

402  
Summary/Town Council Meeting

August 7, 1984

	<u>Page</u>
Appointed Jared McQueen and William L. Blennerhassett to Robert Earley Disposition Committee.	1
Award presented to Mr. Robert Lofquist by Mayor Dickinson and Mr. Mark Miller on behalf of the Rotary Club.	1-2
Approved adjusting transfer of \$9,707 from 802-808 to 802-800, requested by Comptroller.	2
Approved tax refunds of \$764.31, requested by Mr. Fields.	2
Resolution depositing \$57,000 Blue Cross over optimum.	2-3
Approved submission of site plan to P & Z to split Parker Farms School property into two parcels.	3-4
Established new A/C 205-890 and transferred \$21 to 205-890, Building Department.	4
Established new A/C 145-140 and approved appropriation of \$1,200 from 805-319 to 145-140, Purchasing Department.	4
Approved transfers and budget amendments for Public Works:	
Transfer of \$4,000 from CAP 504-01 to 503-510	5
Transfer of \$3,422 from various accounts to 506-890	5
Resolution amending Special Fund Revenue A/C 1082 from \$149,610 to \$193,858, an increase of \$44,248; amending Special Fund Expenditure A/C 900-782 from \$149,610 to \$193,858, an increase of \$44,248; amending Special Fund Revenue A/C 1083 from \$16,658 to \$3,190, a decrease of \$13,468 and amending Special Fund Expenditure A/C 900-783 from \$16,658 to \$3,190, a decrease of \$13,468.	5-6
Approved job specifications for Maintainer I, Maintainer II and Maintainer III, DELETING PHRASE "or an equivalent combination of experience and training" from Maintainer I and Maintainer II job specifications.	6-8
Report regarding status of Pent Highway/Town Attorney.	8
Waived Rule V and established new line item A/C 506-651 for Public Works Department and approved a transfer of \$12,000 from 504-458 to 506-651.	8-9
Noted for record financial statements of the Town of Wallingford for the month ended July 31, 1984.	9
Confirmed Mayor Dickinson's appointment of Mr. George Valalik to the Pension Commission.	9
DENIED appropriation of \$7,000 from 805-319 to 130-902 Municipal Building Appraisals.	9-11
Approved transfer of \$444 from 201-210-20 to 201D-320, Police Department.	11
Approved appropriation of \$2,484 from 805-326 to 130-901 Labor Relations Negotiator and waived Rule V and asked Comptroller to issue necessary purchase order.	11-12
Resolution to acquire certain easements for the purpose of repair and improvement of MacKenzie Dam.	13-15
Noted Brief from Donald W. Powers, Case No. 8081-MBA-71.	15
Noted letter dated 7/19/84 from Democratic Town Committee.	15
Accepted Town Council Meeting minutes dated 7/5/84 and 7/10/84.	15
DENIED award of custodial contract to J & J Custodial Service.	15
EXECUTIVE SESSION.	15

OUT OF EXECUTIVE SESSION.

16

Approved settlement of \$1,150 in the case of Elaine Dworkin vs. The Board of Tax Review.

16

Approved settlement of \$7,500 in the case of Valerie Levack vs. The Town of Wallingford.

16

Meeting adjourned.

16

Town Council Meeting

August 7, 1984

7:30 p.m.

A regular meeting of the Wallingford Town Council was held on this date in Council Chambers. Vice Chairman Gessert called the meeting to order at 7:35 p.m. Answering present to the roll called by Town Clerk Rascati were Council members Bergamini, Diana, Gessert, Killen, Krupp and Rys. Chairman Parisi was ill and Councilman Polanski was at National Guard Camp and Mrs. Papale was on vacation. Also present were Mayor Dickinson, Comptroller Myers and Town Attorney McManus. The pledge of allegiance was given to the flag.

Prayer by Reverend Robert Blackwell, Beacon House Full Gospel Church: Father, God, we are so thankful that you allow us to come here to do thy will pertaining to the business matters of Wallingford. Father, I would ask for wisdom, that which is from above, I would ask for unity and peace and harmony within our midst. Lord, I ask that you bless the Mayor and Town Council and all the guests here tonight, in Jesus' name. Amen.

Mr. Gessert opened the meeting to questions from the public and there were none.

Mr. Krupp read his letter dated 7/27/84 and moved the appointment of Mr. Jared McQueen to the Robert Earley Disposition Committee to fill the vacancy created by Mr. George Cooke's resignation. Mrs. Bergamini seconded the motion which was unanimously approved; motion duly carried.

Mr. Killen moved the appointment of Mr. William Blennerhassett to the Robert Earley Disposition Committee, seconded by Mr. Rys. The motion was unanimously approved and duly carried.

Mr. Gessert moved to item (4), award to Mr. Robert Lofquist, and Mayor Dickinson indicated that Mark Miller was also present from the Rotary Club and he would like to join the Mayor in recognizing the very civic minded and caring responsibility shown by Mr. Lofquist. Mayor Dickinson stated he had a Certificate of Appreciation to present on behalf of the Town of Wallingford. On 7/6/84, an elderly gentleman was reported as missing from a local convalescent home and the police were notified and began a search. Fortunately, Bob Lofquist located him face down in a stream in a wooded area and picked him up out of the stream and stayed with him until emergency personnel arrived and showed the kind of concern and care for another member of the community that we should all look to emulate. It is a pleasure for Mayor Dickinson to take this time and encourage all of us to show this kind of concern and recognize Bob's contribution to the community and to the health of someone who really needed his assistance. The Mayor thanked Bob very much.

