and timetables as well as what you can expect out of the bargaining process. That is one area of mandate but the other is the number of positions necessary for special education or other remedial things; the number of courses offered, the minimum expenditure per pupil, transportation costs. There are a lot of state laws that dictate the service that we call education, the minimum number of days that education has to be offered is 180. It is all built upon state laws that define what public education should be. If you want to call those mandates, they are.

Ms. Corsetti added, we met with the Town Council in the summer and they set guidelines that we were to adhere to in negotiations.

... Melillo expressed his concern over the lack of seatbelts in school buses at this time.

Reginald Knight, 21 Audette Drive asked, is the 3% increment a compounded system of raises?

Mr. Wilson answered, that is correct.

Reginald Knight asked, are you forecasting what the cost of living increase would be four years from now? Is that what it is?

Mr. Wilson replied, salary increases coming in presently for teachers throughout the state is averaging right now 3.5%. We have fixed the increases at 3% for the next four years. Within the next two to three years you will see 3.5% and higher; you will see some towns or cities coming in at 4%. We were very pleased to get a 3% fixed increase for the next four years including this year. The trend is averaging over 3.5% right now. You will also see that municipalities are not going with more than two to three year contracts.

Reginald Knight commended Mr. Wilson for doing such a good job of holding down the increases. He asked, just the money go into an overall fund or does every single teacher get a 3% raise? Is there a performance rating of any kind? In the private sector you come before the boss with hat in hand and he reviews what you have done in the past year.

.... Wilson explained, we have salary schedules and unless we find that their performance is unsatisfactory or we eliminate teachers, dismiss teachers, then they would automatically get their increase.

Robert Sheehan, 11 Cooper Avenue asked if the pay increase is 3% per year plus increments?

Mr. Wilson answered, that is including increments

Mr. Sheehan asked, what percentage of the teachers are at their top step?

Mr. Wilson answered, approximately 55%. You have a higher percentage of teachers at top step getting the lowest percentages; they are getting much less than 3% because your 3% has to be spread throughout the whole salary schedule.

Phil Wright, Sr., 160 Cedar Street asked, what is the average salary of a teacher in Wallingford, today?

Wilson answered, \$47,500.

Mr. Wright asked, 3% compounded over four years gives you what? What does it amount to?

Mr. Wilson explained, each step, each degree, each level is getting a different percentage. Again, not everyone is getting 3%. Some steps are getting more than 3% and some are getting less. The average teacher should get approximately \$6,000 over a period of four years and will earn over \$50,000 at the end of this contract.

If the Council chooses to accept the contract, no action is required.

No action taken therefore the contract is approved.

ITEM #7 Consider and Approve One (1) Appointment/Re-Appointment to the Housing Authority for a Term of Five (5) Years to Expire 10/31/2003

Motion was made by Ms. Papale to Re-Appoint John Savage to the Position, seconded by Mr. Renda.

Ms. Papale read Mr. Savage's resume into the record (Appendix II).

DTE: Parisi was absent; all ayes; motion duly carried.

ITEM #8 Report Out by the Community Lake Restoration Committee in Light of a Report by Deleuw, Cather to the State of Connecticut as Requested by Councilor Robert F. Parisi and Councilor Stephen W. Knight

Salvatore Rascati, Chairman of the Community Lake Restoration Committee provided the Council with a summary of work accomplished to date by Deleuw, Cather (Appendix III).

Committee members Paul Body, Joel Reinbold, Philip Wright, Sr and Charles Uznanski were present in the audience.

Mr. Rascati stated, the Department of Environmental Protection (D.E.P.) awarded the contract approximately one year ago to an engineering firm by the name of Deleuw, Cather. They have been performing a feasibility study on the construction of a dam at Community Lake. They have completed approximately 70-80% of the items that were in the work statement that the D.E.P. gave this outfit.

What appears to be petroleum contamination was discovered in the berms that separate the river from east and west ponds. They are not sure it is petroleum but they are in the process of analyzing the contamination. Topographical mapping and hydraulic analysis has been performed to determine the effects of various dam heights on the flooding. They have investigated the occurrence of macrophytes (aquatic weeds) in the dredge ponds and compared them to a similar lake within the

watershed. They researched the deeds of the properties abutting Community Lake to determine the ownership and flowage rights. They have taken sediment samples from different locations in the former lake bed and proposed a preliminary fish passage design for Wallace Dam. The main results of the study so far show that if they were to construct a six foot dam this would cause a slight increase in flooding upstream during the one hundred year storm. This exceeds the current FEMA and state flood plain lines for a hundred year storm and affects Gopian Trailer Park. Therefore if a dam is to be constructed it must be lower than six feet. Also, the dredging would be required to create open water deep enough to prevent the growth of aquatic weeds. If a six foot dam were to be built a total of 542,300 cubic yards of sediment must be removed from the lake. If no dam were to be built, a total of 706,000 cubic yards of sediment would have to be removed. That would amount to twenty-five (25) twenty yard truckloads of sediment a day for 1,412 days or 5-6 years to be removed.

The tasks remaining to be done are;

- 1) dredging and disposal options for the sediments in Community Lake
- 2) analyze the extent and nature of the possible petroleum contamination found in the berms
- 3) cost estimates
- 4) at the October 20 and 29th meetings it was proposed that a smaller, 36 acre lake could be created by excavation with no dam. This would entail the removal of 591,000 cubic yards for a 9 foot depth or 350,000 cubic yards for a 4 ft. Depth. In this regard, a letter has been sent to the D.E.P. (Tom Morrissey) to have DeLeuw, Cather expand the study to include a 3,000 foot rowing channel. Also, to investigate the possibility of constructing a dam higher than six feet if the Gopian property were to be purchased by the Town.

Since 1979 when the dam let go, Gopian's Trailer Park has flooded several times. It did so again in 1982, 1983 or 1984 and minimally, approximately one and one-half years ago. The committee, as a whole, believes the Town should consider purchasing Gopian's. Back in 1987 the Army Corps. Of Engineers did a study of Gopian's and at that time they looked into relocating Gopians; buying another piece of property and moving the existing residents. At that time it was estimated to cost approximately \$7 million. If the Town were to buy Gopian's then they could prohibit new residents from moving into the park. In other words, through attrition, eventually the park would be empty even though it may take 15-20 years. Incidentally, the trailer park was sold about one year ago for a price of approximately \$870,000.

The DeLeuw, Cather report contradicts a study done earlier by Fuss & O'Neil. We are now at a point where, if we really want a fifty or seventy-five acre lake like what existed before, we have to do something with the bottleneck which is Gopian's.

Body stated, the dam was here for a very long time. My daughter brought home some postcards that she found up in Maine which showed Wallingford Community Lake circa 1890 and there was this beautiful lake here. Most everyone who was raised in town remembers that lake unfortunately, there is a new generation in town who looks at that as a bunch of weeds and a couple of ponds. We have this opportunity and there is a great presence to have greenways and open spaces and utilize land and property that the town has for the community and here we have this gift of a gorgeous river coming down through the middle of the town. At one time we had a beautiful lake there. We have a linear trail committee with Councilmembers and community members that are very active in their participation with the committee. We are talking about developing this lake, we are talking about buying open space land, planning for the future of Wallingford, what it is going to look like; be like. We have this tremendous resource in the center of the Town that was a resource for 150 years until 1979. We have heard problems with algae in the lake, water problems, flooding Gopian's, etc. Gopian's floods whether there is a dam there or not. I am sorry, but it is a fact. Gopian's flooded two years ago, no dam; ten years ago, no dam; it just goes on. If we are looking to enhance and are providing for the community, I don't think the consideration of acquiring properties as part of an overall development to allow us to re-develop that property is such an unusual thing to consider. We have this asset and as a town we should do what ever we could do to re-develop it and make it as utiful as can be for the use of everybody in the town. (Applause)

Mr. Zandri stated, I know this committee has been around for a long time and the dam hasn't been there; what I want to know is, is there a fixed time table or at least a time table where we could see the light at the end of the tunnel where we are going to have some sort of proposals that we could vote on?

Mr. Rascati responded, DeLeuw, Cather was supposed to have a public meeting back in June. That has been put off time and again. We did get together with them and the Mayor and other people back in October and then we have held two meetings with them. We have tentatively scheduled a public meeting with DeLeuw, Cather in December but I think their contract, I was told unofficially, has been consumed approximately 80%. Once that contract is finished, they are obligated to issue a report. They have wanted our input and we were hoping to give them input back in June and July but that never came about. We gave some input at the October 20th and 29th meetings. We will probably get together with them once again to see if they have had a chance to do some of the work that we have asked of them. There will be, within the next four or five months, a final report. Then we will hopefully come before the Council with some recommendations.

yor Dickinson stated, I believe DeLeuw, Cather and the State plan to hold a public meeting to present findings.

Mr. Zandri asked, do you anticipate that taking place within the next six months?

Mr. Rascati stated, the public meeting will be held before that but I think their contract will probably be over within the six months, maybe sooner.

Mr. Zandri stated, I would really like to see something that we can put our hands on and make some sort of decision so that we can get this finalized. I think it is long overdue and the residents will support a plan to put that lake back.

Mr. Knight stated, the reason I requested this item be placed on the agenda was for the exact same purpose. For the last two or three years we have seem to have read a considerable amount of material regarding the State's interest in a partial restoration. The last article I saw in the record journal did not seem very encouraging regarding the State's response to the DeLeuw, Cather report and that was the purpose of my asking for the item. There isn't anyone on this Council that isn't interested in a conclusion, especially in view of the fact that we thought we were heading for a conclusion with State interest in the project. Have we gotten a definitive response from the State with regards to this six foot dam issue or is that going to wait for the public meeting on December 8th?

Rascati answered, right from the onset the D.E.P.'s position was that they were always against replacing the dam. Finally, when this third committee got together about three years ago, that prompted Tom Morrissey from the D.E.P. to reconsider. That is when he said that we may be able to put a six foot dam there. Now, with the report that DeLeuw, Cather has done with the investigation they have done so far, they say that even a six foot dam is going to put Gopian's park in peril. We are recommending that the Town take a realistic view and make some attempt to buy Gopian's but the existing owners will not sell. I think we should look into it.

Mr. Knight asked, is there anything less than six foot which will accommodate both.....

Mr. Rascati responded, there is but it involves a lot of dredging. DeLeuw, Cather is saying, in order to prevent growth, you have to have at least nine feet of water. Before the dam let go I don't think you had nine feet of water anywhere in that lake. It varied anywhere from four to eight feet. If we want to put up with some re-growth in the summer, accept six feet of water rather than nine. You may get some aquatic growth or you may not. Then we would, maybe instead of a twelve foot dam we could compromise with something around eight or nine feet. Those are the things that remain to be discussed with DeLeuw, Cather.

Body stated, when some of the earlier studies were done by Fuss & O'Neil, there were questions asked in terms of the depth of the ponds that were dredged out for the landfill project and there were numbers banded around in the twenty-five to thirty foot deep range; that sort of thing. When they actually went out and did the topology of the lake, they found out that those ponds were not that deep,

they were only seven, eight, or nine feet deep which in the original approach to it, part of the dredging material would be used to fill in those ponds to bring them up to some level that would not allow for the creation of dead water which would ultimately spoil the quality of the river. Now when they found out that those ponds were very, very shallow, they had to re-evaluate the amount of dirt that would have to be dredged in order to accomplish a reasonable depth. Their response to us was, it is your lake and this is sort of an interesting prospect and we have never heard of this one before. You can re-route the river any way you want in the lake; you can move the dirt around anyway that you want to; this area essentially belongs to the Town of Wallingford and the Town, within reasonable guidelines, can do anything they want with it. The only thing we sort of have a commitment to is the rowing channel listed in the deed for Choate. But they said, aside from that, we can do what ever we want with that. We can make the river do pretzels, we can do what ever we want. If we don't mind having weeds to have the appearance of a body of water, we can have weeds. If we want algae, we can have algae. We have a lot of options here.

Mr. Knight stated, my understanding is, the State's primary goal in their project for Community Lake was to establish wetlands, approximately 95 acres if I am not mistaken?

Mr. Reinbold responded, it was really to improve water quality ultimately in Long Island Sound.

Mr. Knight asked is that goal of the State D.E.P. jeopardized by the findings of DeLeuw, Cather?

Mr. Reinbold replied, I don't think the goal is jeopardized. The goals remain the same. What has changed is the modeling. We were always basing the whole development of this plan on improving water quality; developing over water recreation and increasing ecological habitat. The problem is that we were basing a lot of analysis on previous modeling performed by Fuss & O'Neil. Those plans indicated that we could create wetlands, improve water quality with modest (6' high) dams and that there wouldn't be any flood hazards even with a twelve foot dam. We were seeking to bring finality to this project months ago. It was with D.E.P. who conceptually agreed to this compromised plan to create this six foot high dam to improve the ecology, the open water habitat. The DeLeuw, Cather (report) is at one hundred eighty degree odds with the Fuss & O'Neil plan. They have found that even at one hundredth of a foot flooding which is part of modeling, that they could not accept that even with a six foot dam and I believe that is still being reviewed. Our conceptual plan has been dealt a major setback at this point in time. Now we have to reconsider what we want; seek a dam, and/or do we couple this with potential flooding and/or elimination of the flooding? We cannot just accept flooding so we have to deal with it from a different way. We are seeking finality and we would have had something for this Council months ago if it was not for the modeling which is just different. D.E.P. has confirmed verbally that the DeLeuw, Cather is right and the Fuss & O'Neil is wrong. We have not undertaken any independent analysis on our own but based on those statements we are

going to have to accept DeLeuw, Cather and/or reconsider some of the parameters and variables that were put into that modeling to determine just how accurate it is.

Mr. Knight asked, is there a point below six feet but where there is a dam where we would still be able to claim the fifty acres of open water?

Mr. Reinbold responded, you would still need dredging.

Mr. Rascati replied, it would be in-between the two figures; 706,000 and 542,000 cubic c yards that would have to be removed.

Mr. Reinbold added, based on DeLeuw, Cather, even the six foot dam does not provide without dredging, much increased surface water area whereas the Fuss & O'Neil plan with the six foot dam, it essentially re-created half of what Community Lake used to be. It was a good compromise.

DeLeuw, Cather shows a six foot dam doing virtually nothing. If you have an objective to increase surface water, you have to pursue dredging. One option may be, spend the money on the dredging her than the dam.

Mr. Knight stated, then all along the D.E.P. did not anticipate this massive dredging project to accomplish their goals?

Mr. Reinbold replied, not only did they not anticipate it, we were all in agreement that it was not going to be needed.

Mr. Farrell stated, I appreciate the committee's efforts to try and push forward and get us as much as possible and I understand what you are saying, Mr. Rascati, in terms of that the time may have come that we need to seriously consider buying Gopian's. I guess the question that would come up when we are considering that is, there does seem to be some way between purchasing Gopian's and hauling fill out of the lake. These are big figures here. Are there ways in which we can do the hauling of the fill out of there that do not cost us money? For instance, are there people who are interested in the fill to the point that if we gave it to them for free, they would take it out of there for free?

Mr. Rascati answered, yes, there is that possibility. We were approached several years ago by a local sand and gravel company that was interested in taking out fill if it was acceptable.

. Farrell asked, is that logistically possible to do, the amount that you need to do the full project, under those terms? Or is someone just going to take what they feel to be easy and leave what is hard?

Mr. Rascati answered, they would have to take test borings to see how far down the sand and gravel is and if it is economical for them to remove it and how much of it is there to remove? There is a possibility that you could commercially sell the sand.

Mr. Reinbold stated, that is one of the reasons why we are looking at the potential petroleum contamination. This could go from a resource to a potential liability very quickly.

Mr. Farrell replied, my family owned property all around there; we know all about petroleum. You are saying that you could not necessarily come back to us and say, "Gopian's costs this much and taking the fill out costs this much", that it would require a decent amount more research and spending of money to come to that conclusion?

