

TOWN COUNCIL MEETING

MARCH 28, 2000

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
 - a. Consider and Approve One (1) Tax Refunds (#376) Totaling \$50.39 – Tax Collector
 - b. Consider and Approve a Transfer of Funds Totaling \$3,626 from Various Accounts within the Department of Public Works' Budget to Purchase Professional Services – Tree Contracts Acct. #001-5015-901-9023
 - c. Consider and Approve a Budget Amendment in the Amount of \$31,000 to Outside Contractor Acct. #001-2005-101-1800 and to Charges for Current Service Acct. #001-1065-060-6020 – Dept. of Police Services
 - d. Consider and Approve a Request from the First Congregational Church to Use the Parade Grounds on Sunday, June 4th from 8:00 A.M. to Approx. 12:30 P.M. for a special Colonial Worship Service at 10:00 A.M. Followed by a Picnic Reception – Mayor's Office
 - e. Consider and Approve a Request from the Korean War Veterans Committee to Use the Parade Grounds, Town Hall Steps and Surrounding Areas on Sunday, June 25th at 2:00 P.M. to Conduct a Ceremony Commemorating the End of the Korean War
 - f. Approve and Accept the Minutes of the March 6, 2000 Special Town Council Meeting

RECEIVED FOR RECORD 4-4-2000

AT 9 H 45 M A M AND RECORDED BY

Shirley Piscati TOWN CLERK

- g. Approve and Accept the Minutes of the March 14, 2000 Town Council Meeting
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve One (1) Re-Appointment to the Position of Alternate on the Inland Wetlands Commission for a Term of Three (3) Years to Expire 1/8/2003
7. Discussion and Action Regarding a Three (3) Year Extension of an Easement on Town-Owned Property at the Corner of Silk Street and Washington Street With Yankee Gas Company for Environmental Studies and Remediation Efforts and Authorize the Mayor to Sign an Agreement with Yankee Gas Company for Said Extension of Easement – Town Attorney
8. Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes To Discuss Pending Litigation on the Following Tax Appeals:
 - Kalimian v. Town of Wallingford
 - Quest Diagnostics v. Town of Wallingford
 - Bristol Myers v. Town of Wallingfordand to Discuss Pending Litigation Involving the Assessment of 909 North Colony Road – Town Attorney
9. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Leasing of Real Estate as Requested by Councilors Brodinsky, Papale, Vumbaco & Zappala
10. Consider and Approve the Settlement of Pending Litigation Involving Kalimian v. Town of Wallingford as Discussed in Executive Session
11. Consider and Approve the Settlement of Pending Litigation Involving Quest Diagnostics v. Town of Wallingford as Discussed in Executive Session
12. Consider and Approve the Settlement of a Pending Claim Involving the Assessment of 909 North Colony Road as Discussed in Executive Session

TOWN COUNCIL MEETING

MARCH 28, 2000

6:30 P.M.

SUMMARY

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5. Public Question and Answer Period – Electric Division Billing/Computer Problems; Tax/Utility Liens; Meeting procedures; Comments Re: Format Used for Taking Questions from Audience; Power Plant Contract; Tree stuck on Wallace Dam	2-8
6. Approve the Re-Appointment of James Heilman as an Alternate on the Inland Wetlands Commission for a Term of Three Years to Expire 3/1/2003	8-9
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8. Executive Session – 1-200(6)(B) – Pending Litigation <ul style="list-style-type: none">- Kalimian v. Town of Wallingford- Quest Diagnostics v. Town of Wallingford- Bristol Myers v. Town of Wallingford – WITHDRAWN	12-13
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12. Withdrawn	

TOWN COUNCIL MEETING

MARCH 28, 2000

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, March 28, 2000 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:34 P.M. Councilors Brodinsky, Centner, Farrell, Papale, Parisi, Rys, Vumbaco and Zappala answered present to the Roll called by Town Clerk Rosemary A. Rascati. Councilor Knight was out of the country. Mayor William W. Dickinson, Jr., Town Attorney Janis M. Small and Comptroller Thomas A. Myers were also present.

A blessing was bestowed upon the Council by Rev. Margaret Jay, Minister of Outreach and Program Development at the First Congregational Church, United Church of Christ.

The Pledge of Allegiance was given to the Flag.