Mr. Mark Miller: Bob, on behalf of the Rotary Club, we would like to thank you as well for your actions. Rotary undertook a project a year or so ago to recognize persons in the community who perform such unselfish acts. Mr. Miller presented Bob Lofquist with an Award of Valor. (Applause from the audience.)

Mr. Gessert extended congratulations to Mr. Lofquist from the Town Council and said he proved "Love Thy Neighbor" and this act of heroism should be noted.

Mr. Krupp moved a 1983-84 adjusting transfer of \$9,707 from 802-808 to 802-800, seconded by Mrs. Bergamini.

464

Mr. Krupp mentioned that very often department heads who operate in the interests of this town do so without recognition of their professionalism and commitment to operating in the best interests of the people. Both Mr. Myers and Mr. Seadale deserve the recognition of this Council for their efforts in this particular area. Mr. Myers felt it would be prudent for the town to reserve some money in this area. Mr. Killen asked was 802-808 ended up with and Mr. Myers stated about \$48,000 because of open positions during the year.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved the approval of tax refunds of \$764.31 as follows:

Kenneth W. Elderkin	\$133.90
Antonio Costa	529.94
James G. Kodman	91.05
Elizabeth M. Walter	9.42
	<u>\$764.31</u>

Mrs. Bergamini seconded the motion.

Mr. Killen noted that the request for Elizabeth M. Walter for \$9.42 was not attached and Mr. Fields noted it was due to a correction. Mr. Killen also pointed out that a date paid of 11/23/84 and 7/19/84 was listed and Mr. Fields noted it should have been 1983 and it pertained to the 1982 Grand List.

Vote: Unanimous ayes; motion duly carried.

Mr. Edward Musso of 56 Dibble Edge Road suggested using Robert Earley Auditorium for Town Council Meetings and also requested putting the public question and answer period as item 10 or 12 on the agenda in case he arrives late.

Mr. Rys read and Mr. Krupp moved the following resolution:

WHEREAS, the Town of Wallingford has received \$57,000 from Blue Cross/Blue Shield, and

WHEREAS, said \$57,000 represents a refundable reserve of insurance premiums,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

that the said \$57,000 be deposited with the General Fund and be reserved for the fiscal year 1985-1986 Budget to meet the Town's insurance premium obligation.

Mrs. Bergamini seconded the motion.

Mr. Killen asked how soon the refund would be received and Mr. Myers indicated the money is already in the bank earning interest.

Vote: Unanimous ayes; motion duly carried.

Mr. Diana read his 7/31/84 letter regarding the split of Parker Farms School property into two parcels and noted the Town Engineer has a proposal and have created a separate entrance to the school building from the driveway. With Council permission, Planning & Zoning can be approached to proceed splitting the property into two parcels, one being a recreational area and the other being the school itself. The recreational area is a valuable part of the community and should be kept separate in the event the school is ever sold or leased.

Mr. Krupp pointed out that he is on the Parker Farms School Committee and this decision was reached by the entire committee. He supports this proposal and the fields at Parker Farms are the only Little League fields on the west side of town and it is essential that this particular parcel be protected against any type of accidental occurrence that could tie into the sale of the property or some other situation. If in fact Parker Farms School is opened again, the two parcels can be recombined. Mr. Diana stated that the only reason the Board of Education may need the school is if all day kindergarten is established.

Mrs. Bergamini asked the Town Attorney if this split would cause a problem should the Board of Education ever reopen Parker Farms School and Attorney McManus said it would depend on how the grant is phrased but as a practical matter, there is no grant being done in this case. Mr. Killen would like the wording to show that it is the intent of the Council that the land will remain with the school so long as there is a possibility of that school being reopened to avoid a problem with a future Council. Mayor Dickinson pointed out that the subdivision will create existence of two parcels. Conveyance of either of those would require the Council to approve the deed (conveyance) to another party and the subdivision itself doesn't have anything to do with a future conveyance. Mr. Killen referred to the library and Taber House and does not want to see this situation happen again. 465.

Mr. Diana pointed out that this evening's vote is strictly for Council approval to bring this to Planning and Zoning for the splitting procedure.

Mr. Diana moved that the Council unanimously approved that they proceed with a submission of a site plan to Planning and Zoning for the split of the Parker Farms property into two parcels. Mr. Krupp seconded the motion; unanimously approved; motion duly carried.

Mr. Krupp moved establishment of a new line item A/C 205-890, seconded by Mrs. Bergamini; unanimously approved; motion duly carried.

Mr. Krupp moved a transfer of \$21 from A/C 205-418 to A/C 205-890, requested by Carmen T. Spiteri, Building Department. This motion was seconded by Mr. Diana and unanimously approved; motion duly carried.

Mr. Krupp moved establishment of a new line item A/C 145-140, seconded by Mrs. Bergamini; unanimously approved with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Krupp moved the appropriation of \$1,200 from A/C 805-319 to A/C 145-140, Purchasing Department, seconded by Mrs. Bergamini.

Mr. Gessert read the 7/26/84 letter from Donald T. Dunleavy, detailing the necessity of the above appropriation. Mrs. Bergamini pointed out that a certain lunch period should be taken, according to law.