Mr. Body answered, one of the things we are facing right now is, recognizing that the D.E.P. is funding the study by DeLeuw, Cather and there has been an ongoing dispute between the D.E.P. and the Community Lake Committee, our goal is, we want our whole lake back. We don't want a pond, we want the entire lake. The D.E.P. challenged it from many standpoints. The funding for this in depth evaluation or reconstruction of the lake is based on a six foot dam. We went back to DeLeuw, Cather and said, "let's presume that we don't have any obstacles; we don't have the trailer park, it is not private property but all public property and we don't care if it floods," they were not sure their funding allowed for that. We really don't know if we are going to get a study that presumes or analyzes to find out where a twelve foot dam actually carries the flood zone and to determine what properties are affected by it so that we, as a town, can look at those and determine whether we have an opportunity to acquire those over time or do something to eliminate the flood problem that we would currently have. If we go to a larger dam, the trade-off is that there is less dredging to do and as you can see by the numbers that Mr. Rascati put together, from no dam to an estimated twelve foot dam, you go from 760,000 to 208,000 cubic yards of dredging material and we are not exactly sure what the cost comparison to that is to a twelve foot dam and the funding for this study is from D.E.P. which does not want to hear any talk of a twelve foot dam so we are in a handcuff situation right now.

Mr. Farrell stated, it sounds like the committee has a very good grasp of the issues and is pushing to try and get us as much of the lake as possible. I speak only for myself but if there is a need for us to jump into the fray and to fund studying alternatives that D.E.P. won't even consider funding out of their own money, then I think we should. Whether it is doing the geological surveys of removing the fill or looking at the Gopian's issue. You legitimately bring that up and we have to consider it. Don't hesitate to come back to the Council, would be my advice.

Mr. Zappala stated, I have only been in Wallingford for forty-four years and I remember the lake well. I also remember Gopian's. Was Gopian's there before the lake?

... Rascati replied, the lake has been there since the 1860s. The dam was built around 1860 or 1870. Gopian's was built sometime after the war; sometime around 1947,48; that time period. I was told by an old person that when they put Gopian's in they removed about four to five feet of topsoil and that is why that depression is in the flood zone. Whether it is true or not, I don't know. Mr. Zappala stated, we should be concerned about Gopian's for there are people living there but we also knew even then that it would flood occasionally. I share Mr. Farrell's feelings; I would like to see the lake restored as it used to be if it is at all possible and the quicker the better. We have been waiting a long enough time to achieve it.

Mr. Zandri stated, you may want to consider one other possibility there and that is that Gopian's does sit down in a hole and potentially those units can be raised and filled and maybe take that out of the flood plane. You may want to consider that along with your other options.

Mr. Rascati stated, you are right; it is about ten acres of land. I did a quick calculation and to raise it three feet it would require about 48,000 cubic yards of fill which is not nearly as much as the figures on the summary pertaining to dredging.

Philip Wright, Sr., 160 Cedar Street stated, I remember Community Lake from the late 1930s. You had to have to go by it to go to Meriden. It was a lovely site and I think that it is probably the best natural resource we have in this Town. We are not as fortunate as a lot of other towns but this certainly surpasses in value parks and benches. We really ought to be sure that we keep some money in your pockets when you are considering all the things you have to consider here and be ready to support Community Lake. I think I am correct in saying that each one of you in the last election stated that this was one of the projects that you wanted to see done; support the restoration of Community Lake. Keep it uppermost in your mind. I am glad to hear what Mr. Farrell had to say. I feel that he is very sincere about that and I suspect that most of the other Councilors are to. Keep change in your pockets for Community Lake.

Reginald Knight, 21 Audette Drive asked, why not take the sand from the dredging and put it in Gopian's to raise the area? That way you have the hole where you want it and the fill where you need it. I am puzzled about the height of the dam. We have had a few hundred year floods in the past fifteen years for some strange reason and the flooding has not been according to the height of the dam as far as I can see, it is because of the bottleneck created by the tunnel underneath the Merritt Parkway. That is where the bottleneck occurs which floods back to Gopian's. Wasn't there a contingency attached to the donation of the land to the Town which referred to a twelve foot dam? is there no contingency?

Mr. Rascati explained, when the land was turned over to the Town, the deed specified that the existing water level be maintained for the express purpose of recreational purposes for the Town and also that the rowing channel for Choate be maintained.

Reginald Knight asked, are we legally bound by that twelve foot dam language?

Mr. Rascati replied, I suppose we are. I went to the Town Attorney and at that time we were given a wishy washy answer. I don't think Choate would.....if they wanted a rowing channel they would have taken legal action against us a long time ago. They have since relocated their rowing to Lake Quannapaug in Guilford.

Pasquale Melillo, 15 Haller Place, Yalesville stated, it is very clear in the deed, the town is to restore the dam to twelve feet should it break.

Mr. Rascati stated, the deed stipulated that the town was to maintain the existing water level for recreational purposes for the Town.

∴ Melillo asked, what if we don't restore the twelve foot dam, what kind of ramifications would the town be subjected to?

Mayor Dickinson responded, the deed obligation would be rendered unenforceable by current law. The state policy or law regulations require no impoundments that aggravate flooding or other types of things. They enforce their regulations therefore anything the Town attempts to do would conflict with state policy and regulations would be found to be unenforceable.

Mr. Melillo stated, as you said before, the state told you it is our lake and we can do what we want with it but in all actuality, it is not really our lake, is it?

Mr. Rascati replied, it is our property, our lake, however what ever we do with it, if it affects the F.E.M.A. (Federal Emergency Management Agency) flood lines, then we are restricted as to what we can do. There are at least ten permits that we would have to apply for when you talk about impounding water. It is not an easy task.

This concluded the committee's report.

...EM #10 PUBLIC HEARING on an Ordinance Appropriating \$3,875,000 for the Acquisition of Real Properties Known as 1390 Whirlwind Hill Road, 135 Cooke Road and 200 Northford Road for Open Space, Recreation and Town Purposes and Authorizing the Issuance of \$3,875,000 Bonds of

the Town to Meet Said Appropriation and Pending the Issuance Thereof the Making of Temporary Borrowings for Such Purpose

Mr. Rys convened the public hearing on the ordinance at this time.

Motion was made by Mr. Knight to Read the Title and Section 1 of the Proposed Ordinance in their Entirety and to Waive the Reading of the Remainder of the Ordinance Incorporating its Full Text to the Minutes of this Meeting, seconded by Mr. Farrell.

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

At this time Mr. Knight read the title and section 1 of the ordinance into the record.(Appendix IV).

Robert Sheehan, 11 Cooper Avenue stated, part of this agreement is that we are going to lease the land back to Mr. Cooke so that he can continue to farm. I know that the state has a fund that will make money available to individuals who purchase, own or lease property for agricultural use and maintain it as an agricultural endeavor. I know that the funds are available to individuals but I am not sure if we, as a municipality, would qualify for those funds. Has this been looked into? Perhaps the funding would defray some of the costs for this purchase.

Mayor Dickinson stated, I think you are referring to the purchase of development rights. That is generally done when an individual holds on to property and continues to utilize it and sells the development rights. It could apply to a municipality although our goal is not necessarily to operate a farm or have a continued use of farming on the property. I am not aware of a municipality qualifying for that program. We can inquire about it.

Mr. Sheehan stated, I don't know that it would require that we give up development rights. The idea behind buying this property is to create open space and if that is a requirement that you have to give up the rights for them to give us money I say, go for it.

Mayor Dickinson replied, more likely they would view this as an appropriate property for us to apply for open space funds. The open space program limits future use to unimproved recreational uses; keeping the property in a very pristine state so that you would not be able to put ballfields on the property and make improvements of those kinds if you use the State's open space program. That is not something the town would want to do as the future may involve uses of one kind or another on these properties.

Don Harwood, 4 Chestnut Lane asked, was this property included in the Conservation Commission's recommendation as far as parcels of interest?

Mayor Dickinson answered, yes, two were and it was left open that the owner might be in a position to deal with other properties.

Mr. Harwood asked, do we have an idea of the priority in which they fell into that listing?

Mayor Dickinson answered, I believe it was a very high priority. The Chairman of the Conservation Commission is here; perhaps he will speak to how the commission viewed the properties.

Jeff Borne, Chairman of the Conservation Commission explained, originally the property made the Conservation Commission's initial list of compilation of properties. At the time, however, Mr. Cooke was not interested in selling his land so we abandoned that idea. Later on, he expressed an interest that he may be interested in selling. When that happened our commission went out and walked the property with Mr. Cooke, all one hundred sixty acres of it. We then put it through our evaluation system and the property rated higher than any other property we evaluated. It came out with a nine. Subsequently, I don't know how this worked out, but during the negotiations.....we were impressed with all of Mr. Cooke's property but at the time he was only offering approximately one hundred ty acres. Subsequently during the negotiations, I don't know how it worked but an additional seventy-seven acre parcel figured into the consideration and it was just an incredible job of negotiating to get that available to the town.

Mr. Harwood asked, does this potential purchase put other active parcels that you have been looking at at risk? We had two back in April, outside of the Route 68 parcel, that were pretty actively pursued. Are they are risk? Are they forgotten?

Mayor Dickinson answered, we still have the capability of purchasing additional open space but I will not sit here and represent that there is a limitless ability to purchase open space. As other projects or needs come before us, we can't just always buy everything that comes along but up until this point we have the ability to purchase additional open space without a significant financial impact.

Mr. Harwood stated, some of the goals the Conservation Commission identified, urban green space, and I think that there are some parcels in town over in the Grieb Road area that are very nicely positioned because they create a significant buffer between a very highly developed area with Fairlawn Farms and then into Rolling Meadows, it gives a nice break between them so that you don't ve the high density. Also, when you are looking at properties like that, those areas seem to be red differently than the Cooke property. Although it is a very nice parcel, the Cooke property, is zoned as two acre lots. The density changes the impact to the town changes. I would like you to consider as we move forward the areas that give us the best bang for the buck based not only on

purchase price but density, impact on services and so on. Where we have two acre zoning, we already buy into some of that separation and density around the housing that would go in there. In April I spoke pretty vocally about open space and at that time I said I was very much in favor of it and I think any efforts made would be very important to the town. Since April, my question then was, have we developed a plan for the town? Have we really developed a master plan of where we want to go with properties? The only answer I received at that time was related to the Conservation Commission but from a town structure, have we really looked at where we want to be? Where do we want to be from services, what is the population we should ideally have? Have we shot any targets like that?

Mayor Dickinson asked, I believe current zoning would place a maximum population in town at somewhere around 55,000 people. We are now at 41,000. Any piece of property that we take off of the list for development will reduce that though that is not an assurance that in the future there couldn't be an effort fifty years, one hundred years from now to down-zone. Nothing is permanent.

Mr. Harwood asked, as far as the Council or Mayor's Office, are you relying on the Planning & Zoning Regulations to be your master plan for the Town?

Mayor Dickinson answered, Planning & Zoning Regulations is also a plan of development. Planning & Zoning Regulations and the zoning map of the town does describe exactly what this town at full development would look like and the various uses and the various areas of the community. That is a clear outline of what the vision of the community is right now and you work within that in terms of how much open space can we afford. We buy what we can when there is a willing seller and that obviously reduces the density from the current total.

Wes Lube, 15 Montowese Trail read the following prepared statements into the record (Mr. Lube's notes have been inserted at this point to save this writer time in transcribing them):

November 10, 1998

To all my fellow townspeople who were prevented from speaking on the authorization of the Mayor to sign a contract to purchase 249 acres from George Cooke, I apologize.

If your inability to speak was anyone's fault, the fault was mine.

I know you patiently paced the halls for 2 hours without any chairs, waiting for the Council to dispose of three separate Executive Sessions. After all that waiting, you were unable to speak because of me, no one else.

I bear the blame because of my ineptness. For this, I apologize. Obviously, I was not asking questions in an easily understood manner. Neither the Mayor, nor the council understood my attempt to speak against the contract authorization. You see, based on past experience, I believe once a contract is signed, it's a done deal. This has been consistent behavior by the Council.

To deny this would be a waste of time. The Council's credibility went down the tubes many meetings ago. Plausible deniability doesn't exist. The only believable denial would be to vote down the ordinance tonight.

At the same time, I owe the Council, a bundle of thanks. While you were in Executive Session, I was out in the hall, futilely lobbying against the contract authorization. My reception was lukewarm, at best. But, when you shut off further comments you lit a firestorm. You created an opposition where none had existed. Thank you for aiding my efforts.

You see, when I saw the agenda for your last meeting, I cared enough to pack a bag, stop at the Town Hall for some direction and drive from Cook Hill to visit the proposed 249 acres of open space on the No. Branford line. I did what you Council members say you can't do without permission.

These things interest me a great deal because I spent 30 years of my working life as a Realtor. Ten of those years, I focused on land acquisition and development working with numerous developers and builders. I served on the Executive Board of the HBA of New Haven County for 4 of those years. Although I'm now retired, I do know a little bit about land use.

This background also taught me how to assemble information and where to find it. Your motion to terminate the right of people to speak lit a fire under me, too. You motivated me to dig. Permit me to share with you what I found.

Let's see, where were we?

Frankly, at your last meeting I was attempting to extract from the Council what you perceived to be Open Space. Not because I had not heard this previously, but because our taxpayers watching on TV were entitled to hear this reiterated relative to the expenditure of nearly \$4 million of their money.

Unfortunately, the Council wasn't up to it. The Mayor stepped in and volunteered the following, according to page 27 of your October 27 Council meeting minutes:

Mayor Dickinson: "The goal has been to acquire some open space (1) hopefully reduce congestion, (2) Maintain some rural vistas, (3) provide for future generations when the property may have to be utilized for a municipal purpose and (4) protecting watershed areas".

On page 29, the Mayor added two more: (5) provide habitat and (6) areas for people to enjoy. He again mentioned reducing congestion. It should be mentioned the word "reduce" is inappropriate. The only way to reduce congestion is to reduce the population PER SQUARE MILE. I don't think the Mayor had this in mind, (Exhibit #1)

Would the Mayor care to add any more benefits to be derived from this \$4 million expenditure? Do any Council people want to add to the five benefits mentioned by the Mayor?

Then, we can look at the subject 249 acres and weigh how they would contribute to these 5 benefits.

This is important. There is no single accepted definition of Open Space. It depends on who or what organization you talk to. The definition within a community may change, with time. Therefore, your definition is Wallingfords definition today. This is not a philosophical discussion, as televised audio background comments on the Council whispered. It is a needed statement of policy before spending \$4 million.

The Mayor established the benefits we seek from Open Space. We now can examine if the anticipated benefits will be realized by the contemplated \$4 million expenditure.

First, let's locate the subject property on the Long Term plan of Development for the Town of Wallingford. This exceptional study is in two volumes. The first volume or Phase I was assembled by the Wallingford Planning Commission in 1991, as required by Section 8-23 of the CT General Statutes. The Planning Commission put together, with the co-operation of the various Department Heads, a marvelous detailed compilation describing Wallingford statistically. It then looked to the future and included a recommended program for implementation of open space acquisition. The appendix even has a map carefully delineating the specific properties owned or to be acquired. I've colored them blue for easy identification. This was 1991. (Exhibit #2)

The Department Heads and the Planning Commission having completed Phase I, the next step was initiated. 55 community leaders and interested citizens were charged with developing Phase II, which is contained in Volume II, published in 1993. These 55 citizens divided up into 5 committees, one of which was Open Space and Recreation, with 16 members. This was a citizens advisory committee. They, too, appended a map showing major open space owned or targeted for purchase.

The proposed Open Space in 1993, prepared by the citizens advisory committee was identical with Phase I's map. No change (Exhibit #3)

What's interesting about this is the subject property was not even near to what was proposed by the Staff in 1991 and the citizens in 1993.

So much for respect for the countless hours invested by the highly respected members of our town. There has been no subsequent effort of this scope and significance, although an update will be required in the year 2001. In the absence of any published Open Space study subsequent to our 2 volume Plan of Development, the latter would seem to prevail, would it not?

First point to remember. The Long Term Plan of Development for the Town of Wallingford did not recommend purchasing any of the 3 subject properties.

