

TOWN COUNCIL MEETING

SEPTEMBER 23, 1986

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7:30 p.m.

- (1) Roll call and pledge of allegiance to flag.
- (2) Public question and answer period.
- (3) Consider appointment of Martin H. Factor to fill Dennis Katona's unexpired constable position which expires on December 31, 1987.
- (4) Consider appointment of Frederick L. Monahan, Jr. to Wallingford Housing Authority to fill vacancy created by Rabbi Michael Manson. Term commences on November 1, 1986 and expires on October 31, 1991.
- (5) Consider request by Ernest W. Frattini, Director, Civil Defense, to permit disposal of obsolete army hospital field equipment.
- (6) REMOVE FROM TABLE and discuss and possibly select developer for municipal properties on Center and Main Streets.
- (7) Consider approval of condemnation of fifty foot right-of-way over property owned by FIP CORPORATION to provide access to Alexander Drive, requested by Linda A. Bush, Town Planner.
- (8) Consider and approve three transfers requested by Water/Sewer:
 - (a) \$39,907 from Contingency A/C 920-005 as follows:

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| AMOUNTS CHANGED ON 9/23/86 | \$ 3,717 | to Maintenance Collection & Impnd. Res. A/C 612-000 |
| | \$ 1,858 | to Metering Operations A/C 663-000 |
| | \$ 3,723 | to Miscellaneous & OSHA Expense A/C 665-000 |
| | \$ 7,434 | to Maintenance Trans. & Distribution Lines A/C 673-000 |
| | \$ 7,434 | to Maintenance Services A/C 675-000 |
| | \$ 3,717 | to Maintenance & Hydrants A/C 672-000 |
| | \$12,024 | to Administration & General Salaries A/C 920-000 |
 - (b) \$13,009 from Contingency - Capital A/C 300-087 as follows:

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| \$ 1,858 | to New Distribution Lines A/C 343-087 |
| \$ 9,293 | to Various Size Services A/C 345-087 |
| \$ 1,858 | to Installation New Hydrants A/C 348-087 |
 - (c) \$15,747 from Contingency A/C 920-005 as follows:

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| \$ 3,723 | to Labor for Maintenance of Lines A/C 673-001 |
| \$12,024 | to Administrative & General Salaries A/C 920-000 |
- (9) Discussion and motion to overturn new electric rates set by Public Utilities Commission, requested by Councilman Albert E. Killen.
- (10) Consider request to grant 22 additional sick days to Joel Cassista, Engineering Department, to be paid back from normal accumulation.
- (11) Consider acceptance of BINDING ARBITRATION ISSUES, LOCAL 1326 INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AFL-CIO 7/1/85-7/1/88.
- (12) Consider acceptance of FACT FINDING REPORT in the matter of Fact Finding proceedings between THE TOWN OF WALLINGFORD and COMMUNICATIONS WORKERS OF AMERICA, LOCAL #1282 dated August 7, 1986.
- (13) Consider request of Wallingford Public Library to permit selling two used camera kits and to utilize the proceeds of the sale to offset production expenses at Library.
- (14) Consider and act upon motion to renegotiate lease with Wallingford Public Library Association, requested by Councilman Albert E. Killen.
- (15) Consider transfer of \$1,274 from A/C 805-323 to A/C 146-130, requested by Donald T. Dunleavy, Purchasing Agent.
- (16) Consider authorizing the Board of Education to reopen the Teachers' Contract for 1986-1987, 1987-1988 and 1988-1989 for the purpose of implementing the appropriate provisions of the Educational Enhancement Act, Public Act 86-1, May Session, requested by Vincent L. Inglese, Assistant Superintendent for Personnel, Wallingford Public Schools.
- (17) Consider approval of five year lease program for agricultural use on various open space properties, requested by Mayor William W. Dickinson, Jr.

- (18) Consider adoption of a resolution proposing uses of T.I.P. funds, requested by Mayor William W. Dickinson, Jr. 571
- (19) Discussion and possible reconsideration of Fire Department Pension Contract, requested by Council Chairman David A. Gessert. TWO ADDENDUM ITEMS AS LISTED BELOW.
- (20) Accept Town Council Meeting Minutes of September 9, 1986.
- (21) NOTE FOR RECORD Revenue Report Report dated August 31, 1986.
- (22) NOTE FOR RECORD Town of Wallingford Financial Statements dated August 31, 1986.

ADDENDA

Set a public hearing date to approve an ordinance entitled AN ORDINANCE APPROPRIATING THE SUM OF \$1,990,000 FOR THE RENOVATION FOR REUSE OF PARKER FARMS SCHOOL, INCLUDING CONSTRUCTION COSTS, ARCHITECT AND CONSTRUCTION MANAGEMENT FEES, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATIONS, AND RESCINDING ORDINANCE #343 AND #346.

Consider and approve an appropriation of funds as requested by Rosemary Rascati, Town Clerk.

TOWN COUNCIL MEETING SUMMARY

SEPTEMBER 23, 1986

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|---|-------------|
| Public question and answer period: Thank you from Twist Committee, petition from Wrinn Street neighborhood regarding night shift service department at Valenti Chevrolet, PAGB. | 1-4 |
| Appointed Martin H. Factor to constable position expiring 12/31/87. | 4 |
| Appointed Frederick L. Monahan, Jr. to Wallingford Housing Authority for term commencing 11/1/86 and expiring 10/31/91. Waived waiting period and Mr. Monahan was sworn in by Town Clerk. | 4 |
| Authorized Civil Defense to dispose of obsolete army hospital equipment. | 5-6 |
| Removed from table and discussed municipal properties on Center & Main. | 6-11 |
| Moved to enter into a letter of intent with Judd Square Associates regarding municipal properties on Center & Main Streets. | 11-13 |
| DID NOT APPROVE condemnation of fifty foot right-of-way over property owned by FIP CORPORATION to provide access to Alexander Drive. | 13-18 |
| APPROVED three transfers for Water & Sewer Division: \$29,932 from Contingency 920-005 as follows: \$ 2,788 to Maint. Collection & Impnd. Res. 612-000 \$ 1,394 to Metering Operations 663-000 \$ 2,792 to Miscellaneous & OSHA Expense 665-000 \$ 5,576 to Maint. Trans. & Distribution lines 673-000 \$ 5,576 to Maint. Services 675-000 \$ 2,788 to Maint. of Hydrants 677-000 \$ 9,018 to Administrative & General Salaries 920-000 | 18 |
| \$ 9,758 from Contingency-Capital 300-087 as follows: \$ 1,394 to New Distribution Lines 343-087 \$ 6,970 to Various Size Services 345-087 \$ 1,394 to Installation New Hydrants 348-087 | 1 |
| \$11,810 from Contingency 920-005 as follows: \$ 2,792 to Labor for Maintenance of Lines 673-001 \$ 9,018 to Administrative & General Salaries 920-000 | 19 |
| REJECTED motion to overturn new electric rates set by PUC. | 19-28 |
| EXECUTIVE SESSION. | 28 |
| GRANTED 22 additional sick days to employee, to be repaid. | 28 |
| ACCEPTED Binding Arbitration Issues, Local 1326, Fire Fighters. | 29 |
| DID NOT REJECT Fact Finding Report, Communications Workers, Local 1282. | 29 |

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| Granted request of Library to sell two used camera kits. | 29 |
| EMPOWERED Town Attorney to renegotiate the lease between the Town of Wallingford and the Wallingford Public Library Association. | 57 29 |
| APPROVED transfer of \$1,274 from 805-323 to 146-130, Purchasing Department. | 29 |
| AUTHORIZED Board of Education to reopen the Teachers' Contract for 1986-1987, 1987-1988 and 1988-1989 for the purpose of implementing the appropriate provisions of the Educational Enhancement Act, Public Act 86-1, May Session with three conditions included. | 29-3 <u>Page</u> |
| DISCUSSED but took no action on reconsideration of Fire Department Pension Contract. | 31-3 |
| APPROVED five year lease program for agricultural use on various open space properties. | 32-3 |
| DISCUSSION on Town Improvement Program. | 38-40 |
| REJECTED allocation of \$33,500 to repave parking lot at Central Fire Headquarters under Town Improvement Program. | 40 |
| APPROVED allocation of \$62,500 to fund new Yalesville Volunteer Fire Station under Town Improvement Program. | 40 |
| APPROVED allocation of \$50,000 to fund additional refurbishment of Ladder I under Town Improvement Program. | 40 |
| REJECTED allocation of \$50,000 for improvements to Little League Fields including fencing, parking lot and installation of railroad ties at Sartori Field under Town Improvement Program. | 40 |
| APPROVED allocation of \$158,070 for road paving, road shaving and catch basin work at various locations under Town Improvement Program. | 41 |
| REJECTED allocation of \$15,000 for Recycling Program under Town Improvement Program. | 41 |
| APPROVED allocation of \$10,000 for truck for Dog Warden under Town Improvement Program. | 41 |
| APPROVED placing \$98,500 in a trust fund to be used for Robert Earley under Town Improvement Program. | 41 |
| ADOPTED certified resolution of the Town Council of the Town of Wallingford for a Town Improvement Program totalling \$379,070. | 41-42 |
| PUBLIC HEARING SET at 8:00 p.m. on October 14, 1986 on AN ORDINANCE ENTITLED AN ORDINANCE APPROPRIATING THE SUM OF \$1,990,000 FOR THE RENOVATION FOR REUSE OF PARKER FARMS SCHOOL, INCLUDING CONSTRUCTION COSTS, ARCHITECT AND CONSTRUCTION MANAGEMENT FEES, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATIONS, AND RESCINDING ORDINANCE #343 AND #346. | 43 |
| ACCEPTED Town Council Meeting Minutes dated September 9, 1986. | 43 |
| APPROVED transfer for Town Clerk of \$2,700 from 603-650 to 603-135. | 43 |
| NOTED FOR RECORD Revenue Report dated August 31, 1986. | 43 |
| NOTED FOR RECORD Town of Wallingford Financial Statements dated August 31, 1986. | 43 |
| MEETING ADJOURNED. | 43 |

TOWN COUNCIL MEETING

SEPTEMBER 23, 1986

7:30 P.M.

A regular meeting of the Wallingford Town Council was held in Council Chambers on September 23, 1986, called to order

by Chairman David A. Gessert at 7:35 p.m. Answering present to the roll called by Town Clerk Rascati were Council Members Bergamini, Gessert, Holmes, Gouveia, Killen, Papale, Polanski, and Rys. Councilman Diana did arrive after the roll was called. Also present were Mayor William W. Dickinson, Jr., and Comptroller Thomas A. Myers. The pledge of allegiance was given to the flag.

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Public Question and Answer Period.

Mr. John Walworth (Twist Committee): On behalf of Mr. Schiffel and myself, and the Twist Committee, we would like to thank the Council, the Public Works Department and the Office of the Mayor, for their support which was provided to us the last week of August for the Twist Tournament. It was an exceptional banquet. The program was provided for many visitors and it was an excellent opportunity for the Town. Thank you very much again.