Mr. Killen asked why this matter was not brought up at budget time and Mr. Dunleavy stated that the situation did not occur at budget time and this is the first time Purchasing has gone into an overtime situation. Two summertime positions were surrendered for the first time in eight years due to the point of efficiency reached but the department was short-handed for a period of time, causing this situation to come about, along with an increasing workload.

Mr. Gessert asked if summer help would be available for this work and Mr. Myers indicated they would look into this for the future but they are trying to address the problem now. Mr. Killen felt this matter should have been addressed at budget time. Mrs. Bergamini pointed out that many items which would have cost under \$2,000 a few years ago now cost over \$2,000 and this puts an additional burden on the Purchasing Department since all these items must go out to bid. Mr. Killen asked if there were any line items within Purchasing from which these funds could be obtained and Mr. Dunleavy indicated he had no such leeway.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mr. Gessert read Mr. Deak's 6/25/84 memo, agenda item 11(a).

4-6-6  
Mr. Rys moved the transfer of \$4,000 from CAP 504-01 to 503-510, requested by Public Works, seconded by Mrs. Bergamini.

Mr. Rys commented that he went to Public Works Department and noted that the overhead doors are in poor condition and should be replaced. Mr. Killen asked if replacement of the doors was requested in this year's budget and Mr. Deak indicated he made the request two years in a row.

Vote: Unanimous ayes; motion duly carried.

Mr. Rys read a letter dated 7/9/84 from Alfred J. Cei, Jr. regarding a transfer to pay A. J. Carting Co. for dump fees. Mr. Gessert asked why the contract was written to reimburse for dump fees because it does not give a good allocation of funds. The town must pay for custodians, etc. every time a school building is used. Mr. Cei indicated this matter could be taken into consideration since the contract expires in another year. The current contract specs call for the fee to be reimbursed and this practice is about five years old. Mr. Killen asked where the funds for fiscal year 1984-85 were coming from and Mayor Dickinson indicated this could wait until April of 1985 when there will be a better indication of which account the funds could be taken from. Mr. Cei stated that in the future the Board of Education would advise Mr. Deak of this need for the budget.

Mr. Rys asked if refuse was collected from each school and Mr. Cei said it was collected once a week for July and August; twice weekly while school is in session. An average weight factor is established for the summer and another while school is in session and dump fees are paid on this average.

Mr. Krupp moved a transfer of \$1,700 from A/C 503-135, \$450 from A/C 506-140, \$300 from A/C 505-140, \$550 from A/C 505-130, \$400 from A/C 503-120 and \$22 from 503-130, a total of \$3,422 to A/C 506-890, requested by Public Works. Mr. Rys seconded the motion.

Vote: Unanimous ayes with the exception of Mrs. Bergamini who voted no; motion duly carried.

Mr. Krupp read and Mrs. Bergamini moved the following resolution:

RESOLVED, WHEREAS, the Town of Wallingford has been notified by the State of Connecticut, Department of Transportation, of the amount of Grant Funds it will receive during the fiscal year 1984-1985 for Town Aid Road Funds, we find it necessary to amend the budget amounts for these Special Grant Funds as they appear on Page 12 of the Budget Book:

- (1) Amend Special Fund Revenue Account 1082, Maintenance of Improved Roads from \$149,610 to \$193,858, an increase of \$44,248.
- (2) Amend Special Fund Expenditure Account 900-782, Maintenance of Improved Roads from \$149,610 to \$193,858, an increase of \$44,248.
- (3) Amend Special Fund Revenue Account 1083, Maintenance of Unimproved Roads from \$16,658 to \$3,190, a decrease of \$13,468.
- (4) Amend Special Fund Expenditure Account 900-783, Maintenance of Unimproved Roads from \$16,658 to \$3,190, a decrease of \$13,468.

Mr. Rys seconded the motion.

Mr. Gessert pointed out that this represents \$30,780 over what was anticipated from the State of Connecticut, Department of Transportation.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert asked Mr. Seadale for details concerning the job descriptions for Maintainer I, II and III, Public Works Department. Mr. Seadale stated that there are currently six job descriptions for maintainer, ranging from laborer up to a working crew leader. This is an attempt to consolidate the laborer and Maintainer I into the new Maintainer I, the II and III into Maintainer II and the working crew leader into Maintainer III. This will enable Public Works to utilize help better and will prevent problems where someone indicates that is not his job; that is a II's job.

467  
Basically, this will broaden categories and the first step is to get job descriptions and then negotiate with the union. Mr. Gessert asked if anyone would be hurt by this process and Mr. Seadale indicated not at all. Mr. Krupp asked if this would cost the town money and Mr. Seadale indicated he felt there would be some cost attached but the savings in efficiency would hopefully make up for it and there would be fewer grievances. If it proves to be cost prohibitive, it will not be done.

Mr. Krupp felt he could not indicate a true feeling for this without the cost and Mr. Seadale explained he must have the job description in place before any rate negotiation can take place. This is not a subject of arbitration or fact finding; it is simply to improve our process. Mr. Gessert indicated if it proves cost effective, it will be brought back to the Council for approval. Mayor Dickinson pointed out there is an existing contract and this will simply eliminate some problems with the present situation.

