

TOWN COUNCIL MEETING

JANUARY 9, 2001

6:30 P.M.

AGENDA

Blessing

1. Pledge of Allegiance and Roll Call

2. Correspondence

Presentation of Awards to Dag Hammarskjold Middle School Cross-Country Team for Winning the State Championship – Mayor

3. Consent Agenda

a. Consider and Approve Tax Refunds (#157 - 182) Totaling \$5,106.54 – Tax Collector

b. Approve and Accept the Minutes of the December 19, 2000 Town Council Meeting

c. Consider and Approve Authorizing the Mayor to Enter into an Agreement between the Town and the Community Action Agency of New Haven, Inc. Providers of the Meals on Wheels Program – State & Federal Grants Administrator

4. Items Removed from the Consent Agenda

5. PUBLIC QUESTION AND ANSWER PERIOD

6. Consider and Approve a Transfer of Funds in the Amount of \$13,888 from Contingency – Gen. Purposes Acct. #001-8050-800-3190 of which \$9,064 is Transferred to Property/Casualty – Gen. Government Acct. #001-8030-800-8250 and \$4,824 is Transferred to Property/Casualty – Bd. Of Education Acct. #001-8030-800-8260 – Personnel/Risk Management

7. Consider and Approve Advancing Funds from the General Fund for Insurance Coverage to be Reimbursed by the Water, Sewer and Electric Division Funds – Mayor
- 8a. Consider and Approve Accepting the Following Roads:
  - Longview Lane – an extension of an existing road
  - Brockett Road – an extension of an existing road
  - Compass Rock Road – a new road off of Chimney Hill Road
- 8b. Consider and Approve Accepting an Additional Right-of-Way Along Chimney Hill Road Required by the Planning & Zoning Commission as part of the Brocketts Woods Subdivision – Town Planner
- 8c. Consider and Approve Abandoning the Area of Old Longview Lane cul-de-sac to Abutting Property Owners – Town Planner
9. Consider and Approve a Transfer of Funds in the Amount of \$13,000 from Regular Salaries and Wages Acct. #001-2030-101-1000 to Gas & Diesel Acct. #001-2030-300-3000 – Dept. of Fire Services
10. Consider and Approve Authorizing the Mayor to Execute a Release of a Drainage Easement on Halsey Drive – Town Attorney
11. Discussion and Possible Action on the School Renovation Project as Requested By Councilors Mike Brodinsky and Jim Vumbaco and Chairman Robert Parisi
12. Discussion and Possible Action on the Former Simpson School Property as Requested by Vice Chairman Raymond J. Rys, Sr.
13. Discussion on the Town's Sidewalk Ordinance and Snow Removal Procedure – Chairman Robert Parisi
14. Executive Session Pursuant to Section 1-200(6)(D) of the CT. General Statutes With Respect to the Purchase, Sale and/or Leasing of Real Estate - Mayor

TOWN COUNCIL MEETING

JANUARY 9, 2001

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TOWN COUNCIL MEETING

JANUARY 9, 2001

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, January 9, 2001 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:31 P.M. Answering present to the Roll called by Town Clerk Rosemary A. Rascati were Councilors Brodinsky, Centner, Farrell, Knight, Papale, Parisi, Rys, Vumbaco and Zappala. Mayor William W. Dickinson, Jr., Assistant Town Attorney Gerald E. Farrell, Sr. and Comptroller Thomas A. Myers were also present.

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

The Pledge of Allegiance was given to the Flag.

ITEM #2 Correspondence

A notice was read into the record by Vice Chairman Raymond J. Rys, Sr. announcing the Town of Wallingford's MLK Day Celebration Ceremony scheduled for Monday, January 15, 2001 at 12 Noon in the Robert Earley Auditorium of the Wallingford Town Hall.

The program is presented by the Town, Mayor's Office, Public Celebrations Committee, Wallingford Board of Education and Superintendent's Office, according to the notice.

Following the ceremony, refreshments will be provided by the Board of Education Food Service Department under the direction of Ms. Sharlene Wong.

Presentation of Awards

Chairman Parisi recognized the Dag Hammarskjold Middle School Cross Country Team for winning the State Championship and noted that the girls' team placed third in the ranking as well. (Applause)

The Mayor and Chairman Parisi presented awards to members of the team, calling each one by name to the stage for recognition. This was the first middle school team to win the State Championship.

A final round of applause was given by all present out of respect for the youths' achievement.

ITEM #3 Consent Agenda

ITEM #3a Consider and Approve Tax Refunds (#157-182) Totaling \$5,106.54 – Tax Collector

ITEM #3b Approve and Accept the Minutes of the December 19, 2000 Town Council Meeting

ITEM #3c Consider and Approve Authorizing the Mayor to Enter into an Agreement between the Town of Wallingford and Community Action Agency of New Haven, Inc., Providers of the Meals on Wheels Program – State & Federal Grants Administrator

Motion was made by Mr. Rys to Accept the Consent Agenda as Presented, seconded by Mr. Centner.

VOTE: All ayes; motion passed.

ITEM #4 Withdrawn

At this time Chairman Parisi asked Council Appointee to the Planning & Zoning Commission, James Seichter, to come forward and be sworn in by the Town Clerk.

Note: At its December 19, 2000 meeting, the Council re-appointed Mr. Seichter to the Planning & Zoning Commission for a five year term. Mr. Seichter was unable to attend the meeting that evening and, therefore, appeared this evening to formally be sworn in by the town clerk.

PUBLIC QUESTION AND ANSWER PERIOD

Jack Agosta, 505 Church Street, Yalesville stated that he believes the Town would benefit in many ways from the adoption and implementation of a blight ordinance. He remains unhappy with the condition of the former Amoco gas station on Route 5, the main thoroughfare of the town. It is his opinion that a blight ordinance would be instrumental in deterring property owners from allowing their property to become unsightly and hazardous.

Pasquale Melillo, 15 Haller Place, Yalesville commented on the fact that the Town continues to have problems with its new computer system.

Mayor Dickinson stated that there are problems with implementing the system.

Mr. Melillo asked if it will cost the Town additional dollars over and above the contracted price to get the system working?

Mayor Dickinson replied, at this point we are not paying more than what the contract called for the contract items. With people having to work longer hours, certainly there are costs associated with overtime that increases costs and we are paying a consultant as well. The longer it takes, the more money it takes to bring it into a condition that we view as adequate or acceptable. We are in regular communication with the firm doing the work; I am not pleased with where things are but things continue to move forward. It is in as good a condition right now as we can expect.

Mr. Melillo asked if the company can be made to reimburse the Town for payroll costs directly associated with the extended time it is taking to implement the program?

Mayor Dickinson felt that was a legal question for it gets into the issue of what the company is liable for. The basic reality is, as soon as you are using computer technology, to some degree you are hostage to those who own and understand the programming that you have purchased. It is not a situation similar to buying a car, unfortunately. We will protect our interests as best we can.

Mr. Melillo recommended pursuing the matter to the fullest legal degree possible. He asked why the Town abandoned the old system?

Mayor Dickinson responded, it was necessary to move into a new system for a couple of reasons, one of which was the Y2K problem and also problems regarding our software programs were not standard programs and thus, if we did have a problem with them, we would not be able to turn to other sources for repair. There were very sound reasons that we moved from the old system to the new. That doesn't mean that the new system doesn't have problems.

Karen Hlavac, 85 Saw Mill Drive stated, at your request the Council had indicated that they would like to have three endorsed candidates from the (Republican) town committee appear this evening. As you saw, Mr. Seichter was here. Unfortunately, the other two candidates could not be here. Mr. Wojcik is in the hospital having surgery and I received a letter via e-mail from Mrs. (Ellen) Mandes, would you like me to read it into the record?

Mr. Parisi answered, yes, go ahead and read the letter.

Ms. Hlavac read the following into the record: "Dear Bob, received a telephone call this morning..." (Mrs. Hlavac interjected, this is about 7-10 days ago) "...requesting my appearance at your next Town Council Meeting. I am pleased to be asked to serve on the Zoning Board of

Appeals for another term and am sorry that I cannot be at your meeting but I will be away in California and I am not returning until January 15, 2001. I had arranged this trip long before and cannot change my plans at this time. I will be at the Zoning Board of Appeals Meeting on Tuesday, January 16<sup>th</sup>. I have arranged my schedule so I could be back in time for the meeting. Please accept my apology for not being able to attend. Sincerely, Ellen Mandes.”

Ms. Hlavac passed the letter to Mr. Parisi.

Mr. Parisi stated that he appreciated Ms. Hlavac reporting out on the matter since there were people concerned that the appointees were not in attendance and now we know why they were not.

Note: Ms. Hlavac is presently the Chairperson of the Republican Town Committee.

Philip Wright, Sr., 160 Cedar Street asked why the newly released Comprehensive Annual Financial Report (C.A.F.R.) contained errors in the listing of Town Councilors and a few department heads' names?

Comptroller Thomas Myers explained that information referred to is prepared by his department and forwarded for inclusion in the report. The audit was as of June 30<sup>th</sup> and with the exception of Mr. Vumbaco who was a member of the Council on June 30<sup>th</sup>, I believe the other people, Mr. Spiteri and Mr. Cominos were still employed on June 30<sup>th</sup>.

Mr. Wright replied, Geno Zandri was not a member of the Town Council.

Mr. Myers explained how the information was missed.

Jack Agosta, 505 Church Street, Yalesville asked, is the audit book available to the public?

Mr. Myers responded, yes, it is available in my office for the public.

Mr. Agosta next spoke to an article that appeared in a local newspaper recently about the Meriden-Markham Airport. He asked, do we own part the airport and Meriden leases it from us? Does Meriden pay taxes on the property to the Town of Wallingford?

Mayor Dickinson replied, property owned by the City of Meriden or Meriden-Markham Airport lies within the boundaries of the Town of Wallingford. The City of Meriden or Meriden-Markham Airport, I am not sure which as title but, that property owned by those entities is within the boundaries of the Town of Wallingford. Taxes are paid as any other taxpayer unless, at times, municipal property is not taxed if held for certain purposes. I believe, in the case of the airport, it is taxed.



Mr. Agosta asked, didn't the Town stop building; we were no longer allowing any building in that area because of our aquifers? How did we allow that to happen? I believe you, Mayor, stopped development from building in that area because of our aquifers. It was quite a while back.

Mayor Dickinson answered, there are aquifers; water resources sub-surface, that were mapped by our water division and pursuant to State regulations and D.E.P., there is a necessity to protect the aquifers. As a result, we do not allow, through Planning & Zoning regulations, certain types of development in areas with aquifers. Fuel and repair-type facilities are among those types of activities. We would not allow fueling of aircraft or facilities involved with repair of them built over the aquifer in Wallingford in order to protect the water supply.

Mr. Agosta feels that Mayor Marinan is bluffing when he made the promise to build low-income housing on our end of the airport if Mayor Dickinson and Wallingford does not cooperate with Meriden in the proposed expansion of the airport. He does not think the town should give in to Mayor Marinan.

Pasquale Melillo, 15 Haller Place, Yalesville stated that he believes there are a lot of companies that are being allowed to discharge untreated waste water into the Quinnipiac River. Why is this being allowed?

Mr. Parisi doubted that there are many companies discharging waste like there used to be 30-40 years ago.

Mr. Vumbaco stated, anyone who is discharging water into the river is required to receive a permit from the D.E.P. for discharge. In order to get that permit, they have to prove that water is safe. There are no businesses that I know of...that is discharging untreated water into the Quinnipiac river.

It was noted that the article that appeared in the newspaper this morning reported that Cytec had discharged an amount of wastewater that is above the amount they are permitted to release by D.E.P. That is much different from discharging untreated wastewater.

Mr. Melillo asked, what kind of a surplus do we really have? A large one; mild one?

Mayor Dickinson replied, at this point it is less than adequate to pay all of our bills, current and projected.

Public Question and Answer Period was declared closed at 7:08 P.M.