Chairman Gessert responded: First of all I would like to thank you for your efforts and congratulate you on your efforts for accommodating that many kids all in one weekend, the coordination that took place that weekend, I know was massive, with communications and accommodations and everything that had to be done to accommodate those people from all over the East Coast, was a fantastic effort. From what I saw from stopping at some of the fields, it was very well done. The program was also excellent. So, Congratulations to all of you. I know it was not a question or answer, your comments are welcome.

Mr. William Quincy, 49 Wrinn Street: I have a petition from our neighborhood on Wrinn Street. For the last two years we've had a lot of problems with Valenti Chevrolet. Valenti Chevrolet has a service department that runs two shifts. We have contacted several people, including the Police Department, trying to get them to close their doors at a reasonable hour. This goes on till 2:30 in the morning, which is the latest we've been awake. It's very annoying and we can't seem to get anything started on getting them to lower their doors at 9:00 or 10:00 at night, which we don't feel is unreasonable. Air wrenches, but probably the worst thing is an air buffer, which makes a lot of noise, and needless to say, they are pounding on mufflers, tooting horns, loud music, hollering, and we would just like to get some help.

Chairman Gessert: We thank you for presenting this, and we will definitely take this up with the Mayor's Office. I think it is unfortunate that it would come under him, and I think certainly, you are entitled to some peace and quiet. I think it's one thing to put up with traffic during the day, but certainly at night you are entitled to get some sleep and some peace and quiet. We will be certainly happy to take this up with the Mayor and see what action the Town can take on this to give you some peace.

Mr. Quincy thanked Chairman Gessert.

Mr. Vincent Avallone. I would like to make a comment with regard to the action against the Town and DEP with regard to the Trash Incinerator. We certainly heard that some of the information came back to the Council with regard to the court case which is now included in a variety of pumping of any substance, has been presented in court. In two minutes, I would like to give some indication of some of the things that have been brought to light, which in the future, I'm sure, a copy of the transcript will be provided to the Council and the people of Wallingford will be able to read in detail, things that have been said under oath with regard to this proposed incinerator. I would just like to quickly touch on several points. One of the big issues that our group has been concerned with has been the health of the residents of the Town of Wallingford. It has been our contention that there has been a total lack of disregard by both Connecticut Resource

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Recovery Authority, D. E. P. and our Town Council with regard to the safety issues proposed in this plan. Number one, normally when state agencies are involved in such a project, an environmental impact study is required by law. The Connecticut Resource Recovery Authority, to whom this Council has contracted upon legislation to change the situation where they may not have been considered a state agency. If they had been considered a state agency, they would have been required to do an environmental impact study, which basically in general terms, is just a study to determine how safe a particular project is going to be for people in the area. C. R. R. A. had statutes changed so that they were not considered an agency and did not have to do an environmental impact study. Then there was the D. E. P. which is a state agency and normally would be required to do an environmental impact study, but Commissioner Pac took the stand and testified that the D.E.P. did not initiate this particular program and as a result of them not initiating this program they were not required to an environmental impact study. Again, the beneficiaries of such a study would be the residents of the Town Of Wallingford. Not only did C.R.R.A. not request an environmental impact study, not only did D.E.P. not request an environmental impact study, nor did our Council consider any type, that I know of, and I would be glad to correct it if you so desire, did they on their own initiative have anything similiar to an environmental impact study done. So, contracts remain entered into with very little regards to the citizens of Wallingford. Other things mentioned at the time of this particular trial, we were told that this was the best particular plant in the United States. They had the best air polution control devices and yet, Mr. Clark made a presentation to the D.E.P. for permits on December 2nd, told us that these devices , as he testified a week or two ago, and was not sure if scrubbers, dlectrostatic receiprocators were the right way to go. He suggested I come back in two years and he could tell me what the best control devices are. They had a toxicologist test the product. This is the defendants witness which the Town is the defendant. He gets paid \$20,000 to do risk assessment and he was asked if he had done one for the Town of Wallingford, would he consider the location of this proposed plan, next to American Cyanimid, and his answer was yes.

Mr. Avallone stated that there will be a transcript covering a number of other things available. Mr. Avallone added: It was clearly shown that this Council, C.R.R.A. and the D.E.P. were in no way concerned with the safety of the people of Wallingford like they should have been.

Chairman Gessert: Your initial statement said, we acted with a lack of disregard.

Mr. Avallone: Let me add, that this Council did not consider to help like they should have, if they did at all. One more statement I would like to talk about is a different subject, but it's a subject of recall.

Chairman Gessert noted that Mr. Avallone only had two minutes.

Mr. Avallone: Three or four weeks ago, I addressed you Mr. Gessert and I asked you about a statement you had made with regards to not funding a particular recall. At that time you did not recall making that statement, you did not deny making that statement and I'm telling you that you made that statement. You prove me wrong, and until you do, you made that statement. With regards to that, January 16, 1984 Mrs. Papale and Mr. McManus mentioned if the money does not get passed, these Council people are in violation of the Charter. He then read from the minutes of 1/16/84 Atty. McManus: I believe you have a non discretionary involvement. Once it has been determined that a recall election has to be held, you have to fund it." The recall provision applies to you as well and that is part of the parcel of the democracy set up in the Town of Wallingford. You do not have to agree with it, Mrs. Papale, that is how it is. With

regards to Mayor Dickinson, his comment with his regard to recall " It is a serious question, but it takes on larger ramifications. If you could prevent a recall just by having the Town Clerk take longer to validate signatures than necessary, a serious right of the public granted under the Charter is jeopardized. Regardless of the merits of this, we're talking about basic constitutional rights granted by the Charter and if we could avoid them simply by time schedules controlled within an administration, I think we have more serious problems than the fact that we have to schedule a recall." My last point is this, I can not believe that our Town Attorney called me up about 4 or 5 weeks ago as a member of People Against Garbage Burning, and requested the opportunity to come to one of our meetings and address our group, which was granted to him. He came and he explained to us, that if it wasn't for this administration and his feelings that the right of recall does not exist legally, but he was going to allow it, full well knowing of a Supreme Court decision and a Superior Court decision, he not only indicated to our group and subsequently instructed the Town Clerk to accept three petitions, knowing what the law was.

At this time, Mr. Avallone was notified that his time was up and Chairman Gessert then went on to item 3.

ITEM 3 Consider appointment of Martin H. Factor to fill Dennis Katona's unexpired constable position which expires on December 31, 1987.

Motion was made by Councilman Holmes and seconded by Councilwoman Bergamini.

Mr. Martin H. Factor was not present at the meeting.

VOTE: Unanimous ayes with the exceptions of Councilmen Diana and Gouveia who passed. Motion duly carried.

ITEM 4 Consider appointment of Frederick L. Monahan, Jr. to Wallingford Housing Authority to fill vacancy created by Rabbi Michael Manson. Term commences on November 1, 1986 and expires on October 31, 1991.

Motion was made by Councilwoman Bergamini and seconded by Councilman Rys.

Chairman Gessert: We have had an opportunity to speak with Mr. Monahan, a practicing Attorney in town. As near as we can figure out, he is willing and able and we see no conflict of interest along the way.

VOTE: Unanimous ayes. Motion duly carried.

Motion was made by Councilwoman Papale to waive the waiting period, and was seconded by Councilwoman Bergamini.

VOTE: Unanimous ayes, motion duly carried.

Town Clerk Rascati then swears in Mr. Frederick Monahan, Jr. as a member of the Wallingford Housing Authority. (Applause)

Councilmembers congratulated Mr. Monahan and wished him well. Chairman Gessert also added the Council would be available for any help.

ITEM 5 Consider request by Ernest W. Frattini, Director, Civil Defense, to permit disposal of obsolete army hospital field equipment.

Mr. Frattini: This hospital is really obsolete. It is mostly army operating tables etc., everything that is in a field hospital. We will be keeping some of the materials and everything else is town property. Our biggest problem is, why is it taking so long. It was confirmed by the State that the town could do anything they wanted with it. I would like someone from the Council to work with and show him/her basically what I would like to keep. A

list can be supplied as to what we would like to get rid of. I do not believe that this will cost the town any money. This was given by the Department of Health and Education & Welfare under the army. 576

Chairman Gessert: I think the rules on the disposal of town equipment requires the Purchasing Agent be involved in the process of disposing of any town equipment.

Councilman Killen: The Council has the authority, under the Charter to dispose of it and of course we have an Ordinance on it.

Mayor Dickinson: I think generally, the pattern we follow when we are going to destroy something, that is said to be unusable, broken, etc. we do away with it. In this instance, Ernie was indicating that there was a possibility that hospitals or other groups may use this material. Because we are giving it away, I thought it would require Council approval.

Chairman Gessert: I think we can vote to authorize Ernie to work with the Purchasing Department to give away those things that are no longer needed.

Councilman Holmes made a motion to authorize Civil Defense Director to dispose of obsolete army hospital field equipment not for profit or otherwise. Motion was seconded by Councilwoman Bergamini.

Councilwoman Papale stated that Mr. Frattini has said he would be more comfortable if a Councilmember worked with him on this matter.

Mr. Frattini: It would not take much of their time.

Councilman Diana asked Mr. Frattini if any items were worth any more than \$200.00.

Mr. Frattini stated he was not sure because some items date back as far as 1959.

Councilman Diana noted that he is in favor of getting rid of the equipment but, he thinks we should have a list just for the record on what is there.

VOTE Unanimous ayes with the exception of Councilman Rys who passed; motion duly carried.

Councilman Polanski agreed to work with Mr. Frattini.

ITEM 6 REMOVE FROM TABLE and discuss and possibly select developer for municipal properties on Center and Main Streets.

Motion was made by Councilwoman Bergamini to Remove the item from the table and was seconded by Councilman Holmes.

VOTE: Unanimous ayes with the exception of Gouveia who passed; motion duly carried.

Chairman Gessert: The item is off the table and is open for discussion.

Chairman Killen: I did get some answers but it is not enough to help me arrive at a concrete decision.

Councilman Holmes: Is condemnation the only possible way to go?

Mr. DiNatale answered by saying that they do not have to take the building down.

Councilman Polanski asked if any lists were available for the appraisals on the property and was answered by Mr. Frank Barta who stated that there were no appraisals done on individual properties.

Mayor Dickinson added that the appraisals they had were the ones the town paid for. We did not contract for appraisals on any of the other properties. We wanted to know what the values of these properties were. The list that the Assessor gives us shows the market value in 1981, according to his records and estimating what today's market value is, you just have to add to that.

Chairman Gessert: Why does the sheet show 1981 market value and then 1984 appraisal.

Councilman Killen: The 1981 assesment is from Frank's records and 1984 was an appraisal was done by an outside concern.

Chairman Gessert asked why 9-21 North Main in 1981 was appraised at \$452,000 and in 1984 the appraisal was \$75,000 to \$100,000. Why did it drop 3/4 of its value in 3 years?

Frank Barta noted that it might have been something in the market value trend, to indicate a lower value for the builders.