Mr. Seadale stated that Public Works has seen the job descriptions and are in general agreement with what is being attempted and one of the major factors is morale improvement. The position of laborer would be eliminated and Maintainer I would replace it. A current laborer as of 4/1/84 was \$6.47 to \$7.78; a Maintainer I was \$6.79 to \$8.06 and the third step of a Maintainer I was equal to the fourth step of a laborer. There is very little difference between the two in terms of dollars, a difference of 28¢ an hour. Mr. Killen felt if these job specs were approved tonight, they would become the new job specs and Mr. Seadale indicated that could not happen without a rate being negotiated and there is no obligation to negotiate this. Mr. Killen is reluctant to get to the point where the only choice the Council has is either approve or reject a contract and he would prefer to see figures.

Mr. Gessert indicated that Ed Martin from Public Works was in the audience and asked him if they were in favor of this plan and Mr. Martin indicated that members of the union were in favor of this for work clarification.

Mr. Krupp moved that the job descriptions for Maintainer II and III have the phrase, "or an equivalent combination of experience and training" be stricken.

Mr. Seadale preferred to keep that phrase in the job description as a step toward protecting the Town of Wallingford. Mr. Gessert indicated it may be more applicable in this situation than in others, such as where an accounting degree may be required.

Mayor Dickinson indicated that the Council is not committed to anything by passing a job description; it is simply a foundation upon which to build with the negotiations. He also felt the language would be appropriate in this instance because many jobs require special skills that are gained through experience and working with equipment, etc. The Mayor did not wish to see us forestall the ability of someone being hired if he did not meet the technical requirements if they had the ability to do the job. In the final analysis, the Mayor feels that Mr. Seadale's opinion on this is a good one.

Mr. Krupp indicated he would stand by his motion and read the EXPERIENCE AND TRAINING portion of Maintainer II excluding the phrase "or an equivalent. . ." and felt that this was a general enough statement of category and does not require "or an equivalent. . ." The same logic applies to Maintainer III and he sees too much of an exposure leaving that phraseology within the job descriptions.

Mr. Diana agrees with Mr. Krupp for Maintainer III but felt it should be kept for Maintainer II.

Mrs. Bergamini asked Mr. Seadale what he meant by keeping that phrase in to protect the town and Mr. Seadale referred to the uniform hiring guidelines, very complex, written by the federal government and the burden of proof under these guidelines is on the person who states the requirement and not on the person who brings suit. This is not an attempt to hire unqualified people but an attempt to avoid problems, nothing more, nothing less.

Mr. Killen seconded Mr. Krupp's motion.

462  
Mr. Killen felt that leaving the phrase in a job description could lead to abuses in hiring and Mr. Seadale explained that the intent is not to present arbitrary obstacles to anyone getting employment. Mr. Krupp felt the phrase was too discretionary.

Vote: Unanimous ayes with the exception of Mr. Diana who voted no; motion duly carried.

Mr. Krupp moved to accept the job descriptions for Maintainer I, Maintainer II and Maintainer III, as amended. Mrs. Bergamini seconded the motion.

Vote: Unanimous ayes; motion duly carried.

Attorney McManus indicated that he will prepare an opinion on the status of Pent Highway which will entail some depth and background but stated that the town does not own a square inch of Pent Highway. Mayor Dickinson pointed out that once the report is completed, the plan is to approach abutting property owners and seek quit-claim deeds in order to take title to the road and allow paving. Mrs. Bergamini asked that the Town Attorney check with Engineering and P & Z since there were many problems over the years because of an uncooperative owner on either side of Route 5 and felt the town should not give anything away unless something is received in return. To this day, there are violations which have not been taken care of by the owner and these records should be checked.

Mr. Krupp asked everyone to keep in mind that there are businesses on that road which are not part of this controversy and who pay taxes and are entitled to services. Many of those businesses are not the owners but lease buildings.

Mr. Rys asked if any legality were involved and if the road should be posted "Pass at your own risk" and Attorney McManus indicated that as a practical matter, there probably is, but since the town has undertaken to plow, etc., it is probably responsible. The Engineering Department will map out a description to the deeds and abutting property owners will be asked to quit-claim land to the Town for ownership. Mrs. Bergamini asked that the matter be completely resolved before the town spends any money on the road.

Mr. Krupp moved to waive Rule V to consider a transfer for Public Works. This motion was seconded by Mrs. Bergamini and unanimously approved; motion duly carried.

Mr. Krupp moved establishment of a new line item A/C 506-651, Public Works, seconded by Mrs. Bergamini.

Vote: Unanimously approved with the exception of Mr. Diana who voted no; motion duly carried.

Mr. Krupp moved a transfer of \$12,000 from 504-458 to 506-651 for Public Works, seconded by Mr. Rys.

Mr. Killen commented that Public Works is assuming additional responsibilities at a time when street paving, etc. is a priority and expressed concern that all projects would not be completed on time. Mr. Gessert was pleased with the \$12,000 which would be saved on sand due to uncovering it at the landfill.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved to note for the record the financial statements of the Town of Wallingford for the month ended July 31, 1984. Mr. Rys seconded the motion which was unanimously approved; motion duly carried.

Mr. Myers indicated the June, 1984 financial statements should be available in six to eight weeks.

Mr. Krupp moved confirmation of the Mayor's appointment of Mr. George Valalik to the Pension Commission, seconded by Mrs. Bergamini.