We have a Conservation Commission which has prepared a semi-secret list of properties which in the Commission's opinion are suitable for the Town to buy for open space. Councilman Centner said the 3 subject Properties are on this list and are favorably graded, although the list is not available for public scrutiny. He further indicated the Council's positive attitude toward these 249 acres is based on the advice of this Commission.

Sec. 7-131a, Connecticut Planning and Zoning Statutes states, in part: "Any town, by vote of its legislative body, may establish a conservation commission to be appointed by the chief executive officer of the municipality."

Paragraph b adds: "A conservation commission may from time to time recommend to the planning commission body plans and programs for the development and use of such (open space) areas. It may make recommendations to zoning commissions, planning commissions, inland wetland agencies on proposed land use changes. It may, with the approval of such legislative body, acquire land and easements in the name of the municipality. It shall make an annual report to the municipality in the manner required of other agencies of the community." (Exhibit #4)

Question #1. Did the Council vote to establish a conservation commission?
(see page #37 for response)

Question #2. When did our conservation commission last recommend anything to our Planning and Zoning Commission?
(no response)

Question #3. How is the conservation commission annual report received and by whom is it received and where is it filed? When last recorded?
(see page #37 for response)

The State Statutes are referenced regarding the conservation commission because the Town Charter is silent on this commission.

The State Statute clearly places the Conservation Commission in a position to advise a Planning and Zoning Commission. This is consistent with Chapter 124, Section 8-3 of the Connecticut General Statutes from which our P&Z Commission derives its authority and responsibilities. One such duty assigned to the P&Z Commission is "to regulate the use of land in accordance with a comprehensive plan and encourage the most appropriate use of land throughout the Town." (Exhibit #5)

Second point to remember: State Statutes say the conservation commission may advise the P&Z Commission, but the latter is the final authority.

When Wallingford is debating the merits of a proposal before it, whether it be a matter before the Planning and Zoning Commission, the Town Council or the Mayor, etc., you wisely seek the advice of the most knowledgeable person available and we have many on the payroll.

If its an engineering question, you seek out Mr. Thompson. Traffic you consult Mr. Doll. Hydro engineering questions to to Mr. Darm or Mr. Mascia. Electrical puzzles are solved by Mr. Cominos or Mr. Smith. Financial questions are answered by Mr. Myers. And so on.

The Town Planner's job discription requires that she "have considerable knowledge, skill and ability in every phase of municipal planning" (Exhibit #6)

Question: When did the Council ask Linda Bush, our professional Town Planner, to advise the Council in this matter on the record?

Third point to remember: \$4 million taxpayers dollors are about to be spent on open space land acquisition without one official word of advise from our professional Town Planner. Makes you wonder, in bold print.

The subject property is composed of

64 acres on Whirlwind Hill Road-mostly pasture but not very pastoral

77 acres on Cooke Road-long frontage-plowed land

108 acres near intersection of Cooke and Northford Rd, mostly backland with relatively small frontage.

249 acres all in a 3 acre zone

The furthestmost portion of this property only 3/10 miles from North Branford.

Very sparcely settled.

Sounds like a no brainer. But, there's more to be told. Let's look at what is already in close proximity to the subject property, even abuting two of the three pieces.

1. town owned open space	1,560.99 acres
2. town owned residential development rights	207 acres
3. Town parks	34.7 acres
4. State of Connecticut	144 acres
5. institutional	189 acres
6. homeowners association	<u>24.53 acres</u>
total	2,160.22 acres

A very large portion of this part of our town is already designated open space, not counting operating farms. Within a 3 mile radius of the subject property, Wallingford has 2,160 acres of open space. It's made up of ponds and meadows, hill and dale, brooks and forests, gently rolling and some rugged terrain. (Exhibit #7)

To think, we are about to spend almost \$4 million to increase the open space in this part of town by only 11.5%. That's 249 acres added to 2,160 acres.

Measured in benefits. Will these 249 added acres of open space

- | | |
|---|-------------------------|
| 1. reduce congestion? | NO |
| 2. maintain rural vistas that
would otherwise be lost? | NO |
| 3. provide for possible municipal
future needs | hardly |
| 4. protect watershed areas | NO-the brooks run south |
| 5. provide habitat | Somewhat |
| 6. acres for people to enjoy | NO |

Question: what benefit will we derive that we do not now enjoy?

Fourth point to remember: Why buy open space land where we already have lots of open space land?

This all begs the question, when is enough?

Wallingford's total acreage, according to the 2 volume Long Term Plan of Development, is 24,920 acres. Repeat, 24,920 acres. (Exhibit #4, page 12)

As of this year, 4,560.25 of these acres are designated as open space. That is 18.3%. We already have 1 out of every 5 acres in this town set aside as open space. That's a damn good proportion. (Exhibit #7)

The town need not stop buying open space, but it should be very discriminating, purchasing for specific needs and throw away land, as it becomes available. The town need not feel compelled to embark on such ambitious programs as \$4 million entails.

Point #5 to remember: Wallingford has a very substantial amount of open space already.

As to the 228 acres known as the Fitzgerald property on Howd Road in Durham, none have been included as Wallingford open space in previously mentioned statistics. Wallingford purchased the property in 1966, receiving both a federal and state grant toward the purchase, ostensibly as a watershed for our Pistanaug reservoir. The property was never used as intended.

This is the subject of the next item on your agenda and you might prefer my comments on the Durham property be saved until that next item is introduced. However, at your last Council meeting, Councilman Zandri asked the Mayor, if the subject 249 acres were purchased, would the Mayor proceed with the sale of the Durham property and apply the proceeds toward the subject purchase. Therefore, the two are interconnected. It is germane to discuss both the subject 249 acres and the Durham 228 acres under both agenda items.

On October 8, 1996, Don Roe received an informational letter from David Stygar, then Environmental Analyst and Program Coordinator for the Connecticut Department of Environmental Protection (D.E.P.), a letter Mr. Roe had solicited.

Here are 4 important quotes from that letter:

1. "The property proposed for replacement is of reasonably equivalent usefulness as that being converted." As Durham's intended use was watershed, it would appear its replacement would need to be watershed, also. The brooks that service the 249 subject acres all seem to run south into North Branford. Away from our reservoirs. And, therefore wouldnot be watershed, But, although watershed was the obvious intent, the purchase grant was obtained for open space.

2. "The fair market value of the property to be converted (Durham) and the property proposed for substitution would have to be established with two independent appraisals."

3. "The proposed converted parcel (Durham) and the substitute parcel would have to be well defined. Definition to include A2 Surveys on each."

4. and most importantly, "The replacement property cannot be existing dedicated open space."

Point #6 Timing, therefore, dictates the following:

- A. submit proposed substitute
- B. receive approval to substitute
- C. sell Durham
- D. buy 249 acres

Last two may be in reverse order, but first two are essential. (Exhibit #8)

Page 21 of October 27 Council meeting quotes the Mayor when asked if the Cooke properties qualify for direct replacement for our Durham piece, as follows:

"My guess is that we can make that application. Until we actually have that application before the State, there is no guarantee. I would think that it would; it is a similar type of property. It is open farm type property." (Exhibit #9)

The question and answer implied that the Durham sale approval could be obtained after we purchased the Cooke property. This contradicts Mr. Stygar's informational letter and ignores that one parcel was watershed, the other is not.

Page 26 of the October 27 Council meeting quotes Robert Sheehan asking "If we purchase Cooke's property now and six months later have a buyer for the Durham property, do we have to wait again until we have a good size piece or can we do it?"

Mayor Dickinson answered "I believe we can do that and we will be confirming what the States procedure will be -- but I believe we can do that!" (Exhibit #10 and #1)

Point #7 to remember: All that is said at Council meetings is not necessarily based on fact. The inability to answer comments and questions from the audience in a straight forward factual manner is a reflection on the Council, not the person commenting or inquiring. This subject is more significant in terms of money and long term policy than anything else on your agenda this year, except the proposed power plant. It deserves much more thought, research and deliberation than you seem to have budgeted. It deserves your patience and thoughtfulness, not your wrath.

Oh yes, money.

First, a question. Why is proposed bond issue for \$3,875,000, while page 20 of your October 27 minutes say you authorized a contract for \$3,800,000 and the Mayor on page 21 said we are paying \$285,000 more than the \$3,515,000 appraised value? That also totals \$3,800,000. **

Next, let's look at the potential tax revenue, if we don't buy it.

** Mayor Dickinson answered, the \$75,000 over and above the \$3,800,000 is for costs associated with bonding the money as well as other related costs.

Mr. Lube next asked, did the appraiser assign a value to each of the three properties individually?

Mayor Dickinson responded, yes.

Mr. Lube asked, you gave us the total figure, can you give us the breakdown?

Mayor Dickinson stated, the 64 acre piece has an appraised value of \$1,280,000; the 77 acre piece has an appriased value of \$1,155,000; and the 108 acre piece has an apriased value of \$1,080,000

Mr. Lube asked, do we have A2 surveys on these parcels?

Mayor Dickinson stated, we have current maps just done but I don't find a stamp on them.

At this time Mr. Lube reviewed the tax revenue the town would get if they did not buy the land.

ACRES	ADDRESS	ASSESSMENTS	TAX
64	1390 Whirlwind Hill Road	\$15,300	\$379
77	135 Cooke Road	21,700	538
<u>108*</u>	200 Northford Road	<u>20,440*</u>	<u>506*</u>
249		TOTAL- \$57,440	\$1,423

* Pro-rated. parcel has 149 acres, assessed at \$28,200

POTENTIAL TAX FROM SUBDIVISION
in 120,000 SQ. FT. (3 acre) zone

Normal lot yield in 3 acre zone is about 75%. The (25% loss due to land for roads, corner lots, overall shape, lineal feet of frontage and topography.)

249 acres ÷ .75 yield = 186 acres

186 acres ÷ 3 acres (zone) = 62 lot yield

available lots priced at \$125,000.

Normal lot to building ratio is 1 to 3

(1 part lot, 3 parts building). \$375,000 buildings would be built on \$125,000 lots, total \$500,000. (not counting future value)

But, let's back this down to \$450,000 average.

\$450,000 x 62 homes = \$27,900,000

\$27,900,000 x .70 assessment = \$19,530,000 assessed value

\$19,530,000 x .0248 mills = \$484,344 tax income/year

Point #8 to remember. A \$3,875,000 bond issue repaid over 15 years will cost \$258,333 per year plus interest. To this expense, we can add about \$500,000 per year in lost tax revenue. There is an obvious imbalance. The potential benefit was minimal relative to the potential cost.

Lastly, the State of Connecticut Public Act 98-157 Concerning Open Space and Watershed Land Acquisition provides grants of 50% to municipalities for the purchase of open space land. In this case, 50% of the single appraisal would be \$1,757,500. The Land Eligibility Criteria fits the subject property without qualifiers.

Yet, the urgency of this offering apparently precludes Wallingford taking the time to utilize state participation. What a shame.

Point #9 to remember. There appears to be a possible \$1,757,500 available from the state. No one has cared enough to suggest slowing things down while we apply for assistance.

In conclusion, let's review the 9 points we want to remember

1. The Long Term Plan of Development did not recommend purchasing any of these 3 parcels.
2. The P&Z Commission is the final authority, may be advised by the Conservation commission.
3. Our Town Planner has not been asked to give her opinion, on the record.
4. Why are we buying open space land when we already have lots of open space land.
5. Wallingford overall has every 5th acre already designated open space
6. We better get permission to substitute the Cooke property for the Durham parcel before we do anything.
7. None of you walk on water or possess the wisdom of Solomon, It's time for some attitude readjustment.
8. Real cost of this purchase over \$800,000 per year, with little added benefit.
9. Can we afford not to try for \$1,757,500 in state grant toward this purchase?

I know this whole subject is said to be a done deal. I don't believe it. I don't believe the majority is so committed to open space that they will pay any price, anywhere, just to be able to say "I'm for open space".

The Seller of this property is known to be well positioned in the Republican party. Just last year he was appointed to the highest paid appointive commission in Wallingford. By anyone's definition, George Cooke, the seller, has to be viewed as an insider. This doesn't preclude his selling his land to the town. But, it does mean everything should be done with great care to avoid any perception of impropriety.

You don't depart from normal procedure and place two hours of executive sessions on the agenda and then prohibit commentary by those citizens who cared enough to stick it out pacing the halls for those two hours. These people who waited, wanted to speak about your authorizing the Mayor to sign a contract to buy Cookes property.

I'm sure some of you have may have had some regrets. I hope so. It's obvious the Town is not ready to spend the proposed \$4 million. Please do not force a referendum petition drive. Please vote no. To allow time to request the state approved substitution of the largest Cooke property. And to apply for state grant on all three properties.

Submitted for the record by
Wes Lube
15 Montowese Trail
Wallingford, CT

Mr. Rys stated that the Council did not authorize the Mayor to sign a contract at the last meeting prior to the public hearing. He went on to say that he specifically stated that the public would have the opportunity to speak on this issue first.

Mr. Lube disagreed. He stated that the question was asked, will the lease fee be included in the contract?, and the Mayor responded that he would have it for the Council meeting.

Mr. Rys asked the Mayor, did you sign a contract?

Mayor Dickinson responded, no, we have it here to review in executive session. After executive session there will be a vote to authorize the signing of the contract.

Responses to Mr. Lubees questions:

Question #1: Did the Council vote to establish a Conservation Commission?

Mayor Dickinson replied, the Council adopted an ordinance many, many years ago which establishes the Conservation Commission.

Question #2: When did our Conservation Commission last recommend anything to our Planning & Zoning Commission?

There was no response offered to this question.

Question #3: How is the Conservation Commission annual report received and by whom is it received and where is it filed? When last recorded?

Mayor Dickinson responded, I am not sure you will find annual reports from the commission due to fact that they have not been active for a long time. It is made up of a group of volunteers that have not met often in the past; I don't think there are any annual reports filed.

Mr. Lubees stated, they have met several times over the past year. There should be an annual report filed last year.

Mayor Dickinson stated that he will check into the matter.

*****End of text pertaining to Mr. Lubees Comments*****

Due to a family illness, Mr. Zappala left the meeting at approximately 9:20 P.M.

Pasquale Melillo, 15 Haller Place, Yalesville congratulated Mr. Lubees for his presentation and deep concern for the welfare of the taxpayers of Wallingford. He asked, doesn't the selling of the Town-owned land in Durham have to take place at the same time we are purchasing the replacement property? Is there a relation between the transactions?

Mayor Dickinson replied, there isn't as far as our purchase of the property but the state's timetables with regards to designating conversion property or sanctioning conversion property is not a clear path or issue. I think the state, ideally, wants you to sit and wait for them to do something but if you don't

...ve a seller that is willing to sit and wait for that to happen, it creates a difficult scenario. If we were to say that we won't buy the Cooke property unless the state allows us to use the Durham land, then you have a direct connection. I am not recommending that; I don't think that we should do that. If we are going to purchase the property that Mr. Cooke owns, an application should be before the state. We know there is an interested buyer, the Town of Durham, and I believe there is a good possibility that things will work out.

Mr. Melillo stated, when it comes to something so complicated that involves a lot of taxpayer money, we should have all the different department heads that this proposal relates to, in attendance at the meeting. That way we could ask all kinds of questions that relate to their expertise. We should table this item until we can have all the relevant department heads in attendance as well as a representative from D.E.P. He asked, what will this purchase end up costing the Town including the bonding costs?

Thomas Myers, Comptroller responded, approximately \$5-5.2 million.

Mr. Melillo suggested tabling the item.

...dy Kapi, 6 Deme Road stated, during the last meeting when there was some discussion as to whether or not you, in fact, approved action on agenda item #14, Mr. Farrell made a motion which is as follows: "I would like to make a motion that we accept the contract as discussed...". I reviewed the videotape of the meeting and that is what is stated. A couple of people have commented that this was a done deal and I made that remark in the press in light of the occurrences at the last meeting. But I think it reflects the impression that a lot of us have hear that the real action having to do with this purchase took place at the last meeting therefore that was the place to discuss it. With regards to the Council moving the question at the last meeting and the referral earlier to Robert's Rules.....