A moment of silence was observed for Wallingford Firefighter (32 years), Louis Sparico (Ret.), Past President and Exec. Bd. Member of the Wlfd. Firefighters Union Local 1326.

ITEM #2 Correspondence

No items of correspondence were presented.

Mr. Parisi announced that the last item under Agenda Item #8 is withdrawn as well as Agenda Item #12.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve One (1) Tax Refunds (#376) Totaling \$50.39 – Tax Collector

ITEM #3b Consider and Approve a Transfer of Funds Totaling \$3,626 from Various Accounts within the Department of Public Works' Budget to Purchase Professional Services – Tree Contracts Acct. #001-5015-901-9023

ITEM #3c Consider and Approve a Budget Amendment in the Amount of \$31,000 to Outside Contractor Acct. #001-2005-101-1800 and to Charges for Current Service Acct. #001-1065-060-6020 – Dept. of Police Services

ITEM #3d Consider and Approve a Request from the First Congregational Church to Use the Parade Grounds on Sunday, June 4th from 8:00 A.M. to Approx. 12:30 P.M. for a Special Colonial Worship Service at 10:00 A.M. Followed by a Picnic Reception – Mayor's Office

ITEM #3e Consider and Approve a Request from the Korean War Veterans Committee to Use the Parade Grounds, Town Hall Steps and Surrounding Areas on Sunday, June 25th at 2:00 P.M. to Conduct a Ceremony Commemorating the End of the Korean War

ITEM #3f Approve and Accept the Minutes of the March 6, 2000 Special Town Council Meeting

ITEM #3g Approve and Accept the Minutes of the March 14, 2000 Town Council Meeting

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

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

ITEM #4 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD - 6:38 P.M.

Mr. Parisi announced that the Public Question and Answer Period will be thirty (30) minutes in length, under the Council's new rules which were just adopted. He reminded everyone that there will be a one question rotation format, as adopted in the revised rules.

Philip Wright, Sr., 160 Cedar Street gave the definition of the word "accountability" which when taken from the dictionary reads, "subject to giving an account; answerable for; responsible for." He proceeded to give a summarized history of his childhood and the chores for which he was accountable/responsible on the family farm in upstate New York. He stated that one of his responsibilities was collecting the eggs from the hen house and delivering them to the family's farmhouse unbroken. When he was approximately 7 years of age and carrying a basket full of eggs to the house, he was distracted by his cow dog, fell and broke all of the eggs. He was held accountable. His bottom was "warmed" and he was sent to bed without supper. He learned what accountability was. He wished there were accountability in the Town of Wallingford. A few days ago he received his electric bill for \$130.64 payable today. This must be a mistake for he sent a check for \$141.49 on March 9th. Upon visiting the Electric Division, Cindy Melvin informed him that he did not owe anything. In fact, he had a credit due him of \$10.84. The bill he recently received

was issued before his last check was posted. He stated that when an individual such as he, is in their 81st year of life, every minute of every day becomes extremely precious. One wants to spend those minutes as one chooses, in some meaningful manner or way. Coping with computer glitches is not his idea of having fun. The Mayor acknowledges that it (the computer problem) is frustrating. Tom Myers acknowledges that the Town's software is antiquated. Who is our Chief Executive? Who has been the Town's Comptroller for almost forever? Who has oversight over the financial matters of the P.U.C., he asked. It is readily acknowledged that the P.U.C. Director, our two General Managers and almost everyone else in town government is especially well-paid. Several times in recent years Mr. Wright stated that he thought computer technology and oversight was sadly lacking in Wallingford. He suggested that a position entitled, "Computer Czar" be created to handle what the Town will live by in the future. Councilor Centner should remember for he said at one point in his career that he would like to have the job, if it was ever created. It never came to pass. To state that our software is 1969 vintage and that there are snags and potholes along the way and that we won't pay for the system until it is fixed is totally unacceptable, he stated. That does not acknowledge accountability.

Mr. Wright continued, at the last P.U.C. meeting I asked who Mr. Wallingford was going to be for the total and complete oversight for the building and installation of the new power plant? Mr. Smith answered with some fellow's name, who is an operator at the Pierce Plant, stating that the fellow will do some supervising and others will do other functions as they come along. We are setting ourselves up for another computer debacle that may have more serious and permanent consequences. Perhaps the lack of specific responsibility is by design. We can't blame Don Roe, or Tom Dooley or Henry McCully or Adam Mantzaris.

