

TOWN COUNCIL MEETING

AUGUST 15, 2000

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call
2. Correspondence
3. Consent Agenda
  - a. Consider and Approve Tax Refunds - Tax Collector – **Withdrawn**
  - b. Consider and Approve the Minutes of the July 31, 2000 Special Town Council Meeting
  - c. Note for the Record Mayoral Transfers Approved to Date
  - d. Note for the Record Anniversary Increases Approved by the Mayor to Date
  - e. Consider and Approve a Transfer of \$11,300 from Health Insurance Acct. #8035-800-8300 to Self-Insurance Deductible Acct. #8030-800-8270 – Personnel
  - f. Consider and Approve a Budget Amendment in the Amount of \$5,000 to Revenue Acct. #226-1040-700-7010 and to Project Expenses Acct. #226-9001-600-6500 – Youth & Social Services
  - g. Consider and Approve a Budget Amendment in the Amount of \$5,122 from Appropriation from '99/00 Balance Acct. #230-1041-900-1001 to Project Graduation – Donations Acct. #230-9001-900-9061 – Youth & Social Services

- h. Consider and Approve an Appropriation of Funds in the Amount of \$274 To Wages Acct. #108-9000-101-1000 and to Contribution-Gen. Fund Acct. #108-1040-050-5001 – Dept. of Health
  - i. Consider and Approve a Transfer of Funds in the Amount of \$4,500 from Regular Salaries & Wages Acct. #001-2005-101-1000 to Purchase Services - Crossing Guards Acct. #001-2005-901-9014 – Dept. of Police Services
  - j. Consider and Approve an Appropriation of Funds in the Amount of \$16,000 to Revenue: Appropriation from Prior Year (1998-99) Fund Balance Acct. #064-0400-010-1001 and to Expenditures: Program Expenses Acct. #064-4000-600-6500 – Dept. of Parks & Recreation
  - k. Consider and Approve a Resolution Amending Subsection 3.e of the Fee Schedule for Disposal of Solid Waste at the Resident Disposal Program to Allow Disabled Residents Under the Age of 65 to Use a Social Security Administration Award Certificate as Proof of Eligibility to Qualify for the Same Waste Disposal Privileges as Residents Over the Age of 65
  - l. Consider and Approve a Revised “Letter of Agreement” between the Town of Wallingford and the City of Meriden Concerning Federal TEA-21 High Priority Funds for the Quinnipiac River Linear Trail – Engineering
  - m. Consider and Approve Renewing a Lease Agreement Between the Town of Wallingford and the Committee on Aging, Inc. for Premises Known as 284 Washington Street for a Term of One (1) Year Commencing Sept. 1, 2000 at a Rental Rate of One Dollar (\$1.00) Per Year - Mayor
4. Items Removed from the Consent Agenda
  5. PUBLIC QUESTION AND ANSWER PERIOD
  6. Consider and Approve the Minutes of the July 18, 2000 Town Council Meeting
  7. Report Our Regarding the American Legion Building Lease as Requested by Chairman Robert F. Parisi

8. Report Out on the Present Condition of the Garden Road Property and Discussion Concerning Possible Future Uses of the Property as Requested by Vice Chairman Raymond J. Rys, Sr.
9. Report Out from the Fire Prevention Bureau Regarding their Annual Report as Requested by Councilor Stephen W. Knight and Chairman Robert F. Parisi
10. Consideration and Possible Action (referral to Ordinance Committee) with Respect to a "Seiter Hill" Ordinance Pursuant to Public Act 99-225 as Requested By Councilors Brodinsky, Papale, Vumbaco and Zappala.
11. Discussion on Progress Made on a "Blighted Building" Ordinance, Including an Update from the Mayor on Action to be Taken, if any, Regarding Stricter Enforcement of Ordinances which Currently Exist as Requested by Councilors Brodinsky & Vumbaco.
12. Consider and Approve a Transfer of Funds in the Amount of \$4,659 from Misc. Distribution Expenses Acct. #598 to Purchased Power Acct. #555 of the F.Y. 1999-2000 Budget Year - Electric Division
13. Consider and Approve a Transfer of Funds in the Amount of \$310 from Street Light Signal Acct. #373 to Leased Property Acct. #372 of the F.Y. 1999-2000 Budget of the Electric Division.
14. Consider and Approve a Transfer of Funds in the Amount of \$120 from Misc. Distribution Exp. Acct. #598 to Street Light Signal Exp. Acct. #585 of the F.Y. 1999-2000 Budget of the Electric Division
15. Consider and Approve a Transfer of Funds in the Amount of \$1,750 from Misc. Distribution Exp. Acct. #598 to Meter Expense Acct. #586 of the F.Y. 1999-2000 Budget of the Electric Division
16. Consider and Approve a Transfer of Funds in the Amount of \$46,900 from Customer Records & Collections Acct. #903 to Overhead Lines Expense Acct. #593 of the F.Y. 1999-2000 Budget of the Electric Division

17. Consider and Approve a Transfer of Funds Totaling \$14,350 from Employee Pension & Benefits Acct. #926-000 of which \$1,300 is Transferred to Property Insurance Acct. #924-000; \$1,850 is Transferred to Liability Insurance Acct. #925-000 and \$11,200 is Transferred to Workman's Compensation Acct. #925-001 in the F.Y. 1999-2000 Budget of the Sewer Division
18. Consider and Approve a Transfer of Funds Totaling \$4,650 from Maint. Dist. Res. & Standpipes Acct. #672-000 of which \$1,150 is Transferred to Chemical Expenses Acct. #641-000; \$550 is Transferred to Property Insurance Acct. #924-000 and \$2,950 is Transferred to Liability Insurance Acct. #925-000 In the F.Y. 1999-2000 Budget of the Water Division
19. Consider and Approve a Transfer of Funds in the Amount of \$7,150 from Maint. Dist. Res. & Standpipes Acct. #672-000 and \$10,000 from Employee Pension and Benefits Acct. #926-000 for a Total of \$17,150 which is Transferred To Workman's Compensation Acct. #925-001 in the F.Y. 1999-2000 Budget of The Water Division
20. Consider and Approve a Budget Amendment in the Amount of \$85,000 Increasing Maint. Collection System Acct. #461-673 and Decreasing Maint. Reserve Balance Sheet Acct. #461-216 – Sewer Division
21. Consider and Approve a Waiver of Bid to Hire Appraisers for Tax Appeal Litigation, Foreclosures and Open Space and Misc. Appraisal Services – Town Attorney
22. 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 – Mayor

TOWN COUNCIL MEETING

AUGUST 15, 2000

6:30 P.M.

ADDENDUM TO AGENDA

3. Consent Agenda

- n. Consider and Approve Tax Refunds (#13-33) Totaling \$8,492.67 - Tax Collector

TOWN COUNCIL MEETING

AUGUST 15, 2000

6:30 P.M.

SUMMARY

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3. Consent Agenda – Items #3b-Addendum #3n	1-3
4. Withdrawn	
5. PUBLIC QUESTION AND ANSWER PERIOD – Pension Fund Investment Questions; Report Out by Charles Johnson on Library Of Congress' Russian Visitors to Wlfd.; McKenzie House, N. Main St. – Condemnation of; Complaint re: Trouble exiting Council Chambers through Fire Doors; Foul Odor, S. Main Street area in early morning hours; Amoco Property, N. Colony Rd., unsightly, dirty; Community Pool Paint Peeling complaint; Large Trucks – wide turn off of Beaumont Rd. onto N. Main Street Ext. heading north come close to Community Pool Tanks; Complaint Re: Bar Graph printed on Electric Bills; Tree removed from Wallace Dam; Mildred Neal Land Transaction (Scard Road Purchase of Open Space).	3-9
6. Approve the Minutes of the 7/18/2000 Town Council Meeting with Correction to Page #2, Item #4	9
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8. Report Out on the Present Condition of the Garden Road Property and Discussion Concerning Future Uses of the Property as Requested by Vice Chairman Raymond J. Rys, Sr.	12-16
9. Report Out by the Fire Prevention Bureau Regarding Their Annual Report As Requested by Councilor Stephen W. Knight and Chairman Parisi	16-21

TOWN COUNCIL MEETING

AUGUST 15, 2000

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, August 15, 2000 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:31 P.M. Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, & Rys answered present to the Roll called by Town Clerk Rosemary A. Rascati. Councilor Vumbaco was unable to attend due to work commitments; Councilor Zappala was absent. Mayor William W. Dickinson, Jr. arrived at 6:45 P.M.; Town Attorney Janis M. Small arrived at 7:01 P.M.; Comptroller Thomas A. Myers was also in attendance.

A blessing was bestowed upon the Council by Deacon Louis P. Sill of S.S. Peter and Paul Church, Wallingford.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence – No items presented.

ITEM #3 Consent Agenda

ITEM #3a Withdrawn

ITEM #3b Consider and Approve Minutes of the July 31, 2000 Special Town Council Meeting

ITEM #3c Note for the Record Mayor Transfers Approved to Date

ITEM #3d Note for the Record Anniversary Increases Approved to Date

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$11,300 from Health Insurance Acct. #001-8035-800-8300 to Self Insurance Deductible Acct. #001-8030-800-8270 – Personnel

ITEM #3f Consider and Approve a Budget Amendment in the Amount of \$5,000 to Revenue Acct. #226-1040-700-7010 and to Project Expenses Acct. #226-9001-600-6500 – Youth & Social Services

ITEM #3g Consider and Approve a Budget Amendment in the Amount of \$5,122 from Appropriation from '99/00 Balance Acct. #230-1041-900-1001 to Project Graduation – Donations Acct. #230-9001-900-9061 – Youth & Social Services

ITEM #3h Consider and Approve an Appropriation of Funds in the Amount of \$274 to Wages Acct. #108-9000-101-1000 and to Contribution – General Fund Acct. #018-1040-050-5001 – Health Dept.

ITEM #3i Consider and Approve a Transfer of Funds in the Amount of \$4,500 from Regular Salaries & Wages Acct. #001-2005-101-1000 to Purchase Services – Crossing Guards Acct. #001-2005-901-9014 – Dept. of Police Services

ITEM #3j Consider and Approve an Appropriation of Funds in the Amount Of \$16,000 to Revenue: Appropriation from Prior Year (1998-99) Fund Balance Acct. #064-0400-010-1001 and to Expenditures: Program Expenses Acct. #064-4000-600-6500 – Dept. of Parks & Recreation

ITEM #3k Consider and Approve a Resolution Amending Subsection 3.e of the Fee Schedule for Disposal of Solid Waste at the Resident Disposal Program to Allow Disabled Residents Under the Age of 65 to Use a Social Security Administration Award Certificate as Proof of Eligibility to Quality for the Same Waste Disposal Privileges as Residents Over the Age of 65

ITEM #3l Consider and Approve a Revised “Letter of Agreement” between the Town of Wallingford and the City of Meriden Concerning Federal TEA-21 High Priority Funds for the Quinnipiac River Linear Trail – Engineering

ITEM #3m Consider and Approve Renewing a Lease Agreement Between the Town of Wallingford and the Committee on Aging, Inc. for Premises Known as 284 Washington Street for a Term of One (1) Year Commencing Sept. 1, 2000 at a Rental Rate of One Dollar (\$1.00) Per Year - Mayor

ADDENDUM ITEM #3n Consider and Approve Tax Refunds (#13-33) Totaling \$8,492.67 – Tax Collector



<u>Agenda Item</u>	<u>Pg. No.</u>
10. Consideration and Possible Action (Referral to Ordinance Committee) with Respect to a "Seiter Hill" Ordinance Pursuant to Public Act 99-225 as Requested by Councilors Brodinsky, Papale, Vumbaco & Zappala	21-30
11. Discussion on Progress Made on a "Blighted Building Ordinance", Including an Update from the Mayor on Action to be Taken, if any, Regarding Stricter Enforcement of Ordinances which Currently Exist As Requested by Councilors Brodinsky & Vumbaco	30-44
12. <b>Approve</b> a Transfer of \$4,659 to Purchased Power Acct. #555 F.Y. 1999-2000 – Electric Division	44
13. <b>Approve</b> a Transfer of \$310 to Leased Property Acct. #372 F.Y. 1999-2000 – Electric Division	44
14. <b>Approve</b> a Transfer of \$120 to Street Light Signal Exp. Acct. #585 F.Y. 1999-2000 – Electric Division	44
15. <b>Approve</b> a Transfer of \$1,750 to Meter Expense Acct. #586 F.Y. 1999-2000 –Electric Division	44
16. <b>Approve</b> a Transfer of \$46,900 to Overhead Lines Exp. Acct. #593 F.Y. 1999-2000 –Electric Division	44-46
17. <b>Approve</b> a Transfer of \$1,300 to Property Ins. Acct.; \$1,850 to Liability Ins. Acct. and \$11,200 to Workman's Comp. Acct. F.Y. 1999-2000 – Sewer Division	46
18. <b>Approve</b> a Transfer of \$1,150 to Chemical Exp. Acct.; \$550 to Property Insurance Acct. and \$2,950 to Liability Insurance Acct. F.Y. 1999-2000 – Water Division	46
19. <b>Approve</b> a Transfer of \$17,150 to Workman's Comp. Acct. F.Y. 1999-2000 – Water Division	46
20. <b>Approve</b> a Budget Amendment of \$85,000 Inc. Maint. Collection System Acct. and Maint. Reserve Balance Sheet Acct. – Sewer Division	47

<u>Agenda Item</u>	<u>Pg. No.</u>
21. <b>Approve a Waiver of Bid to Hire Appraisers for Tax Appeal Litigation Foreclosures and Open Space and Misc. Appraisal Services – Town Atty.</b>	47-50
22. <b>Executive Session – 1-200(6)(D) – Purchase, Sale, and/or Leasing of Real Estate – Mayor</b>	50

Motion was made by Mr. Rys to Approve Consent Agenda Items #3a-addendum Item #3n, seconded by Mr. Farrell.

VOTE: Vumbaco & Zappala were absent; all ayes; motion duly carried.

ITEM #4 Withdrawn

PUBLIC QUESTION AND ANSWER PERIOD - 6:35 P.M.