Vote: Unanimous ayes with the exception of Mr. Rys who was not present for the vote; motion duly carried.

Mrs. Bergamini moved the establishment of a new line item A/C 130-902 Municipal Building Appraisals, seconded by Mr. Krupp.

Vote: Unanimous ayes with the exception of Mr. Killen who voted no; motion duly carried.

Mrs. Bergamini moved an appropriation of \$7,000 from 805-319 to 130-902, seconded by Mr. Krupp. 467

Mr. Killen objected to hiring an appraiser to perform this function and felt that Mr. Frank Barta was certainly qualified to advise the Council on such matters. Mr. Diana indicated that he would like Parker Farms School added to the list of buildings to be appraised and Mr. Krupp stated that the value of Parker Farms must be determined even if the school were to be leased in order to determine what a viable lease charge would be on an annualized basis and he would like to see it added to the list for an appraisal of the building only, not the ballfields. Mr. Gessert felt it should be a separate agenda item on a future agenda.

Mr. Wayne LeClaire said that the only reason Parker Farms School was not included in the list of buildings to be appraised was because the Robert Earley Conversion Committee was only interested in the buildings which housed municipal offices at this time.

Mr. Peter Hale felt the appraisals for insurance should be sufficient to determine values and the expertise of the town's assessor. Once the property is put on the market and a buyer disputes the value, then an appraisal can be sought. Mr. Gessert indicated that insurance values are not always on target with actual value.

Mr. Krupp pointed out that the transfer of \$7,000 is to the Mayor's accounts to establish appraisals and does not incorporate the Robert Earley School at all and feels that the request to add Parker Farms School is not out of order at this time since it is a generalized motion in regard to valuing certain town properties. Mr. Diana agreed that this request is not out of order at this time.

Mr. Gessert asked the Mayor if the \$7,000 would be sufficient to appraise Parker Farms School in addition to the other buildings and the Mayor indicated that given the information from the Purchasing Agent, he would assume additional money would be necessary.

Mr. Killen agreed with Mr. Hale and feels it is the duty of the assessor to know what the value of everything in town is and the revaluations performed every ten years by state statute is to help the assessor know the value of town properties. The assessor should be able to put these figures together for much less than \$7,000. An appraisal is needed when you are ready to bargain.

Mayor Dickinson stated that the reason accurate figures are necessary is to be able to accurately forecast a cost impact for conversion of Robert Earley and/or sale of some of these other buildings. A realtor in town recommended a professional appraiser because the buildings were built for a specialized purpose and it is necessary to determine what other uses a particular building could be used for and that requires professional knowledge. Our assessor is not an appraiser; if he is capable of doing this, the Mayor has no desire to spend \$7,000 or any amount of money. Accurate figures are necessary in determining the cost of converting Robert Earley to a Town Hall and the real question there involves financing. If the information can be obtained from the Assessor's office, that is exactly what the Mayor would prefer to do.

Mr. Killen pointed out that there is no resemblance between the appraisal done on the library and what the town got and those are the facts of life.

Mr. Gessert asked if Mr. Diana would like to amend the motion on the floor to include Parker Farms School and Mr. Krupp indicated the \$7,000 was not being committed to a specific purpose and there is nothing in the motion that is contingent on what it is going to be used for at this point in time. If the money is available, we would like to see Parker Farms appraised and if not, maybe the Council should appropriate additional monies once they have an idea of the cost. Mr. Gessert felt the Mayor was obligated to obtain appraisals on the buildings listed in his 6/26/84 letter once the money is appropriated and Parker Farms could be added if there is enough left over and if not, a separate request should be made. Mr. Diana felt that appraisals would be restricted to the buildings named in Mayor Dickinson's letter of 6/26/84.



Mr. Diana wanted everyone aware of the fact that he spearheaded the effort to get the Robert Early Disposition Committee on board and supports 110% the fact that he would like to see it become a Town Hall, the sooner, the better. He is not happy with the direction of this appraisal tonight and is withdrawing his support of this appraisal.

Mr. Musso felt the \$7,000 would be wasted on appraisals and felt the money would be better spent on a microphone system for Council Chambers or hold the meetings at Robert Earley School.

Vote: Council members Bergamini, Gessert, Krupp and Rys voted aye; Diana and Killen voted no; the motion did not carry.

Mr. Gessert read agenda item (14) for the Police Department.

Mr. Krupp moved the transfer of \$444 from 201-210-20 to 201D-320, seconded by Mr. Diana.

Mr. Gessert indicated that this transfer pertained to an out of state investigation which is ongoing. Mr. Killen stated that the money in this account was not spent last year and Mr. Myers pointed out that you must charge the fiscal period to which the expense is attributable.

Vote: Unanimous ayes with the exception of Mrs. Bergamini who passed; motion duly carried.

Mr. Killen asked Chief Bevan to obtain "NO TURN ON RED" signs at Center and Main and Christian and Colony and the Chief stated he was in touch with DOT today and they will be installed by PUC. Mrs. Bergamini indicated Woodhouse and Center needed one also. Mr. Killen also asked the Chief to be sure policemen have the running lights on when operating their patrol cars. Chief Bevan noted that the sergeant would be without lights, but the patrol would not.