Mr. Parisi pointed out that names should not be referred to and that Mr. Wright's comments were becoming an editorial. This is the very thing that has been discussed in the past; this is supposed to be question and answer period and not an editorial.

Mr. Wright stated that he has a question.

Mr. Parisi replied, it is not in the format in which the Council prefers to have it.

Mr. Wright continued, perhaps we should have left interdepartmental e-mail in the program. He asked, do you as Councilors feel any responsibility for these conditions and what do you think we can do about the situation?

Mr. Parisi answered, I just paid my electric bill because it was due in three days just like Mr. Wright's. My last bill was less than twenty-five (25) days ago and he paid that one also. I can discount that there is no preferential treatment because I was treated the same as you, Mr. Wright. I have accepted the reasoning because I have seen it in other places.

Some of my colleagues tell me that some systems work perfectly and I don't doubt that they do. For some unfortunate reason it appears as though our (system) is not working perfectly. They have asked us to try and cooperate and get along with it and I guess that is what I am doing and I suppose that is what most of the people will do. I did not like it any more than you did and I called up too. They told me that I didn't pay the last one within the twenty-five (25) day limit and therefore I had to pay within three days. I didn't realize that was the situation so I brought my bill tonight and dropped it in the payment box. I am not happy with it...but I don't know if I can...

Mr. Wright asked, do you accept that you have no responsibility for trying to prevent this type of thing from happening and for trying to get some accountability? We hired good people here and spent good money to make this thing work. I said we have spent good money but I am not so sure we hired good people. There have been too many people with their fingers in the pie. It all seemed to get going with Y2K. We got by that pretty easy, but that is all we got by. Everything else is falling apart.

Mr. Parisi replied, I have seen this happen before with new systems. I saw it up at Gaylord Hospital. I am sure we are having very serious discussions with the vendor, the same as they did at Gaylord Hospital.

Mr. Wright asked if anything was learned by Gaylord's experience?

Mr. Parisi answered, I learned that we were in a position where we were really working uphill. We had to slug it out and get it corrected; that is what I learned.

Mr. Wright stated, what you are saying is this problem is not preventable and no one should be held accountable?

Mr. Parisi denied saying such a statement. He stated, some installations go smoothly and some don't. I think it has a lot to do with the vendor. I don't think it has too much to do with the company.

Mr. Wright stated, those installations that go smoothly are probably managed. He asked, who chooses the vendor?

Mayor Dickinson answered, it was by public bid. We first hired a consultant with very good references. They assisted in developing specifications which resulted in public bid. The bids were reviewed by our consultant and ultimately the lowest responsible bidder was chosen. The specifications were reviewed by all of the using departments. Everyone had input with the process.

Mr. Wright asked the Mayor, do you accept this as being normal? Did all this go according to plan?

Mayor Dickinson answered, no and it has not gone according to any plan that I would choose. I am no great fan of the technology from the beginning. It runs a very hard proof when it comes to me. Am I pleased? No, I am not pleased. Reality is that we have to deal with problems. I, like Bob, am aware that with most of the large systems, one time or another, you end up with problems and you call up and people can't give you answers. It is not an unknown thing with this type of technology. It is very inconvenient and very frustrating.

Mr. Wright answered, it is inexcusable. If we had made some person totally accountable for this, at least when the time came for him to get a salary review, we could say that he did not cut it and we would not give him a raise. That is what would happen in industry.

Mr. Parisi answered, we had that up the hospital and, quite frankly, it did not work any better; there was one guy in charge.

Mr. Wright stated, I have lost all faith.

Jack Agosta, 505 Church Street, Yalesville asked how much is the Town holding in liens against property? Is it part of our budget or surplus or general fund?

It was explained to Mr. Agosta that liens are not accounted for as revenue until received. They appear nowhere in the budget until such time as they are paid. The Town Clerk's Office receives the fees associated with the filing of liens. The lien itself would be reported by the utility when it is paid to them.

Mr. Agosta stated, there are over \$100,000 in property taxes owed on the Goldfeder property to the Town. Does that continue on for so many years?

Thomas Myers, Comptroller, answered that it remains continuous for fifteen years. At the end of fifteen years it falls off and the first year would go on. There is fifteen years on the books at all times according to state law. There could be some properties that the Town doesn't choose to own.