Pasquale Melillo, 15 Haller Place, Yalesville referred to an article in the newspaper which stated that the trustees of two Wallingford-based pension funds for electrical workers' unions have to re-pay through their insurance \$1.54 million in losses resulting from investments made in mortgage derivatives. He was very concerned that the Town's pension funds may be invested the same way. What can be done to make sure we don't have our pension funds invested in derivatives?, he asked.

Comptroller Thomas Myers explained that the pension funds referred to in the article were not Town of Wallingford pension funds but private pension funds. The Pension Commission invests the Town's pension funds using a very conservative investment model. The Town has an investment policy which absolutely does not allow investments in risky type of investments. The pension fund is not invested in the NASDAQ or the .com stocks. The commission looks to have an investment risk approximately 10% below the risk of the Standard & Poor's Index.

Charles Johnson, 10 Holly Lane stated, on June 23<sup>rd</sup> I was responsible for having 15 Russians visit our town and did not realize that the Town Council did not know about it until they either read about it Saturday morning in the paper or saw it on the 10:00 Channel 61 news program that Friday night. The Russians were sponsored by the Library of Congress, 300 of them. Once they arrived, the Library of Congress asked the Friendship Force with headquarters in Atlanta, Ga. to host them for one week. Atlanta asked 20 Friendship Force Clubs throughout the U.S. to each take 15 members. The CT. Friendship Force was one of those. One of the requirements was that they spend at least 24 hours of that week learning the operation of local and state governments. They came to Wallingford their first day in CT. and spent the day. They started out by spending one hour in the morning with the Mayor. At the end of that hour, he gave them copies of his 2000-01 budget and they had him autograph it, which is probably a first for the Mayor. From there they went to the Electric, Water & Sewer Division and talked to them; next was the Police Department where Chief Dortenzio met with them which appeared on the news that evening. The next stop was lunch at Masonic Home and then a visit at the Fire

Department and a picture of the Fire Chief welcoming the visitors appeared in the newspaper. Public Works was next, followed by 6 Fairfield Boulevard. In the group of visitors was a mayor, deputy mayor, two doctors, an environmental engineer, a monk and two or three social workers or welfare workers. When we got to Fairfield Boulevard and talked to Craig Turner, we couldn't get the social workers away from Mr. Turner. We next toured Parks & Recreation. What impressed me more than anything else was the comments made by accompanying hosts from Bristol, West Hartford, Glastonbury and Simsbury which dealt with how impressed they were with how polite and accommodating all the department heads were that day. I thought the Town Council should know about it.

Margaret McKenzie Nowacki, 1134 Dunbar Hill Road, Hamden stated, I happen to be one of the six individuals listed in a legal notice as an interested party in the action taken by this Council last month to condemn my father's home and land at 222 N. Main Street. As you might imagine, since I was unaware of the action that you were going to take in executive session last month and other members of my family as well were not aware that it was on your agenda, we were furious, and that is an understatement. The last week prior to this action by the Town, we had asked, as many of you may know by now, both the Library Board and the other party to make a final offer and we were prepared to make a decision based on that. Some of you may not be aware that even if the Library had said \$350,000 is our final offer, even though Calcagni had offered \$352,000 that, in fact, the Library's offer would have been more than Calcagni's offer because there was a conveyance fee attached to the fact that Calcagni would buy the property plus other contingencies. Even if that had been the decision by the Library Board, those of us in the family would have interpreted that, still, as the higher bid. Some of us had wanted the property to go to the Library; I know that my father was interested in it going to the Library. We felt that we had a bona fide, and it is in writing, good faith market price from the other party, which is in writing and perhaps has been made available to you. Our attorney today has indicated that he talked with Janis Small today and that it would be on the agenda again in your executive session this evening. I understand from that conversation that perhaps all of this information wasn't quite known in specific detail when this precipitant action was taken by the Town in bringing this to you. I attended the Planning & Zoning Committee meeting last night and that action actually was supposed to precede by State Statute any action of the Town Council with regard to condemnation of property. They were really do that after the fact. We would like to see you, who have an opportunity to correct this injustice, please do so and consider our request as you re-discuss it this evening in executive session. Thank you very much for your attention.

Robert Sheehan, 11 Cooper Avenue asked that the exit doors from Council Chambers be checked for they are extremely difficult to open. Also, can someone make arrangements to put batteries in the wall clock that faces the public in Council Chambers?

Mr. Parisi asked that the Mayor have the doors checked and batteries installed in the clock.

Lester Slie, 18 Green Street complained of a medicine-type odor being emitted in the very early morning hours from one of the factories located on Route 5. He asked that it be looked into. He explained how white clouds of smoke appear in the general area and upon settling the medicine odor remains. This is very bothersome to those who have their windows open at night.

Mr. Parisi asked that the Mayor check into the situation.

Mayor Dickinson stated, the odors are always difficult to track down. The clouds are steam from the CRRA plant.

Bernadette Renda, 753 N. Main Street Extension commented how unsightly the abandoned former Amoco station is on the corner of Route 5 and Christian Street. There is sumac growing inside the glass portion of the building which was once the office area. Can the Town send a letter to the owner asking that they clean it up? God forbid if there is ever a fire and that burns. Also, has the Mayor checked with the Law Department to see if we have to pay for the re-painting of the pool again?

Mayor Dickinson answered, that is being reviewed by the Recreation Department at this point. If there is a warranty then we would pursue the warranty otherwise it would be a repair.

Ms. Renda asked, then we would be subject to pay for it again?

Mayor Dickinson answered, if there isn't a warranty we would probably have to pay for any repairs to the paint.

Mr. Parisi replied, I am working on it. We are working on the traffic thing on Beaumont Avenue, too. That is an extremely complicated situation.

Ms. Renda stated, another truck had to make that swing and had to jump the sidewalk where those tanks are (for the pool) and I.....

Mr. Parisi commented, they are developing some sort of a plan. It is going to happen, I won't tell you right away but, it will happen.

Ms. Renda stated that she is concerned a truck may jump the curb and hit the tanks.

Philip Wright, Sr., 160 Cedar Street stated the Town of Wallingford Electric Division has printed, on the electric bills it mails out to its customers, a bar graph. In looking at the graph, he could not make any sense of it so he called the Electric Division and spoke to the customer service manager who also did not know what the graph was about. He then called Thomas Sullivan, Office Manager, who made an effort to explain the graph but couldn't. Mr. Sullivan called Mr. Wright back in approximately thirty minutes to inform him that the graph doesn't mean anything. It is put on the statement by the firm that supplies the software to the Town; it doesn't mean a thing. He has trouble understanding why the Town is putting something on the bill that doesn't mean anything to all the customers in town.

Mr. Parisi asked, are the bars the same every month or do they move up and down? If they are the same bars every month, then there is a problem.

Mr. Wright stated, we spent a lot of money on software. To put something on the bill that is not needed is puzzling. If you look at the graph and start to do a lot of arithmetic, you figure out that there is a bill of \$6.00 per month in there for some services; it doesn't show you anything, he stated. I find it hard to believe with all the people we have down at the Electric Division; Ray Smith and Bill Cominos and the rest of the hierarchy that we would pay someone to put something like that out...

Mr. Parisi stated, I don't think we paid for that specific thing to be done; I think it was just something that happened in the course of developing the software.

Mr. Wright asked the Mayor to check into it.

Mr. Centner stated, the way I have been interpreting and using the data, it is a monthly bar chart that shows your annual usage. If you look on there it should show you, over an entire year's period or more, on a month by month basis of your usage to help you plan peak periods like summer, spring and winter. I use a significant amount of electricity and I do use it for planning.

Mr. Wright asked, you use this for planning?

Mr. Parisi answered, yes, he is an engineer, that is why.

Mr. Wright was of the opinion the graph was useless.

Mr. Centner stated, that is your opinion, I find it useful. I would like to know what my power consumption is between spring, summer and fall.

Mr. Wright stated that he, too, would like to know what his usage is but that is not what the graph shows.

Mr. Centner answered, yes, it is a monthly bar graph. He stated, there is one month there is a skew in there because the billing went out late and that is what started the whole system so one of those months will be skewed, just subtract that out...

Mr. Wright replied, the month where it went out is not the problem based on what Mr. Sullivan told me. It is that kind of thing where you have to go through a whole bunch of people to find out anything; from what I understand it (bar graph) is useless. Maybe that explains why we had to come back for \$1.4 million because of an oversight. That is awful hard to believe. We have a lot of people down there (Electric Division ) and we pay good money. Something is wrong; somebody is not doing their job and should be held accountable.

Mr. Parisi responded, if that is the reason; it is an acceptable answer. Whether we like it or not is another thing. If he, in fact, is right then that's the answer but not many of us are probably making use of it, that I agree.

Wes Lube, 15 Montowese Trail thanked the Mayor; the tree (on Wallace Dam) is gone.

Mr. Parisi stated, the Mayor did not have anything to do with it.

Mr. Lube stated, I don't know why it was done, when it was done; who did it or how.

Mr. Parisi replied, don't worry about it; let's just leave it that it is done. I am really upset because I wanted that to be my monument but I guess it can't be.

Mr. Lube stated, on a more serious note, there have been several articles and an editorial in the Meriden Record about the Mildred Neal land transaction. There is a timeline the Council should have some interest in. Your Conservation Commission compiled a top secret list of land they deemed to be most suitable for open space. They spent some length of time doing that for there was a lot of effort that went into it aside from the secretive argument. That same commission, at some unknown date, sent out letters of interest to

those secret land owners and one of them, Mildred Neal, responded favorably. We don't know exactly when but we do know, according to Chairman Borne, that she did respond. The Conservation Commission must have then implemented what would have been a pre-set follow-up system between the Commission and Mildred Neal. Unfortunately, on March 29<sup>th</sup> of last year Mildred Neal passed away. At that time she was living in North Haven. April 2<sup>nd</sup> a death notice was in our local paper; the following day the obituary was in the paper. Then on May 4<sup>th</sup> Mildred's brother, Ramon, was appointed Administrator by the Probate Court. On August 24<sup>th</sup> of last year the Administrator applied to Probate Court for permission to sell the property for \$650,000. Interestingly, the Probate Court staff can find no appraisal or reference to such in the Neal file. The judge, nevertheless, approved the sale at \$650,000. This is extremely rare. If my humble home were part of an estate, my daughter would have had to have it appraised before getting permission to sell it at a given price and here we are dealing with over half a million dollars. On July 24<sup>th</sup> Lakeside purchased the property for \$650,000 and flipped it one hour later for \$1,150,000. I don't quarrel with Attorney Farrell's remarks about whether or not the \$1,150,000 was justified. What I quarrel with is, it isn't enough to say that this fell through the cracks. It cost the Town \$500,000 or more. Who was it? Did the Conservation Commission ask one of its members to take the responsibility of pursuing this uncommitted but interested land owner? Or, did they feel it was beyond their jurisdiction? Did they give this "lead" to someone in the Town Hall? Here you have a property; a woman passes away who has said that she wants to talk. The obituary is in the paper; the death notice is in the paper once or twice; all these ramifications were going on including bringing the property to market where some effort might have been made to have some broad exposure. With all of these manipulations going on the Town apparently was totally unaware from this landowner who had expressed wanting to pursue the subject further. You, who have the responsibility for buying and selling land for this town ought to be concerned and pursue it more than just discounting it as an accident and find out what is being done to prevent its reoccurrence.

Mayor Dickinson stated, I think there is some error in, to some extent fact, and to some extent factual material; not necessarily what has been stated here, tonight but in what I have read. There is an appraisal the Town has and it is \$960,000. The property sold for, I don't think it was \$1,150,000., Janis is going to check on it, I think the \$1,150,000 was the total amount of the bond authorization. The contract would have been for a lesser amount. Our appraisal was \$960,000. There was an increase in value for the developer but, at the very most you can say, the property owner received less than the property was worth. On the other side of it you can say that the developer's effort at getting Wetlands and Planning and Zoning approval represents an appreciation in the property which showed up in the appraisal. The appraised value of the property was \$960,000. I think we should keep that in mind versus what the developer paid a private party for it.



Mr. Lubee stated that the Mayor had missed entirely the point of his presentation. He was not quarrelling with the price; nor was he referring to the absence of an appraisal by the Town before it purchased the property. He stated that he was referring to the appraisal normally required by Probate Court prior to approving a sale by an Administrator of an estate. That is not the same as what the Town has. The appraisal the Town has was after it had been approved as a subdivision; an entirely different ball game. What happened prior to Ramon Neal signing a contract with Lakeside represented by Mr. Weidemann? That is the point I am trying to make and I am sorry I did not make that clearer.

Mr. Farrell asked if Mr. Lubee's issue was with the Probate Court?

Mr. Lubee replied, no. His issue is with the apparent "dropping of the ball" either internally within the Conservation Commission or between the Conservation Commission and the Town Hall Administration. Somewhere the ball was dropped. I am pursuing it; I hope I will be able to find the answer to it. If I were sitting where you (Council) are sitting with the responsibilities that you have, being asked to approve the numbers, I, too, would be concerned. By the way, Mayor, all of the facts I recited here came either from the Town Clerk's Office or the Probate Court office. I don't believe there are any errors here but if there are, please point them out to me.

Mayor Dickinson stated, the Town Attorney has brought to my attention that the sale price for the property was \$1,150,000.; the bond authorization was slightly higher than that. I stand corrected. The appraised value was \$960,000.

The Public Question and Answer Period was declared closed at 7:13 P.M.

ITEM #6 Consider and Approve the Minutes of the July 18, 2000 Town Council Meeting

Motion was made by Mr. Rys to Approve the Minutes with a Correction to Page #2, Item #4 which should reflect that Item #3b was a Transfer of Funds in the Amount of \$6,900 requested by the Personnel Department that was voted upon and Approved Unanimously by the Council, seconded by Mr. Knight.

VOTE: Vumbaco & Zappala were absent; Mr. Parisi did not vote; all others, aye; motion duly carried.

Mr. Parisi stated, on our consent agenda, Item #3a is marked withdrawn. He asked, are we just scratching that out because it was re-submitted?

Town Council Secretary, Kathryn Zandri explained, the motion should have been to approve items #3b through Addendum Item #3n on the Consent Agenda. Item #3a does not exist for it was withdrawn. The motion is acceptable as made since Items #3b – 3n were moved and voted upon; Item #3a is technically not an item even though it was included in the motion.