Mr. Rys asked Mr. Kapi if the point he is about to make was relevant to the agenda item currently being discussed? He stated that the Council is trying to conduct a business-like meeting concerning the issue and we continuously have people come up and stray off of the subject. If you know something is wrong, perhaps you can call us at home.

Mr. Kapi stated, advise me, Mr. Chairman, if the last meeting was the inappropriate time to talk about whether or not we had an open space plan or we did not. Tonight, apparently, is not the appropriate time to discuss it, when is the appropriate time to discuss it?

... Rys responded, we are discussing the purchase of Mr. Cooke's property.

Mr. Kapi asked, so we can never talk about whether or not we have an open space plan?

Mr. Rys suggested that a meeting be scheduled to talk about it.

Mr. Kapi asked, we can't talk about that tonight? We can't talk about whether or not this is a wise action?

Mr. Rys stated, this is a public hearing and if you want to continue to conduct it that way, go right ahead.

Mr. Kapi stated, there is a clause in Robert's Rules that says that you can't change meeting procedures, by-laws or rules with less than a two-thirds vote. You people amended procedures in May with a vote of five. I find it interesting, a delicious irony that we are told that we are bound by Robert's Rules when the Council decides to terminate discussion but we apparently are not bound by Robert's Rules when the Council decides that it has to wait four months to formulate a plan and then change procedures which also limits public discussion. In the light of what happened at the last meeting, I will say that in passing as an irony.

With regards to the Cooke Property Mr. Kapi asked the Mayor through the Chair, you sent out a mailing or, in some fashion, survey parcel owners about last September or October?

Mayor Dickinson replied, I don't recall the date. We contacted a number of the larger property owners at one point and subsequent to that we contacted other property owners. I don't recall; there are a variety of times.

Mr. Kapi asked, at that point in time Mr. Cooke had not decided to make this property available?

Mayor Dickinson answered, initial contacts were that there was not interest in sale. This time the office was contacted by Mr. Cooke indicating that he might be interested.

Mr. Kapi asked, had that not happened would we be re-contacting at some point in time?

Mayor Dickinson answered, most probably, yes.

Mr. Kapi asked, would it be a bad thing to do then on a regular schedule; perhaps annually?

Mayor Dickinson answered, we have under consideration a number of parcels and we are working our way through the ones now under consideration. At the point we would come to some completion of what we are working on, re-visiting some of the other parcels and contacting owners would be appropriate. At times we have gotten very definitive answers about lack of interest. I don't want to

upset people either with constantly calling them when, within a relatively short period of time they have indicated that they are not interested in sale.

Mr. Kapi stated, apparently something in Mr. Cooke's circumstances changed so that at a later point in time it became a desirable thing for him to want to make this property available to the town. That can happen with other parcel owners as well. Therefore, conceivably, if we had sent out another mailing a month or two ago, we might have been picking from among two properties this time. Maybe, maybe not; or else what you are saying is, the procedure that accompanies our open space policy, not a listing, not the Conservation Commission's information but the way we go about it, if there is an irregularity to it, if there is not a systematized approach to reviewing and making ourselves aware of what is possible, if that doesn't occur then the follow up procedure to the policy is simply, I'll wait for a phone call.

Mayor Dickinson explained, there is considerable work that goes into bringing information together in order to result in a purchase. The appraisals alone are costly and take significant time. The matter before you represents two to three months of fairly intensive work between the appraiser, surveyors, and wetlands mapping, the reviews on a number of those issues; it is not a simple issue. It cannot be done quickly as a general rule because of the amount of information necessary in order to arrive at values and then the discussion of those values and arrive at prices. Where it may seem that every so many months a letter goes out and triggers something else; where we get involved in something it requires significant attention and time. Once we have a major parcel before us we are not able to constantly be going out and searching out others at the same time. Not only is there not time for us to do it but the community would not be in a position to fund all of such parcels at the same time. Yes, we would certainly re-visit parcels of interest but I cannot say that it can occur at every "x" number of months because of the factors I have mentioned.

Mr. Kapi stated, there will come a time when you will no longer be Mayor. That is not a political comment. Just as it was determined tonight that the Conservation Commission was created by ordinance many years ago, at some point this entire procedure of open space review and pursuit and finally acquisition, has to become systematized. In my view what has been lacking with these ad-hoc, one-shot proposals is that there does not seem to be an attempt to put a review process, an ongoing process in a systematic way into effect that is going to be there and continue beyond your administration to someone else in a way that is going to gradually become better understood and more completely understood throughout the entire community so that one of these comes up there aren't any questions. I made the statement at the last meeting that it should be our desired goal with open space to have unquestionable purchases. That is exaggerated because someone is always going to question some aspect. But by that, getting the information out in a way that is understood by the community so that, for example, if a parcel comes up and it is next to a Councilor's house, big deal, we know the reasons why it is desirable. That is why I have argued for the openness with regards to the issue of

the listings. You won your F.O.I. (Freedom of Information) ruling. I don't think there is anything in the statute that precludes you from making that information available.

Mayor Dickinson stated, I was at the symposium last night and one of the clear indications of that meeting was that there is no two land purchases that are the same and most are fraught with significant issues if not major difficulties. I believe one of the case studies indicated over a year and one half or more to bring to closing a piece of property. Regardless of procedures, what is more important than the procedures and plans and the discussion of that kind is whether or not there is property to purchase and that is why we are here tonight. Is this property that we should purchase? That is the purpose of this public hearing. Regardless of how we got here, is this property something that the town should own and enhance the community as a whole, hopefully, for many years to come. That is the real issue before us. Regardless of how we got here, the discussion should be oriented to, are we going to buy the three parcels in question?

Mr. Kapi stated, I believe in a procedure and irregularity and a system that becomes non-political that created that does get to a bipartisan, consensus-oriented set of desirable ways to go on these issues. I believe we are not doing enough to publicize that. Every time one of these comes to the table we have to look at it as if it is the first time we are ever looking at this kind of thing. That is not helpful for anyone because it only draws more questions when people think they are not allowed to comment. It ends up taking away from the issue of how much merit this parcel has. He asked Mr. Borne to give a brief overview of the importance of maintaining listings or rankings or possibly a direction to move away from that.

Mr. Borne stated, our planning process is evolving and as a number of people have pointed out, any acquisition of property...we never see one that seems to go by the book. There are always complications. We started out by doing an evaluation and an identification of properties that the commission thought would be ideal for open space value in town. We began to develop a list. We found that there are some problems with a list and I think where all this is evolving at this point is, when we roll out our plan that there won't be a list. The plan is going to identify conservation areas in town and lands within these conservation areas are going to be the lands that are going to be best suited for open space. Some parcels in those areas are probably going to stand out as more important than others but I think that is where we are headed. If this is going to work, what we anticipate is, land owners in those areas will approach the town and say, "I have some property that the town may be interested in" and at that point the Conservation Commission may be called upon to do an evaluation and then we will make a recommendation. I see that's where we are evolving. Because there is some interest in when we might roll this out, I anticipate it will be make public early December unless we find a way to do it sooner than that. At our next commission meeting we are going to further discuss what is the best way to roll it out to the Council, Planning & Zoning Commission and the public. We are not sure what is the best order in which to do that and maybe

that is not important. There won't be huge surprises but I think, for people who ask, "do we have a plan?", I think that will finally make those comments go away."

Mr. Kapi referred to Cheshire's method of financing open space purchases; they take a vote by referendum or they put a question on the ballot and every couple of years or so the town kicks in \$1 million or so and sets money aside. He directed his comments to the Mayor stating, I am told that you, in principle, disagree very much so with that type of policy (Cheshire's) or something that Peter Gouveia said years ago about a certificate of occupancy fee, some sort of a plan to just start a seed account for open space purchase based on the premise that people coming in and building new lots would throw in a little to the "kitty" to help us grab some parcels down the line. The idea of setting some funding mechanism in place, you (Mayor) have a problem with. I wish you would explain why the bonding method which, on the surface of it, is not troublesome but we are starting to do more of this and with the school expansion project, it is going to start hitting in a couple of years where a lot of these bonds are going to be running co-terminously or close to it and something is going to happen to taxes but that is later on and that violates the idea of paying as we go. What is wrong with setting an account in place?

Mayor Dickinson replied, we do not use bond anticipation notes. The bonds that are sold, we are paying principle and interest currently so there is not big "wall" to hit later on. Secondly, a community like Cheshire uses the approach they do because they do not have the authority to fund capital projects of any size above \$300,000 without a town referendum. Typically, apparently in Cheshire, they will periodically authorize, say it is \$1 million, for the purchase of open space. That is because they don't have the authority to authorize that some time during the year and if a project came to light, would not be able to immediately fund it without having the bond authorization sitting in the background. The authorization is a bond authorization. It is not cash that is sitting and waiting to be spent because if they did that they would run into arbitrage problems. They don't act on the authorization until the time comes when there is to be a purchase. We don't have to do that. We can have a public hearing and authorize an ordinance when we have property to sell. Trying to put aside money for this scale of purchase is extremely difficult, at best. Typically, if we had several million dollars sitting waiting to see if there is open space purchase, I am sure we would hear from people, "I am being overtaxed". That money is sitting there; you have no idea if there is going to be a purchase of open space. It is an inappropriate use of funds. There is a balancing act that must be undertaken in any financial plan but communities that require a referendum yearly in order to approve all capital projects, they must, if they are going to spend money, have that in the bank so to speak in order to authorize that purchase, unless they are going to hold a referendum as part of their purchase.

They don't want to do that because they probably have found that sellers don't want to wait the length of time that it would take for a referendum to be scheduled. Those are a few thoughts on the subject.

Mr. Kapi stated, in essence, it is going to a vote and people are supporting it.

Mayor Dickinson replied, that is correct but it is not putting cash in an account that is an authorization just like we will vote tonight whether or not we will authorize the sale of bonds to support the purchase of the acreage in question.

Mr. Kapi asked why the amount is \$285,000 above the appraised value?

Mayor Dickinson explained, those were the terms that were finally reached between the parties. We would prefer to pay less; the seller felt the property was worth far more and through the process of negotiation, the appraisals, the plotting of a potential subdivision, the plotting of wetlands that we arrived at the final value.

Mr. Kapi stated, the urgency associated with this purchase, if it were borne out, in my view would not justify an overage of that type. That again gets back to the core issue of how urgent and how wise at this point in time this purchase might be. Mr. Lube's presentation made me stop and think. I knew there were open space acreages of that type in that area but I was not aware of the scope of it. He asked Mr. Borne, you said earlier in the night that this was one of the highest ranking or highest priority pieces and I am curious, it seems to me that somewhere else....I understand we are talking about hypothetical parcels that we don't have offered to us today....but in terms of sheer prioritization, how can a parcel located in this sea of open space be the highest, desirable, most urgent purchase at this time?

Mr. Borne responded, obviously, people do look at the qualities of open space from different measuring points. Some of the things that we felt were important about the George Cooke property are these; it is located within the Tyler Mill conservation and recreation area, or it is recognized in our draft plan as an area of conservation interest. Culturally, it is significant in that parts of it have been owned and farmed by the same Wallingford family for nearly three hundred (300) years making it one of the oldest family farms in the state. It is an important linking property in that it joins and expands existing open space resources. If you think of the open space areas in the Tyler Mill conservation and recreation area as jigsaw puzzle, these are some key pieces in that puzzle that will totally link this habitat and open spaces all together. To the west of the offered property does lie open space, forest and agricultural land, approximately one hundred forty (140) acres with development rights owned by the State of Connecticut. It provides an additional piece of greenway corridor linking the Tyler Mill property with the Pistapaug Pond open space lands. This is part of the vision that is incorporated in our plan. As previously mentioned, the property offers valuable wildlife habitat diversity, the land is extremely adaptable to both passive and active open space uses.

r. Kapi stated, I am very happy with anything positive we can get on the table about this purchase ... cause this issue has been too politicized and from up there (Council) you think we are doing it down here; I don't think so. I don't think so because what we have had coming at us is, "we've (Council) have the information, we've got the list, we know what is right." That might be true but that rankles with me. If you take the elements of the rankings and the listings out of the so-called secret information then what will happen is that every time there is a proposal, you will be preferably sitting at this table and giving this kind of information and answering those kinds of questions and that is what has to take place. That should take place every time. If you take the silly nonsense of the rankings out of the equation, we can do that. One last thing that came up at the presentation (on open space) last night was that they indicated that everybody's plans constantly change because every time you have made a move your next move is going to be different. If a parcel became available and you bought it and it was perfect for soccer fields then you have satisfied one need of the community for recreation for youth therefore your priority for the next buy is going to be different. It is a constantly evolving process. How you can ever avoid having Mr. Borne or someone from the commission sit here and go through this process is beyond me. One of the things the Council changed in its meeting procedures recently is that it is at the Chairman's discretion whether or not a department head or representative from the department had to appear for any agenda item. I consider last meeting with the action you took to have been tremendously important and the fact that we didn't have someone here is beyond me. I will probably support the purchase of this property after all is said and done but ... certainly have problems and issues with the way it got here. I am old enough to remember the Howdy Doody Show; I am proud to be a member of the peanut gallery and although my eyes are terrible, my ears are excellent and I know which Councilperson made that remark and the feeling is mutual.

Sharon Sanders, Academy Street stated, I would think that the people would be jumping at the opportunity to purchase this open space; once it is gone, it is gone. I think if you asked the majority of Wallingford residents, they would agree because most people do not want to see any more houses being built. I think it is a good opportunity and I hope you go for it.

Reginald Knight, 21 Audette Drive congratulated Jeff Borne for his thorough work and for taking the time to walk and view the property. He asked, are there buildings on the property?

Mayor Dickinson replied, yes, on the sixty-four acre piece there are several buildings.

Reginald Knight asked, are they living quarters; barns, or what?

Mayor Dickinson answered, there is a barn, there is a shed, there is a house with occupants at this ... and two other buildings.

George Cooke stated, there is a house on the property at 1390* (Whirlwind Hill Road) and there's two apartments there that the employees live in that work for me.

Reginald Knight asked, if there is an immediate sale, would you vacate that building or would it be after the five year lease?

Mr. Cooke replied, the rental buildings would be turned over to the town, they will collect the rents.

Mayor Dickinson explained, we would continue with the leases until their termination and then take up the matter prior to that but most likely discontinue leasing of the property.

Reginald Knight asked, on the cost of the sale; was the cost made up as farm land or potential developing lands, the price?

Mayor Dickinson replied, the property was appraised at its highest and best use which would be residentially-zoned property. As if a subdivision were approved for the site.

Reginald Knight asked, has the land been soil sampled and all that kind of business?

Mayor Dickinson replied, we had the wetlands designated which involves a soil analysis. An environmental testing is in process and soon to be completed and we would not complete the project until we were assured that there were not any environmental problems on the property.

Reginald Knight asked, all over the property?

Mayor Dickinson answered, yes.

Reginald Knight stated, the balance of open space around the town seems to lean to the east. As you have said, you are looking for a pristine town. The people on the west side of town are not going to have that. I would hate to think of one part of town as this (pristine) and the other part, and I'm not going to use the word "ghetto" but I mean, one is not getting that you know; that you have factories, etc. and high rises and over here we have pristine green. Is there some sort of a way we can buy even small properties rather than one big lump over on the east side way out. That way it can be scattered throughout the town and people have small parks like on North Elm Street and places like that.

Mayor Dickinson pointed out that the town just recently purchased twenty (20) acres in the Fresh Meadow Swamp which is on the west side off of Cheshire Road. We have contacted other property owners on the west side and what is necessary is to have a willing seller. There is another piece in

question over there that possibly can be purchased. Just recently in the past several weeks we did purchase twenty acres that is contiguous with Land Trust land.

Reginald Knight stated, I would like to see it (open space) scattered throughout the town. There are people, I'm sure, who live on the west side of town that do not know where Tyler Mill is. The Mayor has stated that he wants to keep the growth of the forest back. What is wrong with that? Before the white man came along we had natural habitat; the animals balanced out. Why do we have to have an open field necessarily?