Mr. Agosta asked if the Town ever collected back taxes owed it on the 34 S. Turnpike Road property?

Mayor Dickinson answered, if that was the property sold at auction, we were paid some of our amounts owed. I don't believe that we received all of them. A private party bought the property.

Wes Lube, 15 Montowese Trail spoke to the Town Council Meeting Procedures. He stated that Roberts' Rules of Order which is used to supplement the Council's procedural rules go to great length to try and protect a minority from a run away majority and to stop them from running roughshod over a relatively defenseless minority. The majority's will usually does prevail under Roberts' Rules but on some fairly important points, Robert's Rules requires a two-thirds vote. For example, to amend the rules requires a two-thirds vote. Your procedural rules allows your rules to be amended with a bare majority of five. For example, Roberts' Rules says, "to suspend the rules" requires a two-thirds vote and then only for a very special reason. In contrast, your procedural rules allow them to be suspended with a vote of only five. In effect, your rules only exist as long as they don't get in the way of the majority. Roberts' Rules, known far and wide for their fairness and even balance, are contorted by your procedural rules which allow them to be disbanded or dispensed with whenever it is the whim of the majority. Your failure to address this autocratic, polarizing, dictatorial inequity at your last meeting did not go unnoticed. Could you explain why you feel that your procedural rules are more fair?

Mr. Parisi answered, no, I will not try to explain it tonight but I will explain it at another meeting.

Frank Wasilewski, 57 North Orchard Street stated, I have been after the Electric Division since the new computer system started. I was the one that suggested that the penalty period be extended. When I saw that wasn't working, I suggested that they suspend the penalty until this is all straightened out so that more problems aren't created with the billing. That is all they had to do. Every time they had a meeting I would be there and ask them how it was going. They would say that they had a few more glitches to get over and then it would be all right. This has been going on for weeks now. I had my meter read the first of March and I got a bill close to fourteen days after I got my bill. They told me everything would be worked out fine because they were going on a regular schedule and my reading would take place on March 24th. I will believe it when I see it. I had one bill that was 38 days; another 34 days and it came to 109 days for three months. We don't have that many days in three months. I came to the Electric Division office, we checked the computer and I came out knowing less than when I came in. I hope everything is straightened out as of March 24th. I would not have tolerated it this long because I worked for the Hartford Fire (Insurance Co.) and I.T.T. When I.T.T. took over, we had signs all over the building and banners hanging off the front of the building "zero defects" and that is what we should have here, zero defects. One defect; out you go.

Mr. Parisi replied, we wouldn't have anybody here probably.

Pasquale Melillo, 15 Haller Place, Yalesville stated if it ain't broke, don't fix it. For years and years we never had a problem with the old system that handled the electric billing.

Mr. Melillo passed along a newspaper article to the Council secretary on school renovations and asked that it be copied and passed on to all the Councilors.

With regards to the Goldfeder property, Mr. Melillo asked, who owns the property?

Mayor Dickinson answered, Mr. Goldfeder owns it, as far as I know. I have not searched the title. I know the Town does not own it and as far as I know the bank did not foreclose on it. It leaves the property either in the bankrupt corporation or in Mr. Goldfeder's name.

Mr. Melillo suggested that the matter be researched to determine once and for all who owns the property.

Wes Lube, 15 Montowese Trail stated, when attending one of the P.U.C. meetings earlier when the computer billing problems first came up, they voted to extend the due dates by thirty (30) days. When the problems weren't corrected, they should have done it again. I think that is where the correction should be. People should be given more time. They should not be charged a late fee.

Mr. Parisi agreed.

Mr. Lube stated that it has been two months since Mr. Parisi directed the Law Department to prepare a lease for the former American Legion Building.

Mr. Parisi replied, it is in process and we have another meeting scheduled. We had a meeting last week at which time we did a walk-through the building and we are going to have a meeting with the principle in a couple of weeks. It is moving quite along.

Jack Agosta, 505 Church Street, Yalesville stated, he was not criticizing Mr. Parisi, but last week when the special meeting was held on the purchase of George Washington Trail Mr. Parisi mentioned, without realizing it, that he would take one speaker from each side. Most people don't realize that he meant one speaker from each side of the room and may interpret that to mean, one speaker from each side of the issue. Mr. Parisi needs to be sensitive to that thought and format in the future. People may have gotten the wrong impression that certain individuals were against the action when, in fact, they were not.

