

TOWN COUNCIL MEETING

MARCH 12, 1996

6:30 P.M.

AGENDA

1. Blessing - Father Salvatore Cavagnuolo - Our Lady of Fatima Church
2. Roll Call and Pledge of Allegiance
3. Consent Agenda
 - a. Approve and Accept the Minutes of the 2/27/96 Town Council Meeting
 - b. Consider and Approve Tax Refunds (#248-258) Totalling \$3,312.34 - Tax Collector
 - c. Note for the Record Anniversary Increases Approved by the Mayor to Date
 - d. Note for the Record Mayoral Transfers Approved to Date
 - e. Consider and Approve a Transfer of Funds in the Amount of \$780 from Maintenance of Buildings and Grounds Acct. to Maintenance of Equipment Acct. - Parks & Recreation Dept.
 - f. Consider and Approve a Transfer of Funds in the Amount of \$2,500 from Salary Acct. to Personal Computer/Printer Acct. - Personnel
 - g. SET A PUBLIC HEARING for March 26, 1996 at 7:45 P.M. on an Ordinance Entitled, "An Ordinance Amending Ordinance #104 Entitled, An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures"
4. Items Removed from the Consent Agenda
5. PUBLIC QUESTION AND ANSWER PERIOD
6. Consider and Approve an Appropriation of Funds in the Amount of \$2,462. to Revenue - Highway Safety Grant Acct. and to Police Overtime Acct. - Dept. of Police Services
7. Consider and Approve a Transfer of Funds in the Amount of \$200 from Continuing Education Training Acct.; \$766 from Physical Exams Acct.; \$118 from Department Vehicle Acct. and \$50 from File Cabinets Acct. for a Total of \$1,134 to Overtime Acct. - Fire Marshal

- 8a. Consider and Approve a Waiver of Bid to Lease the Former Kelley Parcel to John Cella Under the Town's Agricultural Lease Program
- b. Consider and Approve Amending the Town's Agricultural Lease Program to Include Adding the Former Kelley Property to the Schedule of Parcels
9. Consider and Approve an Appropriation of Funds in the Amount of \$40,000 from Undesignated General Fund Acct. to Overtime Acct. - Public Works Dept.
10. Consider and Approve a Transfer of Funds in the Amount of \$9,778 from Various Accounts Within the Public Works Budget and an Appropriation of \$22,222 from the Undesignated General Fund Acct. for a Total of \$32,000 to Materials and Supplies Account - Public Works Dept.
11. Consider and Approve a Transfer of \$680 from Regular Wages & Salary Acct. of the Town Planner's Budget and an Appropriation of \$2,820 from the Undesignated General Fund Balance for a Total of \$3,500 to Professional Services Acct. - Town Planner
12. Consider and Approve Instituting a New Job Classification Entitled, "Buyer" for the Purchasing Department - Comptroller
13. Discussion and Possible Action Regarding the Demolition of Buildings on the Caplan/Wooding Property and the Erection of a Chain Link Fence on the Property Boundary - Mayor

TOWN COUNCIL MEETING

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6:30 P.M.

SUMMARY

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TOWN COUNCIL MEETING

MARCH 12, 1996

6:30 P.M.

A regular meeting of the Wallingford Town Council was held on Tuesday, March 12, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 6:30 P.M. All Councilors answered present to the Roll called by Town Clerk Rosemary A. Rascati. Mayor William W. Dickinson, Jr.; Corporation Counselor Adam Mantzaris and Comptroller Thomas A. Myers were also present.

Father Salvatore Cavagnuolo of Our Lady of Fatima Church bestowed a blessing upon the Council.

The Pledge of Allegiance was given to the Flag.

A moment of Silence was observed for Martha Moriarty, Former Chief Registrar of Voters for the Town of Wallingford and for Michael Small, husband of Town Attorney Janis M. Small, Past Executive Director of the Wallingford Boys & Girls Club and member of numerous civic organizations.

Mr. Parisi recognized Boy Scout Troop 47 from Holy Trinity Church who were present to observe Town government in action this evening and announced that the dedication ceremony for Re-naming Westside Field the Darlene Falconeri Westside Softball Field Westside Eagles Park will be held on April 14, 1996 at 1:00 P.M.

He also took the time to thank Bernadette Renda for supplying the refreshments for the past two meetings.

Item #7 has been withdrawn from the agenda.

ITEM #3 Consent Agenda

ITEM #3a Approve and Accept the Minutes of the 2/27/96 Town Council Meeting

ITEM #3b Consider and Approve Tax Refunds (#248-258) Totalling \$3,312.34 - Tax Collector

ITEM #3c Note for the Record Anniversary Increases Approved by the Mayor to Date

ITEM #3d Note for the Record Mayoral Transfers Approved to Date

ITEM #3e Consider and Approve a Transfer of Funds in the Amount of \$780 from Maintenance of Buildings and Grounds Acct. to Maintenance of Equipment Acct. - Parks & Recreation Dept.

ITEM #3f Consider and Approve a Transfer of Funds in the Amount of \$2,500 from Salary Acct. to Personal Computer/Printer Acct. - Personnel

ITEM #3g SET A PUBLIC HEARING for March 26, 1996 at 7:45 P.M. on an Ordinance Entitled, "An Ordinance Amending Ordinance #104 Entitled, An Ordinance to Provide a Reserve Fund for Capital and Non-Recurring Expenditures"

Motion was made by Mr. Rys to Approve the Consent Agenda as Presented, seconded by Mr. Renda.

Mayor Dickinson pointed out that there are two titles for the ordinance, the second of which is "An Ordinance to Repeal Ordinance #170 entitled, An Ordinance Amending Ordinance #104...." Two actions will be taken, one is to repeal Ordinance #170 and the other is to amend Ordinance #104.

VOTE: All ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER PERIOD

Pasquale Melillo, 15 Haller Place, Yalesville thanked Councilor Farrell for igniting the issue over the Shaw's application before Planning & Zoning for he feels that the controversy caused the developers of Shaw's to look more closely at the project than they would have otherwise looked and came out with a good, sound environmental plan.

He asked that a report be given soon by the Community Lake Study Committee on the status of the plan to revitalize the area.

Soon the Council will be reviewing the educational system's wage contracts. He asked the Council to consider freezing all the requests for wages and benefits and instead, channel that money to help pay for an ice rink for the youth of Wallingford.

Philip Wright, Sr., 160 Cedar Street asked, what criteria is used to determine which items are placed on the consent agenda? It would seem logical to place the Public Works' Department requests for funds to replenish the overtime and sand accounts on the consent agenda this evening, for they are legitimate expenses to the Town that should not warrant lengthy discussion. They seem to be cut and dry issues. Recently we had some labor contracts that were of a much larger magnitude that were placed on the consent agenda. Why were the transfers not placed on the consent agenda?

Mr. Parisi responded, the agendas are prepared on Tuesday, delivered to the Councilors on Wednesday, everyone (Councilors) has until Friday to discuss the items with the respective department

heads and call into the office by 2:00 P.M. if they want an item removed from the consent agenda. Mr. Parisi and Mr. Rys decide which items are placed on the consent agenda, based on what is known about the item and what Mr. Parisi feels the Council would be comfortable with..the decision is made individually for each item.

Mr. Wright asked, is there any consideration for what the public may want removed from or added to the consent agenda?

Mr. Parisi responded, no.

Mr. Wright stated that the public is not pleased with the process.

Mr. Parisi has not heard comments to that effect. This is the first time he has heard that someone is displeased with the process.

Ms. Papale stated, Mr. Parisi is giving the Council more leeway now than when she was Town Council Chairperson. The agendas were delivered to the Councilors on Thursdays therefore allowing less time to review the consent agenda. It continued that way until the last two years when some members of the Council would not vote yes on many of the items, hence a consent agenda served no useful purpose.