ITEM #6 Consider and Approve a Transfer of Funds in the Amount of \$13,888 from Contingency-Gen. Purposes Acct. #001-8050-800-3190 of which \$9,064 is Transferred to

Property/Casualty – Gen. Government Acct. #001-8030-800-8250 and \$4,824 is Transferred to Property/Casualty – Bd. Of Education Acct. #001-8030-800-8260 – Personnel/Risk Management

Motion was made by Mr. Rys to Approve the Transfer, seconded by Mr. Knight.

Personnel Director, Terrence Sullivan and Risk Manager, Kurt Treiber were present to address this issue tonight.

Mr. Sullivan stated, Reliance (Town's primary insurer) is a couple of steps above total insolvency and are very close to being taken over by regulators. The Town's Agent of Record recommends, and we concur, that it would be prudent for the Town to move its coverage to Metrogard which would provide, essentially, the same coverage, with some slight changes in premiums.

Mr. Brodinsky asked, what was the term of the policy?

Mr. Treiber answered, a one year policy. It started July 1, 2000 and was to run through June 30, 2001.

Mr. Brodinsky asked, did we go through a broker or do we go through an agent?

Mr. Treiber answered, we have a five year bid with an agent of record who shops the insurance markets for us, brings premiums to us and we that contract runs through fiscal year 01-02.

Mr. Brodinsky asked, at the time the insurance policy was placed, did we know what the solvency rating or the A.M. Best rating was on that insurance company?

Mr. Treiber answered, at the time, yes. It was a A or an A+ rating which is at the top of the A.M. Best ratings. It is currently rated D, which is poor. There are ratings even lower; "E" is "under regulatory supervision", "F" is "in liquidation" and "S" is when the rating is suspended.

Mr. Brodinsky stated, you must be surprised too. It went from an A or A+ down to a D in six months.

Mr. Treiber answered, absolutely. In the insurance business and in the industry the magnitude of this has never been seen before from a company such as Reliance which is one of the major companies. The company is coming apart and is re-structuring and selling off particular entities of it. On the recommendation of our agent, they suggested that we shop and get a different company to handle insurance needs.

Mr. Brodinsky stated, but we have a management policy to place our insurance policies only with A or A+ insurers?

Mr. Treiber answered, yes. I believe it was also in our bidding documents when we went out (to bid) five years ago that that would be our level or threshold with insurance companies.

Mr. Knight stated, in looking at the money expended in the account, so far this year, it would look like, to date, we have spent \$250,000 of the \$315,000 on the General Government side. We are only six months into the fiscal year. Is that customary to advance that much money on these policies? Do we usually pre-pay them that fast?

Mr. Sullivan answered, having encumbered the money, first of all we had down payments. It is not uncommon to break a policy year into ten payments, with the first payment being larger. We routinely encumber the money early in the year so that we had it and then we would just like the monthly installment payments. There are other encumbrances in that line item; workers compensation excessive coverage which has been paid and Reliance does not have all the coverage for the town. It has several of the major policies but there are other insurers which provide other coverages. It is not just Reliance we are talking about. That line item reflects mostly the encumbrances and the down payments.

Mr. Knight asked, how much is this policy's annual cost?

Mr. Treiber answered, for the policies that are held by the Reliance Company, and there is only seven policies, the total annual premium on the Town's side is \$300,600 and on the Board of Education's side is \$143,000.

Mr. Knight asked, essentially, it is all the money in the account? The account calls for \$315,000 and this is \$300,600 of it. I am trying to get a scope of the increase. It looks to be only about a 1% increase over the course of a year.

Mr. Sullivan admitted it was a slight increase but it is also for a six month premium, so it is less than a full year. We do have a coverage change in the deductible in the "Public Officials Liability" from \$2,500 to \$5,000 per occurrence and we also pick up a student activities pollution liability policy. We are picking up a little coverage that history has shown that we should have and we are paying a little more in a deductible that we think we can afford. This essentially gives us the same coverage to get us through this fiscal year and we would be looking at it again fresh for July 1<sup>st</sup>.

Mr. Knight asked, what is the rate of increase on an annualized basis if you were to compare apples to apples to get a sense of the significance of the dollar amounts we are talking about?

Mr. Sullivan answered, without calculating to the penny, it is less than 1%; it is very low at this point. We don't know what is going to happen July 1 which, when this is moved, our agent will review what will happen next fiscal year. This will only get us out to the end of this fiscal year, June 30<sup>th</sup>.

Mr. Knight asked, is there any other account other than General Contingency that you have examined within your department that we might take money from?

Mr. Sullivan answered, the first thing I do is look within my four departments, if you will, for budget purposes and, at this point in the year, I am not prepared to move money around. I don't think we will have it in other accounts. We met with the Mayor and the recommendation for that account was offered.

Robert Sheehan, 11 Cooper Avenue asked, will this go out to bid for July 1<sup>st</sup> or will this new company remain our insurance carrier after June 30<sup>th</sup>?

Mr. Sullivan answered, there is no guarantee that MetroGard will be that insurer. Our broker is charged with shopping around and getting the best coverage for the best prices. The market is changing and there are not a lot of municipal insurers out there.

Mr. Sheehan asked, what is the Town's annual premiums for this type of insurance for employees?

Mr. Treiber answered, the premium is approximately \$777,000.

VOTE: All ayes; motion duly carried.

**ITEM #7** Consider and Approve Advancing Funds from the General Fund for Insurance Coverage to be Reimbursed by the Water, Sewer and Electric Division Funds – Mayor

Motion was made by Mr. Rys that Funds in the Amount of \$11,193 be advanced from General Fund for the Purpose of Liability and Property Insurance Coverage Pending Reimbursement from the Water Division, \$2,930; Sewer Division \$275.00, and from the Electric Division, \$7,988., seconded by Mr. Knight.

This represents the sums of money that must be paid from the utilities to cover the increases as a result of the shift from Reliance. Funds will be advanced and the utilities will have to approve transfers that will come to the Council.

VOTE: All ayes; motion duly carried.

**ITEM #8a** Consider and Approve Accepting the Following Roads:

- Longview Lane – an extension of an existing road
- Brockett Road – an extension of an existing road
- Compass Rock Road – a new road off of Chimney Hill Road

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

Mr. Farrell stated, for the record in case there is a question later on, I did check with Ms. Bush (Town Planner), Compass Rock Road and that subdivision dates from long before our street naming policy. The policy has never been used to penalize someone who had a previously existing subdivision.

VOTE: All ayes; motion duly carried.

**ITEM #8b** Consider and Approve Accepting an Additional Right-of-Way Along Chimney Hill Road required by the Planning & Zoning Commission as part of the Brocketts Woods Subdivision – Town Planner

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

VOTE: All ayes; motion duly carried.

**ITEM #8c** Consider and Approve Abandoning the Area of Old Longview Lane Cul-de-sac to the Abutting Property Owners – Town Planner

Mr. Parisi asked if the Town obtains a fee for the property?

Linda Bush, Town Planner, pointed out that the letter should stand corrected to read that the cul-de-sac is to be abandoned to one abutting property owner. This is an old road and the Town owns the cul-de-sac so the Town has to prepare a deed and deed it to the abutting property owner. We normally do not sell it; it becomes part of a front lawn.

Mayor Dickinson explained, when the road straightens, there is a part of the “arc” of the cul-de-sac that now becomes owned by the founding property owners. It is generally not a lot of property.

VOTE: All ayes; motion duly carried.

**ITEM #9** Consider and Approve a Transfer of Funds in the Amount of \$13,000 from Regular Salaries & Wages Acct. #001-2030-101-1000 to Gas & Diesel Acct. #0901-2030-300-3000 – Dept. of Fire Services

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

Mr. Knight asked, what is your annual expenditure on fuel? I saw \$15,000. but something tells me I may be wrong.

Fire Chief Peter Struble answered, historically, and based on last year's budget, we budgeted \$15,192 for fuel. When the budget was assembled last February, the Fire Department, and all departments in town, used a price per gallon figure. At the time we were coming to the end of the contract, a town-wide bid, and that was the price per gallon that all the departments used last year. We were at the very beginning of the increase and, based on that figure, this is what you see happened; we almost doubled this year.

Mr. Knight stated, that is what caught my eye. We had a meeting in June regarding this subject (fuel) and, in reviewing the meeting minutes, we were going to be floating, essentially, and if I am reading correctly we were paying at that time around \$.85 or \$.89 gallon for diesel. I work in an industry where diesel is a very high component of cost. I have been pegging and watching the price and I don't see where it has doubled. I can see a significant increase; 20% or 30% increase, but I can't see 100%.

Chief Struble stated, when we assembled the budget last February, the budget directions called for diesel at \$.5695/gal. That was what was budgeted last year. Right now the fixed bid price for diesel is \$1.0852/gal. What you see for the request is...we went back the last two years, looked at the second six months of the fiscal year for gallonage. Our gallonage figures are right on the money.

Mr. Knight stated, what we are talking about, essentially, is when you had to set your budget figure you didn't have a crystal ball and did not know what the increase would be. Even as of June it has jumped 25%.

Chief Struble stated, those of us who put fuel in our cars got the chance to experience the increase gradually. Since we budget almost a year in advance starting in February, these prices jumped significantly from February.

Mr. Knight stated, I am just questioning our purchasing mechanism based on some of the data they used. In February, 2000 diesel, at the pump, was averaging about \$1.45/gal. Now it is \$1.62/gal. I am wondering why we are talking about a tremendous differential between what was anticipated even at that point. I think what is coming into play is our fixed price was that advantageous and now we are in the free market.

Chief Struble stated, we were in the middle of a bid when the budget was put together and, unfortunately, that bid expired, as you well know. I think the expectation was that things would stabilize and after that time extension that you dealt with in June, the bidding could go back out

and we could get more competitive prices. We met in September and agreed that we ought to take the fixed price now so that we can budget the rest of the year. Right now the fixed price on diesel is \$1.0852/gal. and for gasoline, \$1.0198/gal.

Mr. Vumbaco asked, what was the reason for the open positions?

Chief Struble answered, we had requested two new positions in February, 2000 when we submitted our budget. In the time between February and August, two additional retirements occurred. We filled two positions about July 9, 2000 but we already had two additional positions that were open. Once we filled the first two positions, there was not a complete certified list. We had to re-start the process in July of assembling a new list. Terry Sullivan and I worked on re-vamping the whole thing so we did not fill the positions until December, by the time we got through the whole testing process. We are currently at full staff now.

Philip Wright, Sr., 160 Cedar Street asked, is this diesel fuel for the trucks?

Chief Struble replied, yes and the gasoline is for the engines on several other cars.

Mr. Wright asked, are we looking at the same thing in Public Works and all the other departments in town?

Mayor Dickinson answered, yes.

Mr. Wright asked, when will we hear the bad news from them?

Mayor Dickinson stated, it is coming. I indicated several weeks ago that we were facing inadequate budgets for fuel as a result of the price increases and would, undoubtedly, have to cover that amount of money later on. We budgeted a contingency but it is very much an inadequate figure, given what the disparity is.

Mr. Wright asked, what is very much, in round terms?

Mayor Dickinson answered, I think our contingency was \$30,000 and I think the disparity has been estimated as much as \$300,000.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve Authorizing the Mayor to Execute a Release of a Drainage Easement on Halsey Drive – Town Attorney (Appendix I)

Correspondence from Corporation Counselor, Adam Mantzaris, states that the reason for the release is that the Town abandoned the easement in 1998 and recordation of the release will

clear up the Land Records by showing a release of the easement recorded in Volume 308, Page 549.

Motion was made by Mr. Rys to Approve Authorizing the Mayor to Execute the Release of a Drainage Easement on Halsey Drive, seconded by Mr. Farrell.

Brad Batzinger, 31 Halsey Drive stated, I am asking the Council to table this motion on several grounds; I have a lawsuit against the Town to clean this area up for almost two years now. What they did in 1998 when they so-called say they abandoned it, was eliminated some storm water they put into it; not all of it but some of it. We have recently gone to court, on December 29, 2000 for this case which is still in litigation with the Judge. As of last night I also filed another lawsuit trying to get an injunction to stop this today and what I am here to do is to plead upon you to table it and not do anything and let the courts decide where we go with this easement.

Mr. Parisi stated, I thought I asked the Law Department where this stood. Is there any response to that question?