ITEM #7 Report Out Regarding the American Legion Building Lease as Requested by Chairman Robert F. Parisi

Mr. Rys read correspondence from Paul S. Pizzo, President of Pizzo Architectural Firm into the record (Appendix I) in which he states that he regretfully withdraws from negotiations to lease the American Legion Building. Mr. Pizzo's firm has an opportunity to grow by merging with a national firm. The opportunity presented itself to Mr. Pizzo within the past two months and he has decided to take advantage of it. He went on to say that he hoped this action does not diminish the Town's determination to save the building, "our society has, too often, thrown away otherwise useful historic structures because they lack suitable infrastructure." He felt that the street façade should be preserved.

Mr. Parisi stated, it is very disappointing to have this happen, however it did happen and is being reported to the Council and public. Unfortunately, that ends our effort to lease the property to the person we thought had an interest in it.

Philip Wright, Sr., 160 Cedar Street asked Councilor Farrell, can this building be torn down or is it in the Historic Registry?

Mr. Farrell replied, I don't remember specifically what the borders of the National Registry District are.

Mayor Dickinson stated, yes, it can be torn down.

Mr. Wright asked, when was that information obtained, Mayor? It has been my understanding all along that the building could not be torn down without a special dispensation.

Mayor Dickinson replied, the Law Department looked at the question in recent days and determined that it is possible to have the building torn down.

Mr. Wright asked, would the Town Council have to approve the destruction of the property once it has gone through Planning & Zoning?

Mayor Dickinson explained, Planning & Zoning has a role; it does not necessarily have to be before the Council; it can be afterwards. They would have a role to play.

Mr. Wright stated, I think that is an interpretation that is open to question. It has been the understanding of Planning & Zoning and a lot of people who have been members on the commission that they did have a role in this that is more than as you have just explained. Where do we go from here? The building is back in the Council's hands, right?

Mr. Parisi answered, right. This is a report out tonight to make the Council aware that this had transpired. It will probably be put on the agenda again, at some point, to be discussed. It will be put on the agenda at some point for discussion. I am sure there is a councilor, or several, who will put it on the agenda.

Susan Hunter, Director of Headstart for Wallingford and Meriden, resident of Hallmark Drive stated, the Headstart program has a great interest in the property. They have been looking for a space, in Wallingford, because at this time the Wallingford Headstart Program is actually in Meriden. We have to pick up the children by bus and take them into Meriden. We are working on a lease agreement with Choate for this coming year but it is only for the one year, depending on Planning & Zoning's approval. I would like to go on record as saying that it is a location that is ideal for our program.

Mr. Parisi stated, you know that we are well-aware of what your situation is because we have met with you and have had several discussions. This is only a report out tonight; no action will be taken. I am sure this item will be put on the agenda for action in the very near future. At that time it would be appropriate for you to express your desires or whatever.

Mayor Dickinson stated, it might be helpful if, ahead of time, the Headstart program could give an idea of what kind of square footage is needed; bathrooms requirements; outside play area; etc.

Mr. Parisi interrupted to say that he had already made that suggestion today or yesterday.

Pasquale Melillo, 15 Haller Place, Yalesville asked, didn't we buy this property about 10 years ago for approximately \$195,000?

Mr. Parisi replied, I will repeat what I just said; this will be discussed at a later meeting as to what the action will be. This is a report out and that has been done and the item technically, really is exhausted; it is closed.

Mr. Melillo stated, the reason I brought that up is, if the building was bought about 10 years ago at that price; \$195,000., it must be a lot more valuable now. Factoring that in, we should consider putting it on the market, it's a lot of money.

Mr. Parisi repeated, I am going to say it one more time; the item is closed tonight. It will be discussed at a later meeting, probably the next agenda. At that time, that will be the appropriate time for the discussion on what we are going to do with the agenda (building). I am sure all of the councilors will be prepared, hopefully, there will be a lot of people from the public who will have suggestions. We will find something to do with it.

Mr. Melillo asked, why were others before me allowed to make comments like I am making right now and I am not allowed to make comments?

Mr. Parisi answered, because this is a report out. It is not a decision-making process; it is a communication; a notification to the public and Council as to what has happened. You usually say that we do things too quickly and you don't have a chance. Now you have a chance in two or three weeks to prepare your case and come here loaded for bear as to what you want to do with that building. I think it is a pretty fair situation.

Mr. Melillo stated, I think it is a great time for people like me to give their opinions on what should be done to the building.

Mr. Parisi replied, If I say it is red; you say it is black; we are not doing it now.

Mr. Melillo stated, this is a perfect example of lack of competition which is so sorely needed in this situation.

No action taken.

ITEM #8 Report Out on the Present Condition of the Garden Road Property and Discussion Concerning Future Uses of the Property as Requested by Vice Chairman Raymond J. Rys, Sr.

Mr. Rys stated, the houses have been removed and I was just wondering, I haven't been down there recently, what the condition of the property is now? Is everything down and filled in? I wanted to bring up before the Council the issue of possible uses of the property before everything gets grown in as is typical of a lot of the properties that we do have. Mayor, do you have anything to report as far as the area, itself?

Mayor Dickinson replied, limited activity can occur. The Town Attorney has checked on it. A parking area is possible; ideally just gravel. What we would want to do is have an ability to seal it off because the Police Department has mentioned to me the concern about having access for vehicles into an unlighted area. We want to be able to gate that area off and prevent motor vehicles from going into that area at times when we would not want activity there. Other than that, it would be permitted to have a parking area. D.E.P. wants to see any design and would be part of an approval process for any installation of improvements there.

Mr. Knight stated, it seems to me that we already talked about the possible use of Simpson School property as a park and I don't understand why this wouldn't be suitable in the same way. It is almost all grassed over already.

Mayor Dickinson answered, as a park. But the issue is parking for vehicles.

Mr. Knight stated, I will put in my two cents worth for a park. I think it is appropriate to have a park there.

Mayor Dickinson commented, as a park, there is no problem for it is just grass and trees; there is no difficulty. It is only if a parking area is created or there are structures built of any kind, then there is a potential issue for D.E.P.

Mr. Centner stated, on behalf of the Linear Trail, our group has incorporated a possible use in the future of the Garden Road as one of the components linking the trail heading south. Although that is in a future phase, we had outlined that on the vision plan that was presented about 1 1/2 years ago. If possible, I would like to maintain that, although we know the area is a big challenge getting in and out of but it lends itself perfectly to our plans for a trail because it is a linear paved road already with lots of open green space. I know, on behalf of the Trail Committee, we would like to maintain and still consider that in our future phase although we understand that it could be a couple of years before we are at that point. As for the parking concern, we are always looking for points of access to include parking and we are open to parking on gravel or pavement; what ever the D.E.P. mandates in that zone because of the encroachment of the river, is fine with us. But we are trying to incorporate many points of access to include parking. We are hopeful, going forward, that it can be arranged.

Mr. Rys stated, I spoke with Mr. Centner also about the trail. In my travels, along the Farmington Trail which goes quite a ways, there are several areas along the way that are graveled and they have a couple of picnic benches and, in some areas, they have a directory of the trail, itself, which is going to happen some time in the future. I just did

not want to see the area go unmowed and unkempt and return to woods again. I would prefer to see something placed down there. As far as the people going in there, they would fall under the same guidelines that apply to any park that we have in town. After sunset you cannot be in that park. If you are, you are subject to criminal trespass. That is appropriate. All the police have to do is patrol the area and I think we can keep anyone who is in there out of there, just like they do in most of our parks now. That is what I envisioned somewhat. Then, eventually, it can blend in with the trail. It would be nice to have a couple of picnic tables and a barbeque grill and portable potties

Mr. Centner stated, I have been reminded that the road has been removed. That is not a critical aspect of the trail because the trail, itself, is less than half the width of a standard road and we don't mandate that the trail fall on any particular spot on the parcel. Our trail is not truly linear; it does serpentine a little bit through the area. We don't mind that kind of a challenge either.

Mr. Parisi stated, it would be a nice addition to have a nice park area there; like a staging area.

Mr. Centner stated, to have as many points of access is key. Trails around the state, one of the biggest complaints from the users is lack of access and parking. We are trying to design one to two access points with parking per mile on the trail. That is a challenge and will be costly, but that is our goal.

Mr. Rys added, can the Administration look into and perhaps talk to Tom Dooley of the Recreation Department to come up with some ideas and, in the very near future, come back with somewhat of a report as to what the Administration's feelings are and the Recreation Department's. I want some input.

Geno Zandri, 37 Hallmark Drive stated, it is a good suggestion to make it into a park; it was set up for it and would enhance the linear trail. The thing that puzzles me is that we had a perfectly good road in there with a turn-around circle that could have been utilized for parking the way it existed. I am a little confused as to why that road was torn out.

Atty. Small answered, when we purchased the properties we did it under the State program which requires that this property be restored to a natural state, that is why. I made the inquiry with respect to the parking because I saw it in the newspaper. They are not opposed to parking; they would probably prefer that it be gravel sort of like at Sleeping Giant, they would want to see it, but they don't want a road in the middle of it; it is supposed to be in its natural state.

Mr. Zandri asked, was there any discussion with them at all for future potential uses of the property by the Town for a park?

Atty. Small answered, it could be a park. They want it in a natural state; that use would be in line with that. Probably, the linear trail, depending on what you would do to it, you would have to show them a schematic drawing as to what you propose it to be but it is supposed to be preserved in its natural state. Anything they consider to be in the flood plain, they would not want the parking lot there, for example. The road is contrary to the purpose of the State being involved in the purchase, because it is expected to be maintained as open space. It can be a park, there is no problem with that.

Mr. Zandri stated, that particular stretch of road is heavily traveled so if you are going to have a park there, or plan to have a park there, you have to have some sort of means of access.

Atty. Small replied, they are not opposed to preferably, probably a gravel-type parking lot. You could make some type of area where people can pull in and pull out of there. D.E.P. wants to see it ahead of time and wants to talk to you about it, that's all. A street in the middle of it is not conducive to what they are talking about.

Mr. Zandri stated, he was surprised that a perfectly good road had to be torn up. I envisioned a park in there and figured the areas where the houses were could be utilized for the park and the existing road for parking. It is too bad we can't get the state to cooperate on matters like this.

Pasquale Melillo, 15 Haller Place, Yalesville stated that there should be more items on the agenda like this one which encourages input from the public and constructive ideas. The Conservation Commission should come to the meetings to tell the public about all of the potential open space areas they are considering for purchase in the future to get input, feedback and ideas from the public as to what the land could be used for. This secretive philosophy is not working out. The taxpayers are paying too much money for open space, a good example was the recent Scard Road purchase. The sealing off of unlighted areas should be implemented immediately.

Wes Lube, 15 Montowese Trail asked, if any further information has been obtained on who owns the land between Garden Road and the Quinnipiac River; the parking lot on Quinnipiac Street? There was talk that it was owned by someone in New York, is that true?

Mr. Farrell stated, I think that is correct. It was two or three years ago that information was obtained. I had talked with the gentleman and I don't think he had an interest in selling the property.

Mr. Lube asked, does he have an interest in maintaining it?

Mr. Farrell stated, I believe they just re-did the parking lot there.

Mr. Lube stated, the overgrowth is quite noticeable at our entrance (to the Town). Can you resurrect that information? Do you have it in your files?

Mr. Farrell answered that he was sure he could find the gentleman's name for Mr. Lube.

Mr. Lube thanked Mr. Farrell.

No action taken.

ITEM #9 Report Out from the Fire Prevention Bureau Regarding Their Annual Report as Requested by Councilor Stephen W. Knight and Chairman Robert F. Parisi

Mr. Parisi referred to Page 4, Inspection and Abatement of the report (Appendix II) stating that it was very interesting to read about targeted properties and multi-level buildings.

Joseph Micalizzi, Jr., Fire Marshal stated, we have instituted a Target Hazard Inspection Program. Through national and state statistics I have identified properties where the largest life loss injury and property damage is. According to those statistics, it is in residential properties. Seventy-three percent (73%) of all lives lost throughout the country are in residential property fires. We have targeted all three-family dwellings and above as a first phase of the Target Hazard Inspection Program to get compliant with the fire safety code. Once those are completed, we will also move on to the next-highest category for life loss.

Mr. Parisi commended Mr. Micalizzi stating, it was a long time coming and a credit to Mr. Micalizzi's.

Mr. Micalizzi commented, some of the properties have not been inspected since the mid-1980s.



Mr. Knight stated, we were all very interested in your extensive experience in Bridgeport and what you brought to our town here, in Wallingford. This is one of the programs that you must have had a hand in administering in Bridgeport. I wondered what other programs you might have on tap or ideas or general comments...we are interested and it is an opportunity for the public to meet you.

Mr. Micalizzi stated, as far as bringing this from Bridgeport, it wasn't done that way in Bridgeport; we never did anything to this extent for target hazard inspection. I never had the opportunity or manpower to do so. Here, being in command, so-to-speak, I figured it would be a good way to institute a program to show that we are addressing our needs. In the future I would like to see us expand a little bit in public fire education. I am working very closely with Chief Struble and the Wallingford Fire Department. With our limited manpower and resources it is very difficult for our three man office to get out and reach the public. We are using the volunteers as well as the paid firefighters to go out after hours to contact the public to give a fire prevention message. We are working very diligently. We have used the Fire House program; we have networked with the Fire Department to use that program for managing our inspection reports and paperwork. It is a very long tedious process customizing that program for us and it is not extremely user-friendly. Everyone in the office has learned the program but it has taken hundreds of manhours to do so and to customize it to get it down to exactly what we need. It is working very well; saving the Town's capital expense budget of around \$6,000 for a customized program that was put into the capital expense budget for the year before. It was existing so we used it. We are also trying to get the tax base from the Assessor's Office entered into that program which involves approximately 16,000 or so structures. It is a long process; the programs are not compatible. It may take a lot of data entry but we are working towards that. Those are some of the areas right now that we are concentrating on and things we hope to accomplish within the next year.

Mr. Rys asked, if you own a two or three family house and if the owner does not live on site but rents the property out, are you required to obtain an occupancy certificate?