Mr. Parisi explained that he handled the matter in such a way as to give balance to the people coming to the microphone. It had nothing to do with anyone being against anything or anyone. We should not be over-sensitive to these things; I was merely trying to keep order.

Pasquale Melillo, 15 Haller Place, Yalesville asked if the power plant contract is legally finalized?

Mayor Dickinson answered, yes.

Mr. Melillo stated, with the high price of oil, many people are switching to gas as their chief source of fuel. We should try to get some of that profit if we can.

Mr. Centner stated, a number of the Town buildings, namely the schools, have dual-burner systems; they switch to gas when the oil prices are high and back to oil when the gas prices are high.

Mr. Melillo was pleased to hear that.

Mr. Lube stated, at the last Public Q&A it was reported that a tree is hung up on Wallace Dam and it is an embarrassment to the entrance of our Town. At that time the Chairman of the P.U.C. volunteered the equipment of the utility to assist in the tree removal. It is still there.

Mr. Parisi answered, that is right because it is not a top priority item. It will eventually probably be moved but it also hasn't been determined whether it is private property or not.

Mr. Lube stated, you don't have the right to say that the tree is not bothering anyone because that is all inclusive. Until you go out and ask everyone, you can't say that. John Thompson, Town Engineer, has researched and found that the Town owns the dam.

Mr. Parisi announced that Mr. McCully has offered to help with it as soon as he can. At this point they are reviewing how to get someone out to the dam to secure the log.

Mr. Lube stated, it is only seven inches deep at the dam. It is very shallow because it has filled in with sediment. Someone can walk out there with hip-high boots.

Mr. McCully is working on the matter.

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

ITEM #6 Consider and Approve One Re-Appointment to the Position of Alternate on the Inland Wetlands Commission for a Term of Three (3) Years to Expire 1/8/2003

Motion was made by Ms. Papale to Re-Appoint James Heilman to the Position, seconded by Mr. Zappala.

Ms. Papale stated that Mr. Heilman is not only known to many due to his involvement with Sheehan High School but also because he has been on the Inland Wetlands Commission since its inception as a land use board and is a valued member.

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

Town Clerk Rosemary Rascati performed the Swearing In Ceremony at this time.

ITEM #7 Discussion and Action Regarding a Three (3) Year Extension of an Easement on Town-Owned Property at the Corner of Silk Street and Washington Street with Yankee Gas Company for Environmental Studies and Remediation Efforts and Authorize the Mayor to Sign an Agreement with Yankee Gas Company for Said Extension of Easement - Town Attorney

Motion was made by Mr. Rys to Approve the Easement, Authorize the Mayor to Sign the Agreement and Attach a Copy of it to the Minutes of the Meeting, seconded by Mr. Farrell. (Appendix I)

Paul Ferry, a representative from Yankee Gas and Northeast Utilities who have recently merged. He is managing the remediation effort on the subject property.

Philip Wright, Sr., 160 Cedar Street, asked for a specific explanation as to what remediation efforts will take place.

Mr. Ferry answered, a series of soil and groundwater studies have been performed. As a result of those studies, we have hired a consultant to put together a remediation plan to clean up the tar deposit. This easement allows us to access the Town property to go in with the equipment to excavate the tar deposit. The area is about 500' away from the river.

Mr. Wright asked, do you accept responsibility for the deposits in the river?

Mr. Ferry answered, by law we are liable for any of the actions that we take.

Wes Lube, 15 Montowese Trail, asked, is the easement that is being renewed or extended modified in any manner?

Atty. Small answered, not in any substantive way. It talks about adding a fence around the area and refers to monitoring wells which was part of the original easement. It is pretty much an extension of the original easement.

Mr. Lube asked, will Yankee Gas/Northeast Utilities be, in any way, interrupting the work that is going to be done on the senior center and its parking lot?

Mr. Ferry answered, we have been in close communication with the Town Engineer. As part of the remediation plan, we will be building a parking lot for the senior center.

Mr. Lube asked, is it going to be built on Town-owned land or Yankee Gas land?

Mr. Ferry answered, Yankee Gas land.

Mr. Lube asked if it will remain Yankee Gas land even though it has a senior center parking lot on it?

Mr. Ferry stated that he was not sure of the details, whether it remains Yankee Gas' land or if it will be donated to the Town.