Mr. Gessert read Mayor Dickinson's 7/31/84 letter regarding utilization of the services of Donald Powers for 7/84 and 8/84 and associated transfer, agenda item (15).

Mr. Krupp moved an appropriation of \$2,484 from 805-326 to 130-901. Mr. Gessert seconded the motion.

Mr. Krupp asked on what basis the services of Mr. Powers were being continued; if it is on contractual basis, should the Council also be considering a motion to waive bid? Mayor Dickinson indicated he had not approved any contract and has not appointed anyone. The Mayor's feeling is given the fact the town must continue with negotiations, he is waiting for the Council's feelings regarding the current negotiator. The town is liable for these sums because of the continued extension of services of Mr. Powers under the theory that he has continued to work and we would be obligated to pay him regardless of whether there is an actual contract.

Mr. Gessert stated he would vote for this for two months and will not vote to approve more funds beyond the end of August and feels a change might be refreshing. Mr. Krupp will support the July and August expenditure but will not go a day beyond the end of August unless a purchase order is issued or a contract signed. Mr. Gessert suggested waiving Rule V for the purpose of extending the contract for July and August, an official basis.

Mr. Musso felt Mr. Powers has saved the town a great deal of money in contracts and the Council should contact him and not rely on their assumptions. Mr. Gessert indicated he has observed Mr. Powers during negotiation procedures.

Mr. Killen asked under what conditions the town is obliged to pay Mr. Powers and Mr. Gessert stated that Mr. Powers has not been told to stop providing services and he is still providing them; therefore obligating the town to pay for these services.

471

Mr. Killen assumes if there is a contract, such contract would end at a certain time. The Mayor has not seen the contract but was told he did have a contract with the town and was led to believe it is renewable. Mr. Powers has continued to provide services, evidently without a new contract being provided every year and the town has continued to pay him over the last five to seven years and it is a little late to say a new contract is necessary every fiscal year. Mr. Killen questioned the existence of a contract and Mayor Dickinson explained that this procedure has developed wherein Mr. Powers has rendered professional services and has been paid on a monthly basis and to say he is not entitled to monthly pay without a written contract will lose in court. Mr. Killen objected to doing business with the taxpayer's money in this manner and wants to know if a contract exists. Mr. Gessert agreed research must be done and decisions made but suggested voting on the motion on the floor.

Vote: Unanimous ayes; motion duly carried.

Mr. Krupp moved to waive Rule V to make a request from the Comptroller's Office, seconded by Mr. Killen which was unanimously approved; motion duly carried.

Mr. Krupp asked Mr. Myers to have a confirming purchase order issued to cover this amount and Mr. Myers will arrange it. Mayor Dickinson has no problem with this action. Mr. Gessert suggested that the Council discuss this issue before the end of August and present names of negotiators. Mr. Killen pointed out that the Mayor has the right to appoint his own negotiator. Mayor Dickinson requested the Council's feelings on this subject since, ultimately, the health of town government is affected by the respective jobs of the Mayor's Office and Town Council. The Mayor would be happy to hear the Council's views. Mrs. Bergamini feels that Mr. Powers should be replaced. Mayor Dickinson felt there should not be a full Council meeting on this matter since it would not be fair to Mr. Powers to have a lot of discussion in public on the feelings about his job. Nothing is gained by either throwing bouquets or javelins in public.

Mr. Gessert read and Mrs. Bergamini moved the following resolution:

WHEREAS, the Town of Wallingford desires to acquire certain parcels of land situated in the Town of Wallingford, more particularly described on Schedule A attached hereto, presently owned by ESTHER LEETE SMITH, for the purpose of obtaining easements necessary for the repair and improvement of the facilities known as the MacKenzie Dam;

NOW THEREFORE, BE IT RESOLVED, that William W. Dickinson, Jr., Mayor of the Town of Wallingford, be and hereby is authorized to negotiate for the purchase of the said parcels of land and in the event an agreement cannot be reached with the owner of said parcels, the Mayor is also hereby authorized to proceed with condemnation proceedings and to file a Statement of Compensation as per the appraised value of said parcels found by Robert Parente.

(Schedule A, page 1 of 6 through page 6 of 6 attached to and made a part of these minutes.) NOTE AMENDED RESOLUTION ON PAGE 15.

Mr. Diana seconded the motion. (Second withdrawn on page 14.)

Mr. Bruno explained that a secondary spillway is being built close to Center Street which will spill into an existing stream which ultimately ends up in the Muddy River below Northford Road. The stream has a large parcel of wetlands on each side of it and when and if the secondary spillway does spill water, it will be a fairly extreme storm and the stream is not large enough to take the flow and deliver it into the Muddy River on a clean and continuing basis. It will back up into the wetlands along each side of the main stream bed. An easement is necessary to flood the wetlands adjoining the stream and this land belongs to Mrs. Smith who lives in the house adjoining the existing filter plant. (See map attached, Schedule A, page 6 of 6.) The second easement is a temporary construction easement in order to re-adjust the banks of the stream after realignment so that the flow pattern will be more efficient to carry the water downstream. After the banks were realigned, the land would return to the owner since there would no longer be any use or claim to it. Discussions have ensued with Mrs. Smith for approximately six months and since no agreement has been reached between the parties, the Assistant Town Attorney recommended a condemnation procedure and resolving the issue in court if need be.