Assistant Town Attorney, Gerald Farrell, Sr. stated, what Adam Mantzaris advised me is, the Town was sued and our defense attorneys have recommended to us that abandoning this easement, releasing it will, in fact, provide us a defense and have recommended that we do it. Based upon their recommendation that it will, in fact, provide us with a defense, the Town Attorney's Office has sought to get the Mayor's permission to execute that release. Atty. Mantzaris informs me that there is no injunction in place right now. It is true that someone has started a lawsuit to seek one to prevent us from going ahead with providing ourselves with this defense, but I don't see any reason why this Council, if it were so of the mind, should not go ahead and authorize the Mayor to do so.

Mr. Parisi asked, does anyone have any background on this situation? I am a little confused as to....

Atty. Farrell, Sr. answered, it was drainage easements that ran through different properties in a subdivision through which water was drained. The Town chose, evidently, to maintain those and, at one point, blocked off the pipes which cause water to flow through them. A lawsuit was brought to force the Town to go ahead and maintain these easements, keep them free of surface water and we are defending that lawsuit.

Mr. Parisi asked, was the Town obligated to maintain this? Did we just plug it up and say that we didn't want to maintain it any longer?

Mayor Dickinson explained, arguably, we would be obligated to maintain it at the point we are using it but I believe....for two years we have not used the storm drainage easement. The water



is directed elsewhere so we are not using the easement at all which means there would be no reason to maintain it.

Mr. Parisi asked, are the people still suffering water damage there? Or, runaway water or what ever it is?

Bill Rousome, 27 Halsey Drive stated, subsequent water is still backing up in all of our yards in this easement. Yes, the Town was supposed to maintain this. I have been living there for about 2 ½ years now; right before they abandoned the easement, I have seen no maintenance. When I talked to my neighbors, for years before there was no maintenance done. It is a simple thing; If it is maintained it will work and if they want to abandon it after it is maintained, then that is o.k. with me.

Mr. Parisi asked Mr. Thompson, why would it have been put there in the first place if the Town had no interest in it?

Mr. Thompson answered, back in 1953 when the original subdivision was approved, the storm drainage from Halsey Drive and Patton, which are around the subdivision, had catch basins in the street and they drained to a natural low point between the houses, in a natural swale that always existed. When it became apparent that the Town was potentially discharging water and creating a water problem in the swale, a decision was made in the early Fall of 1998 and the storm drainage from the Town's roads was capped at the catch basins and re-routed so that it no longer went into the swale area. At this point in time and, for the past two years, there has been no town storm water being discharged into the swale area.

Mr. Parisi asked, where is this water coming from that they are having trouble with?

Mr. Thompson answered, it basically is natural flow. If you can envision Patton and Halsey creating a loop around the subdivision houses, the only water that falls and ends up in the swale is the water that naturally lands on each individual property owner's houses and flows naturally.

Mr. Parisi replied, unfortunately, I have heard this explanation several times in several different areas. Have we maintained this for forty-something years?

Mr. Thompson answered, periodically, we did, yes.

Mr. Parisi asked, and, evidently, to the satisfaction of the homeowners in the area because we never had any complaints that your records show?

Mr. Thompson answered, that is correct.

Mr. Parisi asked, is it an extremely expensive operation, Mayor, to conduct this once-a-year maintenance?

Mayor Dickinson answered, the basic fact of the matter is, we are not using the easement so there would be no reason for us to maintain something that we we're not using. It is a swale that collects water. I don't know how we would maintain it anyway. It isn't being used for directing storm water. It is just on the properties. Our storm water is going elsewhere.

Brant Batzinger, 31 Halsey Drive responded, first of all they haven't shut off 100% of the water that drains into this natural easement that all of our properties drain into. I think you were supplied with a map with Adam's (Atty. Mantzaris') letter showing the natural course of the water which feeds southerly to northerly underneath a road that is owned by the Town of Wallingford that is part of this easement. My major concern is, first of all, you are trying to abandon an easement that is deeded to more than the properties that they are trying to abandon right now. The deed goes further back and further across the road. If you abandon an easement only for five properties that has brought litigation against the Town for not providing any kind of maintenance, the problem is, for thirty-something years they have deposited sand, salt, silt; everything in the area and never cleaned it up. Now, in order to abandon it I would think that they would want to bring back the property to a working standard that it would flow for all of us; drain all of our water from all of our properties versus just abandoning it now for a defense so they don't have to go to court and tell the judge why they haven't done this work for us.

Mr. Brodinsky asked, is time of the essence in approving this tonight?

Assistant Town Attorney Gerald Farrell, Sr. answered, it was represented to the court while on trial that the Town would go ahead and abandon these easements. My understanding is, it is the recommendation of defense counsel, which is being supplied by our insurance company.

Mr. Brodinsky asked again, if we don't approve this tonight and take it up at another meeting, what adverse consequences may flow to the Town by reason of that delay, if any?

Atty. Farrell, Sr., answered, I understand that the Memorandum of Decision they issue which could be adverse to the Town's interest.

Mr. Brodinsky asked, the trial is over, is that what you are saying?

Atty. Farrell, Sr. replied, the trial has already taken place but the Memorandum of Decision is held up for certain things, including trial briefs that are due from trial counsel.

Mr. Brodinsky asked, I think you said it was represented to the court that the Town would be abandoning these easements? Did you say that?

Atty. Farrell, Sr. replied, it states in Atty. Mantzaris' statement to me; "it was tried in Meriden on Friday, December 29, 2000 and as part of the defense it was represented to the court, through testimony, that the Town would formally release its record easement in these properties.", quoting Atty. Mantzaris.

Mr. Brodinsky asked, how can that representation be made without knowing how the Council would vote?

Atty. Farrell, Sr. answered, I presume that it was presented to the court that it had to be subject to the Town Council voting on it. I was not the trial counsel so I can't answer that. I know whenever I am in court representing the Town will do something, it is always stated, "subject to the Town approving the settlement."

Mr. Brodinsky stated, my first reaction was that I sort of thought this might be a routine matter. There is no tip-off in the materials that were given to us that it was anything but a routine matter. Now I learn there is all sorts of complexities involved. If there is a reason for a rush, I think the rush was created by the failure to get it on the agenda earlier. When was the first time the need to address this became apparent to the Town? December? November? October? The litigation has to be pending for a year, at least, I would think.

Atty. Farrell, Sr. answered, so far as I can tell looking at the file, the idea of releasing the easement seems to have come up in December of this past year (2000).

Mr. Brodinsky stated, in speaking for myself, I am not sure I have enough information and releasing the easement may be wrapped up somehow in litigation strategy and this open session may not be the best place to discuss it but I am inclined to abstain on this because I am sort of taken aback by all these complexities that have developed sort of the last minute and I am not sure exactly where the equities are on this. For now, at least subject to further comments, that is my feeling on it.

Mr. Vumbaco asked, was this swale created when this subdivision was approved or was this a natural swale that was there that the Town decided to use and drain the properties into?

Mr. Thompson answered, it was pre-existing.

Mr. Vumbaco asked, it was a pre-existing swale that the Planning & Zoning Commission, or whomever was in charge of approving the subdivision back in the 1950s decided to use this piece of property for that purpose, therefore they took the easement out on it?

Mr. Thompson answered, that is correct.

Mr. Vumbaco asked, what maintenance was required by the Town to be done on that since 1958 or what ever date you said?

Mr. Thompson answered, I can only speak from examination of the records because I was not here during the entire period but, the Department of Public Works, over the course of the time the Town held the easement went in there and sod it, cleaned it, not regularly but occasionally during that time period maintained the swale so that it would pass the water in a more effective fashion.

Mr. Vumbaco asked, so, basically, the attempted to keep it at what it was, initially, when the subdivision was approved?

Mr. Thompson answered, as close as I can tell from reading the records, yes.

Mr. Vumbaco asked, apparently, is it true what this gentleman says that silt and everything else has been washed into that by use of the Town?

Mr. Thompson began to reply, there has been....

Mr. Vumbaco continued to ask, is there evidence on that site right now that there has been a build up of silt or what ever reason? I guess what I am asking is, is that property currently, right now, at the state that it was in 1958 as far as the swale is concerned?

Mr. Thompson answered, I cannot answer that, I don't know.

Mr. Vumbaco stated, which to me would be; and I have some Planning & Zoning Background; if, in fact, those properties were draining into this and than this thing is silted over and it is not properly draining for them, there is a potential that that could be what is causing some of their water problems, am I correct?

Mr. Thompson answered, that possibility exists but, based on examination of conditions today, the swale still goes from a high point at the south end of the development to a low point at the north end where it discharges under the Town's street and into a pipe system. The swale still continues to pass the water from the high point to the low point.

Mr. Vumbaco stated, I can understand that but if it is the same amount of properties that have been there since the '50s when this development was built, it was maintained to flow properly and now that we haven't maintained it and there has been build up, to me, that thing is not back to its natural condition and I think these homeowners have every right to have that brought back to the original condition before the Town abandons it or before they take over, like this gentleman in the blue jacket requested. Mr. Chairman, I can't; I don't want to jeopardize any lawsuit or anything that the Town has but I cannot support this tonight because I think there are

just way to many unanswered questions. I think that if the Town has created a problem by not maintaining the swale, then the Town should bring it back to the condition that it was and then they go through their motions.

Mr. Centner stated, I concur with Mr. Brodinsky and Mr. Vumbaco here. As a matter of fact I am a little disappointed to have this item come to us this way. It really did appear to be a routine item and I am happy that the two homeowners came out to at least state what is happening in your area because I think that if we had just; for myself, speaking anyway, had just voted this as a routine matter, I would have been very disappointed to find out that this kind of activity was going on and, unless we can find out what the area was like prior to the Town discharging, I can understand the amount of surface dirt, silt, salt, through winters that could significantly change that drainage area. I am not prepared to vote for this matter, tonight, at all until I get more information.

Mayor Dickinson stated, there is litigation, there is no doubt about that, but the Town's interest is being represented by attorneys and you have professional staff here, in the person of John Thompson, to advise us as to what the Town's interest is. This is an easement that is not being used by the Town of Wallingford. It has not been used since 1998. Now you can view the area, certainly I was out there...you can accept the professional expertise or you can imagine what other things might exist. That is the issue before you; whether Town money should be spent improving property that the Town of Wallingford is not using at all; it hasn't used since 1998.

Mr. Parisi asked, what are we talking about as far as the results of what we do? Are we talking a large amount of money here? What is it?

Mayor Dickinson answered, if the Town has a liability regarding the condition of the property, I am not sure the abandonment affects that. The Town is evidencing its disinterest in holding onto this easement. That is what we are saying; we don't use this easement; we have no interest in this easement. If a judge feels that the Town has left the property in the condition that is not proper and we have acted in some way negligently, that can be part of the decision. But this is evidence of the fact that the Town has no interest in owning this easement. We don't use it; it is of no purpose for us in directing storm water from the streets. Now whether there is liability or negligence or some other factor with regard to the way the easement has been maintained or failed to be maintained, I believe is a separate issue. All this does is evidence our disinterest in owning an easement which we don't use and the Town Engineer is saying that we have no purpose in having this easement. It does not direct town water.

Mr. Farrell asked, does the Law Department know what the \_\_\_\_\_ relief asks for? That was, in essence I think, Mr. Parisi's question.

Atty. Farrell, Sr. answered, it asks for, among other things, \_\_\_\_\_ relief requiring us to deepen the easement; to maintain it; keep it in good repair, etc. I can understand the Mayor's and Mr.

Thompson's comment, if this is a piece of property we have no further interest in, it would seem to make sense to vote to formally release the easement before some judge orders us to go in and spend town money to further develop that easement.

Mr. Farrell asked, it doesn't ask for money damages, per say?

Atty. Farrell, Sr., replied, it does ask for \_\_\_\_\_ damages, yes.

Mr. Farrell asked, and it is being defended by insurance counsel as opposed to the Town Attorney?

Atty. Farrell, Sr., answered, yes.

Mr. Farrell asked, what is the risk that if we don't do this that they are not going to continue defending us?