Mr. Lube reminded everyone of the Mayor's reluctance to take on liability. If there has been some remediation on that land, there is probably the question of possible future...

Mr. Ferry answered, the location of the parking lot on the property is on the "clean" part of the land. We will still be excavating the "dirty" part. The addition of the fence we included on the easement is temporary and is strictly for safety reasons. When the job is completed we will be returning the area to a nice looking appearance.

Mr. Lube asked if the parking lot will have an impervious surface?

Mr. Ferry answered, yes. It will be asphalt and we will be following state requirements with regards to the parking lot.

Mr. Farrell asked, we have had a similar easement in place and are now renewing it; when can we expect that we are going to see some clean up here? It has been eighty (80) years...it has been much too slow.

Mr. Ferry answered, they are complex sites and there are a lot of issues going on that have to be resolved. We are in the stage where we are finalizing the bid package. Our goal is to complete remediation prior to the completion of the senior center renovation.

Mr. Farrell asked, how do we know this problem won't continue to "creep"? It has crept onto abutting properties and Yankee Gas has had to buy some of that land. Do we know that this is contained and not creeping into downtown Wallingford?

Mr. Ferry answered, there is no natural way to contain the material. The substance is very similar to roofing tar or sealcoating material. It is thick and hydrophobic. It tends to stick to soil; it does not like water. The material, as a whole, does not migrate. You may have some portions of it, small portions, that dissolve and migrate. Evidence has shown that a small degree of migration is heading towards the river. In the same respect, chemistry shows that there is a natural consumption of the contaminants by the time they reach the river. We are looking to excavate the source; there are two areas historically they used as areas of deposition.

Frank Wasilewski, 57 N. Orchard Street asked, how large an area will you excavate now?

Mr. Ferry answered, the total amount of soil that will be handled will be about 45,000 cubic yards.

Mr. Wasilewski asked, what will you be putting back to replace that soil?

Mr. Ferry answered, the majority of the soil we are moving is fine. The lake covers part of the property.

Mr. Wasilewski asked, if we filled the lake up, what kind of harm could we expect from the tar, even if it is still mixing with the soil?

Mr. Ferry answered, I don't know.

Mr. Wasilewski asked if we have ever gotten the results from the test wells that were put in approximately three years ago?

Mr. Ferry answered, they were never intended for the town. The purpose of the testing was to develop a remediation plan which is what we have now.

Mr. Wasilewski had his doubts about the project but wished Mr. Ferry good luck.

Pasquale Melillo, 15 Haller Place, Yalesville asked if Yankee Gas/Northeast Utilities has D.E.P. approval?

Mr. Ferry replied, this is a voluntary effort, no one is forcing us to clean up the site. We will present our plan to D.E.P. and ask them for input.

Mr. Melillo asked if a site has been designated at which to dump the contaminated soil?

Mr. Ferry explained, a disposal facility will be sought out by Yankee Gas and Northeast Utilities as part of the bid specification requirements. It will be destroyed, not simply disposed of.

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

ITEM #8 Executive Session Pursuant to Section 1-200(6)(B) of the CT. General Statutes To Discuss Pending Litigation on the Following Tax Appeals:

Kalimian v. Town of Wallingford
Quest Diagnostics v. Town of Wallingford
Bristol Myers v. Town of Wallingford

and to Discuss Pending Litigation Involving the Assessment of 909 North Colony Road – Town Attorney

ITEM #9 Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes Pertaining to the Purchase, Sale and/or Leasing of Real Estate as Requested by Councilors Brodinsky, Papale, Vumbaco & Zappala

Motion was made by Mr. Rys to Enter Into the Executive Sessions mentioned above, seconded by Mr. Farrell.

VOTE: Knight was absent; all ayes; motion duly carried.

Wes Lube, 15 Montowese Trail asked what the rationale was for entering executive session pertaining to Item #9?

Mr. Parisi answered, I will not discuss that item right now.

Mr. Lube asked if he could ask that of the four Councilors who are proposing the item? Is there some reason why that is in executive session?

Mr. Parisi answered, it must have been deemed to be....I don't even know what the item is myself. I will find out about it.

The Council entered executive session at 7:34 P.M.

Present in executive session were all Councilors (with the exception of Mr. Knight), Mayor Dickinson, Atty. Small, Jeff Borne, Chairman of the Conservation Commission, John Lathrop, Conservation Commission member and State Rep. Mary Mushinsky who entered the executive session at 8:45 P.M. and left at 8:46 P.M.