Mr. Micalizzi answered, that is a certificate issued by the Building Department. We don't inspect one and two-family dwellings; they are exempt from the fire code except for smoke detection requirements. All three-family units and above are required to be inspected by us as well as residential apartment buildings and mercantile, assembly and other type of occupancies.

Mr. Rys asked, have the three-family homes been inspected more often since 1995 if they are turning over rentals?

Mr. Micalizzi answered, no, we don't inspect bi-rentals as they are vacated. We are supposed to do it on an annual basis. Unfortunately, we do not have the manpower to do so. What we do is try to cover each hazard area, that is why we have gotten the Assessor's list. We have done all multiple family apartment buildings, four units and above; they have been completed and brought into compliance. We are now working on the three-family tax base to bring those into compliance. Once we finish that area, we probably will not go back to it until we are able to cover all the rest of the occupancies that are required for inspections.

Mr. Rys asked, does the Building Department or Building Inspector who has to issue these occupancy permits; if they see something that may be a problem as far as prior....do they communicate with you?

Mr. Micalizzi answered, yes, we work very closely with them. We only get involved with the building inspection for a certificate of occupancy if it is new construction. We will go in and inspect it after we do the plan review on the building that is completed and then give the Building Official the authority to issue the certificate of occupancy, give them our approval. As far as code violations that are discovered, we regularly talk between the Building Department and the Fire Prevention Bureau, Health Department, Housing Code, whoever may be applicable; we will refer any other violations that each department finds that may be relative to them, to that department.

Mr. Rys stated, I want to make sure that type of communication takes place. It does concern me some that we do issue a building occupancy for tenants, let's say it is a three-family house, and something is overlooked. Is there a liability there? Should there be a joint effort between the Fire Marshal's Office and the Building Department when they are going to a three-family home, not new but already in place? Should there be a joint effort there or does that not have anything to do with the occupancy permit?

Mayor Dickinson replied, off the top of my head, I am not sure. It can be looked into but one thing we don't want to do is end up only inspecting where building permits are obtained because then it becomes an issue of people feeling they are harassed; they get a building permit and then they get inspected. They will feel they are the only ones getting inspected by the Fire Marshal. I would not want to discourage people from getting building permits because they know then that all the regulatory inspections will come down on them. I think that is something you can look into; make sure it is a fair process.

Mr. Micalizzi answered, yes, we normally get referred if the Housing Code Enforcement Officer notices something that may be relative to a fire code; fire alarm system or

emergency lighting that isn't working. We will get referred by him; he will let us know of those violations and we will go in and re-inspect or make sure they are corrected.

Mr. Parisi offered the following scenario as example; if a multi-family house had been sold and there was a hole in the chimney flue or something. Whose responsibility would it be to call attention to that? Would that be the Building Department? Fire Department?

Mr. Micalizzi answered, it could be a dual jurisdictional problem. I don't believe the building official has retro-active inspection authority. In other words I think he can only get involved where a building permit has been taken out or if the building is deemed to be unsafe. We would handle that or the Housing Inspector would handle that.

Mr. Parisi asked Mr. Micalizzi to explain who issues permits for burning.

Mr. Micalizzi answered, George Yasensky, Town Sanitarian and myself have been appointed by the Mayor as open burning officials. George handles the vegetation management for farms and agricultural areas and I have been handling any type of bon fire type events where the public may be involved or they would have to come and see me if there was a landfill or municipal burn.

Mr. Parisi asked, technically, no one can burn in a residential area outside?

Mr. Micalizzi answered, a few years ago the Town enacted a local ordinance that restricted residential burning and it is a little stricter than D.E.P. requirements but it is also allowable under D.E.P. requirements for the Town to do so. There isn't, at this point, any residential burning allowed at this time.

Mayor Dickinson added, a permit has to be obtained but there is also a protocol that the Health Department and Fire Marshal follow in notifying the Fire Department and on the day of the burn the truck and incident officer go out and determine if it is appropriate conditions to burn. There is a protocol that involves the Fire Department as well.

Ms. Papale reiterated the Mayor's statements. The permit is only good for the one occasion and the Fire Department has to come out to check the area. People are burning and think they can do so if the Fire Department comes out and checks to see what they are burning.

Mr. Micalizzi stated, only if they get an open burning permit beforehand. The Fire Department, upon notification of the open burning, the day that the permit is issued for, they have to go and check the site. The normal protocol, if 9-1-1 receives a call for smoke

in an area or possible illegal burn. The Fire Department will respond, check the situation out and if the people have a valid burn permit, they will be allowed to continue to burn, if not, they will extinguish the fire, notify the Police Department and the Police respond to either give a warning or fine as they see fit.

Ms. Papale asked, they would not be allowed to receive another permit once there was a problem in the neighborhood?

Mr. Micalizzi answered, you wouldn't be burning in a neighborhood because it is not allowed in a residential area. It has to be zoned agricultural.

Ms. Papale stated, it is not allowed in a residential neighborhood.

Mr. Micalizzi answered, that is correct.

Wes Lube, 15 Montowese Trail stated, this is a breath of fresh air this evening; I am so pleased to hear the comments that are being made and the attitude that is being demonstrated. The item that Bob and Ray were referring to, with regards to certificates of occupancy, only applies to new construction. George Yasensky has what is called a certificate of compliance which he issues to a landlord and there are all kinds of things you are not supposed to do if you don't have the certificate of compliance. There is one aspect of this that I would like to bring out; about two years ago I was disturbed to go into a public building where a large number of people were congregating and discover that there was no occupancy certificate on the wall. I asked the manager of the building for it and they claimed it was in their file. He went to the Fire Marshal who said he would issue a new certificate and proceeded to check the file folder on the building. The folder was empty. He then had to re-inspect. It took me four months to get the occupancy certificate on the wall. It went up without a signature, no expiration date; I could have made this up myself. I went to the State Fire Marshal's Office in Middletown where I was informed, and given a copy of the State statute. Apparently, the fire codes are up to the individual towns and we don't have one.

Mr. Micalizzi replied, the State of Connecticut adopts the Connecticut Fire Safety Code which every municipality is mandated to enforce. It is not a local ordinance, it is not a local code, it is a state fire code. The towns can adopt a stricter fire code if they so desire; most towns don't. There are very, very few towns that have any fire codes what so ever other than state statutes.

Mr. Lube asked, if the state code doesn't require occupant load signs to be signed, nor that they have any expiration dates or indicate the date on which the premise was last

inspected, then I think we do need a local code to upgrade what the state is allowing. If it is a location that serves alcoholic beverages, there is an altogether different attitude on the part of the state. I don't think those areas in which such beverages are not consumed should have any less inspection coverage than those that do. The state statutes specifically does give the towns the power to enact their own fire ordinance. I would like to see, with the answers you now have with this new Fire Marshal, I think it would be good if he were to put these things in the form of a suggestion to the Council for an ordinance in order that he and his successors.....you have a man now who is trying to show us how a fire marshal should properly conduct his office. I think we may not always have such an aptitude from the fire marshal's office, not because of this gentlemen but because of his successors. It would be good for the town to have a guideline for this position, just the same as you have job descriptions for every other position in town. There is no reason for the fire marshal to be exempt.

Mr. Parisi commented, I would rather have the Fire Marshal pursue the course which he described tonight; to have more inspection; more thorough inspection; to inspect those buildings that have not been inspected for several years. That is the critical point. If he is comfortable with the guidelines that he has, I have no reason to believe he isn't, I would abide by his recommendation because he is the specialist.

Mr. Micalizzi stated, the state fire codes are adopted, reviewed; there is a Codes & Standards Committee as well as other committees that have studied them. The codes are updated every four years and are re-adopted so that they stay current and the technology is constantly changing and constantly being upgraded. It would be extremely difficult for a body on a municipal basis to do that type of review. Most Codes & Standards Committees, most of the review is done by the State Fire Marshal's Office.

Pasquale Melillo, 15 Haller Place, Yalesville stated that the Fire Marshal's Office should occasionally put an advertisement in the newspaper encouraging residents to phone into the Fire Department a situation that appears to be a fire hazard.

Mr. Parisi stated, there are announcements on Public Access Television all the time.

Mr. Parisi thanked Mr. Micalizzi for his presentation this evening.

ITEM #10 Consideration and Possible Action (referral to Ordinance Committee) with Respect to a "Seiter Hill" Ordinance Pursuant to Public Act 99-225 as Requested by Councilors Brodinsky, Papale, Vumbaco & Zappala.

Mr. Brodinsky stated, in 1998 the Town became aware of an outbreak of e-coli and/or coliform in private wells in the Seiter Hill area. About 52 private wells or thereabouts were infected. Later, I believe it was in 1999, 18 wells tested positive for e-coli and/or coliform contamination. Many years earlier, residents in the Clintonville Road area had experienced some well contamination and, in the case of those residents, the Town responded with some sort of aide to help them cure the problem. But in the case of Seiter Hill, that wasn't the case. The Administration refused to allow the Town to cover any part of the cost based upon its reading of a state statute. The Mayor's position was that state law prohibited the Town from coming to the assistance of the residents who had that kind of a contamination of a private well. State law has been changed since then; that is the point of this item appearing on the agenda tonight. In 1999, due to the efforts of Rep. Mary Fritz, the law was changed so that it is now clear that in cases of bacterial contamination the Town may legally help residents cover the costs of curing the problem, if the town wants to; it is up to the Town to make that decision. I think the issue is serious enough to explore this option further. If the Council, my colleagues to the right of me, are in the least bit intrigued by the possibilities of that state statute, I think the matter should be referred to the Ordinance Committee for more debate on the merits of the idea. It is not my attempt to definitively debate the issue tonight because I think the Ordinance Committee serves a very good function for the Town in hashing out details and exploring in further detail the merits of a particular ordinance and then coming up with a draft proposal. I think that is the forum in which the detail should be worked out. It is the general concept that I am interested in getting some feedback on by way of a vote. Is this Council intrigued enough by the possibilities that the state statute offers so that we can have an ordinance on the books to help residents in the event their private wells have some bacterial contamination? It is not my intent to put into issue, tonight, the amount of assistance or percentage of assistance; that can be debated at a later time. Whether it is 1/2 of 1% of some cost or 99.9% of the cost, my thinking tonight is, that's another play for another day. I am just interested in getting the matter referred to see if there is enough interest in the Ordinance Committee and then later, on the full Council, to pursue this further.

Motion was made by Mr. Brodinsky that the Council Refer to the Ordinance Committee the Issue of an Ordinance Pursuant to Public Act 99-225 Which would Allow the Town to Offer Some Assistance to Residents with Wells that Develop Bacterial Contamination, seconded by Ms. Papale.

Mayor Dickinson stated that he wished to correct some characterization. With regards to Clintonville Road, there was assistance but it was from the Water Division in the sum of over \$5,000; residents paid \$5,000. Seiter Hill, the final figure is coming in somewhere around \$3,000 per resident. Fox Run Drive is another instance where residents paid for

the extension of water main. I don't agree with the characterization that there was not assistance from Town government. Usually, water extensions, water issues, are funded by the Water Department and not by general taxation and our policy has followed that general precept.

Mr. Rys asked the Mayor, is it required by the Ordinance Committee to look into something like this if there is a state statute on the books?

Mayor Dickinson replied, no it is not required; the state law does not mandate, it allows the appropriation of funds or funding of a project through an assessment process. The Town could pay for the whole thing if it so desired under an appropriation process. A second process is, again, the assessment process, which follows a different course. There is no requirement for any of these things.

Mr. Rys asked, is it really necessary for us to go to an ordinance or can we just use state statute if we need to?

Mayor Dickinson answered, we currently do not have an ordinance, I believe, on this. We follow the state statute. There is no requirement for there to be a local ordinance, I don't believe.

Ms. Papale asked that the Mayor refresh her memory as to the state statute the Town currently follows.

Mayor Dickinson replied, state law allows the funding of water main/water services through two mechanisms, appropriating funds and assessments.

Ms. Papale asked, the state statute allows the town to do it but the state does not tell the town that it has to, like an ordinance?

Mayor Dickinson answered, that is correct. It is permitted to be done, but it is a matter of local decision-making what occurs and in what form it occurs.

Ms. Papale stated, I understand the situations involving Seiter Hill Road, Fox Run Drive and Clintonville Road because I was on the Council at the time. I understand what you are saying but what we are asking here, tonight, is to just have the Ordinance Committee check into the issue. Why not just put it on the next Ordinance Committee Meeting agenda to look into it? That is all we are asking for. I don't see any harm in doing that.

Mayor Dickinson commented, I am just reminding everyone of the background of facts and also that we don't have an ordinance now; we have followed the state law determining what would be the course of action on any given project. Whether or not we need an ordinance is something you can take up but it is not amending an existing ordinance. It is a subject matter that we have pursued through the existing statutes.

Ms. Papale stated, I don't think it would cause any harm for the Ordinance Committee to check into it. I know how busy you (Ordinance Committee) are working on so many ordinances, but all that we are looking for is to check it out. I am hoping that can be done.

Mr. Brodinsky stated, I agree with a lot of what the Mayor said; that we try to follow state law. The point of this is, in 1999 the state law changed. In view of that change, the Town's policy, as most recently expressed in the Seiter Hill incident, deserves to be reviewed. The ultimate decision should be a matter for debate, in the first instance, by the Ordinance Committee and then perhaps with a full Council. In view of the change in state law and in the interest and concern generated by the Seiter Hill situation, I think the matter is serious enough to take up. The advice I get from the legislature is that an ordinance is desirable. I think an ordinance is probably desirable before the crises hits when debate can be taken up, not in the heat of the moment; not when there are political pressures, but a better decision can probably be made if we are not faced with well contaminations and people demanding immediate action. This is the time to take it up. I think a vote referring it to the Ordinance Committee would be a signal, not that anyone is in favor of any ultimate resolution, but in favor of exploring the issue further to see if a remedy is advisable and, if so, the nature of that remedy. It is merely referring it for further debate to the Ordinance Committee. Clearly, if the Council does not want to refer it, it sends a signal that the Council is not interested, in my view it would be a signal, in affording any relief to anyone with a private well, in the future, who, unfortunately, experiences bacterial contamination.