Mr. Wright stated, at that time he had no concern because if he wanted to request that an item be removed from the consent agenda he had the opportunity to do so. He is not happy with the way the consent agenda is being handled now.

Frank Wasilewski, 57 N. Orchard Street stated, at the first meeting when the consent agenda was presented he spoke against it. At that time he stated that he wanted the privilege of requesting that an item be removed from the consent agenda. The Council decided against giving the public the opportunity. He will live with that decision for two years although he will not like it because he feels that the Council is "taking away some of his voice (in government)". He will respect the Council's opinion on the matter of the consent agenda providing that he could give his opinion to the Council. He does not approve of the way the Council is handling the consent agenda presently.

Sean McNamee, 132 Grove Street Ext. asked Mr. Parisi, is it true that no meeting took place between the Councilors on the Planning & Zoning issue?

Mr. Parisi responded, that is correct.

Mr. McNamee asked, from the information that Mr. Parisi has been able to review, does he believe that the Record Journal may have misquoted or took Mr. Farrell's statements out of context?

Mr. Parisi would not comment on the question since he has not had time to review any of the information. He is still in the process of obtaining details. He is waiting to view a copy of the videotape of the Planning & Zoning Meeting in question. Once he has reviewed the tape he will be happy to comment on the issue.

Mr. McNamee asked, have you had time to talk with the Planning & Zoning Commission or Mr. Fitzsimmons concerning what took place that night?

Mr. Parisi responded, he did not think that would be the way to document the event as accurately as he could.

Mr. McNamee stated, regarding that and the little we do know about the fact that we realize that there was no meeting, do you feel at this point in time that Councilor Farrell could have been acting as an official spokesman for the Town Council at that point in time?

Mr. Parisi responded, I know that I told Mr. Farrell that he could represent my opinion at that meeting. I signed onto that letter a month ago.

Mr. McNamee asked, at that time he could have officially spoken for the Town Council?

Mr. Parisi responded, I said he could speak for me.

Mr. McNamee asked, if this turns out that Mr. Farrell was not allowed to speak as an official spokesman, will you be contacting the Planning & Zoning Commission and/or the public as to what your findings are?

Mr. Parisi answered, if I think it is appropriate I will. If I don't think it is appropriate, I won't. I don't know that I am judge and jury for anyone.

Mr. McNamee stated, I am asking you, as Council Chairman, will you be doing any investigating concerning this at all?

Mr. Parisi answered, I have had no reason, to date, to do any investigating.

Mr. McNamee asked, do you think that something may have been misconstrued or misunderstood at a government meeting last week concerning someone's position?

Mr. Parisi answered, something could have been misconstrued and misunderstood or the perception of what was done was perceived as one thing while it could have meant to be something else.

Mr. McNamee asked, do you think that there should be some kind of investigation into what actually happened?

Mr. Parisi responded, I am doing what you and I discussed over the phone, I am not doing anything different tonight than what I told you on the phone. I said that I would look at the tape as soon as I could get it. Once I do that I can form an opinion as to what I think.

Mr. Doherty stated for the record that he also viewed the letter that Mr. Parisi did and also signed on to that particular letter the same as Mr. Parisi did, so Mr. Farrell spoke for him at that Planning & Zoning Meeting.

ITEM #6 Consider and Approve an Appropriation of Funds in the Amount of \$2,462. to Revenue - Highway Safety Grant Acct. and to Police Overtime Acct. - Dept. of Police Services

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

This grant provided reimbursement for select enforcement during the 1995 Christmas/New Year Holiday season.

Chief Dortenzio stated that the department stopped 409 cars during the dates that the program was in effect, 49 arrests were made and 191 warnings were issued for a variety of offenses, including drunk driving.

Mr. Knight asked, are the numbers so high due to the fact that this program is conducted during the holiday season?

Chief Dortenzio responded, yes.

Mr. Knight asked, is this something that we would pursue regardless if we were reimbursed by the State?

Chief Dortenzio answered, yes, we do. The grant makes it possible for the department to expand the scope of the program by providing us money that we would not otherwise have to spend on this particular project. The program has been ongoing for the past several years, however, as the federal government cuts back on some of the funding of particular programs he is unsure whether or not this one will be in jeopardy next year or not.

Mr. Knight asked, if it is cut will you make an attempt to fund the program through your departmental budget?

Chief Dortenzio responded, we would conduct a program of some

duration. How much money is available at any given fiscal year certainly has a variance on how long and how intense the program is conducted.

Mr. Knight stated, it appears to be a good program and is something that we should do regardless of who pays for it.

Chief Dortenzio responded, we do, we were one of the first departments in the State to start as early as we did this year, it actually began before Thanksgiving.

Ms. Papale asked for an overview on how the grant was obtained. Did the Chief request a specific amount of money or was the figure based on how many patrol officers actually worked or how many vehicles were actually stopped?

Chief Dortenzio explained, the grant has a specific range of dates in mind that it requires you to run the program on. The department is allowed to pick what they believe to be the most advantageous time for their community. The department did more than what the grant required. The grant is a reimbursement...you pay the money out of your existing budget, submit numbers regarding personnel costs and enforcement for the dates the program was conducted. The Town then receives a fifty percent reimbursement in terms of what was spent.

Pasquale Melillo, 15 Haller Place, Yalesville asked, is the Council doing as much as it could to help the Police Department obtain as many grants from the State as possible?

Mr. Parisi responded that he is sure that all the Councilors are in contact with State Representatives for our Town. He is often in touch with them himself and feels that they do a fine job for the Town. They may not always be 100% successful but the effort given is 120%.

VOTE: All ayes; motion duly carried.

ITEM #8a Consider and Approve a Waiver of Bid to Lease the Former Kelley Parcel to John Cella Under the Town's Agricultural Lease Program

ITEM #8b Consider and Approve Amending the Town's Agricultural Lease Program to Include Adding the Former Kelley Property to the Schedule of Parcels

Mr. Rys read correspondence into the record from the Mayor (Appendix I) which states that Town has an agricultural lease program whereby Town properties are leased to local farmers. The leases are set to expire December 31, 1996. The Town now owns the Kelley property. Mr. Cella, who has been haying the field, would

like to continue use for this season and has agreed to a payment of \$250 for the tillable acreage. This is consistent with his current per-acre payment to the Town. In order to proceed with this it is recommended that Mr. Cella's current lease be amended adding this parcel to the schedule of parcels. All other lease terms would continue to apply. In the past there was also sought from the Council a bid waiver to implement the lease award to Mr. Kondracki. Don Roe, Program Planner, is therefore requesting a waiver of bid to lease the former Brigitte Kelley parcel to John Cella under the Town's agricultural lease program to December 31, 1996 at \$250.00.

Albert Killen asked that Item #8b be handled first for the property must first be added to the schedule of parcels before it can be leased to Mr. Cella.

Don Roe, Program Planner suggested that the motion be made to amend Mr. Cella's lease with the Town.

ITEM #8b Consider and Approve Amending the Town's Agricultural Lease Program to Include Adding the Former Kelley Property to the Schedule of Parcels

Mr. Rys made a motion to Consider and Approve Amending Mr. Cella's Lease to Include Adding the Former Kelley Property to the Schedule of Parcels, seconded by Mr. Farrell.

Pasquale Melillo, 15 Haller Place, Yalesville asked, how long is the lease?

Mr. Roe responded, all of the leased properties are on the same schedule which expires December 31, 1996.

Mr. Melillo asked, are all the lease payments uniform or are they different?