Mayor Dickinson: It's guess work but my guess would be what you could actually use the building for without any parking, there is no parking with 9-21 North Main, so if you look at the Planning and Zoning regulations, what can that property be used for, maybe residential, but I suspect that requires all kinds of variances, so that possibly impacts what the appraiser listed it as.

Councilman Gouveia asked if it is not appraised for more than \$75,000, then why is it assessed for \$317,000.

Mr. Barta noted that one was done in 1981 and one was done in 1984. There were two different approaches used in assessing the value.

Councilman Killen explained that the Assessor goes by replacement value, while an appraiser goes by what the surrounding neighborhood would go for and puts a price on it that way.

Councilman Rys asked if the two dollar offers could be explained as far as the municipal properties are concerned.

Chairman Gessert: Mr. Cooke's firm has proposed \$800,000 straight, the purchase of the buildings. They would be renovated and take it from there.

Chairman Gessert was corrected. The amount should be \$851,000.39.

Chairman Gessert continued: Mr. Caplan's proposal called for a purchase price of \$200,000 and then indicated that the town, after a several year period, would share an 8% return in the profits of the total development. Some other factors were thrown into both proposals regarding costs. One was the area of additional development, additional equivalencies had been made in the properties if Mr. Cooke had them and what that would do to their value as taxable property. All of this property that we are talking about, once the town no longer owns it, would become taxable property and the town would generate income from that. Mr. Caplan's proposal called for much more extensive renovations of the entire block up along North Main Street, which would not only increase the value of not only existing buildings but also addtional buildings.

Councilman Rys asked how the amount for condemnation for #382 and #410 was arrived at.

Mr. Barta: I estimated the market value of both properties and I spoke with the Town Attorney and he gave some indication of what legal fees would be plus the relocation of the liquor store and the restaurant and any tenants that happen to be in those buildings and we came up with that estimate of value. It might be more, less or even double.

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Councilman Rys asked Mr. Caplan if he expects the town to go out and condemn the property before this is handed over to him as a package for his proposal. Wouldn't it be better if approached the individuals and offer fair market value and keep the town out of this?

Mr. Caplan: For me to approach, and I have approached one directly and one indirectly several years ago, with intentions of purchasing. The response from one was not negative but, my assumptions were that since our complex has been history in the newspaper, and I made no bones about hiding it from the newspapers, it became somewhat of the land value and our area became somewhat deflated. It appeared to everyone that we were going to develop something worth alot more than what it really was at the moment. So, the values of the land became deflated. The developer who will be producing that amount of square footage on the market, the value of the land didn't really depreciate as people assumed. So, the approach directly to landowners seemed a road that we couldn't take. I tried it with one landowner and it just wasn't going to go. The second thing that I would like to say is that your proposal that you sent out to us called for much more for you to pick a direction as to how you wanted to proceed. That proposal said that you would pick that direction and then take, I believe, 90 days. It is a direction which is the difference between what George and myself are offering. The proposal is only calling for which way the Council wants to move towards. At the end of 90 days, you may choose not to work with George or myself. That is the way it was written.

Councilwoman Papale: You can say to me tonight, I'm going to condemn those buildings, and that would make my mind up. These are things that I myself would have to know.

Mr. Caplan responded that he could not confirm that. The thing that you have to be concerned about is the well being of the communities.

Councilwoman Papale: If the town had to pay out \$500,000 and your only paying us \$200,000, money wise it does not make any sense, in my opinion.

Mr. Caplan: We had said that we would pay \$200,000 against properties and that the town would undertake the condemnation, and we would pay back the town for the property to the rear. It would be \$200,000 plus.

Councilwoman Papale asked Chairman Gessert if they could discuss Robert Earley School.

Chairman Gessert: Robert Earley is a topic that could take a whole night to discuss. With the selection of either candidate, Mr. Caplan or Mr. Cooke, there will be a committment on the part of the town to get out of this building. Once we make a committment to get out of here, we're going to have to look at an alternative which is more likely Robert Earley, and plan accordingly, to move the facilities from here over to there in an updated fashion.

Mr. Cooke: What I think is past practice on rehabilitating buildings of that nature into office buildings, the Wallace building and the State Street School in Hamden, both of them are around 25,000 or 30,000 square feet.

Mr. Cooke noted that he went through Robert Earley today and it can be done the same as the Hamden School or the Wallace Office Building.

Mr. Cooke asked the Council, if they would give him two weeks, he will have the figures for the additional items such as vaults that are not in the Office Building.

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Mayor Dickinson noted everything he has seen so far gets inflated from the planning state to completion. The Town Clerk, Assessors Office and Probate will need vaults plus an elevator, which was not mentioned before. Beyond that we don't have parking, so another piece of property will have to be purchased and pave it for parking or it will have to multi-level parking. That will cost significant dollars. What I did, I was aware of what the police station cost, you double the cost of the \$2.4 million and you're \$4.8 million without even parking. West Hartford is redoing a school and it is costing them \$5 million dollars. I'm just trying to give us some sort of a figure to work with.

Councilman Diana suggested that the Council or any town Official discussing a matter like this, they should refrain from putting a dollars figure on anything.

Mayor Dickinson: Unfortunately, you cannot discuss these projects without discussing potential liabilities to the town.

Chairman Gessert asked if any Councilmember would like to make a motion to elect a developer and proceed with negotiations on this project. Chairman Gessert also added: The Letter of Intent which states, upon acceptance by the Town of Wallingford of this letter of intent, to submit to the Town of Wallingford within ninety (90) days, plans and outline specifications prepared by the architect and in general, conformance, and I assume that the signing process and the exact specifications would follow after a particular proposal was adopted.

Councilman Diana: We're not saying from this that whoever we pick, that's the person that is going to do the renovating. We are only saying that we are going to negotiate in good faith.

In answer to Mr. Diana, there were no's from some of the Councilmembers.

Chairman Gessert then read: The Town of Wallingford will review and approve, or disapprove, such plans and specifications for such conformity, and shall promptly notify us of its approval, or disapproval, in writing, setting forth in details, any grounds for disapproval. Chairman Gessert added: Once we pass a motion tonight, we are not giving carte blanche, saying do whatever you want, there will be further negotiations and those plans and specifications will still be for the towns approval.

Chairman Gessert asked Mayor Dickinson if the Council had veto power as to the specifications.

Mayor Dickinson: Yes, as in #5 of the Letter of Intent (attached) it reads: We agree to cooperate with the Town of Wallingford in order that the reuse development may conform fully to the objectives of the Town as set forth in the request for proposals.

Councilman Polanski: What happens if things come to a standstill and we do not agree?

Mayor Dickinson responded that it would die at that point. Also, if the plan is disapproved, the developer would have to resubmit it.

Mr. Caplan: If you accept our letter of intent, it will describe what we are going to do. You cannot take this whole area apart and put up a complete new building. That was never our intent in our bid and it is not now.

Councilman Diana to Linda Bush: I happen to agree with what you said about the Caplan proposal. You don't believe that this is going to pass Planning and Zoning?

Linda Bush: Based on that conceptual, there is no way it would

Mayor Dickinson suggested that the motion be that the town sign the letter of intent with X party. It shouldn't be a motion to choose a developer. It should be a motion to enter into negotiations.

Councilman Killen: Before you go to a motion, you have to be aware you are not just deciding who is going to be the developer, you are accepting the prices.

Councilman Killen also stated that he is not happy with the prices.

Councilwoman Bergamini: There are three reasons that I feel that I cannot go with Mr. Caplan's proposals for three reasons. One - His price shocked me. Two- I'm not going into condemnation and three - he does not have the parking. In all the Planning and Zoning meetings that I have attended over the years, there is no way that I am going to vote for something that does not have sufficient parking. Those are the three cons for Mr. Caplan. As far as Mr. Cooke, I suppose we have to accept the proposal as is, and I feel the money is not enough. I don't think that we are getting enough money for prime property.

Mayor Dickinson: There are no answers to that question, but the alternative is to become a party to negotiations. If you drop this, as a property owner you will have to look to interest the other property owners on the block to a larger settlement.

Mr. Cooke: Parking is a very determining factor. You can have the most attractive commercial area in the world and if people can't park, they won't go there. That's how you end up with vacant buildings.

Chairman Gessert: When I asked what to do with the old Armory, one of the appraisers said to bulldoze it and sell the land, because it has no value because it has limited parking.

Councilman Holmes: We can try to hold off at \$1 million, \$1.2 million, \$1.3 million, but everyday that we sit here, the cost of Robert Earley School is going up and the condition is going down. I think, the more we try to raise the prices on these buildings, the worse off we are going to be.

Councilman Diana noted that he was in favor of the Cooke proposal because if they went out privately to try to sell each building, they would then lose the use control of what those buildings become. With Mr. Cooke's proposal, there is a cooperative effort to keep this block in one direction, otherwise, they could be used for anything and would not conform with other buildings. I think it would be counter-productive as to what the merchants in town are trying to do.

A Motion was made by Councilman Holmes stating that we enter into a letter of intent with the Judd Square Associates, a limited partnership. Motion was seconded by Councilman Rys.

Mr. Musso stated that he agreed with Mr. Holmes and Mr. Cooke has given a good proposition.

Councilman Gouveia stated that he will not vote on this subject because of conflict of interest.

Chairman Gessert read the Letter of Intent to Mr. Avallone who was in the audience and did not understand the motion.

Chairwoman Papale: Is this letter of intent, saying we vote for Mr. Cooke, if he comes in with a design that is outrageous with the rest of the town, if we decide we don't like it we can tell him.

Mayor Dickinson: We would disapprove it. The intent expressed in the language is to provide a great deal of discretion on latitude in the approval process by the Town of Wallingford.

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Mr. Cooke stated if we had some time, he is sure it can all be worked out to everyone's satisfaction.

Mayor Dickinson: There is something that has to be definitely has to be worked out, and that is the time during which we would continue to use these offices prior to a move elsewhere.

Mr. Cooke stated that we can all sit down and decide.

Chairman Gessert added that he shares Marie's concern with the Caplan proposal, the costs concern me and I think the plan, if it could have been worked out, is a gorgeous plan and a great concept for the development. A lot of time and effort was spent to put that together.

Mayor Dickinson: If an approval is not forthcoming from the Town of Wallingford, the letter of intent terminates without liability to either party.

Chairman Gessert asked the Councilmembers if they wished to add the statement which the Mayor just added into the motion.

Councilwoman Bergamini disagreed and stated that it should stay the way it is because she believes that it is covered.

Mayor Dickinson: At this point, it definitely complicates it because, the \$10,000 deposit is non-refundable.

Mr. Cooke interrupted Mayor Dickinson: In that proposal, we said basically what we were going to do, and I think last week I got up and spoke at the last meeting, I said that we were going to take out panels, and conform to the brick of the building so that it's in conformance with the Post Office design, so the buildings have some resemblance of order. Other than that, no interior work will be done until you move out of here. You have to agree on what we have presented and then you have to have me take out a Bond so that I don't mess it up and don't do what I said. We'll have an architect come in and give you a schematic of what it will look like when it is finished.