Mr. Knight, Chairman of the Ordinance Committee, stated, I think referring it to the Ordinance Committee is somewhat getting the cart before the horse. I think it would be valuable to have discussion on the issue but, I think it would be important to get a sense of the Council's direction regarding this, even the principles involved because that is what it turned on, it seemed to me, when this matter came up regarding Seiter Hill. It turned on the principle of whether or not general tax money should be used to assist private well owners in the acquisition of municipal water service. I can only speak for myself but I based my decision on the principle that it was not appropriate, not in this case, to make that general taxation contribution. As the Chairman of the Ordinance Committee I am not in a position to say yes or no to any request that it be examined. If the Council makes a request, I am not sure a vote is really required. For my sense, the Ordinance Committee



could spend a considerable amount of time drafting something that would not meet with the approval of the whole Council and I think we can get that sense pretty quickly without having a specific piece of legislation in front of us.

Mr. Brodinsky replied, I understand and appreciate what you are saying which, I think is, in part, that you don't want to waste your time and I appreciate that.

Mr. Knight answered, that is a mischaracterization of what I am trying to say. I think it is a little broader a statement than that. My time is to be spent doing the public's business. I am not judging whether or not it would be a waste of time for the Ordinance Committee to put together the language for such an ordinance but it does seem to make sense to me to get a sense of whether or not there is an interest on the part of the Council in pursuing it in the general basis.

Mr. Brodinsky replied, agreed. That is why I made it in the form of a motion and sort of a test vote. If the motion is voted down, you can get a signal that there is no interest. If the motion is passed and is referred to you, there is some interest but not necessarily enough to make the pre-judgment now that an ordinance should be adopted. I don't think it is fair for any Councilman to vote now on an ordinance that hasn't been debated and we haven't seen the options and have the benefit of your review. You can regard this as a test vote in the event that it is a negative vote. If it is a negative vote on this motion, there is not enough interest and that ends it.

Mayor Dickinson stated, obviously, if we are to change the policy, those under the old policy would seek reimbursement of some kind. It would be very difficult to draft something. You can have someone's well fail three miles away from the end of a water line and if the ordinance said that we were going to extend the line, you can have an enormous bill as a result of that. I am not sure how you can deal with it on a general basis; setting a policy of that kind. In many cases, the factual material that comes out in the specifics will dictate adjustment of a policy. If you write an ordinance, I don't know how you are going to do that and be fair to everyone.

Mr. Brodinsky stated, I agree. That could be a difficult ordinance to write and I am not attempting to draft it here, at a Council meeting. I am well-aware that there are some technical challenges but I am suggesting that we, perhaps can have a "can-do" approach rather than a "cannot do" approach in the calm, cool, and quite of the consideration of the Ordinance Committee; take these challenges and see if they can be overcome. If they cannot be overcome after a debate and the advice of yourself and the Corporation Counselor's Office, then the Ordinance Committee would report back and say that they are faced with a dilemma, a fork in the road; if people live too far away, this becomes

impossible; that kind of thing can be brought up. But to kill it now on the grounds that the ordinance is impossible to write is premature. I think the effort should be made and if the Ordinance Committee finds that it is beyond its means to technically draft this, then let us know and it dies that way. My intent was not to mind technical objections to a possible ordinance right now, let's give it a try and see what happens.

Mr. Farrell stated, I am not going to regard it as a test vote...but my understanding is that the statute was amended at the request of one of our own state representatives, Mary Fritz, and out of some sense of respect for her efforts the Ordinance Committee, which is our general laws committee, could look at it. That is all I am agreeing with this evening.

Mr. Centner concurred with the Mayor. He stated, what happens in these situations is, in every one of the scenarios, there is a plethora of variables. I think the current legislation addresses it to allow assessment; we can pay a portion of it or we can pay all of it. It leaves us plenty of leeway to review all of the different variables and concerns that any one situation can have and come up with an appropriate solution. I am voting no to send it to committee because I don't see the value in it right here with the current legislation we have at hand.

Mr. Rys stated, I had brought up earlier with the Mayor, the issue of the way the state law is written and I truthfully feel that the answer he gave us would not require the Ordinance Committee's looking into this. I learned years ago that a lot of these situations that occur in wells don't have to happen in town, they can happen twenty miles away and just filtrate their way down to these wells. It would have been nice if the Legislature, when they addressed this, gave the municipalities the okay to fund some of this if they come out and say that this is something that can't be proven within your own town; it could have happened twenty miles away. Maybe they should have attached some funding that the state would be willing to give to the municipalities to take care of these problems. It should not go to the Ordinance Committee.

Robert Sheehan, 11 Cooper Avenue stated that he agreed with both sides. The state statute has been working for us for quite a while. The Council sitting at the time a contamination situation arises will and has been the one to decide on whether or not to contribute any assistance to those involved. It is not appropriate to "grandfather" Seiter Hill into this. People buy property, build a house, they like the rural setting and they like what goes along with that, including well water and a septic tank system. Over the course of the years, a septic tank system will fail and a well might fail. That is a price that you pay. On the other hand, you buy a new house with city water and sewer, you paid for it. Whether it is an old house or new house, you paid for the city water and sewer, it is included in the price. It is the land of the free and we are all free to make our choice of where we want to

live if we can afford it. Part of that is that you have to take responsibility for those things that go wrong. The state statute covers the situation. I don't think that we have to muddy the water or tailor it just for this town. This is not a problem unique to this town and will not stay in this town. It will happen again in this town. It has occurred in Meriden and Southington. I have a relative in Southington whose well failed. They had no remedy except to dig into their own pocket and fix it. That is the same way it should be here.

Mr. Parisi commented, I am in total agreement with Mr. Sheehan. You expressed my feelings in your appraisal of the situation.

Pasquale Melillo, 15 Haller Place, Yalesville stated that there is no harm in bringing the issue to the Ordinance Committee for their review. It is the same as giving people relief who are in deep financial troubles; such as those who have experienced damage from floods. There are a lot more pluses than minuses to the proposal.

Wes Lube, 15 Montowese Trail reminded the Council how, approximately 30 years ago the Town used to use a front foot assessment method. At that time the method was based on, "you bought the lot on the inside of the curve with a large frontage; you pay". Then it was decided that it wasn't a fair approach. Just because someone is on the outside of the curve and only has a 50' frontage and their neighbor across the street has a 200' frontage because he is on the inside of the curve, they both have equal benefits to the water and sewer. That is why the Town adopted the unit assessment method. I agree with those who have said, when you buy a new home you are paying for the water & sewer or you are paying for the leaching fields and septic tanks and well, etc. and sometimes that well is based on a per foot basis and it can be very expensive. This also brings to mind the fact that, I believe the motion addressed a particular segment; only those wells infiltrated by e-coli or something to that effect. This is not neglect on the part of people; this is not poor maintenance of wells; this is something that is totally beyond their control in all probability. As far as the Health Director was concerned, I don't believe that she was able to determine that there was a significant number of poorly maintained well caps that resulted in the problem. It was something else that came from afar; where? we don't know, for it was never determined. This sudden onslaught is a financial impact to some of our neighbors. I am not saying you should adopt a subsidy program....but, in such cases you should perhaps adopt a policy of trying to ease the burden as much as possible. The burden can be very significant. If you happen to have bought a home serviced by city water and city sewer the builder, to minimize his cost for bringing that service in to the home, erects the homes right on the minimum setback. He has to have that house as close to the street as possible to minimize the cost of bringing the service in. In contrast, those builders who are building on 1 1/2 to 3 acre zones where they have no city water or sewers and are putting in private services, they set the houses back for they are much more

attractive that way. But in so doing, once the need arises to convert to city water and sewers, those poor people have huge lines they have to bring to their homes in order to try to attain the same service that you and I have. In those instances, I am saying, try to be sympathetic to their financial straits by doing everything that you can within your powers without subsidizing. I can't remember if we brought the laterals in for Seiter Hill residents. If we did, at that same time there was construction, that cost should have been incorporated in the bond issue and the long term payment plan, instead of asking the people to pay for that cost over a short period, in the form of upfront money. Anything like that that you can do is beneficial to the Town, as well as the homeowner, because the Town no longer has constant abuse of their road surface by people each year tying into the sewers. I don't know if this matter belongs to the Ordinance Committee but it belongs to the attitude of the Council in trying to help these people who find themselves in unexpected financial straits.

Mr. Parisi stated, if enough people did not buy the houses far off the street, the builders wouldn't put them back there. That is the free enterprise system. Everybody has to use some thought and care in where they purchase their house and what the situation is. I think that we also want to be fair to those people who have paid for water. I understand being considerate and caring for people, I don't have a problem with that but I do have a problem if I can't respect the people who have had to pay for the service and then I am asked to forget them and give money to those who haven't paid for it. It isn't a pleasant situation but that is the decision that each Councilor has to make.

Mr. Lube stated, twenty-five years ago the Town's Electric Division decided to put in underground electric in all planned unit developments, open space subdivisions. At that time they were putting the service in with direct burial. About five or so years ago it was detected that much of the direct burial had deteriorated and they had to come back in and put in brand new underground cable, in conduit, in order that it would no longer continue to deteriorate and cause aggravation to maintenance problems. The cost was absorbed by the Electric Division. They did not tell the homeowners, "we are awfully sorry but you asked for it when you bought the home with the underground cable servicing it, and now you have to pay to have it re-done."

Mr. Parisi stated, the people who purchased those homes did not have a choice at the time.

Mr. Lube argued, but they did; they did not have to buy the homes with underground electric just as you stated earlier, the people did not have to buy the homes with large setbacks.

Mr. Parisi stated, they assume whatever responsibility comes with that.

Mr. Lubee pointed out, the homeowners did not pay for the re-wiring.

Mayor Dickinson pointed out, in the electric rates are the funds to repair the lines whether they are overhead or underground. We can put, in the water rates, funds to extend water mains wherever we might want them to go but, at this point, they are not in the water rates. In these cases, you have the utility paying for the extension and repair of utility facilities and if we are going to do that with water then the water rates should have to go up to reflect money paid in by water users to allow the extension of water mains.

Mr. Lubee stated, you are inferring that I am suggesting that the Town subsidize the water and I did not say that. I am saying that we should try to do everything we can to relieve the financial burden on these people.

Mayor Dickinson replied, your example of the Electric Division forgets that the electric rates are paying for that, not the tax rates. Just like the water rates should pay for water installations, not the tax rates. If we keep that analogous it keeps in mind where the funds are coming from.

Mr. Parisi stated, we did attempt to lighten the burden. I thought we gave extended terms and interest rates that were reasonable. We did make an attempt to be sensitive.

Mr. Lubee stated, we could have done more than we did. We took a stiff attitude towards the people.

Mr. Parisi stated, we will always have different opinions.

Mr. Centner responded, in response to the speaker who stated that we were up here defending our votes; my previous statements were not in defense of my vote because I actually voted no on the entire package for Seiter Hill. The reason was that I felt that we could have hammered out even a better package. By following current legislation, it gives us the freedom to do that. I don't care to have to challenge an ordinance every time I want to have the freedom to try and produce a better package on settlement, based on all the variables. I clearly do not want an ordinance governing how we would approach any situation like that in the future.

Mr. Brodinsky asked Mayor Dickinson to explain what the situation was regarding Clintonville Road?

Mayor Dickinson answered, as I recall, it was by contract with the property owners and those property owners that entered into the contract shared the cost of the extension. The approximate cost was some \$5,000 per property owner. A couple of property owners did not participate which caused us to depart from that process because some benefited without paying for an installation. The funding beyond that \$5,000 was supplied by the Water Division, I believe.

Mr. Brodinsky asked, are you able to share with us the approximate amounts or the range of amounts that the Water Division contributed?

Mayor Dickinson replied, I am not going to guess at this point. It was the utility paying for it and the utility indicated at that time and subsequent times again, we had Seiter Hill and Fox Run Drive. It was repeated on those occasions that there are not funds in the utility rates for the extension of a water main. Arguably, if we are to adopt a policy where there is to be a reduction in costs to property owners, there should be something in the water rates in order to accomplish that goal.

Mr. Brodinsky asked, what was the rationale for the Water Division making a contribution to the Clintonville Road residents? Why did they do it if there is this resistance to providing some assistance?

Mayor Dickinson replied, I am not going to hazard a guess at this point. I forget all of the background facts but I do know that there are contracts with each of the property owners and whether the P.U.C. had made representations as to what the cost would be and the cost came in above that, that may have been part of why the difference was picked up. My memory is not real accurate. I do know that there were contracts.

VOTE: Vumbaco & Zappala were absent; Brodinsky, Farrell & Papale, aye; all others, no; motion failed.

ITEM #11 Discussion on Progress Made on a "Blighted Building" Ordinance, Including an Update from the Mayor on Action to be Taken, if any, Regarding Stricter Enforcement of Ordinances which Currently Exist as Requested by Councilors Brodinsky & Vumbaco.