Mr. Roe responded, they vary. The way the Town has handled the lease has been to go out for public bid and those individuals interested in utilizing these properties submit public bids. That is the basis on which the bids were awarded. At the last go around the lease term was for five or six years. When doing agricultural leases and you are investing in an alfalfa field you need to have a term and five years was the term agreed upon. We have been leasing properties for ten years, this was our second lease term.

Mr. Melillo asked, in case it comes to pass that we need that land for an emergency nature we must make sure that we don't tie it up in a lease any longer than we have to. Only a few days ago the stock market experienced a major drop, if that compounded it could have effected our pension fund and had a terrible effect on the taxpayers of Wallingford.

Mr. Zappala asked if Mr. Cella also leases the Fitzgerald property in Durham?

Mr. Roe responded, yes.

Mr. Zappala asked, when does that lease expire?

Mr. Roe answered, all the agricultural leases expire at the same time, the end of this year. He anticipates coming back before the Council to discuss future plans with the program once he meets with the Conservation Commission, Recreation Commission and other users and overseers of these properties. Currently there is an escape clause in the lease agreements.

Mr. Doherty stated, it must be kept in mind that we want to retain as much farmland as possible in this particular town. This has been a goal of the Council for many years and it has not changed. We continue to give the farmers tax incentives under State law and this is another incentive that should be offered as well. The goal should be to retain as much farmland in this town as possible.

Mr. Centner asked, is there any limitation in the leases as to the type of crop that is cultivated? His concern is with the land use and pesticide issue.

Mr. Roe answered, it is spelled out for each parcel as is the rotation from season to season. The properties that drain into the watershed area are largely hay fields, those areas below watershed are hay and/or corn.

Philip Wright, 160 Cedar Street asked, what agency oversees the program?

Mr. Roe answered, traditionally the Recreation Department and the Conservation Commission have performed the oversight.

Mr. Wright asked, is that who does it? You are saying, "traditionally", are these the two commissions that oversee it? I would think that someone with knowledge of farming would be an overseer as well.

Mr. Roe responded, at this point I don't think that there has been active oversight by the Conservation Commission. They have been an inactive body.

Mr. Wright stated, that is one of the reasons that I asked the question. If we have an inactive commission then we should reconstitute the oversight.

Mr. Roe agreed with Mr. Wright.

Mr. Renda asked, how many parcels do we have?

Mr. Roe responded that he could not give an accurate count of the number of parcels. They vary in size. The total amount of acreage that is leased is approximately two hundred eighty-eight (288) acres. This (Kelly parcel) property would add to that and we would end up with about three hundred (300) acres.

VOTE: All ayes; motion duly carried.

ITEM #8a Consider and Approve a Waiver of Bid to Lease the Former Kelley Parcel to John Cella Under the Town's Agricultural Lease Program

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

Albert Killen, 150 Cedar Street asked that the Council investigate the issue of an inactive Conservation Commission so that it does not fall by the wayside.

Mr. Parisi has made a note of the item.

Pasquale Melillo, 15 Haller Place, Yalesville stated that a strong effort should be made to assure that we have a solid oversight commission for the agricultural lease program.

VOTE: All ayes; motion duly carried.

WAIVER OF RULE V Motion was made by Mr. Centner to Waive Rule V of the Town Council Meeting Procedures for the Purpose of Moving Agenda Item #11 Up to the Next Order of Business, seconded by Mr. Knight.

VOTE: All ayes; motion duly carried.

ITEM #11 Consider and Approve a Transfer of \$680 from Regular Wages & Salary Acct. of the Town Planner's Budget and an Appropriation of \$2,820 from the Undesignated General Fund Balance for a Total of \$3,500 to Professional Services Acct. - Town Planner

Motion was made by Mr. Rys to Approve the Transfer and a Corresponding Waiver of Bid, seconded by Mr. Centner.

This transfer is being requested to fund the hiring of an independent traffic review of the traffic impact analysis submitted by Shaw's.

Mr. Knight asked, which firm is undertaking the peer review?

Town Planner, Linda Bush responded, VHB (Vanasse, Hangen & Brustlin, Inc. of Middletown), the engineering firm that performed

the closed-loop system on Route 5. Linda and Rick Doll, Traffic Maintenance Officer wanted to pick a firm that was familiar with Route 5 and had some knowledge of the road systems and the Route 5 traffic. A potential conflict of interest existed if they were to utilize the services of firms involved in the other recent traffic surveys.

Mr. Doherty stated that it is his feeling that the Town Council should support the Planning & Zoning Commission and give them the best tools possible to make an informed decision on this big box store.

Mr. Zappala asked, what will the \$3,500 study tell us?

Ms. Bush responded, the written proposal she received late this afternoon from VHB states that the firm will review;

- data and analysis presented in reports by Barracus and Landino,
- trip generation (how much traffic the developer estimates they are going to generate at peak hour)
- trip distribution (percentage of traffic drawn from north on Route 5, from North Main Street, etc.)
- background traffic analysis
- combined traffic volumes
- capacity analysis at the intersections
- system analysis
- assumptions stated in reports
- recommended roadway improvements

Basically the information is reviewed to see if the assumptions made by their traffic engineer, who obviously is being paid by the applicant, are reasonable.

Mr. Zappala asked, don't we have the answer to all of this after spending the last \$43,000 on a study?

Ms. Bush explained this is a very site-specific study. The Route 5 corridor study was not a site-specific study and did not look at trip generation, traffic generated by individual stores, the intersections closest to that store and the impact that traffic would have on those intersections. It is an entirely different kind of study.

Mr. Zappala stated that he feels the Town would be wasting \$3,500 for he cannot see how the analysis will benefit us.

Richard Doll, Traffic Maintenance Officer stated, one of the issues that the P&Z Commission is in disagreement over now with the developer is where the traffic is planning to come from and where it will end up. What has been assigned, traffic-wise, he is not in agreement with. He has written to Shaw's three times and

as of this date they have not proven to him that their numbers are substantiated. This peer review that the funds are being requested for adds one more player in the game. It will allow one more review to prove either the consultant is right or Officer Doll is right.

Mr. Zappala pointed out that K Mart is located right next door to the proposed Shaw's site. How can we determine which traffic is coming in for K Mart and which traffic is coming for Shaw's? Would it be that much different?

Ms. Bush responded, yes, it is very possible because a grocery store gets a customer through a different market than a large discount store. You will not drive twenty minutes to go grocery shopping, you would likely drive twenty minutes to go to Super K Mart so the trip distribution is different for a discount store than a grocery store. They are different for all types of uses that is why a traffic impact analysis for one use is as specific as it can be. Consultants for the Route 5 study have recommended strongly that the Town adopt a zoning regulation to force the applicants to pay for the peer review. She is hoping that the Planning & Zoning Commission adopts that change to the zoning regulations. In the past the Town Council has not wanted the applicants to pay for the peer review for fear that the study would be tainted. Most towns hire the engineer and the bill is passed along to the applicant. This town has benefited a great deal from the peer reviews that have been conducted in the past.

Ms. Papale stated, it is her belief that when the traffic studies are taking place people are using certain routes to travel to different parts of the town, however, once the stores are open people find other routes to use. It is a fact that Super K Mart's volume of business is in the grocery department and not in the department store end of the business. For some reason Super K Mart has now become the place to go for groceries. For these reasons she will not vote in favor of the peer review.

Mr. Centner asked, what is the estimated time frame in which this study would be performed?

Ms. Bush responded, the report will be done before the next public hearing on April 1, 1996 so that the applicant will have time to have access to the results. The proposal calls for them to attend the public hearing on April 1st and probably April 8th. The P&Z will not be able to take action on April 1st so it is likely that the public hearing will be continued to April 8th. The P&Z is required to close the public hearing by April 12th, they cannot take anymore testimony from anyone after April 12th.

Mr. Centner asked, what if the outcome of this study proves to be significantly different than what we feel in our own efforts? Who do we go with?