VOTE: Unanimous ayes with the exception of Killen who voted no. Gouveia abstained from voting. Motion duly carried.

ITEM 7 Consider approval of condemnation of fifty foot right-of-way over property owned by FIP CORPORATION to provide access to Alexander Drive, requested by Linda A. Bush, Town Planner.

Mayor Dickinson stated that this was really requested by his office. Planning and Zoning did the planning and reviewed it.

Mrs. Bergamini read a letter from Mayor Dickinson to the Wallingford Planning and Zoning Commission.

Motion was made by Councilwoman Bergamini and seconded by Councilwoman Papale.

Chairman Gessert: Very simply, it is to allow property owner to develop his property without creating a traffic hazard either on North Farms Road or exiting traffic onto Rt. 68 through a driveway.

At this point, Linda Bush passed out a map and explained it to the Councilmembers.

Mr. Musso noted that he does not believe in condemnation of property and this should be decided between FIP and Thurston Foods. 582

Chairman Gessert agreed with Mr. Musso in principle only. The property owner would have two options, if the Town of Wallingford did not get involved. His option would include, bringing a driveway out onto North Farms Road and putting additional truck traffic into a residential area. Legally, he can do that. Legally, he can also run a driveway down to 68 and dump trucks onto 68 with no traffic light. The Town of Wallingford has gotten involved in this through the Mayor's Office, strictly for the reason of public safety. Number one: We don't want to dump trucks into a residential zone and driving by houses on North Farms Road which is not exactly a wide road. Number two: We don't want to dump truck traffic onto 68 with no traffic light. It's a limited access road and by taking this 50 foot piece of property, it allows them to access the road within the Barnes Park and not dump his trucks onto 68. Someone could get hurt.

Mr. Musso added he did not believe the town would allow another driveway to go out onto 68. He also added that FIP and Mr. Thurston should get together and iron this out themselves.

Chairman Gessert thanked Mr. Musso and continued : I think if that had happened, we would not be here.

Mr. Don Gunn, Chairman, President of FIP Corp.: I do not understand why this matter has come before the Town Council . I also do not understand why this matter came before the Planning and Zoning Commission last month. The matter is a disagreement between two parties, FIP and Thurston Foods. It seem rather odd that a public agency would be asked to undertake condemnation procedures to affect the property of private parties. We had several discussions with Thurston Foods and have a high regard for the people from Thurston Foods, but we have a disagreement over the utility on their project being accessed from Alexander Drive. We take many factors into consideration, the desired use of the property by the firm given consideration to acquiring, the development of the property of the end use and the compatibility of that project with other properties that exist in this park. We have undergone extensive reviews of all our properties from the Barnes Park as well as the other parks that we are currently building. I have come to the conclusion that the use of that property and the access to Alexander Drive would be incompatible to the development that has occurred . We also believe that the values would go down of properties that are being developed and properties that are already developed. We have had confirmation of this from two independent entities who are interested in the 14 acres, but have expressed a concern over this over the potential of the distributional development.

Mr. Gunn added: I do not believe that the town has to take to condemnation approach to benefit solely an individual private property owner. The property is landlocked. The ability to develop it obviously is going to have to go through the towns Planning and Zoning Commission for approval.

That I believe, would have been a more appropriate approach.

Chairman Gessert thanked Mr. Gunn and introduced Mr. Thurston.

Mr. Thurston (Thurston Foods): We are the concern involved in this particular matter. First of all, Thurston Foods has been in Wallingford for 39 years and we would like to stay. We currently employ 80 people. As was previously stated by Mr. Gessert, with this particular property, there are three alternatives . One is to go to the east

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to North Farms Road through a residential section which is completely out of the question. The next possible exit would be onto Rt. 68, which is very desirable to us. This would create an extreme traffic hazard, so number two is out. The third alternative is to extend Alexander Drive to the parcel. Thurston Foods has negotiated with FIP for many many hours all without success, in attempting to buy 3/4 acre of land in order to extend Alexander Drive in so that we could build a plant there, and continue to stay in Wallingford. The only possible alternative for us is to extend Alexander Drive. We have been unsuccessful in negotiating with FIP, and that is why we are here tonight.

Chairman Gessert thanked Mr. Thurston.

Councilman Holmes asked Mr. Gunn from FIP if he thinks Thurston Foods is a desirable entity to have in his park.

Mr. Gunn disagreed with Councilman Holmes. We try to add to the value of the people who come into the park initially. We try to do that by good planning. If this property were in our park, we feel that it would not be in compatible use. I would like to add a fourth alternative. Not to access this in a way it would be incompatible for the current use for those people who have already invested. Mr. Gunn also added it would be poor planning to put a distribution plant in along with offices.

Councilwoman Bergamini to Mr. Thurston: Do you now own the Stegos property or do you just have an option on it.

Mr. Thurston: We have an option on it and intend to purchase it. We have no intentions of building a chicken coop up there. Our plans call for a frozen food warehouse which will be very attractive and in the neighborhood of \$3 million dollars

Councilwoman Bergamini asked Mr. Thurston if he intended to move anyways. Mr. Thurston stated that they have outgrown their facility. There is no more room to expand.

Councilman Killen stated to Chairman Gessert that referring to a meeting that Planning and Zoning had on this, Mr. Thurston came to see us and indicated that he could get access to Alexander Drive. In discussing the zone change on this originally, we had on a draft map indicated it as residential. After Mr. Thurston came, we moved the zone line back to the ravine. If it stays industrial the only access is through Alexander Drive. Now we are being asked to prolong a cul-de-sac the other is to condemn property for something that should never have happened in the first place.

Councilman Diana: I think it's safe to say that FIP has gained considerable revenue from being here in the Town of Wallingford and I think it's up to us to tell the two of you maybe you should negotiate with the town becoming the mediator. I can also say that it is not being a good neighbor, only because owning so much property in town, you talking as though everything you border on has to be to your acceptance. The fact is that your property is in the center of Wallingford. Wallingford is not surrounding FIP. We were here first. Mr. Thurston certainly bought the property with open eyes. I think it is up to the two of you to take care of this problem yourselves. What is before us tonight, is you are asking us to condemn the property so that we can in turn sell it to a private developer, so that someone can end up circumventing dealing with FIP. If you can't sit in a room with the Mayor or someone to be a mediator, something is wrong and I think it is up to FIP to show some responsibility to be a good

neighbor, because everyone you border on is not going to be to your agreement. The land is not landlocked, Mr. Thurston, you do have access. You can go to North Farms, the town may not like it, but you can do it.

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Councilwoman Bergamini asked Linda Bush if she had any thoughts on this.

Linda Bush responded: Planning and Zoning approved the condemnation. I was opposed, they vote, I do not. They felt the property was landlocked. The reason they felt it was landlocked, is because the State was originally going to give access to 68. The town objected. We did not want any more curb cuts along 68 and so in essence, the State changed their mind, at the town's request.

Councilman Diana: If you (FIP) think that for one minute that you are going to devalue your land because you are giving this gentleman a driveway, I don't believe where you are coming from. That FIP property is too expensive, to lose anything over a driveway.

Mayor Dickinson added that the town became involved in this because of Rt. 68. We received notice from the State that they were talking about selling a piece of property on 68 for access and there is no way we are going to sit back and allow this to happen.

Chairman Gessert: If the town did nothing up till now, Mr. Thurston would own a piece of property with State approval to exit and enter trucks onto 68 without a traffic light.

Mayor Dickinson agreed with Chairman Gessert's statement.

Chairman Gessert continued: The reason he is here is partially because the town, for safety reasons, eliminated one of his options.

Mayor Dickinson agreed with Chairman Gessert and continued: The other thing is, according to Linda, she felt the property should be re-zoned back to residential. It's a very difficult situation for everyone, and as I stated in the letter, it is not going to go away, whether it's Thurston's with an option or someone else in the future, it's going to remain a question, unless the zone is changed again, I'm not sure that would totally resolve it either.

Linda Bush: Whatever zone it is, that property is going to be very difficult to develop.

Councilwoman Bergamini asked how many acres we were talking about.

Mr. Gunn (FIP) answered by stating 20 acres. The zoning is very natural because of the ravine and the brook that runs through it, to have IX on one side and residential on the other. That is a natural divider, the way it is.

Chairman Gessert: I am not generally in favor of condemnation, but in this particular case seeing the town of Wallingford in the interest of public safety, in eliminating a lot of Mr. Thurston's options, which he could have exercised if we had stayed out of it, I think there is an obligation on our part to help provide a solution to the problem. He could have gone ahead and developed it putting the traffic on 68 and then it would have come back to us trying to appropriate money for traffic lights, traffic studies, etc. I think it is better that we address it this way than cause a safety problem on Rt. 68.

Councilman Holmes: Hearing the mood of the Council, is there any chance of opening up negotiations with

Mr. Thurston again?

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Mr. Gunn: I think one of the rights of private parties is the right to agree to disagree. We appreciated the Office of the Mayor for bringing us together after having some initial disagreements. To Councilman Diana, I would be very happy to discuss, at another time, how availability of property and compatibility in property development does significantly impact on values. People who are coming into one of our parks are making a substantial investment, and our obligation to them is to develop park that is completed.

Councilman Polanski : I am against condemnation, and I would like to know more information on why the Town of Wallingford says this is a safety hazard. I will not vote for condemnation.

Councilman Diana: Mr. Gunn, I am very appreciative , of FIP, so my comments are not made to be vagrant. As past economic development chairman, I helped stock FIP over the years, so I am not a stranger to the business, so at some point we have to exercise a good neighbor policy . I would like to see the two of you try to take care of this problem. Dollars and cents should not be passed along to the Council.

Councilman Gouveia added that he did not feel he had all the information on this matter to make a knowledgeable decision on this. Mr. Gouveia also added that this should be given back to Planning and Zoning.

VOTE: Voting yes were: Bergamini, Gessert, Holmes, and Rys.

Voting no were : Diana, Gouveia, Killen, Papale, and Polanski.

Motion was not carried.

ITEM 8 Consider and approve three transfers requested by Water/Sewer.

Mrs. Bergamini moved the following transfer, seconded by Mr. Rys:

| | | |
|-----------------|------------------------------------|------------------|
| (a) \$ 2,788.00 | To Maint. Collection & Impnd. Res. | Acct. No. 612-00 |
| 1,394.00 | Metering Operations | 663-00 |
| 2,792.00 | Misc. & OSHA Expense | 665-00 |
| 5,576.00 | Maint. Trans. & Distribution Lines | 673-00 |
| 5,576.00 | Maint. Services | 675-00 |
| 2,788.00 | Maint. of Hydrants | 677-00 |
| 9,018.00 | Admin. & General Salaries | 920-00 |
| \$29,932.00 | Contingency | 920-00 |

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Coucilwoman Bergamini and seconded by Councilman Holmes, for the following Water/Sewer Div. transfers:

| | | | |
|-------------|------|---------------------------|-------------------|
| \$ 1,394.00 | TO | New Distribution Lines | Acct. No. 343-087 |
| 6,970.00 | TO | Various Size Services | 345-087 |
| 1,394.00 | TO | Installation New Hydrants | 348-087 |
| \$ 9,758.00 | FROM | Contigency-Capital | 300-087 |

Councilman Killen to Mr. Dennison: Why is this coming out of capital? Have we gotten a financial report, so far this year? The only thing that I can see is \$69,330 was put in a contingency for the water department and none of it was put in capital.