Mayor Dickinson stated, that can be a judgment made by the town. If there is not a desire to have meadow maintained as a meadow then by not mowing it will result in a brushy area which will, in turn, become forest. What we speak of, the ecological balances of nature, once there is forest you do not find the small game in the quantity that you do when you have the habitat that blends from meadow to forest because frequently the small animals are looking for the cover and food sources that are associated with meadows and newer areas. Older, forested areas do not have that kind of habitat. It is a judgment that can be made on a yearly basis as to what should or shouldn't be done. AT this point people are used to seeing mowed fields and the transition is pleasant to the eye that runs n meadow to forest. If most people don't like that, it can be changed.

Reginald Knight stated, I want to read something that you said, sir (Mayor), in 1984; I want to review the proposed plan of development with Planning & Zoning to ensure that the plan will not surpass our ability to provide service. Wallingford growth must be carefully planned. We need every major department in town to comment upon that plan in order to assess its potential impact on services and equipment needs. The plan affects our community and should receive a community effort. I think we need a recreation committee made up of every group concerned with recreation in town to address comprehensive town planning in order to ensure that we have adequate facilities now and in the future. We need to review our infrastructure, the bridges, dams and roads, with an eye toward maintenance and future needs in order to protect the public welfare and safety. It is a big job and that is why I call for the support and participation all of you." That was January 3, 1984 and I have been here the past few meetings and every time the word "plan" comes up there does not seem to be an answer to it. I keep hearing that we are refining, reviewing; it has been fourteen years. That is a little confusing.

Mayor Dickinson explained, I think you are mixing the subjects of overall development plans with open space plan. WE are talking about the open space plan that the Conservation Commission is pressing.

Reginald Knight stated, with all due respect, I believe open space has to do with the whole thing; it is part of the overall picture of what this town is, where it is going. I think open space has a place in that.

George Cooke stated, there are a few things I want to correct. Mr. Lubees was very articulate this evening but one of the issues he referred to....there is about eighty (80) acres on the 1390 (Whirlwind Hill Road) side and a little bit on the south side of Whirlwind Hill Road that runs directly to McKenzie so it is a watershed area. The rest of the property runs to Lake Saltonstall which is the South Central Regional Water Authority in New Haven reservoir for water. There is a lot of water that runs off of that land that sheds to reservoirs that are in use at this time.

Jim Vumbaco, 81 High Hill Road stated, it is not often we get the opportunity to thank a commission for the work that they have done. I think that Mr. Borne and his group has done an outstanding job putting together a draft plan of open space without much help besides his own organization. I am a strong believer in the planning process. I know the Mayor and I disagree on the subject that I think should have a plan in place before we purchase but I do support this purchase because it is good the town as a whole. I do encourage the fact that when Mr. Borne finally gets his plan in place, that this Council sit down and hold a public hearing and the Planning & Zoning Commission sits down and holds a public hearing so that the citizens of this town can hear what the Conservation Commission has done and be able to voice their opinions to help them finalize their plan. That way when we go forward we have something solid in place that we can hang our hat on. I also request that this Council, after tonight, not spend another dime on purchasing open space until we have a formal plan in place.

Lucille Trczynski, 262 N. Elm Street stated, this property is probably among the most beautiful pieces of property that exists in the town and the price is far less than what could be obtained if it went on sale tomorrow. The lots out there are three (3) acre lots that are selling for \$125,000 and they sold as high as \$135,000. If this property were to be developed, if it were to be put on the market tomorrow there would be nothing left to sell out there. As soon as they go on the market they are sold. These sixty lots could be sold, easily. If they were sold at \$80,000 a piece, Mr. Cooke would gain almost \$5 million; much more than what he is offering it to the town for. If they sold at \$125,000 the cost of the monies that would be derived would be \$7,500,000. The houses that are being built on lots being purchased for that price, believe it or not, are in the \$500,000 range. The market in 1993 is not the market in 1998 and you just can't compare them. If the advisory committee did not suggest in 1993 this be considered for open space it really is not relevant because today they would probably, most likely, consider it be purchased for open space. If a developer purchased a lot for \$125,000 and he built a \$500,000 house on that and it was taxed at the going mill rate, the tax revenues would be \$8,700 or thereabouts; not enough to educate two children in this town, let alone provide other services. No one builds four or five bedroom homes if they don't have at least two children. These

are large homes that will be built and occupied by families and will end up costing the town money, in my opinion. No one would benefit. I would be one of the people who would benefit if it went to a developer. I say that because first, I belong to Wallingford; first, I am a Wallingfordite, if that is the correct term. Secondly, I am a developer. From the time that I looked at this land I thought it should never be developed but purchased for open space. I think it is a gift to the town to be able to get it at less than \$4 million when the owner could make a lot more money if he sold it to developers and they are waiting, believe me, they are waiting.

Philip Wright, Sr., 160 Cedar Street stated, I came to Wallingford in 1942.....and I can remember when George Cooke's was not the only operating farm out in that area. I remember all the farms around and on the other side of town. Having grown up as a farm boy.....I'll always be very much a farm boy and very much in favor of open space. I believe we should not, however, at this point commit the Town to buying \$4 million worth of land rather precipitously here as I see it, when we also have the Self property and contiguous property out there that is in consideration for a golf course. I think we should give this more consideration than it has been given at this point. I think the Conservation Commission has done a great job of presenting some reasons why we should buy open space and what is good about open space and ranking open space. A plan, it is not. A plan, it will be when finished. It will be just a piece of paper that is well done. They are a bunch of people who have worked very hard; I have attended a number of their meetings but, it is not a plan. The plan says, "we are going to buy some land. Here, there, we are going to do something.", and this we do not have. So to refer to even the finished product as an open space plan is, in my opinion, erroneous. There have been a lot of good things said here tonight about open space and questioning things. I believe that before we commit the town to this purchase there ought to be nine people up there not just the seven and you folks should take the time to consider all that has been said here tonight.

James Gaffey, 50 Northford Road stated, I would like to speak in favor of this acquisition and in doing so I would like to bring to the Council's attention a condition which exists on Northford Road that is going to be directly impacted by the acquisition of this property. Northford Road is a major thoroughfare although many of you may not know it. It connects Route 17 and Route 91. Anyone living in Northford, North Branford or Branford working north of Wallingford traverses that road to get to 91. In the years that I have lived there I am absolutely astounded at the traffic that road absorbs every morning between 6:00 A.M. and 8:00 A.M. and in the afternoon between 4:00 P.M. and 6:00 P.M. About seven years ago, some residents on Northford Road petitioned the State D.O.T. (Dept. Of Transportation) to conduct a study on Northford Road of the truck traffic that was taking place out there; there were eighteen-wheeled tractor trailers going up and down Northford Road all day long, many of them with out of state license plates looking to take a short cut down to I-95 in Branford. Trucks from Tomasso Quarry were using the road. The State D.O.T. conducted a very thorough examination of conditions that existed out there and they concluded that it was, in fact, dangerous for trucks to be using this road. The report is on file with the Traffic Control Division of the Police

apartment if anyone would like to look at it. They base that decision on the fact that this is a narrow, twisted, turning, winding country road that pre-dated automobiles by about one hundred seventy (170) years or so. If we add another eighty (80) or so houses in that area of town they will have two ways of getting there, Northford Road and Whirlwind Hill Road. Both roads are hardly up to that kind of task and would place a significant strain on the infrastructure of the town in so far as improvements to the road are concerned. Aside from the point that these are beautiful pieces of property that and that we would be giving a wonderful gift to future generations, there is a safety and planning consideration to be made as well regarding that.

Dave Mandle, 57 Maltby Lane stated, I would like to speak in strong favor of the purchase. I hope particularly that posterity will not look back at these deliberations and have to say, when all was said and done there was more said than done. To balance on the location of the open space in town, I seem to remember earlier this year there was some activity to try and acquire open space on the west side. With regard to the comments on the tax revenue, I would like to confirm the calculation the lady made earlier. May calculations come out similar. The tax yield on one of these houses is coming to come out somewhere between \$8,000 and \$9,000; a couple of kids and it is all done.

The public portion of the hearing was closed and Mr. Rys called for comments from the Council.

Mr. Centner stated, I want to start first about the number of times we heard first up here that this current Council does not have a plan and I am not going to state my perspective of our plan as five points. One, initiative was our plan, this is how our plan began. All the Councilors that currently sit up here agreed during their past campaign to make open space procurement a foundation for the upcoming term. Two, our Mayor has affirmed our goals by attempting to make funding available. Three, we enlisted professional guidance of our Conservation Commission whom I feel is fully qualified and I am very comfortable with their opinion. They have heard our concerns and they have fashioned a list of appropriate parcels to suit our state of concerns. This list has formal ranking as well as rated structure. Four, we had commitment. We are spending a significant amount of time in executive session identifying parcels, evaluating parcels as we are also expending dollars to have those parcels appraised. I feel we are, as a collective leadership body, committed to open space. Finally, I feel all of these components are the ingredient to a prudent open space plan. From the chairman of the Conservation Commission, his formal plan draft will be completed very soon and as currently with the list that we have, I will be very comfortable with that plan. I would also like to read to you this so-called list that nobody seems to know about. I will read you the structure right off the list, I won't read you the properties that are on it. This list is dated September 12, 1997; fourteen months ago; this is when we embarked upon this. We did uphold our promises and we did embark on making an attempt to structure open space planning. This list is headed, "Evaluation of Larger Properties in Wallingford, First Draft". There is a number of properties on them, many of them are combined properties. They total great in number and large in acreage. There is a scoring ranking on

there. It says, the properties are scored as follows: low equals one; medium equals two; high equals three. The totals listed are the sum of the sub-scores for vulnerability and greens values.

Vulnerability means likelihood of early development; green values means those criterias listed in the minutes of our August 21st meeting, it was quite in-depth. There is a note, "higher scores become prime targets for acquisition". There is also a recommendation at the bottom of this list, "The commission recommends that any sale of the Durham property be offset with open space of equal greens values". George Cooke's properties were listed in a combined parcel on that list back in 1997 and, as stated earlier, he was not interested in selling. Vulnerability of that parcel combined with a couple of others in that area; vulnerability ranked a medium, which is a two. Greens value ranked a high, which is a three. Total score is a five. As the chairman stated earlier, then, in 1997 it was the highest on the list. This is what we keep talking about. There are many other parcels ranked on there. The Council in diligence had asked the Mayor to attempt to get appraisals or start contact with all of the property owners of everybody on that list. It takes a lot of time and it takes a lot of money. As you read our agenda you will see that we have an executive session almost every meeting. We discuss these parcels, then we proceed. I also want to confirm the discussion about revenue for developed lots and I do agree and I concur with both Lucille's numbers and the other gentleman's. I did the same math and it does come out to revenues of about \$8,000 a house. The school superintendent projects a little over two students per household. I just ran the numbers for the Board of Education budget and it comes down to, our tuition here, in Wallingford, is now at the \$8,000 per student mark. If you have more than one child, that house definitely, our cost of services provides a negative to the town revenue. The whole project came out to be, services to a development of that sort would exceed \$1 million over revenue gained. In closing, I also want to answer Mr. Lube's statement of George Cooke being a possible insider and with some questionable cause; that is concerning to me because, from my perspective, George Cooke is looking to offer the people of this town a very valuable resource which we can use for generations to come. I am very happy to stand here and support that parcel purchase and I want to do it with Godspeed.

Mr. Zandri stated, When I took office for this term, one of the things I did was distribute some surveys to many residents in Wallingford to try and get a sense of the way they feel about different issues. One of the questions on my survey dealt with open space. I was really surprised that the responses to the open space question were overwhelmingly in favor of open space purchases. Even though I am planning on supporting the purchase of this parcel of open space this evening, I firmly believe the Town needs a formal open space plan. I say a plan for not only do I believe the plan should be on a map so that we can look at it and see exactly what the goal is but I think we also have to have a plan to know what the goal is as far as, exactly how much open space is enough? We have to decide as a community where we are going to draw a line on the purchase of open space. The plan should also include a financial plan. I think there should be a systematic way we set aside money so that we will have money available when open space is available to us. I really feel that the town, at this point, should not pursue any additional open space until a formal plan is accepted and I am glad

to hear that a plan will be brought forth hopefully in December so that we can get this argument about the plan behind us.

Ms. Papale stated, I know the Cooke property, I have seen it and know why it is so valuable to our community. When we all took office we all made it a priority to see what we could do to obtain open space in the town. That was the cry from the many people we all spoke to not only during election time but during the course of the year. We heard why it was important for the town to purchase open space. Now we have gotten to a point where we are ready to purchase open space and we are hearing, "why are we buying that open space?" and it is confusing to me. I realize we may be hearing this because we don't have a proper plan. I, too, think it is important to have a plan and to know where we are going as to how much money we are going to spend and also know when we have to stop. I think a future plan is necessary. I hope everyone will be invited to attend the meeting at which the Conservation Commission will present their plan. If this is the reason why some people in the public are speaking against it, I hope they will feel differently when a plan is in motion and they have a clear understanding of what the Council is trying to do. Open space has been a priority with us and I hope we can purchase other properties in the future. The Cookes don't have to sell the property to the town, they could have sold it to any builder that came around but both George and Dee Cooke are Wallingford people. George has lived in Wallingford for his entire life. I am not looking at if he is a P.U.C. republican commissioner; he likes the democrats a little bit; he has such feeling for the entire town of Wallingford. I think we are very fortunate to have people like the Cooke's who are putting the town before their pockets. I am hoping that this will pass tonight and that we will be able to go ahead and purchase the Cooke property.

Mr. Renda stated, there seems to be something in the air tonight. Do we get the land and then the plan? Or do we get the plan and then the land? Sometimes when the land is available at the right time, you grab it so you will have it for future years. I moved to this town in 1961 and at that time it was wide open. Look at the congestion now; the stores, the plazas, the development. I am sick and tired of seeing all of this open land gone. Now is the time to do something about it. Sometimes we get criticized about it but we are going to do what we think is right for the best interest of the Town of Wallingford.

Mr. Knight thanked Mr. Borne for the work that both he and his commission have done. It is often a thankless process to be involved in something where issues are brought up that are peripheral to what is really at stake here and that is, the purchase of a large, beautiful piece of open space property.

When you sift through all the remarks, I think the ones that hit home the most for me were the ones from Lucille who said, she is a Wallingfordian first and a developer second. She has got her priorities where they should be, exactly where they should be; looking out for the best interest of the community, the largest interests of the community rather than the narrow, political interests of the community. I applaud the remarks that she made. I would also like to publicly thank the Cooke

family for their generosity as was described by several people here. Also, I would like to make mention of the fact that there is a great deal of concern that these major purchases aren't being made with enough public input. In most every other issue, structurally it is not only possible but preferable to have as much public input as possible. Real estate purchase seems to me to be one of these areas or issues that by its very nature has to be left to the representatives of the community that the community elected. There are people who find that very unfortunate but I would like to assure everybody that I think all interests are being represented on this Council in the many executive sessions that we have held over open space matters. The motivation that I have seen are the ones similar to the ones expressed by Lucille and that this is a wonderful opportunity for this community to have something that it will treasure for hundreds of years. I am very proud to be on a Council that was able to make such a purchase.

Mr. Rys stated, I definitely will be supporting this piece of property. I had the opportunity many years ago of traveling up and down Northrop Road taking a short cut to Whirlwind Hill and I still go out that way. I love that property that goes out to Durham. I hated to see that parcel up near me go to development and I certainly don't want to see that gorgeous hunk of land out there that Mr. Cooke owns and we are going to own soon, hopefully, go to development. I want it to stay the way it is and link, in the long run, most of the people in this town would be happy with what this Council has accomplished. Thank you Mr. Cooke.

At this time Mr. Rys called this public hearing closed.

Motion was made by Mr. Knight to Adopt the Ordinance Entitled, "An Ordinance Appropriating \$3,875,000 for the acquisition of real properties known as 1390 Whirlwind Hill Road, 135 Cooke Road and 200 Northford Road for open space, recreation and town purposes and authorizing the issuance of \$3,875,000 bonds of the town to meet said appropriation and pending the issuance thereof the making of temporary borrowings for such purpose, seconded by Mr. Farrell.

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

Mr. Rys declared the ordinance adopted at this time.