Ms. Bush asked, what do you mean by, how we feel in our own efforts?

Mr. Centner stated, Officer Doll's opening statement was that it was going to be his opinion vs. theirs. In history, who's word have we taken?

Officer Doll responded, normally the opinions are not that far apart. His role is to look at the overall traffic picture to try to obtain as many improvements as possible throughout the artery so that we will not have an adverse impact on traffic. The last two performed, both Wilbur Smith's and Grainers, all aspects with the exception of possibly one, were in line with what Officer Doll originally recommended.

James Fitzsimmons, Chairman of the Planning & Zoning Commission stated that there was some discussion at the P&Z meeting last week as to exactly what the commission would be receiving from this information. It is not a traffic study but primarily a review of the study that was submitted by Shaws. One of the questions put to Officer Doll by a commissioner at that time was, does he support it? The commission was aware that Officer Doll would be working with the outside consultant to confirm the information or opinions represented by him. It is not a study but rather a review of a study that has already been presented. There will be no new traffic counts or any other information.

Ms. Papale asked, will this review make a big difference in forming your decision?

Mr. Fitzsimmons responded, for myself, yes. We have used these (reviews) for the last several large applications that have come in, specifically Wal Mart and K Mart. It gives the commission authority to verify Officer Doll's opinions regarding traffic and suggested roadway improvements. Ms. Bush mentioned last week at a P&Z Meeting that she felt at one point that they had recommended additional roadway improvements that the commission may not have recognized when they initially submitted their study. It is a small price to pay for a little insurance.

Mr. Renda asked, if improvements are needed, who will pay for them?

Mr. Fitzsimmons responded, the applicant.

Mr. Doherty commented, there may be a tendency for the applicant not to suggest certain road improvements that our peer review may show that are needed....that is for the benefit of the town to do that. In terms of the traffic generation, is it possible that we will be attracting the east side of Meriden to Shaw's since there

is no other store like it around and especially now that the market recently closed down in Meriden?

Officer Doll responded, there is a strong possibility of that happening. One of the easiest access routes would be Research Parkway. There are no longer any large grocery stores on the east side of Meriden and that will probably have an impact on the Route 5 area and North Main Street extension area.

Mr. Rys stated, he voted against the traffic study for Route 5 but has recognized that this is basically a check and balance to make sure that the applicant's traffic study agrees with who we hire. He would support this request this evening.

Mayor Dickinson stated, he views this as expert testimony. The commission has to make a judgment, the applicants come in with their experts and it is appropriate that the Town has experts to review what they are being told by others and to make a balanced judgment.

Mr. Knight asked, is there a great deal of marketing data available that will support these traffic conclusions? It is his understanding that previous big box applicants loathed providing such information.

Officer Doll stated, he has written to them, requested that and have been told that there is no marketing data for this application as he was told on the other two applications. This is one of the reasons right now that we are not in agreement over the distribution of traffic such as where it is planning to come from. The applicant has not shown him by any means that they are planning to draw "X" amount of customers from the north, south, east or west by any means. If they can't prove it to him then he will draft up his own and let them try and prove him wrong.

Mr. Knight asked, is that the next step?

Officer Doll responded, he is not 100% positive on that yet, we have re-assigned a portion of the traffic by what we wanted. It is his opinion that two areas will draw more traffic, Pent Highway and North Main Street.

Mr. Knight asked, what do they use to try and justify their traffic counts since they have no marketing data? Why would someone invest several millions of dollars at a location without having any marketing data?

Officer Doll could not answer that question.

Mayor Dickinson asked, is the reason that we ask for traffic flow data because we want to be able to determine what improvements are necessary to handle it depending on where the traffic originates?

Officer Doll responded, that is correct, the reason being that we want to see what impacts we will have at each one of the intersections along the way and what improvements are required.

Ms. Bush stated, it is her understanding that another traffic study exists and she does not yet have that information. We don't know if that study is technical or non-technical and whether or not it needs any review. The consultant from VHB has indicated that should the Town want a review of any additional traffic studies, it would be an extra fee and he could not possibly give one because the Town does not have this extra traffic study. She is not sure how to handle that situation for the study could be very technical in nature and warrant review or non-technical and does not require review. If the Council is agreeable, VHB's quote for the peer review of Shaw's is \$3,500 and they list additional services, which is this other report if we obtain it, as an hourly rate charge.

Mr. Parisi stated, I will not buy anything that I do not know the price of. I would think that we know what we are getting or we don't know what we are getting and what we need or what we don't need. Either we need a review or we don't need one.

Mr. Fitzsimmons added, it was discussed that the local citizen group, People for a Better Wallingford had offered that they had information and the commission requested that they share it so it could be reviewed. It has yet to be received so a price could not be arrived at. It was a request of the commission that they share it with the Town so if the Council did decide to have an independent peer review, they could also review the traffic information or study that was prepared for the People for a Better Wallingford.

Mr. Parisi asked that in the future the letter requesting funding state very clearly that you are seeking a bid waiver should you need one.

Ms. Bush apologized for the omission.

Mr. Parisi asked, does the Town choose the peer review or does the applicant?

Ms. Bush responded, we do.

Philip Wright, Sr., 160 Cedar Street stated, the Town cannot be in a position where we cannot defend what ever position we take. It is either yes to Shaw's and we are going to have to defend it or it is no to Shaw's and we are going to have to defend it. He urged the Council to support the request this evening.

Mario Tolla, 69 Pond Hill Road stated, he could save the Town \$3,5000 by telling the Council that over 50% of the people who

exited Stop and Shop or Finast (Edwards) were out of town residents. He stood at the exits (when collecting signatures for the recreation center referendum) as did Mr. Wasilewski. It is a fact. The people who exited the store were from Meriden, Wallingford, Cheshire, Durham, East Haven and who knows where else. Many work in the area and were stopping to shop on the way home.

Pasquale Melillo, 15 Haller Place, Yalesville stated, sometimes by doing nothing you end up doing something. As time goes by residents/shoppers will get used to the traffic and will automatically adjust themselves. There will not be any traffic problems, none what so ever. The P&Z Commission members have the basic fundamentals and expertise to do the job themselves. We don't need to hire consultants.

VOTE: Farrell abstained; Papale and Zappala, no; all others, aye; motion duly carried.

The Chair declared a five minute recess at this time.

ITEM #9 Consider and Approve an Appropriation of Funds in the Amount of \$40,000 from Undesignated General Fund Acct. to Overtime Acct. - Public Works Department

Motion was made by Mr. Rys, seconded by Ms. Papale.

To date, \$195,000 has been expended in overtime for the removal of snow from the frequent storms experienced this winter season.

Mr. Doherty asked if this transfer will cover the overtime expenditure incurred from the past weekend?

Henry McCully, Director of Public Works responded, part of this (transfer) will be for this last storm that started on Wednesday which cost the department approximately \$35,000.

Albert Killen, 150 Cedar Street asked, is the Town out of funds in the contingency account?

Mayor Dickinson responded, there remains a balance of approximately \$500 - \$600.

Pasquale Melillo, 15 Haller Place, Yalesville asked for a listing of the expenditures which justify the request for the \$40,000 tonight.

Mr. Rys explained that a detailed list of expenditures associated with the storms had been provided to the Council by Mr. McCully.

Mr. Parisi gave his copy of the list to Mr. Melillo to review and return to him this evening.

VOTE: All ayes; motion duly carried.

ITEM #10 Consider and Approve a Transfer of Funds in the Amount of \$9,778 from Various Accounts Within the Public Works Budget and an Appropriation of \$22,222 from the Undesignated General Fund Acct. for a Total of \$32,000 to Materials and Supplies Account - Public Works Department

Motion was made by Mr. Rys, seconded by Ms. Papale.