Mr. Dennison: There were two contingencies, if you look in your revised budget papers that Tom issued. I'm going by the letter dated May 13, 1986 from Tom Myers indicating the changes in the Budget Workshop, which was to put money into operating contingencies in the water division.

VOTE: Unanimous ayes, motion duly carried.

Mrs. Bergamini moved the Water/Sewer Div. transfer, seconded by Mr. Rys. 580

| | | | |
|--------------|------|---------------------------|------------------|
| \$ 11,810.00 | FROM | Contingency | Acct.No. 920-005 |
| 2,792.00 | TO | Labor for Maint. of Lines | 673-001 |
| 9,018.00 | TO | Admin. & General Salaries | 920-000 |

VOTE: Unanimous ayes, motion duly carried.

ITEM 9. Mr. Killen based his request for this item on Chapter XIV, Section 13 of the Charter stating that the Council may overturn any action of the PUC except appointments and he sent a letter to the Town Attorney but has not yet received Mr. McManus' reply. Mr. Killen is opposed to the fact that the town has a deficit budget and the PUC chose the road that they took which leaves the town holding the bag in his estimation and he invites the Council to join with him in seeking to overturn their action regardless of the absence of an opinion from the Town Attorney.

Mr. Killen moved that this Council go on record as opposing the action of the PUC in setting the rates on Tuesday, September 16, 1986. Mr. Polanski seconded the motion.

Mr. Gouveia asked what the projected deficit for the coming year will be and Mr. Raymond Smith said he believed it was \$3.9 million, not a budget, in balancing the front pages of the document.

Mr. Gouveia agrees with Mr. Killen that it's about time that we stop subsidizing the ratepayers at the expense of the taxpayers and he knows that nobody wants higher electric bills and you have to bite the bullet right here, now. In 2 years, from 1985 to 1986, you went from \$6,352,000 to \$4,607,000 and everybody knew that Millstone III was going to come on line and Northeast Utilities would ask for money and yet we failed to provide for that. Mr. Gouveia wanted to know who is to say that this year we will not fall short of the prediction and not only will the rate have to be increased for electricity being purchased now but you may have to increase the rates which will be passed along and if that happens, you will have rate killing, not rate shock. Mr. Gouveia asked what happens 3 or 4 years from now if the inflation rate is higher, if unemployment is higher--how can you afford to pay then?

Mr. Smith said that one of the things that occurred during the 1985-86 year is that we had a rate increase and that was not budgeted and in May, there was a temporary surcharge which took place. In the current fiscal year, Mr. Smith does not anticipate any additional increase in the wholesale rate and the reason for the shortfall at the end of the year occurred because of a tremendous increase in the wholesale cost--35%--without the offsetting increase in the retail rates. Mr. Smith noted that the shortfall all occurred after April 1.

Mr. Polanski observed that the proposed new rates only show a 39¢ increase in the cost for 700 kwh usage and he asked how this number was determined. Mr. Smith said the number came about after many changes within the rate structure, (1) they have been running a substantial credit status in the fuel adjustment and (2) there are PASNY credits and the consultant felt it would be appropriate at this time to roll that into the base rates and eliminate those additional lines. Mr. Smith continued that also built into the rates is a 10% surcharge, an increase on one side balanced by the credits accruing on the other side. Mr. Smith added that we are benefitting from fuel adjustment savings. Mr. Gessert asked what would happen if the fuel adjustment changes and Mr. Smith said that the fuel price fluctuates with the market. Mr. Gessert asked how 40¢ per month on each bill would make up the \$4 million in a year and Mr. Smith referred to a report detailing this information.

Mayor Dickinson asked if another rate increase was planned and Mr. Smith said yes, when the commission went forward with this whole study, this had been predicated on a phase-in, similar to what Northeast Utilities was proposing back in the spring. What NU agreed to with the DPUC was a little different and they in fact held the reins and they in essence have said to their customers, we're phasing it in over a 5 year term.

Mr. Holmes felt that the taxpayer will pay in the end, whether paying higher electricity rates or more tax money, they are still in a losing position.

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Mr. Gessert asked what next year's budget called for with Contribution to the Town of Wallingford or Payment in Lieu of Taxes and Mr. Smith replied \$880,000 and that is still planned and already accounted for in the budget.

Schedules from the Wallingford Electric Division detail proposed rate changes.

WALLINGFORD ELECTRIC DIVISION

RESIDENTIAL RATE BILLING COMPARISON
 Wallingford Rate No. 1
 versus
 Proposed Rate No. 1

| kWh Usage | Wallingford | | Proposed | | Difference | |
|-----------|-------------|-----------|----------|-----------|------------|---------|
| | Amount | Cents/kWh | Amount | Cents/kWh | Amount | Percent |
| (a) | (b) | (c) | (d) | (e) | (f) | (g) |
| 0 | \$2.86 | 0.00 | \$3.00 | 0.00 | \$0.14 | 4.90% |
| 100 | \$11.30 | 11.30 | \$11.44 | 11.44 | \$0.14 | 1.20% |
| 250 | \$23.43 | 9.37 | \$23.59 | 9.44 | \$0.16 | 0.66% |
| 500 | \$41.90 | 8.38 | \$42.18 | 8.44 | \$0.28 | 0.68% |
| 650 | \$52.97 | 8.15 | \$53.33 | 8.21 | \$0.36 | 0.68% |
| 700 | \$56.67 | 8.10 | \$57.05 | 8.15 | \$0.39 | 0.68% |
| 800 | \$62.97 | 7.87 | \$63.49 | 7.94 | \$0.51 | 0.82% |
| 900 | \$69.28 | 7.70 | \$69.92 | 7.77 | \$0.64 | 0.93% |
| 1000 | \$75.59 | 7.56 | \$76.36 | 7.64 | \$0.77 | 1.02% |
| 1100 | \$81.89 | 7.44 | \$82.79 | 7.53 | \$0.90 | 1.10% |
| 1250 | \$91.35 | 7.31 | \$92.45 | 7.40 | \$1.10 | 1.20% |
| 1500 | \$107.12 | 7.14 | \$108.54 | 7.24 | \$1.42 | 1.32% |
| 2000 | \$138.65 | 6.93 | \$140.72 | 7.04 | \$2.06 | 1.49% |
| 2500 | \$170.19 | 6.81 | \$172.90 | 6.92 | \$2.71 | 1.59% |

NOTES: Present dollar amounts include Adjustment Factor per kWh of (\$0.013162)
 Proposed dollar amounts include Adjustment Factor per kWh of (\$0.005641)

All Charges exclude Sales Tax

WALLINGFORD ELECTRIC DIVISION

Summary of Retail Rate Charges

| Line No. | Rate Structure | Present Base Rate Charges | Plus 10% Interim Increase | Plus Adj. Credits: | | Revised Base Rate Charges | Plus Adj. Credits: | | |
|----------|-------------------------|---------------------------|---------------------------|--------------------|------------------|---------------------------|--------------------|------------------|--|
| | | | | \$0.013162 Resid | \$0.013301 Other | | \$0.005641 Resid | \$0.005859 Other | |
| (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i) | |
| Rate 1 | | | | | | | | | |
| 1. | Customer Service Charge | \$2.60 | \$2.86 | \$2.86 | | \$3.00 | \$3.00 | | |

| | | | | | |
|------------------|----------|-----------|------------|----------|------------|
| 2. First 200 kWh | \$0.0887 | \$0.09757 | \$0.084408 | \$0.0900 | \$0.084359 |
| 3. Next 500 kWh | \$0.0791 | \$0.08701 | \$0.073848 | \$0.0800 | \$0.074359 |
| 4. Over 700 kWh | \$0.0693 | \$0.07623 | \$0.063068 | \$0.0700 | \$0.064359 |

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Rate 2

| | | | | | |
|----------------------------|----------|-----------|------------|----------|------------|
| 5. Customer Service Charge | \$2.60 | \$2.86 | \$2.86 | \$3.00 | \$3.00 |
| 6. First 200 kWh | \$0.0791 | \$0.08701 | \$0.073848 | \$0.0800 | \$0.074359 |
| 7. Next 500 kWh | \$0.0791 | \$0.08701 | \$0.073848 | \$0.0800 | \$0.074359 |
| 8. Over 700 kWh | \$0.0693 | \$0.07623 | \$0.063068 | \$0.0700 | \$0.064359 |

Rate 3

| | | | | | |
|----------------------------|----------|-----------|------------|----------|------------|
| 9. Customer Service Charge | \$5.00 | \$5.50 | \$5.50 | \$9.00 | \$9.00 |
| 10. First 500 kWh | \$0.0840 | \$0.09240 | \$0.079099 | \$0.0930 | \$0.087141 |
| 11. Next 500 kWh | \$0.1109 | \$0.12199 | \$0.108689 | \$0.1125 | \$0.106641 |
| 12. Over 1000 kWh | \$0.0450 | \$0.04950 | \$0.036199 | \$0.0450 | \$0.039141 |

Rate 4

| | | | | | |
|----------------------|----------|-----------|------------|----------|------------|
| 13. Minimum Charge | \$225.00 | \$247.50 | \$247.50 | \$35.00 | \$35.00 |
| 14. First 10 kW | \$10.60 | \$11.66 | \$11.66 | \$0.00 | \$0.00 |
| 15. Next 190 kW | \$10.60 | \$11.66 | \$11.66 | \$11.75 | \$11.75 |
| 16. Over 200 kW | \$8.30 | \$9.13 | \$9.13 | \$8.75 | \$8.75 |
| 17. First 200 kWh/kW | \$0.0520 | \$0.05720 | \$0.043899 | \$0.0550 | \$0.049141 |
| 18. Over 200 kWh/kW | \$0.0450 | \$0.04950 | \$0.036199 | \$0.0425 | \$0.036641 |

Rate 5

| | | | | | |
|----------------------|------------|------------|------------|------------|------------|
| 19. Minimum Charge | \$4,660.00 | \$5,126.00 | \$5,126.00 | \$5,000.00 | \$5,000.00 |
| 20. First 400 kW | \$11.65 | \$12.82 | \$12.82 | \$5,000.00 | \$5,000.00 |
| 21. Over 400 kW | \$11.40 | \$12.54 | \$12.54 | \$12.00 | \$12.00 |
| 22. First 200 kWh/kW | \$0.0443 | \$0.04873 | \$0.035429 | \$0.0425 | \$0.036641 |
| 23. Next 250 kWh/kW | \$0.0388 | \$0.04268 | \$0.029379 | \$0.0385 | \$0.032641 |
| 24. Over 450 kWh/kW | \$0.0374 | \$0.04114 | \$0.027839 | \$0.0350 | \$0.029141 |

