

SPECIAL TOWN COUNCIL MEETING

OCTOBER 2, 1996

5:30 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. Discussion and Possible Action Regarding the Approval of Funds for the Installation of a Water Main in Clintonville Road

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A special meeting of the Wallingford Town Council was held on Wednesday, October 2, 1996 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order by Chairman Robert F. Parisi at 5:31 P.M. All Councilors answered present to the Roll called by Town Council Secretary Kathryn F. Milano with the exception of Mr. Centner who arrived at 5:32 P.M. Mayor William W. Dickinson, Jr. and Corporation Counselor Adam Mantzaris were also present. Comptroller Thomas A. Myers was absent as well as Town Clerk Rosemary A. Rascati due to previously scheduled vacation plans.

The Pledge of Allegiance was given to the Flag.

ITEM #2 Discussion and Possible Action Regarding the Approval of Funds for the Installation of a Water Main in Clintonville Road

Motion was made by Mr. Rys to Open Discussion on the Item and to Append a Copy of the Agreement to the Minutes of this Meeting, seconded by Mr. Farrell (Appendix I).

Correspondence was read into the record from George S. Yasensky, Sanitarian of the Town of Wallingford (Appendix II).

David Gessert, Chairman of the Public Utilities Commission stated, regardless of the way the vote goes tonight I would like to extend my sincere appreciation to the Mayor's Office, Town Attorney's Office, Town Council, Health Department, Roger Dann, General Manager of the Water & Sewer Division and everyone else involved in trying to resolve a very difficult situation. Every department involved has moved with appropriate dispatch to work together on this which exhibited a tremendous spirit of cooperation on everyone's part. I must also commend the residents of Clintonville Road for coming forth and agreeing to pay the higher amount as a result of the less than 100% participation in the project. The new fee will be \$6,111.00 to be paid over five years at an 8% interest rate. The agreement clearly states that if the amount is not paid on time then it will be treated as a normal receivable of the Water Division with the appropriate interest charges that is normally assigned at a rate of 1.5% per month, along with liens against the property. It is a good agreement, not perfect, but good. Is it totally fair? No, some people are getting off without paying and unfortunately when you look at government at any level nothing is totally fair. Are the other ratepayers going to absorb some of the cost of this project? Yes, they will. It calculates out to \$.10 per month for five years. A letter was forwarded to Mayor Dickinson of which a copy was sent to Mr. Parisi stating that this is the last time I want to go through this process. Following Council action this evening, I will, at the next P.U.C. meeting, ask

for a motion to amend our Water & Sewer Regulations to read that any future extension of water and sewer lines that are not paid by a developer will be handled strictly by the ordinance process.

Mr. Centner asked, have all nine residents signed the agreement?

Mr. Gessert responded, by the nod of the Corporation Counselor's head, I take that to mean, yes.

Mayor Dickinson asked that the minutes reflect the Town Attorney has received nine (9) signed agreements.

Mr. Centner stated, I appreciate the fact that you, Mr. Gessert, have taken the position that in the future the ordinance process will be the only route taken. Prior to that, I was opposed to this measure (agreement) because of the difficulties encountered with it. I have no problem supporting tonight's action since it is a one-of-a-kind arrangement. I am happy for the residents that they will finally get clean water if this passes tonight.

Ms. Papale stated, it has been a long time coming. I have been in touch with many of the residents by phone and have come to know them well. I want to commend the nine participants in the agreement. How will the other two families who are not participating in the agreement be receiving their water?

Mr. Gessert responded, they have two choices, run a line up their driveway which is approximately 625 feet long which is a very expensive route and perhaps the reason they oppose the agreement; and if they have the ability to get a right-of-way across an adjoining property owner's yard they will still have a decent run to connect but they will have the alternative of connecting on Mollie O'Neill Drive.

Ms. Papale asked, will they be tying-in eventually?

Mr. Gessert answered, that is up to them. If they choose to they will pay regular tie-in charges but they cannot be held responsible for the initial fee.

Ms. Papale asked, am I correct in saying that the other two families will not be paying the initial fee but they will be able to tie-in and pay the fee to the Town of what ever it costs to tie-in?

Mr. Gessert answered, the hook-up charges and those hook-up fees, yes.

Ms. Papale asked, what if one of the families sells their house three years into the agreement?

Mr. Gessert responded, the family would have to pay off their debt before they finalize the sale of the property. The Water Division would be paid from closing fees.

Mayor Dickinson explained, the notice of the debt would be on the land records so any sale of the property would be subject to the agreement.