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

VOTE: Knight was absent; all ayes; motion duly carried.

The Council exited executive session at 9:23 P.M.

ITEM #10 Consider and Approve the Settlement of Pending Litigation Involving Kalimian v. Town of Wallingford as Discussed in Executive Session

Motion was made by Mr. Rys to Settle the Case of Kalimian v. Town of Wallingford as Discussed in Executive Session, seconded by Mr. Farrell.

VOTE: Knight was absent; all ayes; motion duly carried.

ITEM #11 Consider and Approve the Settlement of Pending Litigation Involving Quest Diagnostics v. Town of Wallingford as Discussed in Executive Session

Motion was made by Mr. Rys to Approve the Settlement of a Case Involving Quest Diagnostics v. Town of Wallingford as Discussed In Executive Session, seconded by Mr. Farrell.

VOTE: Knight was absent; all ayes; motion duly carried.

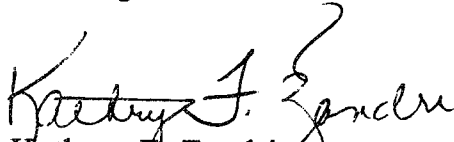
ITEM #12 Withdrawn

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

VOTE: Knight was absent; all ayes; motion duly carried.

There being no further business, the meeting adjourned at 9:24 P.M.

Meeting recorded and transcribed by:


Kathryn F. Zandri
Town Council Secretary

Approved by: Robert F. Parisi
Robert F. Parisi, Chairman

4-25-2000
Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

4-25-2000
Date

COPY

EXTENSION OF TEMPORARY EASEMENT

WHEREAS, on August 5, 1997, the TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut, ("Town") granted a temporary easement to YANKEE GAS SERVICES COMPANY, a specially chartered Connecticut corporation with an office and principal place of business located in the City of Meriden, Connecticut, ("Yankee Gas"), which easement is recorded in Vol. 868, Page 127 of the Wallingford Land Records.

WHEREAS, said Temporary Easement was for the purpose of allowing Yankee Gas to enter upon property of the Town located at the intersection of Silk street and Washington Street, the site of Yankee Gas' former manufactured gas plant, to conduct certain environmental studies leading to remediation of the site.

WHEREAS, said Temporary Easement was for a period not to exceed two years..

WHEREAS, Yankee Gas has determined that more time is required for it to complete its studies and the Town has determined that it is in its best interest to allow Yankee Gas to continue with said studies.

NOW THEREFORE, in consideration of one dollar and other good and valuable consideration, the Town hereby grants unto Yankee Gas a three (3) year extension of said Temporary Easement effective March 1, 2000 through February 28, 2003.

NOW THEREFORE, in addition to the rights granted to Yankee Gas in the Temporary Easement, Yankee Gas shall be further granted certain rights as follows:

1. The right to erect a fence to encompass the area of remediation. Said fence to be removed upon completion of the remediation activity.
2. Exhibit "A", as attached to the Temporary Easement, shall be amended to include the enhanced remediation area as shown on Exhibit "A-1" attached hereto and made a part hereof.
3. The right to install monitoring wells as required which shall include metering devices and any necessary appurtenances.
4. The continual right, which shall automatically renew annually without the need for additional grants, to enter upon the Town's property for the purpose of assessing the remediation effort.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals to this agreement and to a duplicate of like tenor and effect.

Signed, sealed and delivered in presence of:

GRANTOR: TOWN OF WALLINGFORD

SIGNATURE, WITNESS FIRST

TYPED OR PRINTED NAME

SIGNATURE, WITNESS SECOND

TYPED OR PRINTED NAME

BY: _____
WILLIAM W. DICKINSON, JR.

ITS: Mayor, Duly Authorized

DATED: March , 2000

John A. Chenku

SIGNATURE, WITNESS FIRST

JOHN A. CHENKU

TYPED OR PRINTED NAME

Kristen W. Burdick

SIGNATURE, WITNESS SECOND

KRISTEN W. BURDICK

TYPED OR PRINTED NAME

GRANTEE:: YANKEE GAS SERVICES COMPANY

BY: *Tom McDermott*

THOMAS R. McDERMOTT

ITS: Manager Facilities, Duly Authorized

DATED: March 7, 2000