WALLINGFORD ELECTRIC DIVISION

RESIDENTIAL BILL COMPUTATION
FOR 700 KWH USAGE

| Line No. | Rate Components | Billing Units | Present | | Proposed | |
|----------|-------------------|---------------|--------------|----------------|--------------|----------------|
| | | | Rate Charge | Dollars Billed | Rate Charge | Dollars Billed |
| (a) | (b) | (c) | (d) | (e) (c)x(d) | (f) | (g) (c)x(f) |
| 1. | Customer Service | 1 | \$2.60 | \$2.60 | \$3.00 | \$3.00 |
| Energy: | | | | | | |
| 2. | First 200 kWh | 200 | \$0.0887 | \$17.74 | \$0.090 | \$18.00 |
| 3. | Next 500 kWh | 500 | \$0.0791 | \$39.55 | \$0.080 | \$40.00 |
| 4. | Over 700 kWh | 0 | \$0.0693 | \$0.00 | \$0.070 | \$0.00 |
| 5. | Subtotal | 700 | | \$57.29 | | \$58.00 |
| 6. | Base Rate (1+5) | | | \$59.89 | | \$61.00 |
| 7. | Interim Surcharge | | 10% | \$5.99 | 0% | \$0.00 |
| 8. | Subtotal (6+7) | | | \$65.88 | | \$61.00 |
| 9. | Energy Cost Adj. | 700 | (\$0.008133) | (\$5.69) | | |
| 10. | PASNY Credit | 700 | (\$0.005029) | (\$3.52) | | |
| 11. | Subtotal | | | (\$9.21) | | |
| 11. | Power Cost Adj. | 700 | | | (\$0.005641) | (\$3.95) |
| 12. | TOTAL BILL (8+11) | | | \$56.67 | | \$57.05 |

WALLINGFORD ELECTRIC DIVISION

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Summary of Retail Rate Charges

| Line No. | Rate Structure | Present Base Rate Charges | Plus 10% Interim Increase | Plus Adj. Credits: | | Revised Base Rate Charges | Plus Adj. Credits: | |
|-------------|-------------------------|---------------------------|---------------------------|--------------------|------------------|---------------------------|--------------------|------------------|
| | | | | \$0.013162 Resid | \$0.013301 Other | | \$0.005641 Resid | \$0.005859 Other |
| (a) | (b) | (c) | (d) | (e) | | (f) | (g) | |
| Rates 6 & 7 | | | | | | | | |
| 25. | 175 Watt MV | \$9.18 | \$10.10 | \$9.16 | | \$9.18 | \$8.76 | |
| 26. | 400 Watt MV | \$12.91 | \$14.20 | \$12.15 | | \$12.91 | \$12.01 | |
| 27. | 100 Watt HPS | \$8.59 | \$9.45 | \$8.92 | | \$8.59 | \$8.35 | |
| 28. | 250 Watt HPS | \$12.09 | \$13.30 | \$11.82 | | \$12.09 | \$11.44 | |
| Rate 8 | | | | | | | | |
| 29. | Customer Service Charge | \$17.50 | \$19.25 | \$19.25 | | \$20.00 | \$20.00 | |
| 30. | All kWh | \$0.0750 | \$0.08250 | \$0.069199 | | \$0.0750 | \$0.069141 | |

WALLINGFORD ELECTRIC DIVISION
RESIDENTIAL BILL COMPUTATION
FOR 1,000 KWH USAGE

| Line No. | Rate Components | Billing Units | Present | | Proposed | |
|----------|-------------------|---------------|--------------|----------------|--------------|----------------|
| | | | Rate Charge | Dollars Billed | Rate Charge | Dollars Billed |
| (a) | (b) | (c) | (d) | (e) (c)x(d) | (f) | (g) (c)x(f) |
| 1. | Customer Service | 1 | \$2.60 | \$2.60 | \$3.00 | \$3.00 |
| Energy: | | | | | | |
| 2. | First 200 kWh | 200 | \$0.0887 | \$17.74 | \$0.090 | \$18.00 |
| 3. | Next 500 kWh | 500 | \$0.0791 | \$39.55 | \$0.080 | \$40.00 |
| 4. | Over 700 kWh | 300 | \$0.0693 | \$20.79 | \$0.070 | \$21.00 |
| 5. | Subtotal | 1,000 | | \$78.08 | | \$79.00 |
| 6. | Base Rate (1+5) | | | \$80.68 | | \$82.00 |
| 7. | Interim Surcharge | | 10% | \$8.07 | 0% | \$0.00 |
| 8. | Subtotal (6+7) | | | \$88.75 | | \$82.00 |
| 9. | Energy Cost Adj. | 1,000 | (\$0.008133) | (\$8.13) | | |
| 10. | PASNY Credit | 1,000 | (\$0.005029) | (\$5.03) | | |
| 11. | Subtotal | | | (\$13.16) | | |
| 11. | Power Cost Adj. | 1,000 | | | (\$0.005641) | (\$5.64) |
| 12. | TOTAL BILL (8+11) | | | \$75.59 | | \$76.36 |

Mr. Holmes distributed a copy of a letter from the Assistant Town Attorney in regard to Mr. Killen's question and the letter was dated September 23, 1986. Mr. Killen referred to the third paragraph which mentions the \$880,000 and he said this is generous because it is the town's \$880,000 in the first place. Mr. Killen also referred to the Town Attorney's letter in response to Mr. Killen's letter dated June 1, 1984 regarding the propriety of the Electric Division maintaining separate accounts for funds received in its operation, I must ask on what grounds the Electric Division retains control of the monies it collects, invests same and then pays a percentage to the General Fund twice yearly." Mr. Killen said this practice has grown up outside the

dictates of the State Statutes and the Town Charter which would indicate that the Electric Division does not have any such right. Mr. Killen felt that the other cushion that they are falling back on for their deficit are all monies that should have been turned over to the Town of Wallingford. Mr. Killen reminded the Council that he voted against the budget and at that time, the Council had to set a mill rate and raise the \$30,000,000 and the taxpayers and ratepayers are absorbing it. Mr. Killen felt the Electric Division was put there for the benefit of the taxpayers in town, not the ratepayers in Wallingford and the taxpayers are liable for any short figures to supply them with money for all their operating needs and it is that simple. Mr. Killen said he did not receive the answer he wanted from Attorney McManus pertaining to whether or not the Council had the power under the Charter to veto it and Mrs. Papale said the Assistant Town Attorney's letter contained this information in the last paragraph. Mr. Killen referred to a letter to the Mayor dated February 26, 1985 regarding a municipal utility proposing a deficit budget and the Mayor's attention was drawn to Connecticut General Statute 7-222 which governs the setting of prices for municipal utilities and continued, "Such a price shall be fixed on the basis of not less than a net profit for a year of 5% on the cost of the investment and plant made by the municipality and also depreciation of the plant at not less than 5% per annum of its cost and the price shall not be greater than to allow a net profit of 8% per annum for the municipality on such cost." Mr. Killen said that such directive is totally inconsistent with beginning a municipal budget year by proposing a deficit budget. Mr. Killen read further from the letter, "It is therefore the opinion of the Town Attorney's Office that the proposal of a deficit budget, indeed a budget that does not predicate a 5% per annum return on investment is contrary to state law and is therefore impermissible."

Mr. Killen does not want the rates to go up but he does not want to pay more all the way along and if he has to abide by the law, everybody should abide by the law.

Mayor Dickinson commented that the budget doesn't show that the town is not financing the operation with funds but what you are doing is taking funds you already have in the bank and using some of those to fund the current operation in order to phase in rates but it is not a deficit budget. The Mayor said there is a return and the town is receiving \$880,000 which falls between the 5% and 8%, return on investment to the town and the town puts that in the Capital and Non-Recurring Fund. Mayor Dickinson further stated that the bottom line on the whole issue is what happened when Northeast Utilities applied for higher rates? (1) They were put off until a more opportune time to raise them. (2) They talked about phasing them in. Mayor Dickinson said the Town of Wallingford also has to pay attention to how its rate structure compares with the rate structure of competitors, the commercial, U.I. and Northeast Utilities.

Mayor Dickinson thinks that we have an obligation to keep the town in a competitive stance and pay the lowest possible electric rate, given all of the problems and future planning. The Mayor thinks the PUC and the staff of the Electric Division have looked to maintain the supply of electricity at a rate that doesn't shock the public. Funds which have not been used in prior years are being used to finance this phase-in of rates but Northeast will phase in their rates over 5 years and the Mayor doesn't think we should do anything less for the people of Wallingford since they deserve a rate that is lower, hopefully, than our competitors and if this cannot be provided, then why should the town have their own Electric Division since we are not effectively managing it and as long as we are providing a lower rate, we are doing our job.

Mr. Gouveia said the lower rates are being provided at the taxpayers' expense. He said there is \$4.6 million left in Retained Earnings and Mr. Lee said that \$4.6 million is not correct at all. Mr. Gouveia asked the Electric Division to assume they did not have that money and Mr. Beaumont said they would need to borrow and it would fall to the responsibility of the town. Mr. Gouveia said last year, earnings of \$1.9 million were projected and they made \$400,000 and this year, a \$3.9 million deficit is being projected but with the \$4.6 million, there is enough money, but assume there is a greater deficit, whose responsibility is that? Mr. Smith said there are a number of things being anticipated--there will either be a partial or full settlement of the rates and exact expenses will be known and there is an opportunity within that rate settlement to phase in the rates by not paying Northeast the full bill and using their financing mechanism which is 19% per month which Mr.

Smith does not think is a good business decision or there is a state law which permits them to borrow money for capital or capacity charges and what type of financing would have to be decided at the time of the note sale. 591

Mr. Gouveia asked, "Does the Electric Division belong to the ratepayers, or does it belong to the taxpayers?" He feels it is perfectly okay to do what is being done if it belongs to the ratepayers but if it belongs to the taxpayers, then the ratepayers should not be subsidized at the expense of the taxpayers. Mr. Smith felt they have an obligation to the ratepayers and also to the taxpayers and the voters who have the final decision and all those components must be looked at.

Mayor Dickinson asked how the taxpayers are adversely affected by this and Mr. Gouveia said that last year, they were told the town would get something like \$1 million and they received \$240,000. Mr. Myers said the town received \$880,000 for 1985-86, last year. Mr. Myers further commented that in 1985-86, it was projected that the Electric Division would contribute to the town \$1.1 million and when the budget process was underway and the rate increase became known, it was anticipated that the \$1.1 million would fall down to \$400,000 to \$600,000 and at that point, it was decided that the town, in order to meet debt obligations on bonds and notes, needed a minimum of \$880,000 and what actually happened at the end of the fiscal year, the Electric Division earned 55% of that \$440,000 or \$245,000 to \$250,000 came over to the town and the Electric Division then paid another \$600,000 out of their Retained Earnings to make up the \$880,000.

Mr. Myers said that going into 1986-1987 budget preparations, once it was understood that the rate would produce a net loss, the same problem had to be addressed--what is the minimum that General Government needed to meet its obligations on bonds and notes. Mr. Gouveia felt that if you keep taking bites out of Retained Earnings, you will see what is going to happen to it--there will be nothing left and the taxpayers have to foot the bill. Mr. Smith felt that management and prudent financial arrangements wouldn't permit that and if a dangerous low level is reached, the PUC will be warned and the rates must be adjusted.