This request is to facilitate the purchase of sand and salt since the supply has been depleted due to the numerous snow storms we have experienced.

Mr. Centner asked Mr. McCully if he has witnessed an escalation of price for sand and salt due to the busy snow season?

Mr. McCully responded, we have gone with a more expensive yardage on our sand during the middle of the winter. The vendor that we had previously was delivering sand with a clay content in it and in a frozen condition which caused a lot of problems. He added to that problem by failing to deliver the product when needed. We require at least 300 yards per day available to work with for if we experience rain during a snow storm you need to replenish your stock immediately. We contracted with a different vendor which costs approximately \$.45 per yard more but it is a much higher quality sand and a much cleaner product which results in an increased spread.

Mr. Farrell asked if any of our Town-owned properties have been looked at to see if they are suitable for taking sand from?

Mr. McCully responded, when we owned the landfill there was an historic river bed that provided a lot of sand. That river bed runs up to the Washington Street sand and gravel pits. To the best of his knowledge the Town has no available sand to mine.

Mr. Zappala noted that \$2,000 of the funds being transferred this evening are being taken from an account which was set aside to purchase back stops at one of the softball fields.

Mr. McCully explained that his original budget request last year included the purchase of three back stops, however, in the preceding year's budget he was able to put one of the back stops in. The three back stops were left in the budget when in fact we only needed two.

VOTE: All ayes; motion duly carried.

ITEM #12 Consider and Approve Instituting a New Job Classification Entitled, "Buyer" for the Purchasing Department - Comptroller

Correspondence from Comptroller Thomas Myers was read into the record which recommended the restructuring of the Purchasing Department without an increase in cost to the budget. The current structure of the department, with regards to personnel is, Purchasing Agent; Chief Clerk; Clerk Typist II (3) for a total of five employees. The current structure has been in place since fiscal year 1980-81. The recommended structure is a Purchasing Agent; Buyer (2); Chief Clerk; Clerk Typist II. Upon the retirement of the Chief Clerk the position will be refilled with a clerk typist. The number of personnel will remain the same.

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

Mr. Centner asked, will the buyer positions belong to the union?

Mr. Myers responded, yes, they will belong to the clerical technical union for they will be technical support staff. They will not exercise any supervisory duties but instead will work in conjunction with the Purchasing Agent and for the majority of the time will work independently.

Mr. Centner asked, did you investigate the possibility of making it a non-union position or did you not wish to?

Mr. Myers answered, almost every employee belongs to the union. There are only approximately ten or eleven employees who do not...the Comptroller, Personnel Director, Town Attorney, Fire Chief, Police Chief, etc., out of 1,100 employees there is a small number that do not belong to the union. It is very difficult not to place positions in the union.

Mr. Centner reviewed the numbers for the starting salary and asked, how does the pay rate and increases associated with them over the years track? Will it stay proportional as if the structure of positions were to be left the way it is today? In four years it would be commensurate?

Mr. Myers responded, yes. The Town has recently settled a number of union contracts out to the year 1999, 2000 and those agreements are calling for, on average, a 2.75% raise. That is right in line with the cost of living on a national scale. The unions have recognized what reality is and the contract settlements have come in line with the cost of living.

Mr. Centner asked Mr. Myers if he was confident that he could attract buyers in the entry level pay grade?

Mr. Myers responded, yes for he believes with the current employment situation being what it is and the fact that there are a lot of people with experience who would be willing to come to work for this particular dollar range, we would have no trouble

attracting applicants. A review of the pay grade of buyers in other municipalities was performed by the Personnel Director, Terrence Sullivan, and our proposed range is right on target.

Mr. Centner asked, is this proposed structure modeled off of structures elsewhere or is it something that Mr. Myers has instituted?

Mr. Myers answered, it is modeled off of other structures in Connecticut municipalities as well as the incorporation of ideas raised from management meetings with the Purchasing Agent and Mr. Myers, himself.

Mr. Knight stated, one year ago, March 14th, the Town Council discussed this very subject almost word for word. At that time the item was tabled and it was requested that the department go out and pursue prices with regard to hiring someone from an outside firm with technical expertise that the job required. How far did that go and what firms were contacted?

Mr. Myers responded, we did put it out to bid. The dollar range on the bids are very close to the dollar range that we have on the salary level.

Purchasing Agent, Robert Pedersen, reported out that the bids received exhibited an hourly rate range of \$16.80/hr - \$19.60/hr. for the first year of the contract. Five firms, Job Pro Staffing Services; Kelly Services; Resource Group Ltd. of CT.; Tchaide and Universal Design Inc. were designated as responsible bidders.

Mr. Knight asked, when was the service placed out to bid?

Mr. Pedersen responded, June 30, 1995.

Mr. Knight asked, why was it never pursued when the bids were received nine months ago?

Mr. Myers responded, we did pursue it and we studied the issue of whether or not we wanted to contract out this particular function or not. Over that time we made a determination that we did not want to contract out these services.

Mr. Knight stated, some of the previous discussion centered around what was deemed appropriate with regard to hiring personnel from outside and statements were made based on a great deal of experience that in the private sector a lot of this contracting out is going on with long-term jobs.

Mr. Myers responded, the purchasing for the school expansion project was subcontracted out to the construction management company. For a one time project that lasts one or two years it is

appropriate to hire an outside firm but we are talking about competitive work that occurs day in and day out in the Purchasing Department. In government we have a steady workload that does not vary from year to year and our Purchasing Department services all Town departments year to year. In fact, the demand could increase year after year.

Mr. Knight asked, does that necessarily disqualify private firms from providing that service?

Mr. Myers answered, it does not disqualify them but he did not believe it to be in the best interest of the Town to hire them. It is a legal question, can a private firm commit the Town to a purchase?

Mr. Knight stated, the Purchasing Agent would have oversight of the individual.

Mr. Myers responded, the Purchasing Agent does not have the time to provide the oversight now. We need relief for the Purchasing Agent to look at all of this detail.

Mr. Knight stated, he is merely trying to determine why the private contracting option was disqualified. To this point he has not been assured that it does not necessarily fit.

Mr. Myers responded, the reason that he feels it does not fit is because we are looking for a long term solution. He sees the private contracting as a short term solution. He can site examples where we used private contracting, in the Finance Department, collecting automobile taxes that have been written off, but it is one specific area. Another example is personal property audits. We did not increase staff to conduct those audits through the Assessor's Office, we contracted that service out because not only is it a special area but it is not a function that requires forty hours per week of work.

Mr. Knight pointed out that it was stated in the minutes one year ago and he thought that it was made very clear that the Council felt it was a good opportunity to begin looking at contracting out some services in the way many municipalities as well as private businesses are doing so on a long term basis. It is a new tool that municipalities are using. If the bids were received in June why did we wait until now to come back with the same request again?

Mr. Myers responded, we studied the bids but we also had our full function of work to do. It has taken this long to complete the study, to look at it, evaluate it...the ultimate decision rests with him as the department head. In this particular case he does not think privatizing the position applies. His recommendation is for the Council to approve the job classification for a buyer and to proceed in that manner.

Mr. Zappala recognized the fact that the office is in need of the position, however, the problem he has with this issue is the hourly wage that will be paid for the work. The bids received were much less than what Mr. Myers is proposing for wages. He asked how the proposed numbers were arrived at given the bid wages were lower?

Terrence Sullivan, Personnel Director responded, other municipalities of comparable size were contacted by phone to get a feel for what those positions paid. We came up with a range that was almost to the penny of what is being proposed this evening for wages. Outside of that survey process we looked internally to compare what we are paying dollar for dollar, job for job. We have another position, appraiser, in the Assessor's Office which is in this classification. The requirements of the buyer's position with regards to education, experience, etc., closely matches the appraiser's position in the Assessor's Office.