472 Mr. Krupp asked Attorney McManus about the condemnation procedure and Attorney McManus indicated that the above resolution essentially appropriates the town's money without a statement as to how much money is being appropriated once a condemnation is authorized. Mr. Krupp asked if the amount of the bond should be incorporated in the resolution and Attorney McManus noted it should indicate how much you are willing to pay for that piece of property.

Mayor Dickinson pointed out that the town is purchasing an easement should a flood occur and felt that the wording ". . .for the purchase of the said parcels of land. . ." is not accurate; it is the purchase of an easement and that easement would only be used at the point that the spillway is used in a 100 year storm and the stream area could possibly flood and that is the nature of the easement that the town needs. Without a 100 year storm, there would be absolutely no impact out there. The dollar value is very much minimized by some of these facts.

Mr. Bruno stated he does not want to buy a piece of land and simply wants an easement and the right to flood it under certain conditions--it is unbuildable wetland and the value of that piece of property is not being depleted. Mr. Killen felt the resolution should be reworded. Mr. Diana asked why condemnation was used in the resolution and Mr. Bruno understands that route may have to be taken if an agreement cannot be reached with the landowners.

Mr. Allen Bulmer asked why an easement was necessary at all if the water naturally flows in this direction and Mr. Bruno stated that more than the normal amount of water will be spilled here. Mayor Dickinson suggested wording the resolution ". . . to negotiate for the purchase of easements over said parcels of land." The easement covers an area that is a stream where building cannot take place.

Mr. Diana felt that more time should be given to the resolution considering the fact that the word condemnation is involved and withdrew his second to the motion on page 13. Mr. Gessert said he would second the motion to continue the discussion.

Mr. Killen moved to table this item, seconded by Mr. Diana.

Mr. Bruno stated that construction has started.

Vote: Unanimous nos with the exception of Mr. Diana who voted aye; the motion did not carry.

Mr. Bruno explained that these easements will be needed in a very short period of time and if there is an extreme rain within three or four months, it is possible that this property will be flooded and this matter should be resolved quickly. Mr. Killen agreed the situation has dragged on but stated this subject cannot be treated lightly and the problems are not created by the laymen but the experts. He would prefer to see the word condemnation removed. Mr. Gessert also felt condemnation should be eliminated and the Mayor should negotiate and return to the Council with the results. Mayor Dickinson indicated he would prefer to discuss this matter with Attorney Farrell to determine the town's exposure to damage.

Mr. Gessert stated the Mayor needed the power to negotiate and suggested eliminating the last portion of the resolution, beginning with ". . .and in the event. . ."

Mr. Diana indicated the first paragraph of the resolution must be changed to read ". . .certain easements on parcels of land. . ." and the words "for the purpose of obtaining easements necessary" should be deleted.

Mr. Krupp moved an amendment to Mrs. Bergamini's motion which she accepted and the following resolution was read for clarification:

WHEREAS, the Town of Wallingford desires to acquire certain easements on parcels of land situated in the Town of Wallingford, more particularly described on Schedule A attached hereto, presently owned by ESTHER LEETE SMITH, for the purpose of repair and improvement of the facilities known as the MacKenzie Dam;

NOW THEREFORE, BE IT RESOLVED, that William W. Dickinson, Jr., Mayor of the Town of Wallingford, be and hereby is authorized to negotiate for the purchase of easements over said parcels of land.

Vote: Unanimous ayes; motion duly carried.

Mr. Gessert noted the brief from Donald W. Powers/Town of Wallingford and Local 1570, Council 15, AFSCME, Case No. 8081-MBA-71 and stated that no Council action was necessary.

Mr. Killen moved to note for the record the letter dated 7/19/84 from the Democratic Town Committee, seconded by Mr. Rys; unanimous ayes; motion duly carried.

473

Mrs. Bergamini moved acceptance of the Town Council minutes dated July 5, 1984, seconded by Mr. Killen; unanimous ayes with the exception of Mr. Gessert who passed; motion duly carried.

Mr. Diana moved acceptance of the Town Council minutes dated July 10, 1984, seconded by Mrs. Bergamini; unanimous ayes with the exception of Mr. Rys who passed; motion duly carried.

Mr. Krupp indicated he would disqualify himself from voting on item (21), award of the custodial contract to J & J Custodial Service and he had also disqualified himself from voting on the appropriation of funds for this contract. Mr. Gessert explained that the money was appropriated previously but the contract was not yet awarded. If the contract is not approved tonight, it will go out to the bidding process through normal procedures.

Mrs. Bergamini moved approval of awarding the custodial contract to J & J Custodial Service for the municipal buildings for a three year period, seconded by Mr. Diana.

Mr. Killen pointed out that the Council had not waived the right to bid and this contract did in fact go out to bid.

Vote: Council members Bergamini and Diana voted aye; Gessert, Killen and Rys voted no; Krupp passed; the motion did not carry.

Mr. Krupp moved, as provided under Section 118A of the Connecticut General Statutes, to go into Executive Session for the purpose of discussing pending litigation. This motion was seconded by Mr. Diana; unanimously approved; motion duly carried. The meeting moved into Executive Session at 10:50 p.m.

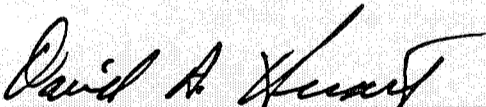
Mr. Diana moved to go out of Executive Session at 11:00 p.m. This motion was seconded by Mr. Krupp and unanimously approved; motion duly carried.