ITEM #9 Consider and Approve a Resolution Authorizing the Mayor to Execute and File an Application for a State Drug Enforcement Grant - Mayor

the resolution was read into the record by Mr. Knight (Appendix V).

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

Reginald Knight, 21 Audette Drive asked for an explanation of what the grant will be used for.

Mayor Dickinson explained that the grant is applied for every year and has been for numerous years. It helps to fund the D.A.R.E. program. It is a joint education/law enforcement program.

Reginald Knight stated that he was tired of public funds going towards drug addicts and drugs. Most of them (addicts) choose their paths and then when you get to court the cases are all nollied.

Mr. Rys stated, this is a grant that is offered by the State of Connecticut and if we did not, as a community, take somewhat of an advantage of this some other town would get it. This is one way of getting some of our tax dollars back. Whether the funds are used the way you would like them to be used or the way I would like them to be use, sometimes we don't have that choice.. The fact of the matter is, this is one way to funnel the taxes back into the community.

Reginald Knight stated that he would like to see the dollars come back to build better schools or for a better cause. He is tired of people who do not take responsibility for their actions.

Mr. Knight read the first paragraph of the Mayor's letter which accompanied this item into the record (Appendix VI).

VOTE: Papale, Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #11a Discussion and Possible Action on Making Application to the State of Connecticut for the Replacement of Open Space Property in Durham with the Cooke Property in Wallingford and that the Proceeds from the Sale of the Durham Property be Used to Offset the Cost Associated with the Purchase of the Cooke Property as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Zandri to Authorize the Mayor to Make Application to the State of Connecticut to Replace Town-Owned Land in Durham Slated for Sale with Land This Council Plans on Purchasing for Open Space and Recreation Purposes Known as the Cooke Property and that the Proceeds from the Sale be Applied Towards the Purchase of Said Parcel, seconded by Mr. Knight.

Mr. Zandri stated, I called the D.E.P. this week and spoke to a David Stygar about this issue. He stated that one of the things that he would like to see associated with this transaction is that the purchase and sale of the properties in question take place in close proximity to each other. What is needed from the Town is a formal request. He would like to see site plans for both sites, the appraisals on both sites, the description, and if any environmental analysis has been done. That, basically, is what they need from the town. I explained the bonding process and that there is at least a

thirty day minimum waiting period and Mr. Stygar stated that, in his opinion, it would not take the state more than one to one and one-half months to make a decision on this application.

Mr. Farrell asked, can you clarify the item slightly? Does your motion envision that we are placing the property on the open market?

Mr. Zandri responded, yes.

Mr. Knight stated, it is important that we get into that aspect of it because I don't know that there is any reference in least...as you made reference to that specifically in your motion that this is contingent upon the Durham property going out to open bid.

Mr. Zandri answered, I made the assumption that we are going to sell that and that we would obviously want to get the most dollars we could for that parcel.

Mr. Knight stated, if you look at (Item) 11b, that is why I think its...Jerry's (Mr. Farrell) question....Rich had the same question; it is very relevant. You really have a two part motion. We could still sell the property to the Town of Durham and vote to have the proceeds partially offset the cost of the Cooke property. Your motion is loaded with factors. I think it is important to make that clear. That was not assumed over here.

Mr. Zandri explained, again, I made the motion; there were no contingencies on who we sold the land to. If we decide we want to sell it to Durham, that is fine. If we decide we want to sell it to XYZ, that is fine, too. I am not saying that it has to be sold to Durham in order for a motion to be passed.

Mayor Dickinson stated, I would express this concern; the same office that makes the determination on the conversion of property, the conversion or exchange of ours - the Durham property for the Cooke Property - that same office, Mr. Stygar, will make a judgment on Durham's request which they already have there to purchase the property. In addition, the state's bias will be that it remain open space and we can pretty well guarantee that. I think we will be bucking the tide to the extent that we try to go to the state, look for conversion, try not to deal with the Town of Durham and keep it as open space and get approvals sufficient so that we will be able to have the movement of the money from one purpose to the other. As near as I can tell, it is not anything that they do real frequently so I don't know what kind of pitfalls and issues can arise in the process. I do know that most probably the state will not have ruled on our request prior to the time we complete the purchase. I am assuming their bias is going to be with the Town of Durham and I am recommending that we not set up ourselves at odds with the state on who should become the ultimate owner because some of their judgments may depend upon them wanting to keep it as open space; whether Wallingford owns it or the Town of Durham owns it.

Mr. Zandri stated, my motion does not preclude us from selling it to the Town of Durham. It is just that when it does go up for sale that we would apply to the state to make that transition and to apply the money towards the purchase of the Cooke property. That is the intent of the motion.

Mr. Centner stated, when I first read this, it almost became apparent to me that Item #11b should proceed Item #11a. It helps me better understand....is there a possibility that we vote 11b first. That indicates what we are wanting to do with the parcel. Then 11a becomes less intense or troublesome to me. I agree with the Mayor and his position on that.

Mr. Zandri stated, if you want to deal with 11b first, I will make a motion that we table this and then we will call it back as soon as we deal with b.

Motion was made by Mr. Zandri to Table the Item, seconded by Ms. Papale.

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

ITEM #11b Consider and Approve the Sale of Approximately 158 Acres of Land Located in the Town of Durham for an Amount Equal to Its Appraised Value to the Town of Durham - Mayor

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

Mr. Farrell stated, I am a bit concerned about selling it to Durham in that, as you know I was the lone vote against getting into selling this to begin with and I had asked previously that we look at selling it to the Town of Durham but my concern here is that I was not aware that you were actually negotiating with them at this point and my particular concern that if we carry a message to Durham that, "yes, we very much want to sell it to you, we think it is a great thing for the two communities to do" but that I would look for some covenants in the deed that do ensure that it is going to remain open space. I look at the fact that a lot of our watershed, Paug Pond, a lot of our own environmental resources could be affected by this parcel. As much as I want to sell it to Durham because I think that they are going to preserve it as open space, I would want a little more assurance in a legal manner that that is going to happen.

Mayor Dickinson replied, I don't think that is impossible to achieve, however, that could impact the ie. It is appraised at highest and best use.

Mr. Farrell pointed out that some of it is a cliff.

Mayor Dickinson responded, the 158 acres is not the cliff; it stops short of the cliff. It was 228 acres that included the cliff. We cut the cliff out because it involves the trail and we wanted to retain the integrity of the ridge. So 158 acres to my knowledge, other than a wet area, closest to Wallingford is flatter, more developable area. My guess is that and, I have got it right here, it states, "In conclusion, it is the opinion of your appraisers after considering the aforementioned factors that the highest and best use of the subject property would be to subdivide the property into as many lots as would be permitted by zoning and physical restraints. Individual lots would then be sold...." etc. The figure we have is based upon highest and best use. Covenants such as you speak of could reduce that value.

Mr. Farrell stated, of course, if that is the intention that Durham has had all along, it should not necessarily change the price that they are willing to give.

Mayor Dickinson stated, if we are requiring the covenants that could change the value of what we have. I cannot sit here and represent that you can put covenants on property of a serious nature like you are talking about and then use an appraisal figure that is based on the highest and best use of the property. Maybe that can be achieved but I am not going to sit here and say...not without difficulty.

.... Farrell stated, I never claimed to be consistent, Mayor. I just think that we do have an obligation....if it is our intention to put it in the hands of Durham so that it is preserved for open space that we have an obligation to the people of Wallingford who want to go spend the money on this to try and find a mechanism to do that.

Mayor Dickinson explained, I think part of it is, the Town of Durham wants to apply to the state for the grant program of the state. If they become eligible on that, that would mean it would remain open space. That is the scenario and our appraisal figure is definitely based on highest and best uses.

Mr. Farrell stated, you have not finished up the contract with Durham so there is plenty of room for negotiation and seeing if you can achieve those goals.

Mr. Rys asked, does Durham have a referendum form of government?

Mayor Dickinson answered, I don't know what their requirements are for financing. I do know from what I was told, they intend to apply to the state for funds under the grant.....last night they held a meeting regarding their interest to purchase and I have not received any notification. I am assuming t the vote was that they want to purchase it but I doubt at this point that it is a finance issue.

Mr. Rys stated, I believe they do have a referendum form of government with selectmen in place. I truthfully believe that any expenditures or significant pieces of parcels or anything like that would require a vote by the public out there and I am going to be quite frank, I doubt very much that the

public that abuts all that property would want to see that as anything other than open space. You can go for clarification on that Jerry (Mr. Farrell) but I believe that would happen. Those people will never let that go to anything other than open space.

Mr. Centner stated, just to show the Town of Durham our intent and our concern with open space, I was wondering if it was possible to amend the motion to include a recommendation that the intent of our Council was to hopefully see it as open space. We realize once it is conveyed over there really is not a lot of control....the public over there may not also realize that our concern was with them in maintaining that open space.

Mayor Dickinson responded, at this point I would suggest leaving it with the sale and if we end up with a problem, any contract has to be approved by the Council and you will not not be involved; you will be involved. Rather than clutter the issue; we have one appraisal and I don't want to have to have the state tell me, "no, you are going to have to get another appraisal because you are putting a condition on it" and we may have to get another appraisal on it anyway but we will be paying for two rather than one. At this point it is best that we just leave it and if the state is going to approve a grant

Durham, that will make it open space without us getting into a debate or have to start arguing that we should get a higher value for it.

Mr. Zandri stated, obviously there was a meeting last night in Durham and it was reported today that they voted to exercise their option on this parcel of land. Does Durham hold an option on this land?

Mayor Dickinson answered, I am not aware of any option.

Mr. Zandri stated, I was not aware of any either.

Mayor Dickinson added, at times it has been reported that they have some kind of first right on it though I am not familiar with why that is reported that way. Atty. Farrell (Asst. Town Attorney Gerald Farrell, Sr.) indicates that it may have to do with a belief that a water company has to make land available to the public on sale of the property but this land really was not purchased by or held by the Water Division so there may be some confusion on that issue. Hopefully, we won't get hung up on the factors of this and ultimately reach a conclusion that is acceptable to both towns.

Mr. Zandri asked, is the appraisal value public knowledge?

Mayor Dickinson answered, it basically is, I guess.

Mr. Zandri stated, the only concern I have is, it seems that we have purchased land for above the appraised value in an effort to keep it or have it stay as open space and I know that there is interested

erties in this parcel that are willing to pay more than what it has been appraised at so my concern is, why shouldn't the town maximize the number of dollars it receives for the sale of this parcel?

Mayor Dickinson replied, we could take that route. I think though that the difficulty can be that a state department is part of that process; the D.E.P. I believe their bias is to keep it as open space. Some of the application of the whole regulation and law regarding conversion of one piece for another is unclear. What we want to be able to use is the money for another purchase. If the State of Connecticut does not see it the same way, obviously the whole thing can be held up or disapproved or we ultimately could potentially lose what ever portion of money is determined to be the state's share on it and the state would keep that money and we would not convert that to the purchase of the other properties. As I understand it, that amount of money would go to the state. What is the amount? I am not sure if it is the original grant amount or an appreciated amount and there is nothing that seems to pinpoint what the rules are on that. On balance, of course then we are at odds with a neighboring community that wants to deal with open space. The state also requires two appraisals in order to make a judgment on it. We are not going to be in any other discussion other discussion other than what the document here says and another document. With all of that, if we did not have the State of Connecticut involved, if we were not involved with this conversion issue, selling it on the open market would perhaps be a more logical way to go about it. If we are serious about wanting to get state's approval on it, I think we make matters worse for ourselves.

Mr. Zandri stated, I not necessarily saying to go out on the open market with it but I think we should start with a figure that is close to what a potential buyer would be willing to pay for this. An appraisal is somebody's best judgment of what a piece of land is worth but if you have an individual who is willing to come up with a bid or hand written agreement that you can use to substantiate, then you can use that in the equation of trying to negotiate the sale. That is where I am coming from. I would definitely like to see it sold to Durham to keep it as open space but, again, I would also like to see the town maximize its return.

Mr. Knight stated, I can appreciate how we sit here with....that we definitely are trying to look out for the town's best interest and in many cases that means that we negotiate for every dollar we can get especially with regards to land that does not happen to be in our community. However, while we don't have any legal obligation to Durham, I think it kind of flies in the face of what other remarks we have made here regarding the purchase of open space and having to compete with developers. We want to play the same game and then come back into our own town and have to bid for property against developers; we want to have our cake and eat it too. In other words, we may want to put this for bid so that developers can grab the property at Durham but if the same thing turned around and happened to us I think we would be more than a little irritated with the Town of Durham. I believe that there is justification for considering selling the property for its appraised value to Durham. Now, having said that, there is an appraisal that says the property is worth \$790,000 and

that is based on the highest use, breaking it up into lots. Durham can't have it both ways either. If they want open space they can't say, we are only going to pay a lower appraised value because it is being appraised as open space. There has got to be a little give and take on this.

Mayor Dickinson interjected, that is the concern with putting a covenant on the property because that could be argued to reduce the value whereas if they buy it and they get state money it would have to be open space anyway because the state grant would require it to be open space.

Mr. Knight responded, but if they don't get the state grant, that is not an assured thing as we all know, then it could possibly...a change in heart or an opportunity would arise for them to flip the property for considerably more than they had to pay the Town of Wallingford; that does not seem right.

Mayor Dickinson responded, no. Why would it be more than they paid us?

Mr. Knight answered, because, what are we looking at right here in the Town of Wallingford? We ; not talking to people and talking about appraised.....

Mayor Dickinson replied, yes, we have an appraisal on every piece of property we go to buy. That is what we have here, the highest and best use; subdivided for residential use.

Mr. Knight stated, I am suggesting, Mayor, that we leave it fairly open-ended here by approving a motion that says, "for an amount equal to its appraised value", that is not a hard figure.

Mayor Dickinson explained, because we will need to get another appraisal to satisfy the state. It may be a blend of the two and may be slightly higher, it may be slightly lower but we will have to get another appraisal before this is over. I doubt two appraisals are going to come in on exactly the same dollar amount.

Mr. Knight asked, what kind of assurances can we get from the Town of Durham that they will treat this as open space?

Mayor Dickinson answered, we will have to find out; there will have to be a contract of sale. This is not completed here.

Mr. Knight stated, we have a catch 22 started here. If we say to you that we expect Durham...not just expect Durham but by language in the contract say, "Durham we are going to make a deal with you because we know you want it only for open space but just so that everybody understands....."

Mayor Dickinson suggested adding language to the motion so that it reads, ".....its appraised value to the Town of Durham, contract to be negotiated and brought back to the Council for approval".

Motion was amended by Mr. Centner, seconded by Mr. Farrell.

Ms. Papale asked that the amendment be re-stated.

Mayor Dickinson stated, the amendment would be for additional language to read, "subject to a negotiation of a contract for sale with the Town of Durham to be approved by the Town Council".

Robert Sheehan, 11 Cooper Avenue asked for a point of order. How can you vote on Item 11b to start doing anything with that tonight because you don't even know if that property is going to be approved by the state because you haven't even made application to it (state). I don't care what amendments you make.....

Mr. Rys stated, we don't care what the state says.

Sheehan continued, we cannot sell the Durham property without authorization from the State of Connecticut.

Mr. Rys responded, that is not true.

Mr. Sheehan stated, that is true, the Mayor has said that numerous times.

Mr. Rys stated, listen a little carefully and he (Mayor) will repeat it again.

Mr. Sheehan stated, let's see, it's a full moon; it changed now or what?

Mayor Dickinson stated, let's not get excited....

Mr. Rys stated, you (Mr. Sheehan) are really out of order because you were not called to speak.

Mayor Dickinson stated, the first part of this we are dealing with our intention to sell; a contract has to come back. The second part of this is Mr. Zandri's motion to be making application to the State of Connecticut. It all fits together. You can't look at (item) b without (item) a; they are part of the same ject.

Mr. Sheehan stated, I think that a has to come before b. You can't know if you can sell the land unless the state approves it. Just because Durham wants to buy it and we figure we can sell it; you

have been saying this, that you have to get approval from the state before we can sell the land in Durham. Have you said that and there is something in there I don't understand?