Mr. Killen quoted Section 7-217 states, "All receipts from the sale of gas or electricity shall be paid over to the Treasurer of such municipality." Mr. Killen wanted to know how you could have retained earnings you pay every dollar over to the Treasurer. Mr. Killen asked if this item can be carried by only 4 votes because apparently the PUC can and he is beginning to wonder how this town is operated and he feels it is time to follow the letter of the law and he is doing his best to keep the mill rate down and the electric rates down.

Mrs. Bergamini agreed that Mr. Killen has been working on this issue a very long time but he also made this proposal with a Democratic Council and was not successful then.

VOTE: Unanimous ayes with the exception of Bergamini, Gessert, Holmes Polanski and Rys who voted no; MOTION DID NOT CARRY.

Mrs. Bergamini moved to place agenda items (11) and (12) at this point in the meeting, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried.

Mrs. Bergamini moved that the meeting go into Executive Session under Section I 18A E5 of the Connecticut General Statutes, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried and the meeting moved into Executive Session at 10:26 p.m.

Mrs. Bergamini moved that the meeting come out of Executive Session, seconded by Mr. Rys.

VOTE: Unanimous ayes; motion duly carried and the meeting moved out of Executive Session at 10:55 p.m.

Mr. Gessert said that agenda item (10) was also discussed during Executive Session, under Section I 18A E1 of the Connecticut General Statutes.

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Mrs. Bergamini moved to grant 22 additional sick leave days as requested in agenda item (10) contingent upon an agreement that this money will be returned if the employee leaves the town employ prior to paying sick days back from accumulation. Mr. Rys seconded the motion.

VOTE: Unanimous ayes with the exception of Gessert and Rys who voted no; motion duly carried.

ITEM 11. Mr. Holmes moved acceptance of Binding Arbitration Issues, Local 1326, International Association of Fire Fighters AFL-CIO 7/1/85-7/1/88. Mrs. Papale seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

ITEM 12. Mrs. Bergamini moved to reject the Fact Finding Report in the matter of Fact Finding proceedings between the Town of Wallingford and Communications Workers of America, Local #1282 dated August 7, 1986. Mr. Rys seconded the motion.

VOTE: Unanimous nos; MOTION DID NOT CARRY.

Fireman Sperraco from the audience thanked the Council for this action. At this point, the recording machine malfunctioned and the discussion was so faint, it could not be heard for transcription.

ITEM 13. Mrs. Bergamini read a letter from the Library dated 9/15/86 pertaining to their request to sell two used camera kits.

Mr. Rys moved to grant the Library permission to sell two used camera kits and allow them to utilize the proceeds of the sale to offset production expenses at the Library. Mrs. Papale seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

ITEM 14. Mr. Killen moved that the Town Attorney be empowered to renegotiate the lease between the Town of Wallingford and the Wallingford Public Library Association dated December 2, 1981 and recorded in Volume 509, page 473 of the Wallingford Land Records in such manner that the Taber Residence and sufficient land abutting it to allow use of such property be removed from said lease and revert to the Town of Wallingford. Mr. Gouveia seconded the motion.

Discussion was un audible because the tape became very faint and could not be properly heard.

VOTE: Unanimous ayes with the exception of Bergamini, Holmes, Papale and Rys who voted no; motion duly carried.

ITEM 15. Mr. Holmes moved a transfer of \$1,274 from 805-323 to 146-130, Purchasing Department. Mrs. Papale seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

The tape was inaudible until the point on ITEM 16 where Mrs. Bergamini asked if the town negotiates in good faith and then the funds are not forthcoming. Mayor Dickinson said there is a second condition which he is instituting. Mr. Gessert asked if a condition could not be placed that the ability to pay those funds out is conditional on the fact that the state actually gives the town the money. Mrs. Palcso does know that the Finance Committee in Meriden put some provisions on their unanimous approval to participate in this legislation and one of the conditions is that no money would be paid until the state funds have been received and this is a proviso and as far as Mrs. Palcso is concerned, it is a legitimate proviso for the Town Council. Mr. Soldan felt that this is what is being negotiated--you are negotiating those dollars which have been allocated to Wallingford under a formula set by the state and you are not negotiating local dollars.

Mayor Dickinson suggested that the three conditions the Town Council has be included in any motion to participate.

Mrs. Bergamini read the following conditions (ITEM 16):

(1) The amount of any award for salaries schedules contained in existing

employment contracts shall not exceed the dollar amount the Town of Wallingford receives under the provisions of the Education Enhancement Act designated for teacher salary aid.

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- (2) Grant aid must be received by the Town of Wallingford prior to any commencement of liability for payment of salary enhancement amounts.
- (3) Negotiated salary schedules on existing contracts shall not require additional appropriation of funds by the Town of Wallingford.

Mrs. Palcso has no problem with this and feels those are very legitimate concerns of the town. Mr. Gouveia is very hopeful that the state will come through with something and suggested that the \$1.3 million dollars could be put in a trust fund and use that money the 4th year to minimize the impact that increase may have.

Mr. Holmes asked if this was the kind of money needed for dedicated teachers in the Town of Wallingford and Mrs. Palcso said they are only discussing the salary but there are many other parts to do with this legislation and they have to do with training of teachers, courses teachers take, continued training of existing teachers to keep skills current, many different provisions--staff evaluation, career incentive, etc. and the total impact of this legislation in addition to the dollars is to keep and attract the teachers needed in the Town of Wallingford.

Mr. Diana goes along with Mr. Gouveia's thinking and goes a step farther and say that the money is coming back from the state and so much per year should be put into an escrow account to minimize the possibility of that not being funded the fourth year and using that to lessen the impact. Mr. Inglese said there was discussion along the same lines at a recent Superintendent's Meeting.

Mr. Rys hopes that the Board of Education can renegotiate the contract expediently to take care of everything.

Mr. Killen asked if the town would be able to carry those monies forward and Mr. Myers could not determine this off the top of his head and Mr. Killen said that this is the only point that bothers him. Mayor Dickinson did not feel that he could say that is the most effective use of the funds. Mr. Gessert felt that this is something that could be considered and looked into in the future and Mrs. Papale agreed that this does not have to be decided this evening.

Mr. Holmes moved to authorize the Board of Education to reopen the Teachers' Contract for 1986-1987, 1987-1988 and 1988-1989 for the purpose of implementing the appropriate provisions of the Educational Enhancement Act, Public Act 86-1, May Session with the following conditions:

ITEM (16) continued:

CONDITIONS FOR PARTICIPATION IN EDUCATION ENHANCEMENT ACT SALARY GRANTS

1. The amount of any award for salaries schedules contained in existing employment contracts shall not exceed the dollar amount the TOWN OF WALLINGFORD receives under the provisions of the Education Enhancement Act designated for teacher salary aid.
2. Grant aid must be received by the TOWN OF WALLINGFORD prior to any commencement of liability for payment of salary enhancement amounts.
3. Negotiated salary schedules on existing contracts shall not require additional appropriation of funds by the TOWN OF WALLINGFORD.

Mr. Rys seconded the motion.

VOTE: Unanimous ayes; motion duly carried.

Mr. Gessert asked that the Board of Education expedite this matter.

ITEM 19. Mrs. Papale moved to place agenda item (19) in this position, seconded by Mrs. Bergamini.

VOTE: Unanimous ayes; motion duly carried.

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Mr. Gessert said he was not present at the meeting when the Council voted on the Fire Department Pension Contract and apparently, the Council was told that the annual cost of the 2% increase in the pension would be \$70,000 per year. Mr. Gessert asked Mr. Rigoulot to provide an attached breakdown for payouts and the figures show from 1981 retroactive with only one person eligible back to 1981 and the next person becoming eligible in 1988, then 1990 and the next eligible in 1991 and then one in 1993 and one in 1995. Mr. Gessert wanted the Council to know this breakdown was made available in one day with the breakdown through 1995 and when analyzed, the total paid out dollars through 1995 is \$14,178 between now and 1995. Mr. Gessert said that one of the things that has to be kept in mind is that people are not eligible for it until age 60. Mr. Gessert understands that the pension people say it takes \$70,000 to fund this amount and one of the things you must remember is that this includes an increase in pay and increased contribution to the pension fund, 5% paid by the fire fighters and 22%. This has already been awarded in binding arbitration and is being taken to court and if the reason for appealing it is because the payout is \$70,000 per year, Mr. Gessert's opinion is that it does not come out to \$70,000.

Mr. Killen moved for discussion and possible reconsideration the subject of the Fire Department Pension Contract, seconded by Mrs. Papale.

VOTE: Unanimous ayes; motion duly carried. NO ACTION TAKEN/DISCUSSED O

Mr. Gessert feels that the \$14,178 figure is totally different than the \$70,000 per year the Council was given and he felt the Council might want to take a look at it since the matter is in court. Mayor Dickinson said the Council did receive accurate information and what we are talking about is funding a pension plan and given the payroll of \$1,200,000 is 22% of that the town puts into a pension plan. If the town starts going to COLAS for everything, that 22% has to go up because it is the intent to have the fund fully funded within 10 years and you can't do it with COLAS. The Mayor stated that the \$70,000 is to fund the pension fund and that has nothing to do with payouts--the payout could be far less. The stand taken by the administration, continue the Mayor, has little to do with the dollars but you are talking a large financial exposure over a period of years. The Mayor said that there are not many bargaining units in this state that have COLAS in pension plans--a few do but the vast majority do not and at the point one union has it in this town, everyone of them will be looking for it since that will be used for all the others and it is a large financial exposure. Mayor Dickinson can't recommend that the Council overturn the appeal in court but he has taken the stand that the town has to exhaust every possible remedy on an item like this that cuts new ground and exposes the town to very serious financial repercussions over the years. If this type of benefit is extended, continued Mayor Dickinson, we will definitely have to increase the amount the town puts in per year in order to accomplish the funding and if we don't fund going year to year, it will vary year to year and we will be right back to where we were ten years ago with the hand to mouth type financing. Mayor Dickinson's stand earlier was not based upon the dollars that are issued in terms of actual payout but it based upon the principle and every time new ground is cut, you must be very cautious about eventual repercussions. Mr. Killen felt the Council should be very, very careful about discussing this item in open session.

Mr. Lou Sperraco said that when this was won in binding arbitration, the money was not requested right away but was asked over 60 years of age and many fire fighters will not make 60 years of age and that is why it was won and the figures are exact figures.

ITEM 17. Mr. Holmes moved approval of a five year lease (pages 33 to 37) program for agricultural use on various open space properties, seconded by Mrs. Papale.

Mr. Diana asked what procedure was used to give the land to people and Mr. Roe said it went out to bid to the highest bidder. The Conservation Commission reviews the bids but the bids are received by the Purchasing Department.

VOTE: Unanimous ayes; motion duly carried.