Mr. Brodinsky remarked, the issue of building blight has been kicked around the Town Council for many, many years and it concerns all of us to some degree, maybe some more than others. Blighted buildings and potential blight on neighborhoods concerns me a great deal, in part, because it is a problem that can sneak up on you. It is a problem that you need to nip in the bud. Once you have a serious problem with building blight, it is too late; your town council has failed you and we haven't done everything that could have been

done to prevent building blight from being a larger problem. That is the spirit in which I put this on the agenda tonight, to examine where we are going; to see if we are doing everything we can reasonably do to protect Wallingford from unnecessary blight on neighborhoods caused by buildings that are deteriorated, run down and otherwise meet the definitions of blighted buildings. I think everyone in this room, I suspect, can probably point to or drive by a building which, in his or her mind, is a blighted building. I suspect everybody here knows of a building which is blighting a particular neighborhood. I also suspect, based upon quotes I read in the paper from town officials that the condition of these properties do not rise to the level where enforcement action would be triggered. For one reason or another, I suspect, the buildings are not bad enough or do not meet the qualifications for enforcement action either under the fire code, litter code, housing code, building code, or what ever codes we may have. If that is not the case, and if those buildings that many of us have in mind are subject to enforcement action, then it is apparent that maybe our enforcement action can be brought up a click because those buildings are still in the condition that they are in. I am not saying and I don't want to be quoted or misunderstood as saying that blighted buildings are a big problem in Wallingford, they are not and that is the point. They should never get to be a big problem as long as we do our job now and address the situation. I think it is important for the public to know, and I think the Council understands, that a resident can be very, very frustrated if a blighted building is in his or her neighborhood or a building that a resident perceives to be as blighted and they look to the Town for a remedy and the Town either says, "we can't do anything about it; it is out of our jurisdiction" which can frustrate a resident very much. Or the resident is maybe forced to trade his or her anonymity in exchange for filing a formal complaint and that may discourage a formal complaint because the resident may be afraid of some sort of retaliation or neighborhood squabble. A blighted building can be especially frustrating when the quality of life is affected. When there are smells, odors, unsightly conditions, it can be very frustrating if you can't enjoy your backyard or if you are afraid to walk around the block at night because of what may be happening or not happening in that building. Or there may be a building that is attracting or may attract in the future, crime. It is also very frustrating if you are trying to sell your house and a prospective buyer drives by a run-down and deteriorating building and that buyer looks at the building and may be completely turned off to the point where you can't sell your house or you can't sell it at the price that it is really worth. It can be very frustrating and it is important for all town officials to understand how frustrating it can be and to do what they can do. Hopefully this is in the works and maybe Councilor Knight; I think it is important that the Town foster or encourage a culture where it is okay to complain rather than discourage complaints. I am not saying we are discouraging complaints but the question is, are we doing everything we can do to encourage community participation and citizens from calling up the Town Hall and drawing our attention to properties? What we need is a "can do" approach that balances the legitimate



rights of property owners to do what they please with their property but also the rights of the community and surrounding neighborhoods to be free of blighted properties. I am not advocating any ordinance or set of ordinances that are petty or picayune or enforce subjective aesthetic standards; that is not what I am suggesting at all. I appreciate that enforcement action on blighted buildings is a last resort and should be a last resort but sometimes a last resort is needed for the protection of neighborhoods and for the betterment of the town. Cities and towns all across the country have adopted blighted building ordinances and they are enforcing them with fair success according to reports that are out in the media and trade journals. Some sampling of what is being done outside of Wallingford and, in some cases, outside of Connecticut, can be found in a publication I discovered published by the National League of Cities and it has to do with establishing standards for property maintenance. This publication, in part, says "Problems occur when poor property maintenance begins to affect neighborhoods in the community. Property values of homes neighboring delinquent properties tend to decrease and can be difficult to sell. For this reason Fulton County, Ga.", a bastion of progressive democracy I am sure, "implemented the 'It's okay to tell' Program". Maybe it is an idea worth exploring. That allowed or encouraged residents to turn in neighbors whose properties may be in a deteriorating condition. The publication goes on in another section which says, "Rodents and other vermin find tall grass and inoperable machinery to be perfect breeding grounds and a source of infestation to nearby properties. Residents in Rochelle Park, N.J.", another bastion of progressive democracy, I am sure, "have a rat problem due to residents illegally dumping yard waste and not mowing lawns and discarding rubbish." Some of the problems of blighted building ordinances, because there are problems and you have to be very careful in dealing with them, was also raised. "Restrictions on yards and weed abatement raised other concerns for residents. Recently at a Council meeting in Enfield, CT." another bastion of progressive democracy, "a resident defended the rights of dandelions which he prefers to grow in his front yard. The city is proposing a new maintenance law which would prohibit a lawn in such an unkempt manner. Her main concerns are, who is going to define unkempt and who is going to enforce the ordinance and who will be the dandelion police?" That is a serious concern. I am not suggesting that we have terms as vague and as uncertain as unkempt because that is very subjective. To conclude on this aspect of my comments, some quick examples; there was a "Vehicle Abatement" month in Barstow City, Ca. where, for one month, vehicles were towed free of charge to get them off of properties; in Phoenix, Arizona, they instituted a Citizen Hotline to let citizens know it is okay to phone in complaints about properties that may be a blighted building. Minneapolis had a "Citizen's Inspection Program" which tried to get the efforts of community groups cooperating with the city officials to address blighted buildings. The history of the blighted building effort in Wallingford; the recent history, I just want to start in 1999 but it goes way back before that; in an Ordinance Committee meeting in June, 1999 there was discussion of a possible blight ordinance. In reading from



the minutes of that meeting it states how Atty. Adam Mantzaris (Corp. Counselor) contacted several towns, Norwich, Stratford, Ansonia and Hamden, received copies of their ordinances and ordinances from 6-10 other towns...the minutes say that the ordinance in the four communities contacted were being enforced by the Planning & Zoning or Building Departments with fair success. These communities had obtained their definitions of specific types of blight from the National Property Maintenance Code Book which is a standard work. In CT., at least four towns that the Corporation Counselor's office contacted, were enforcing blighted building ordinances with fair success. Then in our town there was an Ordinance Committee meeting in February and then another one in May and it appears as though the emphasis switched from a blighted building ordinance to more enforcement. There was a mention in the minutes that another meeting was going to be held on June 7<sup>th</sup> in the Mayor's Office to discuss enforcement issues. My first question to the Mayor is, was there that meeting on June 7<sup>th</sup>?

Mr. Knight interrupted to ask if he could make a point of order as Chairman of the Ordinance Committee. He asked, would it be possible that the questions be directed to the person that is the Chair of the Ordinance Committee? Would that be relevant?

Mr. Parisi stated, when you, Mr. Brodinsky, are finished with your presentation, in fairness, we will let the Ordinance Committee respond and then you can go to your questions. Does that sound reasonable, Mr. Brodinsky? I think there should be a response first.

Mr. Brodinsky stated, there was a point of clarification that I wanted because there was talk of a meeting at which these issues were to be discussed.

Mr. Parisi stated, let's get the first phase cleared out and discussed, then we will go into questions.

Mr. Brodinsky concluded, there was a report in the newspaper, I think, of that meeting (June 7<sup>th</sup> - Mayor's Office) although I could not find any minutes of it, and some town officials were quoted and there seemed to be some concern by some town officials, according to the article written by Mark Peters, that the Town, under the existing set of ordinances were somewhat limited in how they could respond and some other officials seemed to be concerned that they did not have the manpower to enforce the ordinances that were already on the books and that is somewhat of a concern. In fact, Adam Mantzaris suggested that proper enforcement of existing ordinances would require a part-time person to travel throughout the town to find violations. Councilor Knight suggested that perhaps a summer internship would be appropriate to address that; I think that is a good idea. One question I have is, what happened to that idea? The article in the newspaper suggested that

manuals would be distributed to all town officials and not just inspectors and all town officials will be asked to report blight. The Fire Marshal was quoted as saying that they cannot be the eyes and ears for all properties and I think that was the spirit of this; that all town officials would try to identify blighted building ordinances. That is the background and questions that I have. What happened to the summer internship? Is that still being pursued? Was a manual prepared? Finally, if we do not go with a new blighted building ordinance, what measurable results can we expect from an increased emphasis on enforcement without a new ordinance? What can we expect in the next 12 months? And if there has been an increased momentum to adopt a blighted building ordinance, my final question is, what is the nature of it and when can we expect it? Thank you, Mr. Chairman.

Mr. Knight stated, we will go back and review what the Ordinance Committee has done. Unfortunately, Councilor Brodinsky was not on the Council when it was first initiated by Councilor Farrell some year and one-half ago and also, with the interests of a couple of residents. The Ordinance Committee took it up and the minutes don't certainly reflect all the discussions that have taken place with regards to a blight ordinance. Adam Mantzaris has accumulated ordinances from half a dozen communities. At the time he has initiated discussion with certain individuals who were charged with enforcement of these types of ordinances, which is not quite as simple as Mr. Brodinsky would make it out to be. For that purpose we had moved with caution because not only do we want to make sure that any ordinance we write is enforceable but out of respect for the private property rights of everyone that lives in this community. This is not Minneapolis and it is not Barstow; it is Wallingford and, yes, we have a blight problem. Fortunately, it is very minor and one of the things that all three members of the Ordinance Committee wanted to ensure is that the property rights of everyone in this town were respected. There are opportunities for these ordinances to become bludgeons by disenchanted neighbors against one another. It has happened in other communities; I am sure you (Mr. Brodinsky) did not read anything about that; we have. We have also read of the unenforceability of certain portions of these ordinances and the difficulties, given the manpower of any municipality and the financial constraints that any municipality faces in so staffing such that every single one of the violations that might be uncovered might be pursued to the fullest extent. There has been considerable discussion since Mr. Farrell brought this up 1 ½ years ago. The meeting that took place was really just discussion with the Mayor and a couple of members of the Ordinance Committee because, at that time, having discussed it in our meetings it became clear that there are ordinances on the books that, in large measure, address the problem. Not only are there ordinances on the books but there are other departments charged with enforcing regulations written by the State of CT. that address the potential blight problem. It didn't seem to make a lot of sense to accumulate this information before we stepped off into the unknown and wrote an ordinance that we found either unworkable, unenforceable or duplicative of all the ordinances and regulations that proceeded it. In June, Adam

Mantzaris wrote a letter to the various departments and received responses and he has put these together for the Ordinance Committee to review. I was the one to receive it, it was just recently, the other two members of the committee do not have this information at this time so I am going to just generalize and say that most of the blight problem can be addressed through eight different ordinances that have already been written, some as far back as 1976. We have a brush, grass and weeds ordinance; we have an unsafe building ordinance; we have a littering ordinance; we have a rodents ordinance; we have a rental housing ordinance that runs for 33 pages; we have two solid waste ordinances; we have an abandoned vehicle ordinance. All told, probably 75-85% of the description of what we might consider a blighted property is covered in those eight ordinances. Furthermore, there is the fire code, building code, housing code; we have no end of laws and what we need is better codification. It occurred to the committee that if possibly more town employees, such as the Police Department, were more aware of what ordinances and regulations did exist, that that would have a great effect on increasing the enforcement of the ordinances that I am referring to. There are other issues; a few of them we intend to discuss are; the home rule statute that the state has enacted that would allow liens against the property for the failure to pay the fines levied from a blight ordinance. That seemed to us to be the primary reason to incorporate any blight ordinances; that we would have an increase in the amount of enforcement power. Some of the ordinances already have it but some don't. Another thing we want to do is review exactly who is charged with enforcement of every one of these regulations and see if that is the appropriate body to do so and perhaps adjust the existing ordinances if the enforcement of a particular ordinance is with the wrong party or could be placed with an official better suited to the task. We want to look at the appeals process. As you can imagine, once you start leaning on somebody to do something about their property, some of them might object and there has to be a reasonable appeals process. That will be part of our examination. We may want to add additional descriptions of conditions constituting blight. The length of grass and weeds seem to crop up in most of the ordinances that we see have been written specifically to address blight. That seems to be, with discussions we have had with residents, something that is quite aggravating to neighbors when there is a particular property owner who does not mow their lawn. We may well want to incorporate that. We will revisit the sensitivity to the private property issues. That will be paramount. I think we have the tenor of the town when we will discuss this. I think we understand pretty well how far Wallingford residents wish to go with respect to the private property issue. One other thing that occurred to me is, should we re-write everything and enact a new ordinance with a lot of stiff penalties and a lot of enforcement because of the re-education of some of the other officials in town who aren't as aware of the existing ordinances? Should we write a new blight ordinance that I think should be a "ramp up" of the enforcement? I don't think we ought to just jump on everybody we could possibly find within a two month period. One, I don't think it is necessary; I would much rather see if we can gain compliance

through meeting with residents or advising them of potential fines or citations rather than hammering them from the get-go because we have a brand new ordinance. I want it understood, and it doesn't seem to have been understood, that a great deal of work has been done on this subject already and we intend to continue that. Enforcement of the existing ordinances; incorporation of some of these ordinances into a blight ordinance for the purpose of enhancing our ability to enforce such rules and regulations and a respect for private property are three of the paramount issues that we will continue to address. That is my report out from the Ordinance Committee on work that we have done on this subject.

Mr. Farrell stated, as indicated, I was the one who suggested a number of months ago that we look at a blight ordinance and I do believe it is something that hopefully, ultimately is a good idea. In Mr. Knight's comments, what he was trying to describe is that the committee has intellectually grappled with some of the difficult issues that such an ordinance would bring up. I don't think we can minimize those issues. We can pass a law that says anything. The question is, will it be constitutional? The Council can pass an ordinance that requires the Mayor to dance on top of that table but it is probably not constitutional and there certainly has been plenty of legal scholarship that has said that blight ordinances have questionable constitutionality to them and that is something that the committee has looked at. I think it is something that has been recognized by the state legislature in how they have amended the laws on blight ordinances because, as mentioned, they have added some enforceability to levy fines and to make those fines into liens on the real estate. I think they have recognized that they need to tell the courts, which are ultimately going to consider whether these laws are constitutional, that this is something that is important and something that should be constitutional. By and large, the blight statutes that CT. has enacted have not been challenged in court and it may be that plenty of municipalities are out there "successfully" enforcing them but the likelihood is that there hasn't been a challenge that has gotten into court that has become a recorded decision. I recall asking that question of Adam and I don't think he was able to find anything that was a recorded decision out of any CT. Court. That is where we are; that this is an issue where we are on some uncharted territory so I think moving with all due diligence but all due caution is what the Ordinance Committee is trying to do. I hope we haven't left anyone with the perception that we have dropped the ball; we are just trying to be careful.

Mr. Centner stated, my personal position has been to oppose any intrusive ordinances. As we heard the Fire Marshal state earlier, there are about 16,000 structures in the Town and we seem to keep talking about the same dozen or so blighted buildings. I have been kicking around the town for over 40 years and I would say there is probably 100 properties that we might consider blighted. If you divide the 100 into 16,000 you will come out to .00623% which is a very small fraction. What we are looking to do here is burden 99.9%

of the people who are following the laws, are proud of their properties and in compliance with nice looking buildings in the town. I just don't see, myself included, being burdened by any other intrusive measures to tighten that up. I concur with Councilors Farrell and Knight, we have measures on the books, lots of them. I would advocate that we more strongly enforce them and, as said earlier, sometimes these things can get out of hand. I, personally, had such an experience. I have a permit on my house; I have been working on it for four years because it is quite a large expansion to my home. One of my neighbors didn't like the way my house looked while it was under permitted construction and was over complaining about the way my house looked in the neighborhood while I was building it. We have to be careful with these kinds of things. I will not agree to measures that I feel would be intrusive on the average person that is quite proud of their house here in town. I challenge anyone to tell me there is more than 100 blighted properties in the town of all the structures that we have. I don't perceive it to be a burning problem and I don't wish to pass any measures at this point.