Mr. Zappala asked, does the hourly wage include benefits?

Mr. Sullivan responded, the \$18.57 to \$23.30 is the hourly rate and the fringe benefits are listed on page four of the letter from Mr. Myers.

Mr. Zappala felt that there existed a substantial difference between what would be paid privately and what would be paid for a permanent Town employee. He could not see paying more of an hourly wage for the position when someone in the private sector was willing to perform the job for less.

Mr. Myers responded, we could take another look at the job classification again. We could go back and look at the rate again but it is a difficult comparison when you put the job out to bid and someone comes in with a bid price for now we are not sure that we could really get someone for that bid price. We may find that we have to start out at that bid price and find that we could not get someone and have to start raising the price.

Mr. Centner stated, when comparing the first year of bid wages to the Town's first year of wages it reflects an 11-19% difference with an overall variance for the three year contract of approximately 15%. Are you saying the permanent full-time position, ready to go, is worth the 15% difference?

Mr. Myers responded, yes, in his opinion.

Philip Wright, 160 Cedar Street stated, in comparing the wages in the third year we should really be considering what the salary of the employee we put in there will be in three years. In addition to that we have not equated the cost of insurance and everything else into this. What do you consider the cost of benefits these days relative to the hourly rates?

Mr. Sullivan responded, it varies from union to union but generally, 35%. That includes pension as well as health insurance.

Mr. Wright agreed with Mr. Zappala. This issue should be brought back to the well one more time.

Geno Zandri, 37 Hallmark Drive stated, one of the reasons why private firms go into privatization is because it takes them away from the grip of a union employee. It also takes them away from the benefit issue. If that employee who is hired as a private contractor does not show up for work one day, he is not paid. It eliminates the obligation of vacation time as well. Regarding long term employment, most firms are hiring people for long term jobs. The flexibility that is offered by hiring privately is, if an employee works six months or one year and their working ability or habits begin to deteriorate, you can change that employee immediately...there is no problem in dealing with a union. Just call up the firm and request a new employee. That is the advantage of privatization, it should be given serious consideration. It is the one position that you have to experiment with and try it out.

Mr. Sullivan stated, a significant event occurred in April of last year, the New Britain decision on subcontracting was released although many municipalities were not informed of the outcome until July or August. The impact was felt statewide, immediately. It has forced employers, public and private, to look at contracting much differently. If this work could naturally be perceived by the unions to be union work we have to negotiate the issue with them. We have to satisfy three tests now that we feel, without giving away our position publicly, we would be at a challenge or disadvantage to go into a union to say that we want to contract these positions out. In the shops where unions do not exist, it is very easy. In a union shop, however, we have to negotiate and that is a State law. If we want to contract out we have to prove our case...it would be a long, drawn out battle and in performing some analysis of this we had better move cautiously and carefully. It is beyond the dollar issue, it is a labor issue.

Albert Killen, 150 Cedar Street asked, is it necessary to establish the job description even if it is going to be privatized?

Mr. Sullivan responded, the Charter requires that the descriptions must first be approved by the Mayor and then approved by the Council.

Mr. Killen asked the Council to look carefully at the issue and all the information presented this evening for it could result in a long term effect on the Town.

Mr. Myers stated that the pension and health benefit costs were evaluated and it comes down to a dollar exchange because we are

giving up two positions for two new positions so there is no increase in costs for benefits.

Philip Wright, 160 Cedar Street responded, if you give up the positions then you have less people. What we have found is that you can combine a couple of positions...I would hope that the word is out to every department head in this Town that they follow suit and do exactly that. How many places can you combine jobs and reduce numbers?

Mr. Myers responded, from time to time that is what a manager should be doing, evaluating those processes.

Mr. Wright stated, we should try to hire privately first and if it does not work well then hire someone permanently. There may be some union problems at first but the gains made in the long run may be worth the shot.

Mr. Zappala asked, by approving the job description are we also approving the pay grade?

Mr. Parisi asked if the wage issue will be revisited?

Mayor Dickinson responded, that would have to be negotiated with the union.

Mr. Zappala made a motion to Table the Item.

Mr. Sullivan stated, in anticipation of this discussion we have already negotiated with the union and they are acceptable to this wage schedule.

Mr. Zappala made a motion to Table this Item Until the Wages are Re-negotiated with the Union, seconded by Mr. Doherty.

VOTE: Farrell, Parisi, Renda and Rys, no; all others, aye; motion duly carried.

Mr. Zappala stated that he is in favor of instituting the position but feels that the hourly wages could be negotiated to a lower amount.

Mr. Parisi stated, this is not the department to attempt to experiment with privatization. You have a department of four or five people and you want to privatize two or three of the positions while the rest work for the Town. He would not want to be blessed with working for a department such as that. There will be a problem with people buying in...they will not feel a commitment to a job that they do not truly own. He has dealt with privatized people in his own department and he finds that they don't have quite the same commitment that people do who have to depend on

that job for their daily bread. Privatization is imminent and the Town can only dodge it for so long. We will have to look at it someday but we will have to be very careful where we look at it and where we try it, it is a very dangerous experiment and one that has to be conducted very carefully.

ITEM #13 Discussion and Possible Action Regarding the Demolition of Buildings on the Caplan/Wooding Property and the Erection of a Chain Link Fence on the Property Boundary - Mayor

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

Mr. Doherty asked if there are two requests for action, the demolition of the buildings and the erection of a chain link fence?

Mr. Parisi responded, it is one item.

Mr. Doherty asked, if we were to defeat the erection of a chain link fence, it would also defeat the demolition of the building?

Mayor Dickinson explained, the demolition has been approved, it has not proceeded because he (Mayor) did not feel that the erection of a wooden fence would be in the interest of the Town in the long term. He did not want to have the buildings taken down and have no fence put up. That is one reason the item is being brought back tonight, the other is that a Councilor wished to discuss the demolition again. The erection of the fence is an administrative matter. The wooden fence would create a much higher maintenance problem, i.e., rotting, graffiti. In July, 1994 a new section of fence was erected on the northerly boundary between the Police Department and Academy Street properties. If we install a wooden fence that chain link portion would have to be removed and replaced as well. It would appear not to be in the best interest of the Town.

Mr. Farrell commented, with regard to the demolition of buildings on the parcel, it makes no sense to demolish the buildings with no plan of development in place. It is not that he believes the buildings to be historic, before anyone put words in his mouth to that effect, they are not, they are just a bunch of old, derelict buildings. They do, however, have economic value nevertheless in that they are located extremely close to the property line. If the Town knocks them down now, any new development on that parcel is going to have to comply with the setback regulations. It could not be built as close to the property line as the buildings are now. If, however, the buildings were kept and incorporated into a new development, it may be possible to keep the present boundaries. We should realize that in knocking the buildings down we are probably reducing the level of development that is possible as well as the economic value of the property. He objects to wasting the taxpayers money on paying for demolition when there are companies

like the Eighteenth Century Company in Durham that will pay to purchase building components such as those found in these buildings. That option should have been investigated as to whether the demolition could have been done with no cost to the Town. As to the fence itself, he believes that the Town should give the neighbors a wooden fence. As one of the neighbors pointed out at the last meeting, the price of a wooden fence is no more than the cost of a chain link fence. Given that these people have to contend with the police station, fire station and now the junk yard that is the police impound lot, we should do a little extra for these people. It is the Town that is creating the noise and the nuisance, not the neighbors many of whom have done a lot to fix up their homes and maintain them. As the saying goes, good fences make good neighbors so let's try and do our best to be a good neighbor.