Atty. Farrell, Sr. answered, I don't think you are under any affirmative duty to follow all the advice of attorneys. That doesn't, in my opinion, give them an escape route saying that you didn't do everything we recommended so we won't defend you. That is my own personal opinion. Mr. Brodinsky was defense counsel for many years, I think he would concur in that I don't think it is endangering our coverage if we don't go ahead and do this.

Mr. Brodinsky asked (jokingly), are you looking for my legal opinion on that?

Atty. Farrell, Sr., well, yeah...

Mr. Parisi answered (jokingly), and don't bill us, either.

Mr. Brodinsky answered, I would defer to your offices for an opinion on that otherwise, I have no real problem with what you said.

Mr. Farrell stated, I appreciate what the Mayor says, but my own sense for it is that, we are trying to accomplish some cutesy legal maneuver at sort of the last second which may be appropriate for a private party but we are a public body and we have some obligation to try and do right by the people and I am not sure that trying to accomplish this in this manner is the right way to go about it. I share the concerns of moving too quickly without having a full sense of this. It would be good to have whoever the actual insurance counsel is, here, in executive session so we can hear this.

Mayor Dickinson replied, my recommendation then is that we table it and take it up at another meeting.

Motion was made by Mr. Centner to Table the Item, seconded by Mr. Farrell.

VOTE: All ayes; motion duly carried.

Mr. Parisi informed the two residents of Halsey Drive who spoke to this issue that they may leave their names and addresses with the Town Council secretary who will contact them when the item is scheduled for placement on an upcoming agenda.

ITEM #11 Discussion and Possible Action on the School Renovation Project as Requested by Councilors Mike Brodinsky, Jim Vumbaco and Chairman Robert Parisi

Mr. Vumbaco stated, I know we are not ready to have any numbers presented to us this evening but the original thought process of putting this on the agenda was to keep this process flowing. I am also under the impression that, within the next few weeks, we should be having some positive information from the Board of Education, Superintendent and the Building Committee. The reason I let this stay on the agenda, however, is so that we can address an issue that I am a little bit concerned with and has to do with two letters that we received; one this evening dated January 5, 2001 from the Don Harwood, Chairman of the Wallingford School Building Committee and one letter I have in my possession dated December 28, 2000 from Chairperson Mangini to the Board of Education members concerning meetings that have been held with the Mayor, chairperson of the Town Council, vice chairperson of the building committee, chairperson of the building committee and the architects to discuss this project. As you well know, the 18<sup>th</sup> of December was the major Board (of Ed) meeting where the visions and discussions of cutbacks in this project were discussed and voted on. I attended, as did Mr. Knight, Mr. Brodinsky, Ms. Papale and yourself (Chairman Parisi). At no time during that meeting was anything ever mentioned of a meeting that was being held on December 19<sup>th</sup>, the next morning, discussing this project. I guess the concern I have is the fact that this is an extremely large undertaking by the Town of Wallingford in excess of \$55-60 million, probably once we get it all settled, and there are meetings be held that either myself, and I am assuming the rest of the Council, are not even aware of. I am also under the understanding that the Board of Education, themselves, were unaware that these meetings were being held to discuss this project. That bothers me, to a degree. Not that I want to attend every meeting and micro-manage everything, but this is a major project and I felt that it probably would have been in good order for the chairperson to at least inform us of the fact that you were attending that meeting. I know through F.O.I. rules and regulations I can ask for you to give me a report in writing but, since this is on the agenda tonight, I was wondering if you can give us a synopsis of what occurred at that meeting in the Mayor's Office on the 19<sup>th</sup> of December and a little update of where we stand on that issue. I also ask that, in the future, if there are meetings that are going to be held that you, as Council Chairman, are going to sit in on, especially pertaining to projects of this magnitude, that you at least inform the Council of the fact that you will be attending those meetings and that if we, in fact, deem it necessary, one of us can put the item on the agenda for discussion as far as a report from that meeting. That is my personal opinion.

That is how I feel and that is why I asked to keep this on the agenda. If you can, Bob, can you please at least give us a synopsis of what that meeting in the Mayor's Office was?

Mr. Parisi answered, first of all I am going to give you an explanation that, quite frankly, I don't know that you deserve or not but, I was there as a guest of the Mayor and it was the meeting that he called. I was not there as the Chairman of the Council; I was there, invited by him to attend that meeting. It is interesting that this same question came up at the Board of Education last night and the answer there is probably just as appropriate for here and that is, that project was discussed basically and on questions that existed that the Mayor had and that the object of the meeting was to bring the project forward so that it could come to the Council with a rock hard figure that would be something that we could deal with and vote on. That was the objective of the meeting and that was, as a matter of fact that was explained to Councilor Brodinsky this morning. He was the only one who called me and, quite frankly, we had a discussion. I did share it with those who were curious enough to ask about it. No one asked; I didn't feel that I had to report every meeting I attend to the Council. If I attend as Chairman of the Council, I would be in agreement with you, sir; I have no problem with that. But if I am invited to attend a meeting by someone else, I think I just go there as a member of the Town Council. I will be attending the Senior Citizen's meeting tomorrow, too. But I don't feel that I have to tell eight other Councilors that I am going to do that.

Mr. Vumbaco replied, that is not the point I am making and I think you know that. The point is, this is a \$60-70 million project and you are being represented at the meeting as Council Chairperson, Robert Parisi. Now, if you are there as a citizen, then I can understand that. If you are there as a request from the Mayor, that is fine, too, but I don't like; my personal opinion of this whole situation is that I get very disturbed with the fact that there are meetings that are held and almost like there is information that is being handed out selectively and we are not informed. I understand that there was an \$8.2 million cut that was done on the 18<sup>th</sup> (Dec.) by the Board of Ed and, lo and behold, according to this letter by Pam Mangini, we are up to a \$1 million cut. This is information that we are making decisions on and we should know about. I know they are in the process now of gathering the information and doing their checks and balances to present a positive number to the Council, then this memo should probably never have been sent out. That is the only thing I am saying. This is a major project. No, I don't really want a report out on whether you attend.....

Mr. Parisi interrupted to say, let me tell you this, you had that letter and I didn't have it. And that letter was not part of the discussion that I heard at the meeting. So when Mr. Brodinsky told me he had that letter today, he was one up on me because I was not aware of it. Didn't I tell you that, Mike (Brodinsky); that I didn't have that letter?

Mr. Brodinsky stated, the letter you are talking about is the letter from Pam Mangini to the members of the Board; it is certainly not a secret. I guess I have an inquiring mind and I asked what is going on and.....



Mr. Parisi stated, and that is my point, and that is how you got it.

Mr. Brodinsky stated, and I think that the is spirit in which Mr. Vumbaco is making his point.

Mr. Parisi stated, but I did not get the letter so how can I even elude to it.

Mr. Brodinsky continued, and I was happy to call you and tell you that I had it. I think we are looking for a little reciprocity. I think that is the point that Mr. Vumbaco is trying to make.

Mr. Parisi stated, I think that I have worked closely with those that have asked and I think you are a good example.

Mayor Dickinson stated, I did call a meeting because the Board had acted and reduced the object and I was concerned as to how much that represented and what items were reduced or eliminated. At the meeting, it was discovered and the Superintendent provided a list of the items, but members of the Building Committee indicated to the architect exactly what we need and the architect to go through it and outline exactly what their view is as to what the items represent in dollars and also what additional consequential costs are eliminated as a result of the reductions. That is what we are waiting for. The purpose of the meeting was to be able to focus on what had been done by the Board, get it quantified and allow us to hold a meeting. I had hoped that the meeting would be tonight's meeting but I guess the architects have needed more time than what we anticipated so I guess we will be looking at a special meeting. That has not been determined yet. The purpose of the meeting was to get the information in a form that we would all be able to understand. No additional cuts were made because no one, as of yet, has the figures from the architect, verifying that what has been reduced is "X" amount and additional consequential "soft costs" represent "Y" amount and the total is what the total will be. I don't have that figure; no one has it; we are trying to get it so that we can hold a meeting to discuss the matter.

Mr. Vumbaco asked the Mayor, the meeting was held on the 19<sup>th</sup> (Dec.); the Board made their cuts on the 18<sup>th</sup>; did you call that meeting after their meeting on the 18<sup>th</sup>? Obviously, that meeting was called in advance of their meeting the on the 18<sup>th</sup> where they cut the \$8.2 million out. Is the meeting held in; your meeting in the office that Pam Mangini eludes to is on December 19<sup>th</sup>? The Board of Ed met on December 18<sup>th</sup> to make their cuts.

Mayor Dickinson replied, there was a committee of the Board that acted prior to that; a week before or something like that. I acted on the basis of what the committee said.

Mr. Vumbaco asked, what I am asking for is clarification.

Mayor Dickinson continued, and the Superintendent gave me a report from what the committee had done and we acted, or I acted from that, assuming that the Board was going to go along with whatever the committee recommended. That is what we acted from. I did not know when the Board, itself, was going to act. I saw that the committee had acted and I wanted to get some truer figures as to what it represented. Again, we are all worried about the time factors and as the time plays out we don't need to waste any more time than necessary. We were looking for information and were trying to get it.

Mr. Parisi stated that the letter from the Chairman of the School Renovation Committee should be read into the record (Appendix II).

Pasquale Melillo, 15 Haller Place, Yalesville, asked if the public is going to be allowed a chance to speak to the item?

Mr. Parisi replied that it was just a report out and it is basically done and will be covered in far more depth in the future. He assured Mr. Melillo that he will have every opportunity (to speak at that time).

ITEM #12 Discussion and Possible on the Former Simpson School Property as requested by Vice Chairman Raymond J. Rys, Sr.

Mr. Rys stated, the reason I brought this item up is because we are entering into a new year, again and, at a previous meeting, we have been informed indirectly, by the Mayor that the Housing Authority, who was interested in the property, does not have the funds available to them through the state. I thought that, in looking at this property, as potential open space for the Town, and considering in the future, similar to what we have next door at the American Legion, for expansion, not necessarily for this year or next year, but perhaps down the road when it is necessary by the Housing Authority, that we can possibly take down those buildings in that area and create somewhat of a park for the neighborhood. The neighborhood consists of senior housing across the street and behind the building. Also, the neighborhood activities; people living in the neighborhood may want to stroll through the park.. Perhaps we can create some park benches, some pathways and still continue to keep that property as the Town's. I had spoken to the Mayor earlier and he had indicated that there were some thoughts on his part; I don't totally agree with. I am not going to say that I always agree with him. I wanted to bring this up for discussion and possibly take some further action.

Mr. Centner stated, I will repeat what I have on record already; I agree with the idea; I like it; turning the property into open space; small park kind of thing in the center of a neighborhood, to me, sounds like a good idea. I am not sure what action we are going to take but I will support action along those lines with converting it into a park with some kind of use until some future use.

Ms. Papale stated, I was very pleased to see this item on the agenda and I, also, was happy with the idea that this piece of property could be or might be used for a park or open space. Before I came here this evening, I did speak to a member of the Housing Authority and I don't know exactly the amount, but the member of the Housing Authority, and this was after I spoke to my friends on Martin Avenue, but I did speak to someone and he told me that (Sen.) Brian McDermott had called over the weekend and that he was putting in some kind of motion up at the Capitol to seek funds for this property. I didn't share this with anyone because I found this out at 6:10 this evening. Mayor, I don't know if you have heard anything from the Housing Authority?

Mayor Dickinson answered, at a prior meeting I indicated I had received a letter from Mr. Nere and I spoke with him earlier today; they do not think they will have funding in place from other sources before sometime in 2002.

Ms. Papale answered, that is what I was told; that it would be at least a year. I wanted everyone to be aware of that because, speaking for myself, that was my priority, to extend that property for something for seniors.