Ms. Papale commended the nine families and stated, shame on the other two families.

Mr. Zappala stated, I am glad this is finally coming to an end. I am disappointed, however, for this could have been resolved long before tonight if the proper procedures were used. When this first happened back in June and we had an ordinance enacted at the time the work would have been done by now. I don't like this for the simple reason that everyone (residents) should be sharing the expenses. I don't think it is right for a family to refuse to be part of the agreement and then turn around the next day and hook-up without cost. I also don't like the precedent we are setting with this process because if my well goes bad next week will the Town come to my aid and pay for half of the expenses? We are opening ourselves up to criticism and it is not the right thing to do. I am glad this issue will be resolved tonight and the outcome favorable without my vote. I don't think, however, we should have made a special agreement. If we did it right from the beginning these residents would not have suffered this long.

Mr. Rys stated, when the original agreement was drafted this was an emergency and I still consider it an emergency. There were eleven people involved with this and now there are nine who are taking up the slack of the eleven. Basically, what I disagree with is the fact that the Town Council was not involved in the process of arriving at an agreement with the residents. The P.U.C. is now aware of the fact that the Council should be involved with all the monetary agreements and contracts that occur with the Town of Wallingford. I am not happy that the Town is expending \$107,000., and hopefully it will only be \$107,000. for if they encounter rock ledge it may be more. You are getting a good deal. I will support it on the basis of the P.U.C.'s decision with the residents. I don't think it is right to punish everyone because I don't like what the P.U.C. did. I will support the residents; the P.U.C. is aware of the Council's feelings on this matter; and hopefully next time the ordinance process will be used and not the agreement method.

Mayor Dickinson addressed three concerns; first, there was concern about whether or not the price would be held. Yes, the contractor has agreed to honor the price quoted. Secondly, is it possible for the work to be completed this fall? The contractor is of the opinion that the work can be completed within three weeks' time providing good weather abounds. Roger Dann, General Manager of the Water & Sewer Division felt that it would be more realistic to expect a five week time period for completion of the project.

Thirdly, some questioned the position of the Mayor's Office on future situations such as this one. Mayor Dickinson made it clear that his office will only be supportive of an ordinance process in the future with regards to matters such as this one. The possibility of two families connecting to the system without paying raises serious issues.

Mr. Farrell thanked Mr. Gessert for remembering that it is people we are dealing with and what they have gone through none of us would want to have endured. If anyone is not convinced all they have to do is take a sniff of this water (samples were left on the Council bench by the residents) for it does not smell much like water.

Mr. Renda stated, we all make mistakes and we have to learn from them. I will support the agreement this evening but I see not only this project but others in Town where contractors dig up the roads, fill them in and no one ever inspects the finished product. The roads have a tendency to settle and I would like the necessary inspectors to check on this problem. I would like to see more inspectors out on the road performing follow-up inspections on any/all Town projects.

Mr. Gessert responded, Michael Papale, Public Utilities Commission Member has a great deal of experience in this type of work and I will request that he keep an eye on this project, not only during its construction but afterwards, to make sure it is done right.

Mike Robinson, 15 Hampton Trail asked, what is happening to the old wells?

Mr. Gessert responded, we are not doing anything with them. The residents will be required to entirely separate the wells from the home. The tank that they have will be required, under this agreement, to be moved outside. If they want to use the well to water their lawns, it is the only purpose for which it can be used but it cannot be connected to the house.

Mr. Robinson stated, you are leaving it open for a typhoid epidemic to develop. They are eleven contaminated wells. The water comes in from the veins of the ground; the water goes back out also. The veins can contaminate a well five miles away or the next one over. The only way to stop the problem of future contamination is to cement the well from the bottom up. Otherwise you will leave yourselves open for a typhoid epidemic.

Mayor Dickinson stated, George Yasensky, Sanitarian, would be the best person to speak to this issue but I will give it an effort. The well is contaminated because the groundwater, aquifer, that feeds the well is contaminated. The well brings the water to the surface to make it useable at the surface. By sealing off the well

the contamination still stays in the aquifer, the groundwater. At some point could that reach another well? Yes. The sealing of the well will not, however, prevent that from moving on with the aquifer. We don't want the contaminated water to get into the Town's water supply, that is the reason we are requiring a separation from the well plumbing from the inside of the house. There can be no connection between the inside of the house and the Town's water supply and what ever the well is connected to. The pollutant is in the aquifer.