Mr. Parisi stated, there is a department who has changed their procedure of requiring people to give their name. I brought it to the attention of the Mayor, we discussed it and the Mayor agreed that it was not totally unnecessary and that department no longer does require it.

Mr. Brodinsky asked Mr. Centner, is it your (rough) estimate that there are approximately 100 blighted buildings?

Mr. Centner answered, yes.

Mr. Brodinsky stated, that is higher than the number I thought you were going to say, which estimate underscores the need for increased enforcement and a blighted building ordinance which I gather that some of my colleagues to my right think we ought to adopt and some don't. The reason I am relying on the June 11<sup>th</sup> article that appeared in the Record Journal is because I could not find any minutes of the June 7<sup>th</sup> meeting or else I would have referred to that but I got the impression from reading articles in the paper that the Ordinance Committee was abandoning or on the edge of abandoning adopting a blighted building ordinance. I have learned tonight that was not a correct assumption. Can someone confirm that?

Mr. Knight replied, we had not carried it that far. What we had intended to do is compile a list of the ordinances that did exist, step back, see if it was required that we write a blight ordinance. The only thing that has encouraged both Jerry (Councilor Farrell) and I to consider even codifying further any blight ordinance or even entertaining the idea without attempting to enforce the existing laws first, is this ability to lien property that is not

always available with the existing ordinances. That is a very attractive feature and one that we intend to explore further. Our main thrust, and you did not misinterpret it, was to make the Police Department, in particular, aware because their people are on the street 24 hours a day, 7 days a week and are trained, observant people, for them to be aware of the laws that do exist and see if we can illicit some assistance from them, other town employees that are out and about and attempt to catalog a little more the obvious properties that are blighted. Again, we are not going to take a sledgehammer approach to dealing with this problem. We intend to take an incremental approach and the first step seems to be to compile a list of the existing regulations. Lord knows, we have had Councils here for many, many years; we have a big book full of ordinances and the state legislature continues to churn out more laws; we have federal government....we have three branches of government that do nothing but pass more laws. It seems sensible, for once, to have a body that looked to see if another one was actually necessary.

Mr. Brodinsky stated, one of the things that concerned me about the possibility of abandoning a blighted building ordinance; I now understand that is not where you are going; an article in the Record Journal, quoting the Building Inspector as saying, "for a building to be considered blight, it has to be unsafe or a fire hazard" Town Building Inspector Richard Boyne said. That appears to be the prevailing view of the town officials and it seems to be my general reading of the existing ordinances on the books. If it is not a fire hazard or unsafe, there is very little that town officials can and probably want to do. But there is a category of buildings that are out there that do not necessarily, clearly fall within the category of unsafe or a fire hazard which can qualify as a blighted properties under definitions that are reasonably specific and reasonable and have been adopted for other towns and are working for other towns. I am glad that the idea that the blighted building ordinance has not been abandoned. I think one advantage of a blighted building ordinance is that; it brings under one section all of the rules that an enforcement official would need to see or follow. It would be an umbrella-kind of an ordinance which would incorporate provisions that would be borrowed from other sources and it would be much easier to enforce and administer rather than having a police officer having to learn the basic building code. Gee, that is awfully tough; or having a policeman learn the fire code. I am not sure we want to have our police officers spending their time that way...

Mr. Knight interrupted to say, no, they will be able to spot a blighted property pretty easily. We are not talking about doing something real technical, we are talking about an ordinance, one of which reads, "public health safety and welfare..."

Mr. Brodinsky asked that he be allowed to finish...

Mr. Knight continued, "...by eliminating physical conditions in or on buildings or structures which constitute nuisances and are thereby potentially dangerous or hazardous to the life, health or safety as well as to prevent the creation, continuation, extension or aggravation of blight which affects the image and economic welfare of the community." Every one of the blight ordinances that I read from Berlin, Norwich, Hamden, Bristol, West Hartford, Stratford, Ansonia; all of them refer to exactly to, almost used the same phraseology. We are not asking the Police Department to become experts. We are asking them to at least be aware of the eight ordinances, eight ordinances that are already on the books.

Mr. Brodinsky asked, if I may continue, what is the next step, then, for the Ordinance Committee? What can we expect next and when might we expect it?

Mr. Knight answered, once all of us are not on vacation or out of town and the summer is over, our intention is to meet and I thought the next step ought to review the data that has been collected from the various departments and proceed that way.

Mr. Brodinsky asked the Mayor, apparently there was a meeting or proposed meeting of department heads about tightening up enforcement procedures, did anything develop along those lines?

Mayor Dickinson answered, yes, Adam Mantzaris is preparing a list of a summary sheet that can be distributed to officials, anyone possibly, who is driving around in the community; a sheet of reminders to what conditions would be subject to enforcement and, using that as a reminder, report conditions to the appropriate office and hopefully encourage enforcement. We will see how that works.

Mr. Brodinsky replied, that is a great idea; if you can send all council members a copy when you are done?

Mayor Dickinson acknowledged Mr. Brodinsky's request nodding yes.

Robert Sheehan, 11 Cooper Avenue stated there are some properties in town that are a real disgrace. A commission in this town has been trying to get an owner to clean up his property for ten years. They call it everything from a junk yard; he has equipment that does not work; you name it, he has it. They have been trying for ten years to get rid of him and he comes up here every 3-6 months and the same people show up, the abutters to his property, and the argument has not changed in ten years. You will hear the same arguments from both sides. He does just enough to comply. He will be given a list of five things to do; he does one. It may be as simple as moving one item from one place to



another. The individuals sitting on this commission wish they could do more to have him clean it up. One of the reasons this individual gets around this is because he has a lawyer. For every ordinance, regulation, what ever is on the books, they can find a way around it; just do enough to satisfy the town. I don't know what you can do to some people, take their business or building away from them? I don't think we want to get into that process. I drive by some properties daily and take notice to see what new junk has been put out in their yards. How you will enforce the matter involving a private property owner? I don't know. We have abandoned vehicles around town but I believe the law says that you can have one unregistered vehicle on your property, so long as it is on your property.

Mr. Parisi stated, if it is unregistered it can be removed or it can be posted and the police can encourage them and within 30 days, if it is not registered, they can be removed. I have dealt with a couple of those already.

Wes Lube, 15 Montowese Trail stated, it is often said that if a wise neighbor is unemployed it is a recession, but if your husband is unemployed, it is a depression. I think if Mr. Centner had a house next door that was on that blight list, he would feel a little bit differently about there being as few as 100 (blighted properties) in the town. If one of those 100 is next door to you, it is the whole world as far as you are concerned.

As to Mr. Farrell's comments that he made about the unchallenged state statute; if we were to hold off until every statute was challenged and it turned out to be a successful challenge, we would have a wide-open rodeo-type of town, but that is not the case; I don't think we should wait for that. If it turns out that something that we put into effect is successfully challenged, we can drop it but, in the meantime, it may never be challenged so let's not wait. Mr. Knight's remarks about the ordinances on the books, boy is that so true. I would like to tell you a story about what happens to John Doe, me, after the meeting where you discussed this. At the time the discussion is mostly about abandoned vehicles and I was told, "you don't have to worry about these things, we have the rules on the books", I thought, gee, that's great. After the meeting ended, I go over to the Police Department to report an abandoned bus and four abandoned vehicles all on one lot with only a 50' frontage, it is a real squeeze; the whole backyard is nothing but a scrap yard. The desk sergeant laughed at me saying, "oh, come on, not again, not 215 N. Colony again; we have arrested that guy so many times, it doesn't make....", I said, "what do you mean you have arrested him?" The sergeant answered, it is like parking in front of a hydrant; you mail in your five dollars and it is all over with. That is the problem, you see. Ordinances are ordinances are ordinances. If you have an ordinance that is unenforceable, the police take it upon themselves to drop the subject because it just doesn't accomplish anything and that is part of the problem. Your ordinances are there. Whether or not you need a blight ordinance, I don't know, but you have to re-visit the ordinances; decide what is wrong with these that our administrative people are not enforcing these ordinances, that would be



very constructive. After I left there I went to the Health Director the next day and asked her. She gave me a copy of the Solid Waste Ordinance that the Town adopted way back in the 1979. Unfortunately, she is dependent upon the Director of Public Works. The Director of Public Works doesn't want to know from nothing. I next go to our Corporation Counselor to tell him that the police tell me that if the guy doesn't want to send in his \$5.00 all he has to do is follow the instructions in the letter of warning which says basically, if you don't like the warning, you can appeal it to the Corporation Counselor. He said that most of the people don't pay the \$5.00 so they go to Adam (Corp. Counselor) who, in turn, says, "call me up when you have solved it." That is the way it is handled. The problem is simply this; the Town has a Towing Ordinance and one of the things it says is that the company who is doing the towing must have the capability of responding to abandoned vehicles. Some of these towing companies, when picking up the abandoned vehicles, rutted the lawn of the property where they were towing the cars from so the homeowner went to the Town with a bill to repair the lawn that the tow trucks had rutted. Instead of solving that problem, we just abandoned doing any towing; we don't do it anymore. The ordinances are on the books but nobody is enforcing them and nobody goes back to the Council who passed the ordinance to say, "we can't do it for this reason". The Council is left assuming that the ordinances are being enforced. As Chairman of the Ordinance Committee, if you discover that, after all of your diligent efforts, a given ordinance is not being enforced which you deem to be enforceable, what can you do about it?

Mr. Knight answered, there is going to be a meeting taking place of the officials in Town who are charged with enforcing the ordinances and I would like to know what the outcome of the comment from each of the people charged with the responsibility of enforcing those ordinances is. It is appropriate that the Mayor take that action; I am sure he is going to have comment with regard to what was said and what is suggested. We will take suggestions from those people who are charged with the enforcement. We may have fines that are too low or other clauses that makes it difficult to enforce an ordinance; we may have bad language in it that allows people to slip through; inadequate definitions; that is all part of the input that we think is going to help us fashion, if we need to, a blight ordinance which is an all-encompassing one. There is validity to what Mr. Brodinsky said about having a ordinance that encompasses everything that these eight (ordinances) already do plus some of the additional things that we might want to add. If we do that, we will incorporate the comments from the people charged with the enforcement of the ordinances.

Mr. Lube stated, that sounds like a well thought out approach to trying to achieve as good an ordinance as possible. What if, after all of that effort, you find out that they are still not doing it? What is your alternative?

Mr. Knight stated, I am not sure I have an answer for you. I don't know what the next step is. Do we "ramp" up the fines to the point that they are really onerous and we can really lean on someone? Do we re-write the ordinance? I just don't have all the answers.

Mr. Lube asked, if you find a department that does not want to carry out your wishes, what is your alternative?

Mr. Parisi answered, there is no answer to that. We are not here to play 20 questions and ask, what if?, what if?; we can do that all night. The questions and issues brought up by Mr. Brodinsky were well-founded. I thought that the responses were to the point; they explained very explicitly what their course of action will be. I thought it was an excellent...I commend everyone who took part in it; it was done very respectfully, forcefully and everyone argued their point but I think we all learned something from this that, in fact, the Ordinance Committee has a program that they are trying to implement. They have specific steps that they are going to follow. It is summertime, one is away; the other is away; there were a number of reasons that did not allow the meeting to proceed as quickly as they might have in the fall or wintertime. That being the case, they are going to proceed now. They know what they want to do and, quite frankly, these ordinances have been sitting around for the 24 years almost that I have been on and off of this Council and we are now really starting to look at them and grapple with them and try to make some sense of them and figure out what is working and what isn't working and why it isn't working and that is the job the Ordinance Committee has chosen to do. I think we have to allow them the time, now, to take each step to the conclusion.

Mr. Lube stated, if we have up to 100 blighted homes and it is a very small percentage of our total community, unfortunately, far too many of them are on our front porch; the main streets of this town, the streets that all the visitors see and when they think of Wallingford, that is their impression of our town and these are the things that disturb those who are interested in having the Ordinance Committee come up with something constructive.

Mr. Parisi replied, we share that frustration because we get the calls and we try to deal with the problems. The Council gets any number of calls about abandoned cars.

Mr. Lube stated, the Council passed a Rental Housing Code Ordinance and we have a Housing Code Enforcement Officer, George, and he receives a complaint from a tenant; he will not investigate unless a complaint is received from either a landlord a tenant; he receives the complaint, goes out to inspect and he tells the owner what must be fixed then issues a certificate of compliance. The tenant who filed the complaint is now told that they have a 30 day appeal period but the appeal period starts from the day he is notified; he is never notified. That erases his appeal period.

Mr. Parisi reiterated Mr. Knight's comments that there has to be a very close look at what the appeal processes would be for every ordinance. There has to be an opportunity for the public to respond to seek a correction for a charge or what have you. I thought it was an excellent report because it seemed to hit everything that we are actually right now beating to death. There is a lot of work to do and I think the committee is up to the task and there is a commitment on the part of the entire Council to get these ordinances more focused and productive.

Geno Zandri, 37 Hallmark Drive commented, you may identify that there are 100 places in town that are blighted but I know that each and every one of you would not want to live next to that, just for the issue of re-sale value of your property; you wouldn't want to have one next door to you. There is one thing that concerns me; I thought it was mentioned by Mr. Knight that there was an existing ordinance on the books that dealt with grass or weeds, tall grass; is there such an ordinance?

Mr. Knight answered, that is one of the areas where I did not see any existing ordinance having to do with grass. I have the eight ordinances that I have been referring to very carefully. It is one of the things that is referred to in most of the blight ordinances that other towns have written and that is what I used as an example of where we might want to incorporate. I am sure when you were on the Council that you got calls from residents, too. I thought it was a fire hazard but the Fire Department didn't feel it was. We need to add that perhaps.