Mr. Krupp moved to authorize payment of \$1,150 in the case of Elaine Dworkin, et al. vs. The Board of Tax Review. Mr. Killen seconded the motion which was unanimously approved; motion duly carried.

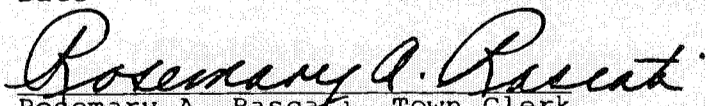
Mr. Krupp moved to authorize payment of a settlement of a claim in the amount of \$7,500 in the case of Valerie Levack vs. The Town of Wallingford. Mr. Diana seconded the motion which was unanimously approved; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 11:05 p.m.

Delores B. Fetta  
Council Secretary

Approved   
David A. Gessert, Vice Chairman

9-4-84  
Date

  
Rosemary A. Rascati, Town Clerk

9-5-84  
Date

RECEIVED  
Office of Town Attorney

FEB 17 1934

474

FLOOD ENCROACHMENT

FIRST PIECE

Beginning at a monument on the southerly street line of East Center Street. Said monument marks the northwest corner of land of Ester Leete Smith and the northeast corner of land of the Town of Wallingford, thence in a southerly direction 460'± along the westerly line of Smith to the true point of beginning:

thence in a southeasterly direction 695'± to a point on the westerly street line of Northford Road;

thence southerly along the westerly street line of Northford Road 855'± to its intersection with the westerly street line of Tyler Mill Road;

thence southerly along the westerly street line of Tyler Mill Road 100'± to a point;

thence northwesterly along the line of Smith 50'± to a point;

thence southwestery along the line of Smith 56'± to a point;

thence southeasterly along the line of Smith 50'± to a point on the westerly street line of Tyler Mill Road;

thence southerly along the westerly street line of Tyler Mill Road 190'± to a point;

thence in a northeasterly direction 210'± to a point;

thence in a northwesterly direction 295'± to a point;

thence in a northeasterly direction 290'± to a point;

thence in a northwesterly direction 675'± to a point on the westerly line of Smith;

thence along the westerly line of Smith in a northeasterly direction 26'± to the true point of beginning.

SECOND PIECE

Beginning at a point on the easterly street line of Northford Road which marks the northwest corner of land owned by Ester Leete Smith and land owned by the Town of Wallingford

thence in a southeasterly direction along the line of Smith 55'± to a point;

thence in a southwestery direction 285'± to a point on the easterly street line of Northford Road;

thence in a southerly direction along the easterly street line of Northford Road 90'± to a point;

thence a southeasterly direction 170'± to a point on the easterly line of Smith;

thence southwesterly along the easterly line of Smith 130'± to a point; 475  
thence southwesterly along the southerly line of Smith 20'± to a point on  
the easterly street line of Northford Road;

thence in a northerly direction 580'± along the easterly street line of  
Northford Road to the point of beginning.

It is the intent of this instrument to delineate that land of Smith which may  
be temporarily inundated due to storm water runoff from a 100 year frequency  
storm. All dimensions and descriptions taken from a map entitled "Map Showing  
Flood Pool Encroachment on Land of Ester Leete Smith, Based on Flood Flows From  
One Hundred Year Frequency Storm, Scale 1" = 200', February 1984" as filed in  
the Wallingford Land Records.

#### CONSTRUCTION EASEMENT

A fifty (50) foot wide temporary construction easement as measured  
fifty (50) feet and parallel to the outside westerly edge of the  
existing Northford Road starting at a point one hundred (100) feet  
north of the existing culvert on land owned by Ester Leete Smith  
and extending two hundred and fifty (250) feet southerly and;

A sixty (60) foot wide temporary construction easement as measured  
sixty (60) feet and parallel to the outside easterly edge of the  
existing Northford Road beginning at the north-west corner of land  
owned by Ester Leete Smith and extending one hundred (100) feet  
southerly.

It is the intent of this instrument to delineate that land of Smith  
which will be temporarily disturbed during the course of construction  
activities relating to the Mackenzie Dam renovation.

EASEMENT IN FAVOR  
OF THE TOWN OF  
WALLINGFORD

MAP SHOWING EXTENT OF  
FLOOD POOL ENCROACHMENT ON  
LAND OF ESTER LEETE SMITH, BASED  
ON FLOOD FLOWS FROM ONE HUNDRED  
YEAR RETURN FREQUENCY STORM.  
SCALE: 1" = 200'. FEBRUARY, 1984.

DAVID W. JULIANO & ASSOCIATES  
CONSULTING ENGINEERS & LAND SURVEYORS  
WALLINGFORD, CONNECTICUT

**TOWN OF WALLINGFORD, CONNECTICUT  
DEPARTMENT OF PUBLIC UTILITIES  
WATER AND SEWER DIVISION**

MAP SHOWING EXTENT OF TEMPORARY EASEMENT  
IN FAVOR OF THE TOWN OF WALLINGFORD  
FOR PURPOSES OF FLOOD CONTROL CONSTRUCTION

SCALE	DATE	DRAWN BY	SHEET NO.	IDENT. NO.
1" = 100'	2/17/84	ML	1001	