Mayor Dickinson replied, what you don't understand is that we have to come back with a contract that would have these contingencies. Tonight is not completing a sale. We have no contract of sale with the Town of Durham.

Mr. Sheehan repeated, you have to make application to the state first to see if this is viable before you make any recommendations to go out and do this, get a contract and bring it back here. Do "a" first, wait a month or what ever it is going to take and then you do "b". Durham is not going anywhere and the land is not going anywhere.

Mayor Dickinson stated, I believe the state is going to want to know because the Town of Durham is also in touch with the state and wants to know that they are able to purchase. They are part and parcel of the issue with the State of Connecticut. They are going to want to know what we are doing here with the Town of Durham.

Sheehan stated, I will let you finish your discussion; I am sorry, I will finish my comments later on.

Reginald Knight, 21 Audette Drive suggested that the language for the amendment to the motion be changed so it reads that both the Councilors of Durham and Wallingford must approve the contract or that it read that the contract must be approved by the Town Council of Wallingford. It would make it clear that you are bringing the matter back to the Wallingford Town Council. It would help clarify the issue.

Mayor Dickinson stated, I assure you that it will come to the Wallingford Town Council; I will not take it to the Durham Town Council for approval. Durham does not have a Town Council, it has a Board of Selectmen.

Pasquale Melillo, 15 Haller Place, Yalesville stated that Mr. Zandri's Item #11a says it all; it shows the State of Connecticut what our intentions are relative to replacing the Durham property with the Cooke property and, at the same time, we are not limiting ourselves or boxing ourselves in with Item #11b. Item #11b is giving the Town of Durham the exclusive right to buy the property with no competition what so ever.

Mr. Centner stated, I asked for Item #11b first because I wanted to see the Council's intent whether we were interested in selling it to the Town of Durham for the stated contract arrangement before I would vote for us to go ahead and make application of funds. It eliminates the open bid for other

developers, towns, areas to come and bid for that parcel. This at least specifies who we wish to sell it to, then we apply for the state funds.

Mr. Melillo disagreed. He questioned, who appraised the land and who was the appraiser hired by?

Mayor Dickinson stated, Donald Nitz was the appraiser; the town hired him.

Mr. Melillo stated, we need two appraisals.

Mr. Rys responded, we are going to get one more. What is your question? You just don't like the idea that we are taking up Item b first. We will take your comments under advisement.

Wes Lube, 15 Montowese Trail stated that he attended the Durham selectmen's meeting last night. There was a large faction there that was involved with the town youth recreation. They see it as an opportunity to expand upon their recreation facilities. There was a gentleman there who wanted to build a nine hole teaching golf course. There was a very small minority that were interested in the land purely as open space; in its natural state. The tenor of the meeting was very resentful for the fact that Wallingford paid \$126,000 +- for the property and is now asking \$780,000. They think that they should pay us the \$31,000 that we paid out of our own pocket initially. The tenor of the citizenry there caused the selectmen to some pause. They decided that they would not make any indication what so ever other than to say that they do have an interest in exercising their option. That is what they will ultimately convey to Mayor Dickinson. They would like the opportunity to negotiate, obviously. It is not a done deal by any means. Then the First Selectman had in his hand a copy of the deed and he said that in the deed was drafted a right of refusal. It is the equivalent of a right to first refusal. What ever price you have offered for that land, they have the opportunity to match. They do not have any option to buy it at the appraised price; they merely have first refusal. After they voted, it was brought out that back in 1954 a (name indistinguishable) and John Fitzgerald had written into the deed, "the property in general and the individual lots thereof are to be used for residential purposes exclusively." It was very short, very brief, very succinct and very pointed saying it could only be used for residential purposes which blew everybody away who was at the meeting hoping to find it very useful for recreational purposes. I don't know how much backbone the selectmen are going to have when they get down to discussing the terms and the dollars. That is what I took away from the meeting.

Andy Kapi, 6 Deme Road suggested, if you took the phrase "proceeds from the sale of the Durham property to be used to offset the cost associated with the purchase of the Cooke property" out of Item a and put it into Item b and tied that to the whole idea of selling the property presumably to Durham, is that the intent we are looking for here? Is the intent here to take the proceeds from the sale of the

Durham property no matter how it gets sold, with or without, or does it absolutely have to hinge on the application to the State of Connecticut?

Mr. Zandri stated, my intent is that we make application to the state and the proceeds go towards the purchase of the Cooke property.....(the transition from the end of tape #7 to the beginning of tape #8 resulted in missing a portion of the conversation at this point).....Durham for the appraised value. At least that is how I interpret it.

Reginald Knight, agreed with Mr. Farrell that the town should nail down any wording in any deal to sell to Durham. I think the whole idea behind this was to make a golf course. Whether people like to say it or not, I think that was what the whole idea was.

Mr. Rys explained, no, it was originally purchased for watershed.

Reginald Knight stated, from what came out, they could not make a golf course because it would disturb the watershed and that is why we have this white elephant that we cannot get rid of. The fact that we could not move the land around to suit what ever purpose we wanted it for at the time would be the same situation for Durham. If we couldn't, they won't be able to. They are going to have to have it as open land. I would like to see it sold because it is not doing any of us any good and we are paying taxes on it.

Robert Sheehan, 11 Cooper Avenue stated, I would like to compliment Councilor Knight on his comments. I thoroughly agree with him that we should take the same attitude selling as we do buying. We just paid \$16,500 per acre for land on one side of town and we are willing to sell land on the other side of the hill for \$5,000 per acre and we have an appraisal that says land in Durham is worth \$5,000 an acre; a building lot. I have a hard time believing that. If Durham was selling land at \$5,000 an acre they would not have any left. I hope we get a little more than the appraised value; maybe one third of the cost of what we will pay for the Cooke property. We should be able to get that off of the Durham property.

Raymond F. Smith, Director of Public Utilities stated, I am confused as to whether or not you are trying to regulate Durham's property. It is not watershed property; this does not affect Paug Pond. We have watershed property, we have retained it from the Water Division, this property does not flow in that direction.

NOTE ON AMENDMENT: Parisi and Zappala were absent; all ayes; motion duly carried.

VOTE ON MOTION AS AMENDED: Parisi and Zappala were absent; Zandri, no; all others, aye; motion duly carried.

ITEM #11a Discussion and Possible Action on Making Application to the State of Connecticut for the Replacement of Open Space Property in Durham with the Cooke Property in Wallingford and that the Proceeds from the Sale of the Durham Property be Used to Offset the Cost Associated with the Purchase of the Cooke Property as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Knight to Remove the Item from the Table, seconded by Mr. Farrell.

VOTE TO REMOVE FROM THE TABLE: Parisi and Zappala were absent; all others, aye; motion duly carried.

VOTE ON ORIGINAL MOTION: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #12 Discussion and Possible Action on Selling the Former Simpson School Property and all the Proceeds Derived from the Sale be used to Offset the Cost Associated with the Purchase of the Cooke Property as Requested by Councilor Geno J. Zandri, Jr.

Motion was made by Mr. Zandri to Authorize the Mayor to List the Former Simpson School Property as Being For Sale to the Highest Bidder and that the Proceeds from Said Sale be Applied Towards the Purchase of Land Known as the Cooke Property, seconded by Ms. Papale.

Mr. Zandri stated, this property has been vacant for several months and there doesn't seem to be any interest on the part of any town department for the property therefore I feel the longer we hold on to this the more deteriorated it will become therefore making it worth less. This is the time to market this piece of land.

Mayor Dickinson stated, we have delayed action on Simpson until we know what is going to happen with the senior center. It was one of the sites evaluated; it is probable that it won't go there but until we have a final resolution as to what is going to happen to the site on Silk Street, that is my concern. Do we need that as an escape location should something go wrong? Otherwise, I think this is the direction we should go but I am concerned about not having a final plan on the senior center.

Mr. Centner stated, can we sell the property and specify where the money is to go or does it go into general fund?

Thomas Myers, Comptroller answered, you can sell the property and make your intention known and upon the receipt of the proceeds of the sale, those proceeds would be subject to the appropriation process. They would have to be presented to the Council and appropriated through the budget.

Mr. Centner amended the motion to amend the motion to include, "contingent upon completing the plans for the senior center", seconded by Mr. Renda.

Mr. Farrell stated, my concern is that we do go along the lines of selling it to a private developer, I am not sure we are going to get what we really want because I went out and looked at it the other day. If you look at that building, it is very hemmed in and very close to the neighboring properties. A private developer most likely is going to rip down the building. I don't think, under current zoning, that he or she will be able to put up a building of that kind of magnitude just because of the distances from the various property lines that are going to be involved. My concern is, if we go down that route, we are not going to get a very good price whereas I know the building is not in very good condition but I wonder if the Housing Authority; if there is greater value to their taking the property on and doing what they can with the existing structures because they may have more value to them renovated and to us then we would get selling this to a developer who will factor all of this in and not give us a very good price. Maybe we are fooling ourselves at this point that it is going to sell for big money, I don't think it would, even as an empty site.

Mayor Dickinson stated, there is no reason why the Housing Authority would not be able to be an interested party, to bid on it, what ever. They have access to funds that they have utilized for other properties so I would not count them out of the process at all.

Mr. Farrell stated, I would not either but you would be pitting them against some potential private developer as well.

Ms. Papale agreed that the Housing Authority should be contacted to see if they express any interest in the property and noted that the topic of congregate housing in that location was discussed at great length many years ago. It should be pursued because there is a need for congregate housing in Wallingford.

Mr. Rys stated that he had a discussion with the Commissioner in charge of housing recently about the possibility of the Housing Authority looking at that property. I remember that the traffic that was generated from the dances and other functions held there by the Park & Recreation Department years ago did not go over big with the residents. I don't know how receptive it would be if we put this out to bid and had a private outfit come in there and put in something that was totally unacceptable to the neighborhood.

Mr. Zandri commented on Mr. Centner's amendment to tie this in with the senior complex. He stated, I feel that the issue is basically settled, the seniors want to stay where they. I don't think under

any circumstances they will want to relocate up town therefore I feel we should act on this and put it on the market.

Pasquale Melillo, 15 Haller Place, Yalesville asked, why was the property allowed to deteriorate all these years?

Mayor Dickinson answered, it is an old building; it has had many uses; it has reached the point where it needs significant repair.

Mr. Melillo saw no reason why the building was not maintained properly over all the years. He has seen buildings that are hundreds of years old that are still in good condition because they were properly taken care of. This building is only approximately seventy years old. He felt the building should be cleaned and fixed to the best possible condition and then put up for sale.

Reginald Knight, 21 Audette Drive stated, I recall that a couple of years ago the building was in such rotten condition that the Parks & Recreation department could not stay there anymore and, at great cost to the taxpayer, moved to Fairfield Boulevard. Now we want to push the old people into it. I don't think it holds water that it be contingent upon the lakeside property downtown. There is little or no parking area there so how would that help the old people? You would also have the same cost of reconditioning the building that you would have had to incur for the Recreation Department.

Mr. Rys stated, my intentions are to approach the Housing Authority with the fact that the building would be torn down and then they could build what they want. It is not sellable as far as I am concerned.

Reginald Knight stated, it would be better to let someone else buy it and fix it up. We have the same problem with the American Legion building next door; it is in rotten condition according to what you have told us yet you put the contingency on the buyer to fix it up. Why not the same contingency here for that school. It will never be a school again, that is for sure.

Wes Lube, 15 Montowese Trail asked Ms. Papale, what did you mean by congregate housing?

Ms. Papale answered, from what I understand it is housing where people live in apartments within the structure but they have their dinners altogether. It will be for senior citizens.

Wes Lube stated, I suggest that since it is in close proximity to the neighboring houses, what ever use you have in mind should be compatible with the neighborhood.

Philip Wright, Sr., 160 Cedar street stated, it is my understanding that the Senior Building Expansion Committee is about at the position where they could build what they need on that property without the houses contiguous, is that right?

Mr. Knight responded, it is a squeeze play; it is conceivable and probably more so than trying to squeeze it onto the site at Simpson.

Mr. Wright suggested selling the property instead of monkeying around with it for a senior center. It is never going to happen. The Council owns that property; sell it.

Mr. Knight stated, it is a very strange shaped building/property, what ever it may be. It has come to light in the last couple of weeks that while the Housing Authority does not have an immediate use, there possibly may be some town use for the property and for that reason I would like to examine the issue a few more weeks. People have come to me with a couple of interesting ideas that I would like to pursue. I would like to examine the issue a little longer. If nothing comes of it, then I will be prepared to vote on Geno's (Mr. Zandri's) motion.

VOTE ON AMENDMENT: Parisi and Zappala were absent; Centner, Renda and Rys, aye; all others, no; motion failed.

VOTE ON ORIGINAL MOTION: Parisi and Zappala were absent; Zandri, aye; all others, no; motion failed.

Ms. Papale stated that she would like to see the item back on the agenda very soon. Mr. Knight agreed.

ITEM #13 Consider and Approve a Transfer of Funds in the Amount of \$3,000 from Maintenance, Collecting and Impounding Acct. #612-000 to Laboratory Expenses Acct. #642-001 - Water Division

Ms. Papale asked, who ever puts the agenda together, I would ask that the utilities be put on first the next time.

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

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

M #14 Consider and Approve a Waiver of Bid to Allow for Use of the So. Central CT. Regional Water Authority's Laboratory to Perform Required Analysis of Haloacetic Acids to Meet Regulatory Compliance Requirements - Water Division

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

Mr. Rys asked, what are haloacetic acids?

Roger Dann, General Manger of the Water & Sewer Divisions responded, they are a group of compounds formed through the reaction between chlorine and natural occurring organic material in the raw water supply. They are not currently regulated but are scheduled for regulation in the future. In anticipation of that we are performing an analysis and evaluating our treatment options so that we can be compliant at the time that they are regulated.

Philip Wright, Sr., 160 Cedar Street asked what the associated costs were?

Mr. Dann answered, the cost is \$110. per analysis (per sample). We are envisioning doing enough samples during the current year that we would exceed the \$2,000 bid limit. If this is approved it is anticipated that we will spend approximately \$4,000 total.

OJE: Parisi and Zappala were absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve a Waiver of Bid to Authorize the Hiring of Quality Associates (Contractor for "Seiter Hill Project") for Fox Run Drive Water Main Installations - Water Division

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

Mr. Zandri asked, is this something that the residents are in agreement with?

Raymond F. Smith, Director of Public Utilities responded, the residents petitioned the Public Utilities Commission already.

Mr. Zandri asked, are they in agreement to try and have this contractor price this out?

Mr. Smith responded, we gave them an indication of what the prices were, they were quite satisfied. They are very much in the range of the Seiter Hill area. Hopefully we will be able to schedule this for the Spring.

r. Zandri asked, will this expedite that by not going out to bid?

Mr. Smith answered, we have good prices from Quality on the last bids.

r. Centner asked, is that area going to have fire hydrants with their water service?

Mr. Dann answered, it will include two fire hydrants, yes.

Mr. Centner asked, in addition to just running straight water to the residences, is the division planning on any improvements for future ...anything on the same line or is it strictly a leg for service?

Mr. Dann answered, what we anticipate in this case is that we would probably put in a somewhat greater footage of pipe than is strictly necessary to front all of the affected properties. The reason we would do that is to bring it out to an intersection where, should water main at some future time come down, we would then have it available for connection.

Mr. Centner asked, where you front that extra extension, is that a different parcel than the last house?

Mr. Dann answered, it will be the same parcel but because our regulations do not require that they install pipe across their entire frontage, that piece which is not necessary to provide their service, we would propose that it be funded by the Water Division.

Mayor Dickinson stated, we would be coming back with the appropriate ordinances.

Mr. Zandri asked, will all of the residents be formally notified of the public hearings?

Mr. Smith answered, it would be through the ordinance process, yes.

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

ITEM #16 Withdrawn

ITEM #17 Withdrawn

ITEM #18 Executive Session Pursuant to Section 1-18a(6)(B) of the CT. General Statutes to Discuss Strategy and Negotiations with Respect to Pending Claim - Town Attorney

ITEM #19 Executive Session Pursuant to Section 1-18a(6)(D) of the CT. General Statutes to Discuss the Purchase, Sale and/or Lease of Property - Mayor

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

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

Mr. Farrell did not attend the Executive Session for item #18 due to an ongoing business relationship.