Mayor Dickinson stated, he did mention the possibility of the funds through the state, through Senator McDermott and others, that would certainly assist them if they received those funds. We know there is going to be a need for elderly housing. If we take down the building, given all kinds of other ramifications, it is unlikely you will get a building anywhere close to that size on the property. If the property is to be available for any significant number of units, it would probably be best if we go out now, look for any private interest in developing elderly housing on that site. If there is no such interest, we may get a better indication of what is possible through the state, through the Housing Authority and the Housing Authority may put in their own proposal, according to Mr. Nere, they can do that and put a time limit on it and if nothing comes in, then we take other action. I do believe that if we tear down the building, you will severely restrict the value of the property, should we sell the property for elderly housing to a private entity, we will restrict the value of the property because of the inability to put any structure of much size on the property.

Ms. Papale stated, are you asking us not to tear down the building? Or do you feel the building should be torn down to provide open space and a park?

Mayor Dickinson answered, I think, at this point, if we really would like to see the potential for elderly housing on the property, we will hurt that ability by tearing down the building. My recommendation is that we go out now, in the private sector, ask for proposals and see if anyone comes forward to say yes. If we don't get anything, then we take other action. But I do believe that if you tear down the building you will severely limit the value of the property for housing purposes.

Ms. Papale asked, do I have the right information when I am told that part of the building could be acceptable and part of the building is a disaster and has to come down?

Mayor Dickinson answered, that is possible but I would wait to find out from a private, or whoever would be interested in what they want to do. They may say, "we'll do x,y,z on the property; they may tear down some of it; renovate some, I don't know. If that is acceptable to us, we sell it, convey it, whatever. If it is not acceptable to us, we hold on to it and do other things with the property.

Ms. Papale stated, right now, I would like something to be done with the Housing Authority, if possible. But, if that can't be done, I would have no problem with having it as an open space area with a park. It is just that we have to follow the procedures and make a decision which way.

Mr. Knight stated, I am a little leery of letting go of property that the town has owned for many years to a private developer unless there is a rock solid plan. Why a private developer is going to have any more luck than we are in obtaining funding for elderly housing project, I am skeptical of that. Having said that, for my purposes, I think we have two uses for the property; elderly housing is essentially an extension of Savage Commons, or an addition to our open space program. We have spent millions and millions and millions of dollars in the last five years purchasing property and, just off the top of my head, I can't think of a good reason why we would abandon a piece of property that the town has held for so many years. I would like to pursue Ray's interest in an open space project if, in the near term, we can't find some funding mechanism by which we can extend Savage Commons. That is my opinion on the subject.

Mr. Zappala stated, I think we all know that low income housing is very much needed in Wallingford and housing for the elderly is very much in demand. If the Housing Authority cannot get funds to build such housing for the old people, there is definitely a private contractor who is willing to do it and is interested in doing it. I think it would be more advantageous, location-wise, to have housing for the elderly because if you put your name on a list right now you have to wait about 1-1 ½ years and for a person who is retired and cannot afford the price of a rental that Wallingford commands, it is difficult. I think that if there is a contractor who is willing to do it to help us in this cause, we should explore the option. The park situation is very imaginative but I think, at this point, it should be used for housing for the elderly. There is a contractor who is interested in the property.

Mr. Brodinsky asked, how do you envision this happening, that it be put out on the market for someone to develop senior citizen housing? Would it be a requirement that a private developer use the property for senior citizen housing? Is that what you had in mind?

Mayor Dickinson answered, yes. It would take a vote of the Council to offer the property for development and receive proposals limited to development of senior housing and price range on

what the rentals would be. What ever we want in that proposal and see what comes in. The Housing Authority could send something in, too.

Mr. Brodinsky asked, and the ownership of the land; we would convey the property? Or would we retain ownership under your plan?

Mayor Dickinson answered, we could develop that. My thought would be that we would probably be conveying the property. It may be difficult to have a reversion of some kind but...

Mr. Brodinsky asked, how would that benefit the Town of Wallingford? I am looking for some feedback because I am somewhat intrigued by your idea.

Mayor Dickinson answered, the benefit, I think, is most obviously if it results in the development of elderly housing, it is housing that we need and it is right in an area between two existing facilities that would fit well. In that way it benefits us. If it results in our selling the property, then what ever we recover in money on the property, is obviously a benefit as well. At one time that was viewed as offsetting some of the costs of the new recreation center. We are well beyond that as an issue but, originally, that was envisioned as offsetting some of the costs. The prime benefit would be that there would be additional units. I guess at one point the discussion was as many as forty units. Whether that is really possible is anyone's guess.

Mr. Brodinsky asked, would there be a tax impact by selling the property?

Mayor Dickinson answered, property of that kind would be obligated to pay real estate taxes unless it is the Housing Authority and even then they pay taxes, although we often phase-in tax impacts, depending upon what their financial situation is. Ideally, it could be Housing Authority.

Mr. Brodinsky asked, if you had your druthers, when would you want to start this process of getting it on the market? Tomorrow? We could make a motion tonight, right?

Mayor Dickinson answered, the sooner the better. The building is only suffering by standing here and being boarded up. The sooner we could accomplish this, the better.

Mr. Brodinsky asked the Mayor, do you have, in mind, the form of a motion that would bring into effect your plan? A motion to market the property for a private developer to use for senior citizen housing? Would that suffice?

Mayor Dickinson replied, don't call it my plan; it is our plan, if it goes... it would be a motion to the effect that the Council would authorize the marketing of the property for sale for the purpose of elderly housing and we could bring back a bid or R.F.P. (Request For Proposal) that you would approve and make sure conditions are met and we would go from there.

Mr. Brodinsky moved incorporating the Mayor's comments by reference. Seconded by Mr. Zappala.

Mr. Parisi stated, there was more discussion but the motion....

Mr. Brodinsky stated, we can still discuss it. I am not intending to cut off discussion.

Mr. Parisi stated, but the motion is to market the property for affordable housing. It does not allow other discussion. We can only discuss the motion.

Mr. Brodinsky stated, as far as I am concerned, this should be a free-ranging broad discussion, bringing out every point you want to bring out, as far as I am concerned. We want to get this on the merits. I am not trying to limit discussion by making the motion.

Mr. Parisi answered, I am not saying you are, but I am saying that we do have to follow our own rules.

Mr. Brodinsky stated, my suggestion would be, if anyone wants to make any comment in any way related to the Simpson School Building, I don't think anyone should make a point of order that it is out of order. Let's just discuss this issue and...

Mr. Parisi stated, I agree with you and what you are saying but, then again, if we don't follow our rules, how often do we make exceptions?

Mr. Brodinsky answered, that is fine.

Mr. Parisi stated, I appreciate your flexibility but I don't want to hear it later on down the line that we did it six months ago. I think we should stick to the rules. Is there further discussion on the motion by the Council?

Mr. Knight stated, I cannot support this motion. I think there are other alternatives, rather than selling the property. I think they have to be evaluated. I think they have to be financially evaluated by the Town, that includes cost of demolition, should be want to go that route. It would also include the zoning ramifications should we decide that we will tear down the buildings that are on the property. Those are all important considerations. There are other alternatives that should be weighed just as carefully as selling the property. For that reason, until I have that information, I won't support selling the property which, essentially, is what we are voting to do.

Mr. Centner stated, I concur with Mr. Knight's feelings on this. I am not prepared to sell the property. I do agree with Mr. Rys' idea. In the interim it is a timing issue and, this particular

item has been around for as long as I have; six years. I don't know why it is taking so much time but, at this point, I figure that we might want to move on it; hand to the people a nice little open space park and, if and when, the Housing Authority is ready to go forward with elderly housing in the Town of Wallingford, maybe we could provide land at a lower rate such as what we do for Habitat for Humanity. Maybe then we can find some land and move ahead with the elderly housing component. But to continue to tie up this one particular parcel, I can't agree with that. I have a very uncomfortable feeling about trying to convert Simpson School and all the nasty additions into any kind of housing component. At this point, I would not be able to support the motion, thank you.

Doris Bevans, 45 Martin Avenue stated, I rather suspect that this is already a done deal somewhere. I am a little suspicious of what I am hearing, not from you people, from most of you people. Ray Rys called and told me that this was on, and I really appreciate this. I went out time and weather prohibited going all around but I have quite a few signatures from people who support the idea of having a mini-park. If we can't get good, now the people in Savage Commons would like to see more good senior housing and if it were done through the Housing Authority, I can see we would have no objection to that. But this has been on the table for how many years? It has been an absolute mess there. It is true, and I am glad that one of you mentioned that we have spent millions of dollars buying open space, probably in more affluent neighborhoods on the outside of town. What about the center of town? If we had a little mini-park there, it would enhance the whole area. I don't know whether it was worth my time to go out, apparently things are going on that the public is not going to know about; in the back room, discussions with people; probably already contractors that we don't know about. What about our property values? Don't they count? I would like to have you take this list (of names). A mini-park would be a beautiful thing to have there. I have talked to some of the people in Savage Commons and they would like it, too. I could have gotten up to Bayberry and even East Center Street, but I didn't have the time. It would be beautiful. The only open space that is left around there is our property; my husband's property. The way he feels, as long as he can pay the taxes on it and as long as he can keep that open, he is going to. But he is not going to be here forever and we don't know what will happen later. Please keep that in mind. Take care of our property, too, would you please?

Esquale Melillo, 15 Haller Place, Yalesville stated that no action should be taken right now and the issue needs a lot more input from different groups. The people who favor a mini-park should come to a meeting in a show of support. That way it shows just how many people are in favor and could influence the Council's decision. There should not be a time limit imposed on this.

Philip Wright, Sr., 160 Cedar Street stated, I have probably come to this microphone more than anyone complaining about the fact that the property has been sitting there for so long. I think we got hosed by the Housing Authority for all these years. They kept us dangling when they

had nothing they could go for. The property has deteriorated considerably. I drive through there and damn near cry every time I do, to see town property disintegrating the way it is. I believe that we can get a benefit to the Town if we did have a developer come in and build affordable housing for the elderly there. I am sure that we would insist that there would be a fair amount of open space out there; areas park-like for the residents so we are really not going to stick up housing there and have people not be able to go outside and spend some time out there. I think it is a very worthwhile avenue to pursue. We need more elderly housing in this Town. The way taxes are going up around here, I may want it in another couple of years.

Jack Agosta, 505 Church street, Yalesville stated, once we take that building down and it becomes a park, it will never be anything else but a park. Why not wait to see what Senator McDermott is going to get accomplished?

Mr. Parisi stated, that is our concern, we have been waiting a very long time; about 15 years.

Mr. Agosta asked if anyone has performed an analyses of what it cost to put that building back into shape again?

Mr. Parisi replied, the back of the building is shot. I think anyone would recommend that the building be torn down.

Mayor Dickinson stated, whether the building is renovated or re-built, you would have to start with a structure there. Once the structure is removed, a whole new set of rules come in and I think it would be unlikely you would have an area buildable, large enough to make it useful. That is my guess.

Mr. Agosta stated that he does not think it will be easy to find someone who is willing to invest a couple of million dollars into the building to make it useful. He would like to wait to see what Senator McDermott is able to accomplish. He stated, we have plenty of time. The building has been deteriorating for many years. If we take the building down, that's it; it's done.

Mr. Farrell stated that he was not sure as to what the exact motion is and asked that it be read back at this time.

Town Clerk, Rosemary Rascati summarized the motion.

Mr. Brodinsky stated that he moved that the Town Council solicit proposals from the private sector to convert the property into senior citizen housing. The intent of the motion was to put the property on the market and to see what the market will bear.

Mr. Farrell commented, I share with everyone the sense that this has gone on too long. I don't want to prolong it either but I would like to put as short a time table on it as possible. Two



things stand out in my mind; I know what Ray is saying about the demolition and I wonder what the cost of demolition is. That is something that we are being asked to act upon tonight without necessarily a figure. Sometimes a building of that age have plaster walls that are asbestos. We may not necessarily know what we are getting into with regards to cost. I would also like some back up as to what the Mayor is saying. I tend to think the same as he does but if you rip the buildings down, you are reducing the ability to re-build there. But I would love to see an analyses, perhaps out of Linda Bush (Town Planner), taking the square footage that is presently there, removing the building and then giving us what the square footage of a new building that is permissible under the current zoning regulations is. That would tend to stack the deck one way or another of whether or not the building should be ripped down. I am not prepared to do a whole lot without those two questions being answered. That is my gut reaction and not meant to be critical of the pending motion that is on the table.