Kathleen Avery, 42 N. Elm Street stated that there are some good points as to why wood is better than a chain link fence. One is that wooden fences are less expensive. It provides privacy and can add to a rural, colonial look. It is easily repaired by anyone who knows how to pick up a hammer and hold two nails. Historic areas should be protected from those who have no taste or vision for the future, parking lots are not a boom to any neighborhood...they don't say, "move to this neighborhood and you will have a terrific view of the K Mart parking lot or the Caplan parking lot" it is just not written and it is not done because it is not true. A chain link does cost more to buy, install, maintain and remove. After taking a tour today of schools, Town Hall, town property surrounded by chain link fence she found that every single chain link fence that we have in Town has major damage in some way and has been for years. They are not being repaired. The fence behind the Town Hall is a good example. It has privacy slats in it....they are all missing. No one has repaired them but here it is our Town Hall, seat of government, it looks terrible. There are fences by the Police Department that are half knocked over. No one has repaired them. We really cannot talk about maintenance issue of a chain link fence because it is not being done. If it is she would like to see a copy of the bill and charge for it. In addition, the fence at Doolittle Park, a precedent-setting fence, is wood and is there for the protection of the neighbors. There is no graffiti and only two missing wooden slats on the entire fence. She could have fixed the fence herself if she had a hammer and nails since the boards were lying right at the fence. If you have a chain link fence that is usually damaged by snow plows or other vehicles bashing into them, no one goes back and pulls them out for you need special tools and the fence has to be reinforced. They just stay there. The neighbors are not asking for something extra they are asking for something less expensive, more easily repaired and if there is graffiti, and so far there hasn't existed any on all of the wooden fences inspected, it can easily be painted over. There is also a wooden fence that goes from North Whittlesey

Avenue, up the back driveway of the library and across the back of the library parking lot. There is not one board missing and no graffiti. The majority of the people who use the library are children after school. You are not fairly comparing the items. Once you put up a chain link fence, it is never going to come down. If we are looking for some extra space and we don't have a plan of development in place, why not take the plethora of cars that are being impounded and put them over at Public Works. It is already fenced in, has lighting, we can install surveillance cameras if we need them, perhaps even a S.W.A.T. team on top of that. There is plenty of room there. We don't need to have an historic district in town with a parking lot in the middle that looks so offensive that no one will want to develop it. Renovate some of the existing buildings so that they have a colonial characteristic, create parking underneath them, in garages, closed...there are a lot of different solutions out there. We need to develop a plan before putting it out to bid. A chain link fence is ugly and it does not serve any purpose. Children can scale a chain link fence much better than they could a wooden fence. All the damage she has witnessed to fences in Town, today, have been done by adults in cars and snow plows.

Richard Krombel, 38 N. Elm Street thanked the Council for the opportunity to address them on the issue. He is very disappointed to have to appear before the Council again after the previous Council debated this issue at length only a few months ago at which time they voted to approve a wooden fence and the funds necessary to erect it. He is aware that the Mayor has lobbied the Council heavily therefore he tried to address the Mayor's biggest concerns with regards to the fence. Precedence - the Mayor seems to think that by installing a wooden fence in this case it sets a new precedence for all fences in Wallingford. That precedence has already been set, Doolittle Park is one example another is North Airline Road, for aesthetics. A wooden fence along the boundary abutting the neighbors properties would not be a first. The Mayor is concerned about setting precedence. Mr. Krombel questioned, what type of precedence is being set tonight in regurgitating an issue that the Town Council has already decided? Is it in the best interest of Town government to have the Mayor's Office bring back issues after they have been decided because someone is unhappy with that decision? Will other decisions that the former Town Council made also be brought back before you? Isn't decision-making a democratic process? What is the real precedent before the Council tonight? The Town Council's authority and purpose to act appears to be the more fundamental issue than allowing a branch of town government to revisit decisions that have already been made. The Mayor is concerned with erecting and maintaining this fence. Cost - the Mayor's concern about the cost of erecting and maintaining the fence....a wooden stockade fence has already been shown to be less expensive to erect than the one the Mayor favors. Contractors have indicated that the life

span of a wooden fence is fifteen to twenty years. Is it more subject to vandalism? Maybe, but look at the chain link fence behind your own building as Mrs. Avery pointed out. It has been subjected to a great deal of damage, so I maintain that any fence is subject to vandalism. Even if the Town did incur some additional costs for maintaining this fence over a period of years, it would be nickels and dimes compared to the monies which have been spent studying golf courses, not once, but a few times now...and skating rinks. Isn't the Mayor's intention to sell off this property? Then why is this an issue at all? The neighbor's concerns are for the quality of life we enjoy in our backyards today, we want to ensure the privacy and security that we have today. Several of the buildings the Town owns are on the property line and create a barrier that cannot be seen through. We are asking that the barrier be maintained after the buildings are razed, with a wooden fence. We don't want strangers looking in at our children playing. Privacy is one of the reasons the Council voted to erect a wooden fence along a portion of Doolittle Park, the other was noise. The buildings on the former Wooding/Caplan property act as a noise barrier today from police cruisers which routinely test their sirens upon leaving the parking lot, the Fire Department, the air conditioning equipment atop the armory building and noise from other vehicles and Public Works equipment which utilizes this area. The noise in this area would otherwise constitute a public nuisance to abutting residential property owners. A wood fence would continue to buffer the neighbors from that noise. Recently a reintroduction of a proposal for an impound lot on the east side of the former Wooding/Caplan property heightened the neighbors concerns. The Record Journal reported that the lot would be illuminated by flood lights, barbed or razor wire would likely be necessary to ensure that the vehicles remain secure while impounded. He surmised that there will be activity in the area around the clock as tow truck operators deposit cars that have been impounded. Is it too much to ask that a wooden fence be erected to maintain the residential quality of our properties under these circumstances? If your next door neighbor told you that he would be operating a junk yard on your property line with P&Z approval, wouldn't you insist that this operation be shielded in terms of sound, illumination and visibility. How does this impact our property values? If they decrease as a result then the entire town loses as tax revenues will also decrease from our abutting properties. The fence at Doolittle Park was erected for privacy and noise abatement...the very same conditions that exist between our properties and the uses both current and proposed on the former Caplan/Wooding property. Today, the existing buildings afford privacy and block the noise being generated. Tomorrow a wooden, not a chain link, fence would be necessary to provide privacy and sound dampening for a public nuisance which we believe would be legally actionable. Approximately two years ago some forty neighbors along Academy and North Elm Streets met with Don Roe and Linda Bush regarding the same concerns when the Mayor was proposing an R.F.P. (Request for Proposal) for this property.

Based on those concerns Don Roe had agreed to add language to the R.F.P. requiring a proposed developer to install an appropriate buffer, including landscaping along the back line of our properties. The Mayor attended that meeting. Yet, with the Town now prepared to raze the existing structures itself, certain individuals apparently want to forget the promises that were made to the people in that area. Just a few months ago all of the residential property owners who are impacted by the proposal to raze the structures presented a petition to the Mayor, Town Council and Henry McCully stating their concerns and requesting that a wood fence be erected. Many of those property owners are here tonight, again. They spoke to you from their hearts regarding their concerns for their children and their quality of life....you should have a copy of that petition before you tonight. This is a change which the Town is initiating in our backyards. Please do not ask us to use our own resources to correct a situation which you are choosing to create. You have the ability to keep us whole by voting to uphold the decision the Council has already made...to erect a wooden fence. We ask for your support again.

Albert Killen, 150 Cedar Street suggested that the motion be kept to one subject. Motions should be confined to one subject and this is asking for two actions. He asked, how does this Council intend to circumvent action taken by a legally constituted body? The previous Council already voted to install a wooden fence.