The Council entered executive session at 12:28 A.M.

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

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

The Council exited the executive session at 12:43 A.M.

Motion was made by Mr. Knight to Waive Rule V of the Town Council Meeting Procedures for the purpose of Approving a Settlement of a Claim Discussed in Item 18 of the Council's Executive Session, seconded by Mr. Centner.

Mr. Farrell stated that he will abstain from voting on this matter.

VOTE TO WAIVE RULE V: Parisi and Zappala were absent; Farrell abstained; all others, aye; motion duly carried.

Motion was made by Mr. Knight to Approve the Settlement of a Claim Discussed in Item 18 of the Council's Executive Session, seconded by Mr. Centner.

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

ITEM #20 Discussion and Possible Action Regarding the Purchase, Sale and/or Lease of Property as Discussed in Executive Session

Motion was made by Mr. Farrell to Approve the Contract for Purchase of the Cooke Property and Authorize the Execution of a Contract by the Mayor, seconded by Mr. Centner.

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

ITEM #21 (Addendum) Consider and Approve the Revision of an Electrical Easement Through Barberino Property which Borders Main Street in Yalesville and Route 150 as Requested by the Town Attorney

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

st. Town Attorney Gerald Farrell, Sr. Stated, there is a sixty foot electrical easement that passes through property owned by Barberino. It is on Route 150, Main Street in Yalesville. The Electric Division no longer uses that, the P.U.C. has voted to abandon that easement with the exception of a small portion in the _____ that it continues to use. The Barberinos are agreeable that the town will retain as an easement the small portion that is still uses. They have done the engineering work so that it can be properly described in an instrument that would be a revision of easement. Besides paying for the engineering work they will pay the town \$2,500 for its abandonment of the remainder of the easement in line with the idea that if the town is abandoning or giving something up, some consideration is required by the town for its abandonment. The Barberinos have cut the check and are ready to pay.

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

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

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

There being no further business the meeting adjourned at 12:47 A.M.

Meeting recorded and transcribed by:



Kathryn F. Zandri
Town Council Secretary

Approved by:


Raymond J. Rys, Vice Chairman

Date

12-8-98

Town Council Meeting

- 72 -

November 10, 1998

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

12-8-98
Date

**Summary
Of
Wallingford Education Association Contract
(September 1, 1999 – August 31, 2003)**

- A. Salary (Appendix A,B,C,X) – See Attached
- | | | |
|-----------|------|---------------------|
| 1999-2000 | 3.0% | Including increment |
| 2000-2001 | 3.0% | Including increment |
| 2001-2002 | 3.0% | Including increment |
| 2002-2003 | 3.0% | Including increment |
- The 7th year stipend will increase by \$10.00 per year to: \$2,865; \$2,875; \$2,885 and \$2,895. The doctorate stipend will increase \$10.00 per year to: \$5,720; \$5,730; \$5,740 and \$5,750.
- B. Medical (Appendix I) – See Attached
1. A change from the current Blue Cross/Blue Shield/Major Medical plan to the Century Preferred Plan with vision and a \$3.00/\$5.00/\$10.00 prescription co-payment on prescription drugs.
 2. Insurance co-payment will increase from 10% to 12% in the last year of the contract.
 3. Long-term disability protection (Appendix I) was increased from \$300.00 per month to \$350.00 per month.
- C. Teacher Employment Year (Section 4:1)
The teacher employment year will be increased by one (1) student day effective with the fourth (4th) year of the contract. The total work year will be 190 work days (185 student days).
- D. Special Salary Differentials (Appendix D)
1. Athletic directors will receive \$1000.00 additional in the first year of the contract.
 2. Title of computer coordinator will be changed to Information Technology Resource teacher.
 3. All other positions will be increased by 3.0% each year of the contract.
- E. Coaches Salaries (Appendix F)
1. Tennis, cross country and boys/girls indoor track will increase the first year to the following:
Step 1 \$2,200
Step 2 \$2,600
 2. All other positions will be increased by 3.0% each year of the contract.
 3. Coaches will be paid at the end of each season.

F. Extra and Co-curricular Activities (Appendix G)

1. School newspaper advisor will receive the following stipends:

1999-2000	\$2,000
2000-2001	\$2,100
2001-2002	\$2,200
2002-2003	\$2,300

2. Youth/Government advisor will receive the following:

1999-2000	\$347
2000-2001	\$358
2001-2002	\$368
2002-2003	\$379

3. All other positions will be increased by 3.0% each year of the contract.

4. Middle school teachers will be paid \$25.00 per diem-after school program.

G. Special Supervisory Assignments (Appendix H)

The supervisory assignment stipend will be increased \$0.50 in each of the four years of the contract. All other positions will be increased by 3.0% each year of the contract.

H. The following were agreed upon:

1. The Board will make a good faith effort to equalize preparation time for specialists to that of classroom elementary teachers (Section 5:7)
2. The Board of Education may pay up to a \$5,000 stipend to teachers in "hard to find" subject areas for their first year of service. These stipends must be paid back if the teacher leaves before three (3) years of service or if the teacher is terminated within the first three year period. The teacher does not have to pay the stipend back if they are rified. Currently there is a stipend of up to \$1,000. (Section 7:1.4)
3. The Board agreed that "direct deposit" will be made available to the teachers if and when the Town of Wallingford provides such a service.
4. Mentors will be able to request reasonable time from teaching duties to fulfill their mentoring duties.
5. On days of open house or parent teacher conferences, there will be no after school assignment/meetings scheduled except in a case of an emergency.
6. Teachers who are required to provide their own transportation for inter-school assignments shall be paid the thirty-two and one-half cents (.325) per mile. The current rate is \$0.21 per mile (Section 5:8).
7. Any staff member who must give up a planning and preparation period to cover a teaching assignment will receive 1/6 of the per diem substitute rate for each period covered. Currently this applies only to middle school and high school teachers.
8. Teachers will not be granted personal days during staff development days unless it is an emergency and it is approved by the Assistant Superintendent for Personnel (Section 6:2.2).

Tentative Agreement
Page 3

9. The teacher under contract who completes ninety-five (95) or more days of service to the district during the school year shall the following school year be eligible for advancement to the next step on the salary schedule.
Currently it is 94 days (Section 7:1.2)
10. Teacher normal assignment and basic load (9:2) - Conferences and Open House
Such assignments shall not be unreasonably assigned, and where teachers have less than 4 conferences, the teacher may at his or her option choose to make alternative contact with the parent. Conferences and Open House shall be limited to a total of 5 nights per school year. Conferences shall not exceed 15 minutes per individual conference, nor shall Open House or Conferences be scheduled for more than a total of 3 consecutive hours per night. Open House and conferences shall not be scheduled to extend beyond nine (9) PM.
11. Curriculum Development (14:1)
Multi-level meetings shall commence within one (1) hour of the earliest close of the student school day. (Currently, it is thirty {30} minutes.)

Salary Schedules

Appendix A

Salary Schedule - 1999-2000
All move up one Step, except Maximum

	BA	MA	6th
1	34,000	35,000	37,000
2	34,361	35,637	37,711
3	35,251	36,254	38,365
4	35,735	36,865	39,142
5	36,112	37,495	40,363
6	36,506	38,227	41,789
7	36,946	38,966	43,319
8	38,697	41,003	46,984
9	41,920	44,835	52,427
10	47,265	50,807	58,042
11	51,759	57,928	65,348

Appendix B

Salary Schedule - 2000-2001
All move up one Step, except Maximum

	BA	MA	6th
1	34,400	35,500	37,400
2	34,768	36,063	38,169
3	35,392	36,705	38,843
4	36,313	37,345	39,522
5	36,811	37,975	40,422
6	37,196	38,623	41,848
7	37,793	39,378	43,412
8	38,770	41,061	47,134
9	42,092	44,892	52,591
10	47,669	50,874	58,294
11	52,431	58,680	66,630

Appendix C

Salary Schedule - 2001-2002
All move up one Step, except Maximum

	BA	MA	6th
1	34,850	36,000	37,900
2	35,201	36,516	38,654
3	35,924	37,168	39,339
4	36,452	37,823	40,008
5	37,405	38,477	40,707
6	37,917	39,116	41,906
7	38,318	39,782	43,481
8	38,925	41,312	47,259
9	42,158	45,081	52,701
10	47,921	51,097	58,691
11	53,108	59,439	67,991

Appendix X

Salary Schedule - 2002-2003
All move up one Step, except Maximum

	BA	MA	6th
1	35,250	36,500	38,250
2	35,581	36,916	39,085
3	36,355	37,617	39,819
4	37,000	38,291	40,528
5	37,548	38,965	41,218
6	38,556	39,633	41,933
7	39,093	40,299	43,532
8	39,800	41,341	47,293
9	42,339	45,105	52,835
10	47,936	51,117	58,872
11	53,768	60,211	69,368

**JOHN P. SAVAGE
TREASURER OF THE WALLINGFORD HOUSING
AUTHORITY**

22 YEARS AGO, JACK WAS APPOINTED TO SERVE ON THE BOARD OF THE WALLINGFORD HOUSING AUTHORITY. DURING HIS TENURE HE HAS SERVED IN VARIOUS CAPACITIES RANGING FROM CHAIRMAN TO HIS PRESENT ROLL OF TREASURER, AN OFFICE HE HAS HELD OVER THE PAST 14 YEARS.

AS A MEMBER OF THE BOARD, JACK HAS ALWAYS MAINTAINED A HIGH PROFILE, AVAILING HIMSELF TO BOTH STAFF AND RESIDENTS WHENEVER THE NEED PRESENTED ITSELF. HE GIVES OF HIS TIME FREELY, ATTENDING REGULAR BOARD MEETINGS, SPECIAL BOARD MEETINGS, TENANT FORUMS AS WELL AS PARTICIPATING IN BOTH IN STATE AND OUT OF STATE CONFERENCES WITH FEDERAL AND STATE OFFICIALS.

JACK HAS BEEN AN ACTIVE MEMBER OF THE NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS, (NAHRO), FOR OVER TWENTY YEARS AND HE HAS SERVED ON THE NATIONAL AND INTERNATIONAL COMMITTEES OF NAHRO FOR THE PAST TEN YEARS. HE IS ALSO AN ACTIVE MEMBER OF THE CANADIAN HOUSING AND RENEWAL ASSOCIATION, CANADA'S COUNTER PART TO NAHRO.

DURING HIS TIME OF SERVICE, COMMISSIONER SAVAGE HAS SEEN OVER EIGHT MILLION DOLLARS IN RENOVATIONS AND NEW CONSTRUCTION PERFORMED BY THE AUTHORITY. INCLUSIVE IN THIS EXPENDITURE WERE TWO NEW DEVELOPMENTS, PROVIDING 65 NEW LIVING UNITS FOR OUR ELDERLY POPULATION. THE FIRST WAS OUR MCKENNA COURT DEVELOPMENT, CONSTRUCTED ON WASHINGTON STREET.

THE SECOND WAS BUILT BEHIND SIMPSON SCHOOL, AND DEDICATED TO JACK AS THE JOHN P. SAVAGE COMMONS.

ALSO, JACK WAS INSTRUMENTAL IN HELPING THE AUTHORITY ACQUIRE RIDGELAND ROAD. AN INDEPENDENTLY OWNED 32 UNIT, TWO BEDROOM COMPLEX WHICH WAS PURCHASED WITH THE HELP OF THE TOWN AND WITHOUT THE USE OF STATE OR FEDERAL FUNDS.

JACK SAVAGE IS AN EXTREMELY VALUABLE ASSET WHO HAS A STRONG COMMITMENT TO THE PROVISION OF SAFE, DECENT AND AFFORDABLE HOUSING. THE WALLINGFORD HOUSING AUTHORITY AND IT'S BOARD CAN ILL AFFORD TO BE WITHOUT HIM.

COMMUNITY LAKE STUDY UPDATE

Appendix III

Community Lake Restoration Committee has met with personnel from DeLeuw, Cather and DEP on Oct. 20, and Oct. 29. A public meeting is tentatively scheduled for Dec. 8, 1998.

Work Accomplished to date by DeLeuw, Cather:

- 1.) Prepared updated topographic mapping of Community Lake area.
- 2.) Performed hydraulic analysis to determine effects of various dam heights on flooding including current FEMA data.
- 3.) Investigated the occurrence of macrophytes (aquatic weeds) in dredged ponds and in a similar lake within the watershed.
- 4.) Researched the deeds of the properties abutting Community Lake to determine ownership and flowage rights.
- 5.) Taken sediment samples from different locations in the former lake bed.
- 6.) Proposed a preliminary fish passage design for Wallace Dam.
- 7.) Some potential petroleum contamination has been found in the berms separating the river from the east and west ponds.

Analysis Results

- 1.) Hydraulic analysis showed that a 6 foot dam would cause slight increase in flooding upstream during a hundred year storm - .01 feet. This exceeds the current FEMA and State flood plain lines for a hundred year storm and affects Gopian Trailer Park. Therefore if a dam is constructed, it must be lower than 6 feet. Also, dredging would be required to create open water deep enough to prevent the growth of aquatic weeds. Table below shows amount of dredging vs heights of dam.

Community Lake

Water Surface Elevation (ft)	Quantity of Sediment to be Removed (cubic yards)	Approximate Dam Height	Acres of Open Water
31.3	706,000 *	no dam	50
33.0	542,300	6 foot dam	50
36.0	317,400	9 foot dam	50
39.0	208,500	12 foot dam	50

Example:

* 25 twenty yard truck loads a day would take 1412 days or approximately 5-6 years.

Tasks Remaining

- 1.) Dredging and disposal options for the sediments in Community Lake.
- 2.) Analyze the extent and nature of the possible petroleum contamination found in the berms.
- 3.) Cost estimates.
- 4.) At the Oct. 20 and 29 meetings, it was proposed that a smaller, 36 acre lake could be created by excavation with no dam. This would entail removal of 591,000 cu. yards for a 9 foot depth, or 350,000 cu. yards for a 4 ft. depth. In this regard, a letter has been sent to the DEP (T. Morrissey) to have DeLeuw, Cather expand the study to include a 3,000. ft. rowing channel. Also to investigate the possibility of constructing a dam higher than 6 feet if the Gopian property were to be purchased by the Town.

*Reed
11/10/98
7:35pm*

AN ORDINANCE APPROPRIATING \$3,875,000 FOR THE ACQUISITION OF REAL PROPERTIES KNOWN AS 1390 WHIRLWIND HILL ROAD, 135 COOKE ROAD AND 200 NORTHFORD ROAD FOR OPEN SPACE, RECREATION AND TOWN PURPOSES, AND AUTHORIZING THE ISSUANCE OF \$3,875,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$3,875,000 is appropriated for the acquisition of approximately 249 acres of real property located in the Town of Wallingford, consisting of: 64 acres of real property commonly known as 1390 Whirlwind Hill Road; 77 acres of real property commonly known as 135 Cooke Road; and 108 acres of real property commonly known as 200 Northford Road, and more particularly described at Volume 559, Page 626, Volume 559 Page 626 and Volume 530 Page 57, respectively, of the Wallingford land records, for open space, recreation or other purposes as the Town may from time to time determine, and for appraisal, testing, environmental remediation, surveying, title insurance and such other expenses necessary or appropriate for such acquisition, and including administrative, advertising, printing, legal and financing costs related thereto. The Mayor is authorized to negotiate the terms and purchase price for the purchase of the parcels and to sign purchase contracts and documents necessary to transfer title to the Town of Wallingford.

Section 2. To meet said appropriation \$3,875,000 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. 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 manual or facsimile 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 Murtha, Cullina, Richter and Pinney LLP, 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 the interest thereon. The aggregate principal amount of the 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 at 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, the provisions of purchase agreement shall be subject to 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 Murtha, Cullina, Richter and Pinney LLP, 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 said 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.

ELIZABETH WELLS
KATHLEEN WELLS
LIVEN H. CORP.

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