Mr. Zappala stated, I seconded the motion because I know how much of a need there is in Wallingford for senior citizen housing. I think if some of us were more informed on the matter, we would be supportive of the motion because a senior citizen has to wait between 1 and 1½ years to get low income housing. We are not just throwing our buildings away. We are helping the senior citizen population to have a house for themselves that would be less costly than what the common rent is today. The building, in its present condition, is disgraceful. I don't understand why the lights are on in the building; wasting electricity. We should be doing something with that building. We have been dragging this out for so long, waiting for the Housing Authority to make up their mind. It is a great idea to put a park there but I think the cost to demolish that building, I could not even guess how much it would cost. I favor low income housing for the senior over anything else we could do with that property. It is important; we owe it to the senior citizens and this is one chance we could do something for them. This is the reason I am supportive of the motion.

Mr. Vumbaco stated, we are only testing the waters with this motion. There is nothing in the motion that says we are putting the property on the market. We are only asking the designated individual to go out and entertain some possibilities of what can be done with that property, given a set of criteria. I don't see that we are voting to sell the property. All we are asking for is to entertain some R.F.P.s to come back to this Council and if the Council doesn't like the R.F.P.s then we vote it down and don't accept it. We are not making a motion tonight to sell the property. We are only trying to get off the dime and take a step forward and doing something with the property. As everyone here has said, it has been sitting around for 15 years and there is a need out there for our seniors so I don't see why we can't take this step forward. If two months or a month from now we don't get any responses, or if we get some we don't agree with, or we think they proposed uses are not conducive to the area, etc., we just won't accept it. I don't see why we would not want to at least go out now and waste any more time and at least entertain the R.F.P.s. We could gather all the information simultaneously from the R.F.P.s; from Linda Bush; on Planning & Zoning issues; from Henry McCully who could be

obtaining demolition costs or testing, etc. It can all occur simultaneously. We are just taking a step to do something. Under that guise, I am totally in favor of this motion, thank you.

Mayor Dickinson stated, it hasn't been 15 years as has been mentioned several times. The Recreation Department was in there and VNA, as everyone knows. Recreation moved out of there in 1994 or thereabouts. It has not been lying unused for 15 years. I wanted to correct that statement.

Mr. Farrell amended the motion to read, within the next 30 days the Mayor is to obtain:  
a) a definitive cost for demolition; b) an analysis of the "buildability" of the site with and without the building; c) a draft Request for Proposal for the Council to vote upon, seconded by Mr. Centner.

Mr. Rys wanted it noted for the record that he is not in favor of giving up the property. He stated, it is the Town's land; we paid for it; we should keep the property. I don't want to see it go to a private developer. What guarantee is there that if it goes to senior citizen-type housing that the people who will live there are from Wallingford? At least with the Wallingford Housing Authority, Wallingford people will live there, unless it is federally-funded. If I am correct, McKenna Court development is not just for Wallingford people. I can't see a developer coming in with all these restrictions. I am totally against giving up our property.

Mayor Dickinson replied, I don't think the Housing Authority can prevent anyone from moving into residential quarters here based upon where they are moving from or where they are a resident from. I don't think they can do that. I think, Ray, you are right. That would be true for any of their housing. They cannot restrict based upon where you are currently residing.

Mr. Parisi stated, you can't be stopped. I am sure that is correct.

Ms. Papale commented, I would like to thank Mr. Rys for putting this on the agenda. At least we are talking about it. We tried so many different ways to get this going; trying to get the Housing Authority here. They seem, for some reason or another, to have never accepted our invitations so the main thing tonight is that we discussed it and, yes, something is going to happen here. My priority here is with the senior citizens. If it is done by the Housing Authority or privately, before we let someone come in privately, I am sure we would make sure it would be the proper person. I will go with the amendment Mr. Farrell made to Mr. Brodinsky's motion. I am glad that we are at least talking about this.

Mr. Knight reiterated, I find ourselves in somewhat ironic positions; the people to my left (Democrats) supporting a private sector solution and finding myself leery of it. I think we have a very successful housing authority. I am impressed and always have been since I moved to this town at the management and maintenance of the facilities that we do have for the elderly. I am very interested in pursuing more of the congregate housing and more of the quasi-independent

housing authority-style of managing such properties. I have lived in Meriden, Waterbury, Hamden and communities that have been very attractive to this private development for specialized purposes, such as elderly housing, and frankly, it has been a mixed blessing for those communities. Housing that is being set up and developed for elderly people, I think requires that the municipality or its surrogate, that being the Wallingford Housing Authority, have control over the development and over the management. Ironically, I find myself skeptical that the private sector is in the position to do that to the extent that I am comfortable. I would support, if Mr. Farrell makes one, the avenues that I mentioned previously; we need to know what the zoning ramifications would be if we tore the building down and I think we need to know the closest we can get to it, the cost of demolishing the building. That way we can see what other avenues we are going to pursue. Furthermore, we already have a state legislator who has indicated that he is going to put special legislation together to fund a project that we can control. I see this idea that we should rush to the private sector to support elderly housing, I think, as questionable.

Mr. Parisi commended Mr. Rys for bringing this item to the forefront again. I think this is the time it will get some action. I am concerned about two things; senior housing, as we all are; and about the people who live in that neighborhood. Going back to when the Recreation Department was there and all the various problems that existed back then. I think it is interesting that I could and will not support the motion, but I like the direction of the amendment. If I can see that the amendment is the main motion, I think I could support that.

Ms. Papale stated, I don't feel that we are rushing on this. What we are doing is entertaining the R.F.P.s. While that is being done, I am sure Senator McDermott will be in touch with someone and let us know what he is doing up there. I am not putting that under the carpet. I would much rather see the Housing Authority up there with housing for senior citizens. But this could be done in the meantime, just entertaining the R.F.P.s. It doesn't mean that we are going to have to do it. I don't really believe we are rushing. I believe we are just getting information.

Mr. Brodinsky stated, as I understand the amendment, under this motion, as amended, the Mayor would be authorized to put together a marketing plan and come back to the Council with it; put together a draft of a request for proposal; get an estimation of cost for demolishing the building and obtain an analysis of buildability. Can we get a little more detail on the last item?

Mr. Farrell replied, I just made that word up tonight, "buildability". To define it further and go back to what the Mayor had originally said; that his assertion was that if you knock the present building down, the coverage, in essence, gets reduced. Present zoning regulations; setback and coverage; would limit, in my guess, what you can put back there. How much less, even just in raw square footage, would be helpful.

Mr. Brodinsky stated that he was inclined to support the motion, as amended, because he views it as one step forward and we have not had that in quite a while. At the same time, those that

oppose the motion get another bite of the apple and he did not object to that. At least it gets the ball rolling.

Philip Wright, Sr., 160 Cedar Street stated, this is the best discussion I have heard amongst Councilors up here in the last five years. It is very gratifying.

VOTE ON AMENDMENT: Centner and Parisi, no; Brodinsky, Farrell, Knight, Papale, Rys, Vumbaco and Zappala, aye; motion duly carried.

VOTE ON MOTION AS AMENDED: Brodinsky, Farrell, Papale, Vumbaco and Zappala, aye; Centner, Knight, Rys and Parisi, no; motion duly carried.

ITEM #13 Discussion on Town Sidewalk Ordinance and Snow Removal Procedure as Requested by Chairman Robert Parisi

Mr. Parisi stated, the reason I brought this up is because, anyone riding around town will see that there are any number of sidewalks that are not shoveled. I have been on this Council twenty plus years and I'll bet you that we have discussed this at least twice a winter; approximately forty-something discussions. It seems that nothing ever gets done about it. I don't understand why, when it is very, very clearly listed in this ordinance, what is to be done. Although I have to say that I believe the ordinance to be outdated because I don't think the police do the inspection. I remember a time when they were supposed to inspect the highways. It has been passed around like a hot apple and I gather that now it ends up in the Engineering Department. It is not being accomplished; it is not being executed; people are walking in the road. I think it is a disgrace and embarrassment to me and I am really tired of having people call me and ask me why we don't do anything. I thought that if we can't accomplish anything else tonight, maybe we could answer the people who watch this program and tell them why we don't do it.

Police Chief Douglas Dortenzio asked, what is the question?

Mr. Parisi asked, why don't we enforce our sidewalk ordinance when it comes from snow being removed from the sidewalks?

Chief Dortenzio answered, we do when someone calls the department to make a complaint. We act on that complaint.

Mr. Parisi asked, why should anyone have to call the department when it is listed here that it be done. It is not by initiative but by law. It is an ordinance of this town that this be executed and it is not being executed. It is very simple. I am not going to call you up and ride around looking for sidewalks.

Chief Dortenzio replied, I am not asking you to.

Mayor Dickinson stated, the department, where it is obvious; school kids gathered on a corner and sidewalks haven't been done; it is an obvious case. I think that is easily picked up by one of our patrol cars going around. But, let's keep in mind the side of every (police) car has an inscription, "our best effort needs your help". If we were to engage in a program where we are actively seeking out every sidewalk that hasn't been shoveled, we would really have to do it town-wide. It is not fair to choose one area over another; this area will be the focus and we will forget everyone else. We, literally, do not have the manpower to go everywhere in town. The chief effort is with the public to complain that there is an inability for school kids to get to a bus or some other problem. The complaints do come in; not a lot, but they do come in. For the police department to take on town-wide enforcement to avoid being discriminatory, where one area is getting more treatment than another, I think it is an impossible assignment given the number of people who are out there and a lot of the variables associated with the time limits, etc. The department does make an effort where it is obvious but to say that we are out there and are able to proactively search out every sidewalk that hasn't been shoveled, I don't know how we would do that without being discriminatory.

Mr. Parisi stated, I understand what you are saying but, I am going to disagree with you. That sidewalk on the corner of Ward and Colony (Streets) which is right on the main drag, which is a crossing area for children going to Heritage Baptist School is unshoveled. The sidewalk on Christian Street and Colony Street by that famous landmark, the Amoco gas station, is unshoveled. There is a crossing guard right there. I am sure that if I look, there is a lot of other places I can find. With all due respect to you, Mayor, I don't believe that people are paying attention to the sidewalks and the public is just disgusted with it. I don't like to disagree with you but I am very upset with the situation.

Mayor Dickinson answered, members of the department can certainly make every effort to respond on these things. I can tell you that there are many stories that come in and we receive calls from an elderly person in tears because they have gotten a police fine and the prospect of the Engineering Department coming out and a large bill that will have to be paid as a result of a contractor clearing the sidewalk upsets them. There are very difficult stories that result from the procedures we have. We have been through this in other winters where, literally, a person is in tears on the phone, they can't pay for the sidewalk to be cleared; we had huge bills coming in from contractors one year; it is not a simple matter. I would agree with you that, whenever it is possible, members of the department or Town Engineer's staff certainly can make an effort where it is obvious to remind people and do the duty to see that the sidewalk is clear.

Mr. Parisi asked, if someone slips and falls and breaks their back because the sidewalk isn't shoveled, who is going to be responsible? The property owner, which I believe the ordinance says, or the Town of Wallingford?

Mayor Dickinson replied, it would be the property owner.

Mr. Parisi answered, then it is going to cost them an awful lot more to pay that lawsuit off than it is to get their sidewalk shoveled.

Mayor Dickinson stated, I don't think there is a liability to the Town where private property is involved.

Atty. Farrell, Sr., explained, if, in fact, the sidewalk is within what is known as the street line then you get into the question of it is a defective "street".

Mr. Parisi asked, if it isn't a defective sidewalk and the person falls, the property owner is responsible. That is what the ordinance says and I am pretty sure I am right. I was the very first sidewalk inspector ever appointed by (Mayor) Bill Bertini. I looked at thousands of these things.

Atty. Farrell, Sr. stated, the private property owner has been assigned that duty by the Town and would personally be liable for it.

Mr. Parisi replied, that is my point. Therefore, it is going to cost them a lot more to be sued than to get their sidewalk clean.

Atty. Farrell, Sr., answered, it may cost them or their insurance company.