Mr. Doherty read from the minutes of November 28, 1995 the following excerpt:

"ITEM #6a - Discussion and Possible Action on the installation of a wooden privacy fence on the perimeter of the former Wooding Property for the residents of North Elm and Academy Streets as requested by Vice Chairman Susan Duryea."

There was an amendment made to the motion by Vice Chairman Duryea to "Request that the Mayor and Director of Public Works review the properties abutting the former Wooding Property and approve the installation of a wooden stockade fence to provide privacy for their families, protect the value of their homes and to limit liabilities, it was seconded by Mr. Gouveia.

The vote read, "Knight, Papale, Rys and Zappala, no; all others, aye; motion duly carried."

Mr. Parisi stated, as I understand it, it is being brought up again and voted on again. It has been done before.

Mr. Killen responded, under Robert's Rules the Council has to follow certain protocol. You are taking a law that has been passed and you are saying that it holds just so long as we don't meet again and decide to change it. If you can do it in this particular

incident then you can do it in creating jobs, awarding bids, just about anything...depending upon whether or not you have the clout.

Mr. Parisi responded, he believed that the Council has brought items back many times before.

Mayor Dickinson responded, Robert's Rules deal with the conduct of any given meeting. An item of business can be brought up at subsequent meetings. Robert's Rules does not deal with that, it deals with the conduct of a meeting if an action is taken at that meeting to reconsider it, it has to be dealt with at that meeting in a certain way. On another occasion at a subsequent meeting it becomes a new item of business.

Mr. Killen answered, the Council had better decide who you stand for. He suggested that the Council take a five minute break, find a room with a mirror in it and look into and ask, whom do I represent, the people who elected me or the man who is calling the shots?

Paul Moore, 61 Academy Street stated, back in November he stated that there have been a number of projects that this Town had engaged in that he did not have a personal interest in such as the Town Hall renovation project, that he would have supported because it basically reflects on the general demeanor and culture of the Town. It seems strange to go "top shelf" in those sorts of projects yet something smack in the middle of the downtown area where we are ostensibly trying to renovate and upgrade, we are going this route seems at odds with what we have done before. He appeared on this matter once before, the Council debated it, input was received by the residents, the vote was taken and obviously it was not favorable to certain individuals....if this vote does not go in favor of the residents tonight, what recourse do they have? Can it be brought back before the Council again in five months by the residents themselves? He guessed that the answer would be, no.

Mr. Parisi replied, the answer would probably be, yes.

John Bradley, 49 Academy Street stated, his wife was at the meeting in November expressing her family's concerns. They have two children under the age of five who are in the backyard quite a bit. A chain link fence offers no privacy. The Town is leaving the residents with a vacant piece of property with the potential for an impound lot. Many people who own those impounded cars are probably not the type of people you want looking at your children. He would like to see a wood fence for the privacy of their children. He added, this is not just for the residents of Academy and North Elm Streets, the downtown area of the Town is an asset to all the citizens of Wallingford. To leave a vacant piece of property with a chain link fence with patchwork wood fences installed by the neighbors who have no other recourse, is not going

to make for a very attractive site for downtown Wallingford.

Mayor Dickinson stated, it was mentioned that an R.F.P. was drawn up several years ago. That document contained no language with regard to fences. Everyone did have input on it, there was no language of fencing. A Landscaping buffer was mentioned. In addition, in July of 1994 the Town installed a fence along the rear of Academy Street properties, the chain link fence was acceptable. It would have to be torn down and replaced with a wooden fence if we were to go in the other direction. With regard to the sound and light barrier, a six foot stockade fence is not going to block sound or light where you have residential properties of two stories. The wooden fence at Doolittle Park is virtually the Berlin Wall. That is a substantial structure that was meant to deal with what had become a nuisance subsequent to changes the Town made. It is not a stockade fence but a rather large dominating structure. He is sensitive to the community and the appearance of it, however, we are talking about an interior fence that will not be viewed by many of the general public. In addition, where we do have fences viewed by the general public, i.e., 88 S. Main St., Town Hall, it is all chain link fence. He has a difficult time with feeling that by putting up a chain link fence we are trampling on a good view of the Town of Wallingford when we put it up on other properties. It does set a new standard and he fully expects that people who have properties backing up to the school parking lots...he is not sure what the responses will be to those residents. In terms of security a chain link fence provides the soundest security. Prisons are surrounded by chain link fence, not stockade fences. The neighbor in this case is the Police Department. The former Wooding property housed a construction company with trucks pulling in and out, delivering wood, materials, supplies, it was a busy, noisy place. That has not been the case over the last several years but certainly earlier there was far greater noise generated on that property than there is now. We are not creating a new condition at all, we are trying to eliminate what has been perceived as a hazard...the old buildings. We have received reports of youths entering the buildings, jumping from the lower roofs of the structures, that is what brings us here. If we could leave those buildings out there, he would not worry about it...let it take its course and ultimately we will have a plan and things will move forward but it is difficult to do that when you receive reports of unauthorized use of the property and the potential harm to the people. That is what excites the interest again. His reasons for advocating the fence is that he feels that private property owners have a responsibility to put up the types of fences, landscape their properties as they feel appropriate. We cannot adapt what standards we use to every different situation in town and in other areas of the downtown we use chain link fence.

Walt Sawallich, Jr., 100 Jobs Road stated, after listening to the

discussion he wondered if there isn't a compromise in order? If the Town puts up a wooden fence and the property is sold who would maintain the fence?

Mayor Dickinson responded, the new owner would have the freedom of taking the fence down.

Mr. Sawallich was surprised to hear that the previous Council voted on this issue already and this Council is trying to rescind that action. He wondered if the Town and residents cannot reach a compromise. If the wooden fence is cheaper, put it up and have every resident sign an agreement that they will maintain the fence that abuts their property.

Sharon Sanders, 37 Academy Street stated that the Police Department is directly located behind her place of residence. She does not have a problem with the chain link fence. She never gave it a second thought. She has held picnics and parties and no one has ever complained about the privacy issue. Since this issue has come up when people visit they take note of the fence and see nothing wrong with it. If homeowners want a stockade fence then they should install one themselves. She feels very secure with the Police Department near her backyard. Regarding the noise, she hardly ever hears anything. When the Police Department checks their sirens the noise does not last longer than one second. She no longer hears the noise they produce.

Albert Killen, 150 Cedar Street stated, the Council is bound by Robert's Rules of Order in conducting their business and in looking at the agenda the Mayor has requested that this item be placed on the agenda. He is not a member of the deliberating body. Someone on that body must make the motion to revisit the issue otherwise it would not be in order.

Mayor Dickinson asked, is there any willingness on the part of the neighbors to share in the cost of the wooden fence?

Mr. Krombel asked, why would we do that? The wooden fence is cheaper to install than the chain link fence.

Mayor Dickinson responded, if we are doing something different and it is not generally the standard that we utilize, what would be the problem with sharing in the cost so that there is justification for the Town to go in a different direction?

Mr. Krombel responded, he liked the idea of a compromise but he could not speak for all the neighbors. Perhaps this issue can be discussed outside of this meeting and maybe something can be worked out.

Mr. Parisi asked Mr. Krombel, are you saying you are willing to

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discuss this?

Mr. Krombel spoke only for himself in responding, yes.

Mr. Farrell made a motion to Table This Item, seconded by Mr. Rys.

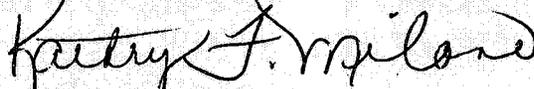
VOTE: All ayes; motion duly carried.

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 9:42 P.M.

Meeting recorded and transcribed by:



Kathryn F. Milano
Town Council Secretary

Approved by:



Robert F. Parisi, Chairman

March 26, 1996

Date


Rosemary A. Bascati, Town Clerk

March 26, 1996

Date