Mr. Parisi suggested that Mr. Robinson take up the debate on the issue with Mr. Yasensky, Sanitarian.

Mayor Dickinson will have Mr. Yasensky contact Mr. Robinson.

Joan Williams, 907 Clintonville Road stated, I am one of the two families who have refused to sign the agreement. The reason being, my well is not contaminated. It did have, at one point following the heavy rains in April and the heavy construction immediately in my backyard, a coliform level of eight (8). I bought a \$.79 gallon of bleach, poured it down my well and I have my tests from Environmental Monitoring Systems indicating that my coliform bacteria level at this time is zero (0). It is true that I did not sign. We did get our prices from different people and for us and the Perrys it would cost us anywhere from \$18,000 - \$25,000 to bring this water from the curb to my house. For \$18,000 I can buy a lot of gallons of bleach to disinfect my well. In discussions with the D.E.P. they have already indicated that I have other options. I can put in an ultra-violet system. I really feel that this Town has not been very fair to the two of us (families who have not signed the agreement) in the back lots. We have been made out to be very rebellious in the newspapers when, in fact, I feel that we are victims of the system. I wanted it to be known why I did not sign. I have copies of my results as does George Yasensky. I want it to be known that I am very upset over this situation. You have stated that you have talked to many people on Clintonville Road, I have yet to have received one call from any of you people indicating why I have not signed. Any time the newspaper called me, Channel 8 news called, I have invited them in, explained my whole situation. I feel neither I nor the Perrys have been treated very fairly in this situation especially when my well is not contaminated and the expense of bringing the water up to my house is not feasible. I don't have \$20,000 laying around. If any of the Councilors want to give it to me I would be more than happy to connect.

Mr. Parisi commented, I will criticize and praise the P.U.C. for their actions in this matter. I am pleased with your letter, Mr. Gessert, stating that the ordinance process will be the only route in the future which I agree with. At the same time we cannot ignore the fact that people are having a problem beyond their

control. In this age of compassion we should show a little, therefore I support the motion. It comes to you with a very clear statement that at no time in the future, so long as I am sitting here, will this be done any other way but through the ordinance process. I commend the residents for their patience in this matter. Hopefully we can all walk out of here with some sense of accomplishment.

Motion was made by Mr. Farrell to Rescind the Contingency Requiring 100% Required in the Action by the Council on August 1st, and Approve the Expenditure of the Funds Appropriated for the Installation of a Water Main on Clintonville Road Given that we have Nine (9) Property Owners who have Signed the Agreement, seconded by Mr. Rys.

Mr. Zappala asked, what is the price to do the job, \$110,000.?

Roger Dann, General Manager of the Water & Sewer Division responded, the estimated cost on that was \$108,000. That is based upon our best estimates in terms of how much ledge we are going to encounter. It also included excavations for eleven services and two of those are now eliminated. The cost at this point is closer to \$105,000 - \$106,000. That may change upwards or downwards somewhat during the course of the project. The major unknown is going to be whether or not our estimated quantity of ledge ends up being excavated as ledge or can be ripped out by machine without having to be blasted out at which point it would not be payable as ledge. We don't have a final lump sum price. I don't anticipate much variation from that quote.

Mr. Gessert added, we will have someone on site, I can guarantee you, watching how much ledge comes out of there.

Mr. Centner asked, when installing the water main line do you tap off of it as you proceed down with the line or do you have to install the entire length of the line and then tap off to serve the houses?

Mr. Dann answered, first we install the main, itself, we pressure test and disinfect it. Once that has been accomplished successfully we then go back and make the individual taps.

Mr. Centner asked, is there a limit as to when you can hook the houses up to the line with regards to weather?

Mr. Dann answered, there are two factors that will effect us weatherwise, one would be if it gets cold enough that we get frost penetration into the ground and the other would be with relation to the pavement repair. Once the asphalt plants close for the season then you will not be able to obtain hot patch material to put back over the trench. That could lead to difficulties in terms

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of maintenance of the roads over the winter months.

Mayor Dickinson stated, when you start talking about the highways, permanent surface would not be placed back on that highway until one year after the work is completed.

VOTE: Zappala, no; all others, aye; motion duly carried.

(applause)

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

VOTE: All ayes; motion duly carried.

There being no further business the meeting adjourned at 6:10 P.M.

Meeting recorded and transcribed by:

*Kathryn F. Milano*

Kathryn F. Milano  
Town Council Secretary

Approved by:

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

11 - 26 - 96  
Date

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

11 - 26 - 96  
Date