Mr. Parisi answered, it directly affects all of us. My point is, it is the common courtesy of it, if you will. Why should people be required to walk in the street and run the risk of maybe getting hit by an automobile or causing an auto accident which they are not even responsible for? One day like yesterday, with sidewalks not shoveled, kids are walking in the road and so are adults. You can't tell me that this is what you want. I, as a taxpayer, don't feel that is right. Every sidewalk I had, I have shoveled. I am sure that everyone here takes care of their sidewalk. I hope they do. Why should I have to walk in the road? Someone tell me that; why should I walk in the road in this town? In New Haven I would expect it; in Meriden I do; but not in Wallingford.

John Thompson, Town Engineer stated, we have had some very mild winters over the past several years. I think there has been a lax attitude about sidewalk maintenance. We have made an effort of getting a notice in local papers and it is on local public television as a reminder that people do have a responsibility to shovel their walk. We are telling the people. In the cases where there are sidewalks, such as the Amoco station, we do send a letter. We will send a letter out to the property owner advising them, by mail, that they have so many days to shovel the walk.

Mr. Parisi answered, the mechanism is very specific in the ordinance. You don't have time to send a letter. By the time we answer and we get it done, it will be summer. There won't be anything to shovel.

Chief Dortenzio commented, that is true with some of the property owners. In the case of that Amoco station, it is quite likely that the property owner may even be an out of state corporation.

Mr. Parisi answered, it isn't. It was in the paper. It is interesting...the Health Department got the poison sumac cut down. It took a request and a plea to get this thing done and then it got done.

Chief Dortenzio stated, I can tell you that we do get complaints from residents when they are concerned. While the last few winters have been mild, I did take a look at the number of calls that we had received in our largest storm of this season and the storm the week later and it only produced five (5) calls for the entire town.

Mr. Parisi replied, I am not impressed with that and I'll tell you why. Go downtown and sit in a coffee shop and listen to the people. Or walk on Center Street and listen to the people. Or go in the post office.

Chief Dortenzio answered, I don't have a public opinion poll.

Mr. Parisi answered, you ought get one.

Chief Dortenzio continued, our public opinion poll is basically when the telephone rings and they are looking to make a complaint.

Mr. Parisi replied, maybe people are kind of disgusted and feel there is no relief anywhere.

Chief Dortenzio answered, they shouldn't feel that way. In each of those calls someone responded, spoke to the property owner and in virtually all but two of the cases, the property owners took care of it and, in the other two cases, they were both cited.

Mr. Parisi commented, that is fine but, in here (ordinance) is the mechanism. We should follow it or amend it so we don't have to follow it.

Chief Dortenzio answered, that is the mechanism that we were following.

Mr. Parisi asked, within four hours? The next day?

Chief Dortenzio answered, within four hours.

Mr. Parisi stated, you gave out two citations.

Chief Dortenzio pointed out, if you look at the language, it depends on the hour of the day of the storm.

Mr. Parisi agreed but stated, there are far too many places that are not being attended to; not being cited. The Mayor is right, you can't get them every storm but, you can have some sort of method that catches the people who are violating the law. That is all I am talking about.

Chief Dortenzio answered, note taken.

Mr. Zappala asked, if I remember correctly, about four years ago we gave many tickets to many people and we were unable to make them pay. Is that correct?

Chief Dortenzio answered, I don't know because I don't handle the appeals. I know that they are frequent; this ordinance is extraordinarily unpopular and when we go to people's homes and they have the flu and are not prepared to go outside within a few hours to shovel their walk. Most people, when we advise them of the requirements of the ordinance...they generally heed our cautionary advice. They understand what the outcome penalty may be and, as I pointed out thus far this year, the majority of the complaints, when we brought it to the attention of the property owner or caretaker of the land, have made a good pledge to deal with the problem. It has been resolved. In only two cases this year have we had to actually cite someone for not taking care of their sidewalk after they have been advised of the complaint. The Mayor is quite correct. We get a lot of people who are elderly; who are incapable of handling the problem themselves. They don't have the financial means to do it. They rely on kids or neighbors to help them out and the time frame that is in the ordinance does not give them a great deal of latitude.

Mr. Zappala stated, I sympathize with the elderly population because the kids nowadays do not want to shovel for even \$5.00; they don't care. I thought we were not able to make them pay the penalty.

Chief Dortenzio stated, the penalty, from our perspective, is only \$5.00 and the consequence of not cleaning the sidewalk within four hours of being cited is that Mr. Thompson's office uses a contractor who comes out and cleans the sidewalk and a lien is established against the property.

Mr. Zappala stated, if it is true that we cannot make the property owner pay for the contractor's services to clean the sidewalk, why push the ordinance?

Mr. Thompson explained, during my employment as Town Engineer, we have not used the contract services of the snow removal contractor. Every time the police have issued a summons and we send out our Sidewalk Inspector to check, the sidewalk has, in fact, been cleared within



the four hours of the Police Department issuing the ticket. We haven't used the services of the contractor for the past three winters.

Mr. Zappala stated, if that is the case then, as the Chairman stated, we should be enforcing the ordinance. I seem to remember that when we billed people for failing to clear their walkways, the fines went unpaid. I remember Atty. Mantzaris saying that we could not force them to pay. I would like more clarification on the matter.

Mr. Parisi stated, I am not looking to hurt the elderly and frail and what ever but there are a lot of rental properties; there are a lot of properties for sale that are not being taken care of. That is more of what I am trying to address here. For some reason, they fall through the cracks. The house next to me was not occupied; the grass was growing tall and I mowed it three times. It appeared as though I wasn't going to get out of the job so I tracked down the attorney for the property in Hartford. It ended up that he called California and before you know it someone had been assigned the job of cutting the grass. At least the property was reasonably attractive and everyone else in our neighborhood cuts their lawns and it fit in. That is more what I am trying to address here. If we assume that everyone is elderly and frail and we don't want to infringe on them or cause them undo hardship then a lot of people are getting away with it.

Chief Dortenzio stated, the ordinance does not describe it to be the landowner's responsibility. It is the landowner, any caretaker, any tenant in a multi-family house can be cited; any occupant of the building can be cited. I don't think we should lead anyone who is watching this broadcast to believe that it is only the property owner.

Mr. Knight stated, it is the same people every time; rental properties; commercial properties. It is not like someone missed a storm. It is the same people every time who say, "the heck with it." I am talking about 2 and 3 family properties. Nobody, whether it be a tenant with a landlord that has not assigned one of the tenants to take care of the property or the landlord himself/herself has deemed it unnecessary to pay the money to have the job done right. I spend a lot of time on Ward Street and that is a pretty treacherous street to be walking up and down in the road. I did it last Saturday and I came upon one of the places that had not been shoveled and I found myself on my back. I was so glad this item is on the agenda; I was waiting for this item to come up from a personal standpoint. There are a lot of 2 and 3 family homes. The tenants are never assigned the responsibility and they could care less for they are paying rent. It is the same places every time. That is the part that is frustrating. It is not some little old lady that doesn't have the money. It is the landlord who has decided, "I live in Florida, what do I care". Those are the guys we want to get.

Mr. Vumbaco asked, who is the Sidewalk Inspector?

Mr. Thompson answered, Sal Sandillo.

Mr. Vumbaco asked, what else does he do? Is he assigned purely as Sidewalk Inspector or does he have other duties in the organization?

Mr. Thompson answered, he oversees all of the ongoing construction projects and private development projects.

Mr. Vumbaco asked, are there a lot of those going on right now that he is overseeing? Why isn't he in his vehicle driving around checking the sidewalks?

Mr. Thompson answered, it is not his responsibility to do that inspection. We respond to complaints. We don't go out and proactively identify properties that are not shoveled. We, historically, have waited for complaints.

Mr. Vumbaco asked, why do we call him the Sidewalk Inspector then? To me, that indicates the fact that he should be out inspecting the sidewalks and if they need to be shoveled then the Chief should be notified. If they are breaking apart in the summer then the Engineering Department should fix them or talk to Public Works about fixing them. If he is an inspector, he should inspect them.

Mr. Parisi stated, section D reads, "The members of the Police Department..." and I think this is where it might be outdated, "...of the Town shall report all violations to the prosecuting attorney, Mayor or sidewalk inspector of the Town and shall be caused to be left with the owner, tenant, occupant or other person having the care or charge of any such building or lot of land, a written or printed notice that the responsible person has incurred the penalty provisions prescribed by this section." That sounds to me like someone is responsible for seeing the violations and turning them in. I would think in the winter there are not a lot of trenches to look at and construction projects and I would think this would fall right in place for a winter job, quite frankly. I don't know.

Mr. Vumbaco stated, maybe we should look into changing that and make it the sole responsibility of the sidewalk inspector.

Mayor Dickinson asked, the key is, is Mr. Sandillo busy with other activities or does he do nothing in the winter.

Mr. Thompson answered, he is very busy. We still have construction projects; private development projects are still being constructed; we have extensive paperwork that has to be completed on every single project that we do and foul weather is the perfect opportunity to do exactly that. Just because weather gets bad does not mean that construction stops.

Mr. Vumbaco replied, I was not indicating that. That is why I asked you what else he was doing and, basically, he said he is overseeing construction. I have no problem with that. The

point is that we don't have a storm every day either. There are times that you, as a manager, should prioritize and if, in fact, there is a storm coming up and you get 6,8,10" of snow and there is a possibility that these areas are not going to be shoveled, then his duties get assigned. "Put your paperwork aside and get out in the field and look at the sidewalks." I don't see where there is a big problem.

Mr. Parisi asked, how many working problems are there right now that you are inspecting?

Mr. Thompson answered, probably 1/2 a dozen.

Mr. Parisi answered, how many times a day do you inspect them?

Mr. Thompson answered, not every day.

Mr. Parisi asked, what are we doing on the off day? What is all this paperwork.

Mr. Thompson answered, it is quantities; cost estimates; construction change orders; processing normal documentation that we have to submit to the state in order to justify our work.

Mr. Parisi stated, I would like to see that any department going by an unshoveled sidewalk area; every one has radios, I don't know why it is a problem to communicate it to some central area so that can be forwarded. We can do it in a nice, human way and, at the same time, we can provide a very valuable service to our citizens so that during inclement weather, if they choose to walk outside they can do it as safely as we can make it.

Mr. Thompson stated, perhaps the Sidewalk Inspector can utilize some type of form he can deliver to the homeowner advising them of the ordinance since the ordinance stipulates the police as the entity issuing the violation.

Mr. Farrell the current ordinance seems vastly outdated, in the way it is written. Perhaps it should go to the ordinance committee for some "tightening up." The procedure that the ordinance sets out leaves something to be desired at this point. I will put this item on the next ordinance committee meeting to tighten up this agenda.

Mr. Parisi asked for a motion that the ordinance be referred to the Ordinance Committee for an update.

Mr. Farrell moved the motion, seconded by Mr. Centner.

Town Council Secretary, Kathryn Zandri pointed out that the item on the agenda was for "discussion only". She asked if the Council can take action if it was listed only for discussion.

The Council may want to consider waiving Rule V of the Council Meeting Procedures but she was concerned that there may be a technicality in doing so because this is an ordinance of which the Council is taking action on it without setting a public hearing.

Mr. Parisi stated that he can put in on an upcoming agenda for action.

Mr. Knight felt that was unnecessary, it can go to the Ordinance Committee without a formal vote to do so.

Philip Wright, Sr., 160 Cedar Street talked about the towing of vehicles during a snowstorm. He referred to an incident that occurred in his neighborhood years ago. In the dark of the night his vehicle was towed from private property. After speaking with the officer, he admitted to Atty. Mantzaris and Mr. Wright that he was wrong to have ordered the vehicle towed. He referred to another matter which occurred in his neighborhood during this last storm. It entailed towing three of his neighbor's vehicles when they were not home, but out of town due to a family illness. The neighbors had informed the officer of the family's situation but the cars were towed regardless. He felt it was handled improperly. He traveled around various parts of the town the next day and found several busy streets with a good number of cars parked on them; cars that should have been told. The Mayor talked about discrimination. I think we ought to be enforcing towing every car off the street in this town whether it be Center Street or any other street if we are going to tow any of them. No consideration was given to the homeowner in this case at all. It should be looked at very carefully. If we are not going to tow them all, don't tow any of them.