Mr. Zandri stated, I think it is very apropos, especially now. One of the most unsightly conditions you can have is tall weeds and brush growing up and I can point out and name several places right on Colony Street as an example. But we also have another problem in the State of CT. today and that is the West Nile virus and tall grass breeds this kind of problem which is going to be a health issue in itself. We really should move on addressing the tall grass issue as quickly as possible, not only for its unsightliness but also for the health aspects as well.

Pasquale Melillo, 15 Haller Place, Yalesville stated that we should establish a hotline for residents to phone in complaints of hazardous situations around the town. A meeting of the Law Department, Town Council, Ordinance Committee and department heads of all facets of government should be convened to get as much input as possible on the subject and then get to the bottom line. He stated, everything should be geared to preventative maintenance similar to the Fire Marshal's preventative maintenance plan. He watched a television program last week which spotlighted a municipality in which the residents and

town officials became relaxed in the area of blighted properties so much so that a rat problem developed to the degree that the rats were coming out during the daylight hours.

No action taken.

ITEM #12 Consider and Approve a Transfer of Funds in the Amount of \$4,659 from Misc. Distribution Expenses Acct. #598 to Purchased Power Acct. #555 of the F.Y. 1999-2000 Budget Year of the Electric Division

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #13 Consider and Approve a Transfer of Funds in the Amount of \$310 from Street Light Signal Acct. #373 to Leased Property Acct. #372 of the F.Y. 1999-2000 Budget of the Electric Division

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #14 Consider and Approve a Transfer of Funds in the Amount of \$120 from Misc. Distribution Exp. Acct. #598 to Street Light Signal Exp. Acct. #585 of the F.Y. 1999-2000 Budget of the Electric Division

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #15 Consider and Approve a Transfer of Funds in the Amount of \$1,750 from Misc. Distribution Exp. Acct. #598 to Meter Expense Acct. #586 of the F.Y. 1999-2000 Budget of the Electric Division

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #16 Consider and Approve a Transfer of Funds in the Amount of \$46,900 from Customer Records & Collections Acct. #903 to Overhead Lines Expense Acct. #593 of the F.Y. 1999-2000 Budget of the Electric Division

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

Mr. Centner asked, what was in the budget initially for this account for the year?

William Cominos, General Manager of the Electric Division replied, \$799,108.

Mr. Centner asked, will that conclude the program up to current storm conditions or is there something still waiting? With this kind of transfer, will this give you enough to cover you for the remaining part of foul weather?

Mr. Cominos pointed out that this transfer is for last year's budget.

Philip Wright, Sr., 160 Cedar Street asked, why are all these transfers necessary after the end of the fiscal year? Is there money left over?

Mayor Dickinson answered, this transfer balances accounts in the prior fiscal year. They would be housekeeping matters, properly reflecting expenditures in accounts where, at the end of the year, it was determined that inadequate funds were in the account to pay the total bills received.

Mr. Wright asked, does this have anything to do with the \$1.4 million "goof" that was discussed last week? This is not something as famous as that?

Mr. Rys answered, only the first one, correct Mr. Cominos?

Mr. Cominos replied, I am not acknowledging that.

Mr. Wright asked, what would you say it was?

Mr. Cominos answered, an underestimate.

Mr. Wright stated, it seems hard to accept when you have all the experts and computers and everything else that exists down there that you can underestimate by \$1.4 million; I say it is a goof.

Mr. Parisi asked, what is the total budget down there?

Mayor Dickinson answered, \$40 million.

Mr. Parisi answered, I don't think it is a goof.

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #17 Consider and Approve a Transfer of Funds in the Amount of \$14,350 from Employee Pension & Benefits Acct. #926-000 of Which \$1,300 is Transferred to Property Insurance Acct. #924-000; \$1,850 is Transferred to Liability Insurance Acct. #925-000 and \$11,200 is Transferred to Workman's Compensation Acct. #925-001 in the F.Y. 1999-2000 Budget of the Sewer Division

Mr. Brodinsky asked, will the transfer out of the employees' benefits account in any way prejudice any benefit any employee may get?

Roger Dann, General Manager of the Water & Sewer Division answered, no, it will not.

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #18 Consider and Approve a Transfer of Funds Totaling \$4,650 from Maint. Dist. Res. & Standpipes Acct. #672-000 of Which \$1,150 Is Transferred to Chemical Expenses Acct. #641-000; \$550 is Transferred to Property Insurance Acct. #924-000 and \$2,950 Is Transferred to Liability Insurance Acct. #925-000 in the F.Y. 1999-2000 Budget of the Water Division

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #19 Consider and Approve a Transfer of Funds in the Amount of \$7,150 from Maint. Dist. Res. & Standpipes Acct. #672-000 and \$10,000 from Employee Pension and Benefits Acct. #926-000 for a Total of \$17,150 which is Transferred to Workman's Compensation Acct. #925-001 in the F.Y. 1999-2000 Budget of the Water Division

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

ITEM #20 Consider and Approve a Budget Amendment in the Amount of \$85,000 Increasing Maint. Collection System Acct. #461-673 and Increasing Maint. Reserve Balance Sheet Acct. #641-216 – Sewer Division

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

Mr. Centner asked, with regards to the sewer main in Pond Hill area, did construction in the area contribute to acceleration of the deterioration?

Mr. Dann answered, no. It is the result of hydrogen sulfide formation in that line. Under certain conditions that can occur and then results in formation of sulfuric acid on the pipe wall which attacks a concrete pipe. It is not a construction-related issue, it is more a matter of trying to control bacteria that may be growing within the pipeline.

Mr. Centner asked if there was any way to improve ventilation after the repair to minimize it occurring again?

Mr. Dann answered, no, what we are looking at is actually treatment at one pump station. We think the problems are occurring at a pump station where the detention times are too long and the sewage goes a little bit septic and allows the formation of hydrogen sulfide. By treatment at that pump station, we think we can eliminate the problem. The other thing is that this lining that will be put in is actually resistant to that attack.

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

Mr. Parisi apologized to Raymond Smith, Director of Public Utilities, for not placing some of the items on the consent agenda. He could not recall, specifically, the reason they were not placed on the consent agenda but vowed to watch for such items in the future.

ITEM #21 Consider and Approve a Waiver of Bid to Hire Appraisers for Tax Appeal Litigation, Foreclosures and Open Space and Misc. Appraisal Services – Town Attorney

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

Mr. Centner asked Atty. Small if she had a particular “pool” of appraisers she preferred to use?

Atty. Small answered that she has some that she uses and is considering using two new ones. She stated that she is also considering putting some type of professional bid out but

has not figured out yet specifically how she will accomplish it. She has used and considered several different appraisers.

Mr. Centner asked if Atty. Small has observed the new appraisers "at work" in the litigation process to know how successful they might be?

Atty. Small answered that she is aware of their reputation and has consulted with one, in particular, while she was working on the Bristol Myers tax appeal case. That specific appraiser mainly does work for New Haven but it is all New Haven county. In Mr. Nitz's case, he knows Wallingford so well, he has done so many appraisals over the years and he is also the best witness she has had in any tax appeal. He is truly the best; the one most reliable witness I have had to date in a tax appeal trail, she stated.

Mr. Centner commented, it makes me comfortable that you, personally, have witnessed the performance of the appraisers that I am not aware of.

Atty. Small stated, I have been using Mr. Booker more; I haven't seen him in court action; I haven't had a case with him yet go to trial. I am starting to use him for tax appeals. Generally, that is how I do it.

Mr. Centner stated, personal experience speaks to me in this kind of an arena versus the resume.

Mr. Brodinsky asked the Town Attorney, is it your impression that if we put it out to bid Mr. Nitz would not come in as the lowest bidder?

Atty. Small answered, not necessarily. His prices are very good and they tend to be lower than some of the other firms I have used. My concern is not who would be picked, my concern is...my thought was that I might do separate ones (bids) for tax appeals because I might be looking for something different in terms of expertise like an M.A.I. may be more important to me; trial experience may be more important to me; then maybe open space or maybe just a general one separated. I also like the idea of having a list of five but, in discussing the matter with Atty. Mantzaris, he did not think we could do so under the Purchasing Ordinance and I haven't looked at that yet. From my perspective, it would be ideal to have an approved pool that I can draw from because different cases may lead me to have different reasons for picking some; particularly the court cases. Especially when you are talking about, in the case of Mr. Nitz, who has done so many appraisals over the years and knows Wallingford so well. He may be the guy I want because I talked to him and he said, "oh, yeah, I did that in...." and he starts talking about this property like the back of his hand. In some respects I don't want to lose the ability to do that but that is



kind of why I was thinking that if I put it out to bid, I would do those separately. I may still want waivers on occasion but maybe I can do that so I end up taking one individual, in general. In the case of Bristol Myers, you don't just pick anyone. We picked Mr. Flanagan based on his experience. There are always going to be properties that are more unique. I once had a tax appeal with Cyanamid on personal property. I searched the country for somebody and got this guy up in Massachusetts from a small group of guys that do that type of work and are like a lost breed. Those are the concerns I have regarding putting it out to bid. My feeling is that I will probably have to separate them. I do like the idea of having a list, for general stuff, rotating it (the list) to some extent. I am just not sure how to work that out yet.

Mr. Brodinsky asked, would the time that it would take for you to put this out to bid from time to time impair your ability to represent the town?

Atty. Small answered, If I develop a bid, it would be with the caveat that there are going to be cases when I will want to go out elsewhere and the bid would say so. We do that, in general, when we go out for services. It says that the Town is not precluded from hiring someone else for a specific project and I would take that position, particularly with tax appeals, you have to do that. You have to look at a piece of property and say, "maybe this one I am sure I am going to trial on, I really want to know that the person I have has got really serious trial experience. Or the particular unique characteristics of the property cause me to want someone in particular that does not happen to be the person that I picked. Some appraisers have more experience in a particular area than others.

Mr. Brodinsky asked, was that a "yes" to my question?

Atty. Small stated, let's assume that I developed a bid that I feel comfortable with doing and maybe it ends up being that I decide everything but court cases I could put out to bid; maybe that will end up being my decision, I can't decide at this point in time. If I did put it out to bid, no matter what subject matter it covered, it would always be with the caveat that there may be circumstances where I will still come before the Council seeking a bid waiver to hire someone else.

Mr. Brodinsky asked, my question was, are you ever under the gun for time so that you don't....

Atty. Small answered, I can be, yes. What happens is, for a long period of time the tax appeal cases involving Wallingford stood still in New Haven because the court was doing the City of New Haven's tax appeals first, and there were over 900 of them, they basically put everyone else on the back burner. We are not on the back burner anymore so,

generally, I am getting notices saying that I must appear in court in one month which is not a lot of time. If I haven't done the appraisal already, it is not a lot of time to get it and usually I have to do extensions and what not. I am somewhat under the gun at that point in time to get it done.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he is against the waiving of the bidding process. It means less competition which means more tax dollars paid by the taxpayers.

Mr. Centner explained to Mr. Melillo that Atty. Small will be using a pool of appraisers so there is some competition there.

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

Mr. Parisi stated that a new procedure will take place this evening pertaining to executive sessions. The public can remain seated in Council Chambers while the Council, Mayor and anyone else having cause to be in executive session with the Council will retreat to the Council Office.

ITEM #22 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 – Mayor

Motion was made by Mr. Rys to Enter Into Executive Session, Seconded by Mr. Farrell.

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

The Council entered into executive session at 10:15 P.M.

Present in executive session were: Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, and Rys; Mayor William W. Dickinson, Jr.; Town Attorney Janis M. Small and Conservation Commission Chairman Jeff Borne.

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

VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

The Council exited executive session at 11:25 P.M.

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

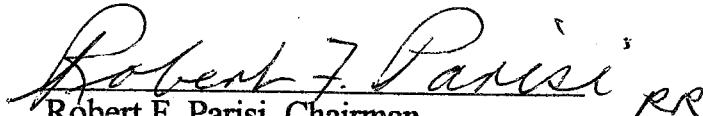
VOTE: Vumbaco & Zappala were absent; all others, aye; motion duly carried.

There being no further business the meeting adjourned at 11:25 P.M.

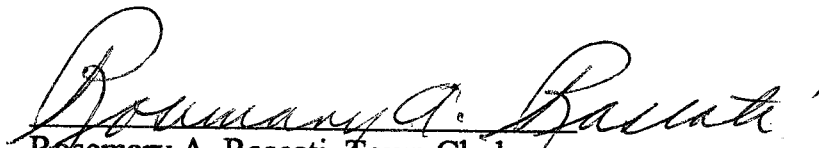
Meeting recorded and transcribed by:

  
Kathryn F. Zandri  
Town Council Secretary

Approved by:

  
Robert F. Parisi, Chairman RR

9-12-00  
Date

  
Rosemary A. Rascati, Town Clerk

9-12-00  
Date

**Paul Pizzo**

**Architects, A Professional Corporation**

118 Center Street  
Wallingford, CT 06492  
Phone 203-294-6160 Fax 203-294-6164

July 24, 2000

Mr. Robert F. Parisi  
Council Chairman  
Wallingford Town Council  
64 Northford Road  
Wallingford, CT 06492

RE: American Legion Building  
41 South Main Street  
Wallingford, CT 06492

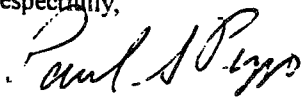
Dear Mr. Parisi:

It is with regret that I must withdraw from negotiations to lease the American Legion Building. Although there are several items in the draft lease that would need to be addressed, a fundamental change has occurred in my business which changes our direction. Our firm has an opportunity to grow by merging with a national firm. This opportunity has opened itself over the last two months. As much as I was looking forward to moving our offices to 41 South Main Street, I am not sure how these new plans will result in the best office location.

As it appears that some members of the Council are looking for some closure to this matter, my response at this time is to withdraw.

I hope this does not diminish the Town's determination to save this building. Our society has too often thrown away otherwise useful historic structures because they lack suitable infrastructure. This building helps make up the fabric of what is Main Street in Wallingford. It is important if only as part of the whole that the street façade should be preserved.

Respectfully,



Paul S. Pizzo, President  
Paul Pizzo Architects  
PSP/lc