Jack Agosta, 505 Church Street, Yalesville was in favor of revising the ordinance. He felt four hours was not enough time to get a sidewalk cleared. He felt that a lien should be placed on the homeowner's property.

Mr. Parisi informed Mr. Agosta that Atty. Mantzaris has informed the Council that the Town cannot lien the property.

Mr. Agosta stated, the Town does not have enough police personnel to travel all over town to check all the streets and sidewalks. He also thought it was a deterrent for people to have to give their name to the police when calling in a complaint.

Chief Dortenzio stated that callers do not have to give their name to the dispatcher when calling in. We send cars to respond, regardless of whether people give their name or not. The callers always will be asked their names, it is the manner in which we record the complaint. Quite frequently, after the fact, people will call back and ask what we did with their complaint? There is no way we can look it up if we did not know who it was that called in the first place. We only have caller I.D. on the 9-1-1 system and not the routine calls line.

Mr. Agosta stated, people are hesitant to call because they feel they have to give their names.

Chief Dortenzio repeated, they don't have to give their names; it is helpful if they do, but we still respond if they don't give their name. Some people want an officer to come to their home so they can talk to the officer. It is a routine question that the dispatcher is going to ask; for name and address. Some people specifically ask that we not come to their house.

Geno Zandri, 37 Hallmark Drive stated, this sidewalk ordinance will not be enforced if you are going to address it on a complaint basis. I feel that sidewalk inspector should go out for the next few days after a storm to check sidewalks. I also feel that the police patrolling the streets and public works employees who are plowing can also help by calling in sidewalks that are not cleared. With a combined effort we can solve this problem.

Desquale Melillo, 15 Haller Place, Yalesville was glad this item was on the agenda and commended the Chairman for putting the item on. He suggested that the Council follow Mr. Farrell's suggestion to revise the ordinance. If we know who the repeat offenders are, why not give the Police Chief their names so they will know where to start?

ITEM #14 Withdrawn

ADDENDUM ITEM #15 Consider and Approve a Transfer of Funds in the Amount of \$5,250 from Contingency – General Purposes Acct. #8050- 800-3190 to Finance Department – Software Support Acct. #001-1401-901-9000 – Comptroller

Motion was made by Mr. Rys to Approve the Transfer, seconded by Ms. Papale.

Correspondence from Comptroller, Thomas Myers, explains the need for the transfer. (Appendix III).

VOTE: All aye; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 9:43 P.M.

Meeting recorded and transcribed by:

*Kathryn F. Zandri*  
Kathryn F. Zandri  
Town Council Secretary

Approved by:

*Robert F. Parisi*  
Robert F. Parisi, Chairman

3-2-01  
Date

*Rosemary A. Rascati*  
Rosemary A. Rascati, Town Clerk

3-2-01  
Date

RECEIVED FOR RECORD Jan 23, 2001  
AT 10 P M AND RECORDED BY  
Rosemary A. Rascati TOWN CLERK

**RELEASE**

**To All People To Whom These Presents Shall Come, Greeting:**

KNOW YE, THAT The TOWN OF WALLINGFORD, (RELEASOR), a municipality under the laws of the State of Connecticut for divers good causes and considerations thereunto moving, especially for valuable consideration received to its full satisfaction of Brant and Torri Batzinger, William Rousome, William Kasper, Joyce Wolf and Marie Broadway (RELEASEES) has remised and released and does by the presents, justly and absolutely remise and release unto the said Brant and Torri Batzinger, William Rousome, William Kasper, Joyce Wolf and Marie Broadway, their heirs and assigns forever, all such right and title as the said Town of Wallingford had or ought to have in or to easements in or under all that certain piece or parcel of land situated in the Town of Wallingford, County of New Haven and State of Connecticut shown on a map entitled "Map of Portion of Sky Line Terrace Showing Drainage Easements to be Granted by Batt Investors Inc. to the Town of Wallingford, Department of Public Works Engineering Division Wallingford, Connecticut Scale 1" = 100' 11-29-62" on file in the office of the Town Clerk of Wallingford reference to which may be had for a more particular description and a copy of which is attached hereto. And more particularly which easement ran along the southerly and westerly boundary line of Lot No. 26, along the westerly and northerly boundary line of Lot No. 27, along the southerly and westerly boundary line of Lot No. 15, along the southerly and easterly

boundary line of Lot No. 17, along the easterly boundary line of Lot No. 16, and along the westerly boundary line of Lot No. 13 shown on said map.

And also described at Vol. 308, Page 549 of the Wallingford Land Records.

And to further evince the Town's intent to abandon said easement, the purpose for which it was created had expired in the Fall of 1998, at which time the road drainage was diverted from said easement.

To Have and to Hold, the premises unto the said Releasees herein and to their successors, heirs and assigns, to the only use and behoof of the said heirs and assigns forever, so that neither it, the said Releasor nor person or persons in its name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and everyone of them shall by these presents be excluded and forever barred.

IN WITNESS WHEREOF, the said municipality has hereunto caused to be set its hand and seal this \_\_\_\_\_ day of 2001.

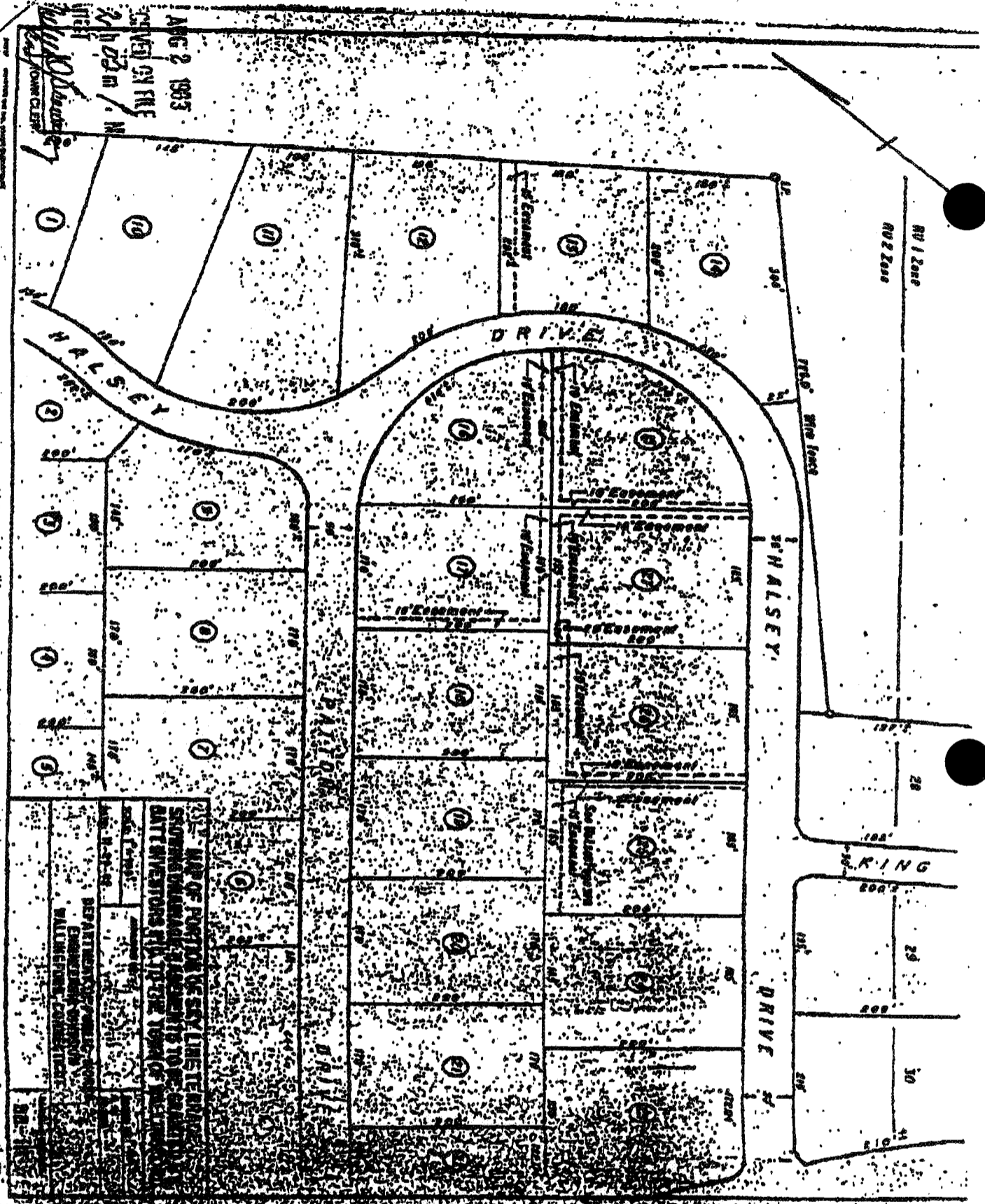
*Signed, Sealed and Delivered  
In Presence Of:*

TOWN OF WALLINGFORD, RELEASOR

BY: \_\_\_\_\_  
WILLIAM W. DICKINSON, JR.  
Its Mayor, Duly Authorized







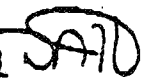
MAP OF PORTION OF SEASIDE LINES TOWN OF WALLINGFORD, VERMONT, SHOWING LOTS 1 TO 30, HALSEY DRIVE, PATTON DRIVE, AND VARIOUS EASEMENTS AND NOTES BY THE TOWN ENGINEER.

DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
WALLINGFORD, VERMONT

#321

**Date: January 5, 2000**

**To: Wallingford Town Council Members**

**From: Donald A. Harwood, Chairman**   
**Wallingford School Building Committee**

**Reference: Status Update**

On behalf of the School Building Committee, we wanted to provide you with a quick update as to what actions have taken place since the initial schematic design presentation made to you on September 19, 2000. First, the committee requested that the Architect and Owners Representative minimize the time being charged to the project. This action was necessary to ensure that resources were only being directed to those elements of the project, which supported potential constructability savings. This aligned with the Board of Education's mission to provide additional information for further scope refinement and potential scope reductions. Secondly, the Committee is focused on developing a construction management recommendation to accommodate project role out, phasing, scheduling, and administrative management. Third, a revised budget estimate reflecting the reductions in scope made by the BOE at their December 18, 2000 meeting is being compiled. In addition, two meetings were held with the Mayor and the Council Chairman to review the project.

It is our expectation, that at the January 11, 2001 special meeting of the Building Committee, that all revised information will be pulled together and made ready for review by the council. If you have any questions, or require additional information, please contact myself or a member of the Committee so that we can address any outstanding issues.



*Town of Wallingford, Connecticut*

THOMAS A. MYERS  
COMPTROLLER

DEPARTMENT OF FINANCE  
P.O. BOX 67  
WALLINGFORD, CONNECTICUT 06492  
TELEPHONE (203) 294-2040

January 5, 2001

The Honorable William W. Dickinson, Jr.  
Mayor, Town of Wallingford  
45 South Main Street  
Wallingford, CT 06492

Dear Mayor Dickinson:

The Assessor's Office uses three software applications in compiling the grand list. Cole Layer Trumble software compiles the real estate file which is then migrated to Quality Data software where it is converted to grand list format. The Quality Data software also compiles the motor vehicle and personal property components of the grand list. Grand list compilation complete, the entire file is then migrated to Gemini Systems software where it is formatted for printing of the tax bills and associated reports. The migration of the Grand List data from Quality Data to Gemini Systems is facilitated via a software application known as a "bridge".

Recently Quality Data upgraded their application software from a Disk Operating System (DOS) to a Microsoft Windows environment.

The assessor successfully converted the Grand List files to the new "Windows" software.

We must now contract with Gemini Systems to create a new software "bridge" application which will migrate the Grand List data from the Quality Data "Windows" environment to the Gemini tax billing software. Gemini Systems has provided a written quote in the amount of \$5,250.00 for this software.

Very truly yours,

Thomas A. Myers  
Comptroller

TAM/mgn

cc: S. Jackson  
N. Rosow  
P. Anstett  
Pyramid file