LEASE

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THIS INDENTURE, made this _____ day of _____, A.D. One Thousand Nine Hundred Eighty Two (1982), by and between THE TOWN OF WALLINGFORD, a municipal corporation organized and existing under the laws of the State of Connecticut and exercising its municipal functions in the Town of Wallingford, County of New Haven and State of Connecticut, acting herein by its Purchasing Agent, duly authorized by a vote of the Town Council of the Town of Wallingford on _____, 1982, hereinafter called "Lessor"; and _____ of the Town of _____, County of _____ and State of Connecticut, hereinafter called "Lessee";

W I T N E S S E T H :

That the Lessor has leased and does hereby lease to the said Lessee those certain pieces or parcels of land shown as Parcel Numbers 49, 50, 51, 52, 53, 54 and 55 on a map entitled, "Map Showing Property Of The Town Of Wallingford To Be Leased On East Center Street Scale: 1"=100' + Date: Mar. 12, 82 Department of Engineering Town of Wallingford Drawing Number CC-75" which map is to be filed in the office of the Town Clerk of Wallingford to which reference may be had for a more particular description of said leased premises.

It is hereby understood that said leased premises are to be used by the Lessee solely for agricultural purposes or pasture land.

(ITEM 17) The term of this Lease shall be for five (5) years beginning _____ and ending _____ for the annual rent of _____ per year.

And the said Lessor covenants with the said Lessee that it has good right to lease said premises in manner aforesaid and that it will suffer and permit said Lessee (he keeping all the covenants on his part, as hereinafter contained) to occupy, possess and enjoy said premises during the term aforesaid, without hindrance or molestation from it or any person claiming by, from or under it.

And the said Lessee covenants with the said Lessor to hire

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said premises and to pay the rent therefor as aforesaid, that he will commit no waste, nor suffer the same to be committed thereon, nor injure nor misuse the same; and also that he will not assign this lease nor underlet a part or the whole of said leased premises nor make alterations therein, nor use the same for any purpose but that hereinbefore authorized, but will deliver up the same at the expiration or sooner determination of his tenancy in as good condition as they are now in, ordinary wear and other unavoidable casualties excepted.

And the Lessee covenants with the Lessor that he will abide by the use restrictions attached hereto as Exhibit A and by such rules and regulations concerning the use, care and maintenance of the leased premises, specifically including regulations concerning the use of fertilizer, crop control and other means selected by the Town, to insure the continued arability of said land, which may be promulgated from time to time and mailed to

(ITEM 17)

the Lessee and shall, upon adoption by the Conservation Commission of the Town of Wallingford, become a part of this Lease.

Provided, however, that, if the said Lessee shall assign this Lease, or underlet or otherwise dispose of the whole or any part of said demised premises, or use the same for any purpose but that hereinbefore authorized or make any alteration therein, or shall commit waste or suffer the same to be committed on said premises, or injure or misuse the same, then this Lease shall thereupon, by virtue of this express stipulation therein expire and terminate, and the Lessor may, at any time thereafter, re-enter said premises, and the same have and possess as of its former estate, and without such re-entry, may recover possession thereof in the manner prescribed by the statute relating to summary process; it being understood that no demand for rent, and no re-entry for condition broken, as at common law, shall be necessary to enable the Lessor to recover such possession pursuant to said statute relating to summary process, but that all right to any such demand, or any such re-entry is hereby expressly waived by the said Lessee.

And it is further agreed between the parties hereto that, whenever this Lease shall terminate either by lapse of time or

by virtue of any of the express stipulations therein, the said Lessee hereby waives all right to any notice to quit possession, ⁵⁹⁷ as prescribed by the statute relating to summary process.

And it is further agreed between the parties hereto that the Lessee is to comply with and to conform to all the Laws of the State of Connecticut and the by-laws, rules and regulations of the Town within which the premises hereby leased are situated, (ITEM 17)

relating to health, nuisance, fire, highways and sidewalks, so far as the premises hereby leased are or may be concerned; and to save the Lessor harmless from all fines, penalties and costs for violation of or non-compliance with the same, and that said premises shall be at all times open to the inspection of said Lessor or its agents.

And the Lessee covenants that, in the event the Lessor is required to employ an attorney in order to enforce a provision of this Lease, the Lessee shall pay a reasonable attorney's fee.

This Lease may be terminated by either party hereto upon One hundred eighty (180) days notice to the other, which notice shall be in writing.

And it is further agreed between the parties hereto and expressly understood that this Agreement shall terminate upon the death of said Lessee or upon said Lessee discontinuing the use of said leased premises by the Lessee for agricultural purposes or pasture land; provided, however, that the heirs of the Lessee shall have the right to harvest any and all crops until the end of the Lease term.

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

Signed, Sealed and Delivered
in the Presence of:

THE TOWN OF WALLINGFORD

by: _____
Donald T. Dunleavy
Its Purchasing Agent

Parcel Numbers: 49, 50, 52 and 54

Hayland - Maintain to good grass stand or reseed to 20 lb/acre alfalfa. Lime and fertilize according to soil test results. 598

Parcel Numbers: 51, 53 and 55

Cropland - Plant a 5 year rotation of hay, hay, hay, corn, corn. Plant a winter rye cover crop at 1 1/2 bushels per acre on all corn fields. Lime and fertilize according to soil tests taken annually. All corn fields should be planted across the slope, not with the slope.

Suitable Alternative: Permanent alfalfa seed and manage as Hayland. Maintain alfalfa stand in good condition by following a sound soil fertility and weed control program. Follow fertilizer recommendations of 300 lbs. 0-15-30 per year. Topdress with one ton of limestone once every 3 years.

ITEM 18. Mr. Gessert read Mayor Dickinson's September 17, 1986 letter for the proposed plan for the allocation of funds for the Town Improvement Program.

Mr. Polanski moved acceptance of the proposed uses of a TOWN IMPROVEMENT PROGRAM, seconded by Mr. Rys.

Mr. Gouveia resents the fact that this proposal was put together without even the courtesy of a phone call since he was named by State Representative Mary Mushinsky to be on this committee and he would have appreciated a phone call to see what kind of ideas he might have on this. Mr. Gouveia assumes that the Mayor's Office put this plan together and he feels it is an insult to him and Mary Mushinsky that he was not consulted but he does not know what the intent was. Mr. Gouveia feels that these projects are all worthy projects but he has some ideas of how this money should be spent.

Mr. Rys said he was also named to be on this legislative body and he asked if Mr. Gouveia received a program from the State of Connecticut and Mr. Rys explained that there is a procedure for implementation by certain dates and Mr. Gouveia had that documentation. Mr. Gouveia agreed that the Town Council must adopt this resolution by 9/30/86 and at the last meeting an attempt was made to discuss this but because it was not on the agenda, it could not have been discussed and it could not be discussed without the public having knowledge of it but he would have liked to have his opinion requested when the proposal was put together. Mr. Gouveia is not challenging the Mayor's wisdom but said he should have been afforded an opportunity to express his wishes and Mary Mushinsky's wishes.

Mr. Diana asked if the state legislator could in fact relinquish his position to the Council and Mr. Roe said they could clarify that and the Mayor said we would need a copy of the actual Act and this is just the schedule for implementation to determine if their responsibility could be delegated. Mr. Roe's recollection of the Act is that it doesn't address the issue one way or the other quite frankly. Mr. Diana said that the purpose of this was that the in fact have control of the dollars back at the local level and he agrees it has nothing to do with the Mayor's proposal tonight. Mayor Dickinson said the first step is the Council passing the resolution and then it gets passed on to the LAC and who sits on the LAC and what constitutes a proper action by them is a question that they have to resolve. Mr. Diana asked why Mr. Gouveia was not involved when this was put together and Mr. Roe said the LAC meets after the Town Council adopts a resolution establishing the TOWN IMPROVEMENT PROGRAM and the administration put the proposal together with town departments and after a review of the Capital Budget. Mr. Polanski pointed out that the public will make recommendations, too, because there is a public hearing and this gives you a start of determining where the money should go. Mayor Dickinson would hope

that any of the legislators would have called him with specific requests knowing that it has to generate somewhere in the municipality and then move up the ladder and anyone could have called regarding specific items. 599

Mr. Gouveia asked what the purpose is of sitting on a committee if he does not have input on the proposals and Mr. Roe said if the Council adopts a resolution, it then goes to the LAC and Mr. Gouveia will be part of the proposals. Mrs. Bergamini felt that the Mayor tried to spread the money around to various items. Mr. Gouveia would rather take this \$380,000 and put it in a trust fund for Robert Earley and these things could be addressed during a budget session since it amounts to one-quarter mill. Mr. Holmes said these items would have to be addressed anyway and Mr. Gouveia said these monies were not counted on and could be put toward Robert Earley and he would like to take a look at Robert Earley.

Mrs. Papale questioned Mr. Myers on the \$62,500 to renovate the Yalesville volunteer fire station and wondered if perhaps a new fire station will be needed soon and she asked if the town is allowed to carry this money until next year and Mr. Myers said it can be carried (\$62,500) in the capital budget as prescribed by the Charter, for three years. Mrs. Papale felt that perhaps this be done with next year's budget and she agrees with Mr. Gouveia about Robert Earley and other projects can be funded through the budget process.

Mayor Dickinson said the town has over \$500,000 just in repaving costs and to rebuild roads, the cost is probably \$1.5 million, if not higher, for a total of \$2 million. Add up these kinds of projects that involve public safety, continued the Mayor, and compare that against a new town hall, where does the average person think T.I.P. funds should go? Mayor Dickinson felt that if the town starts tomorrow with a building committee for Robert Earley, we will not be ready for construction for 1½ years by the time an architect is chosen, specs are drawn up, go out to bid and a contractor is hired, there is a long chain of events. Meanwhile, Mayor Dickinson continued, this money has not accomplished anything it was set up to accomplish from the legislature and the people in the General Assembly want to know that the people in Wallingford are being helped this year with this money and they must approve what is done with the money and the Mayor feels they will not want the money to sit in a trust fund and all of these considerations went into the Mayor's thinking on this.

Mrs. Papale mentioned that some \$100,000 was put in the budget for Ladder I and she asked when the Fire Department found out the truck doesn't need the tests and the Mayor thinks it was August. Mr. Hacku said it failed the test in August and bid specs were put out to replace the ladder section at \$127,000 with some options wanted. Mayor Dickinson said the Chief told him with the ladder and refurbishing, the figure was \$146,000 and there is some question about putting some \$150,000 into an existing truck or add another \$150,000 to that in the next budget and buy a new one but there is no question that the current ladder on the truck being refurbished can't be utilized. Mr. Gessert said if the \$50,000 is allocated and next budget session another \$150,000 is allocated, the \$150,000 would still be there for that purpose and another \$150,000 would be needed and the Council will have to decide that since the market value of that vehicle is \$25,000 and he questions spending all that money on a vehicle worth \$25,000 and right now, the ladder truck is out of service.

Mr. Diana said the refurbishing has already been funded and it doesn't conform with the nonrecurring guidelines of this because it is being done two years in a row. Mr. Myers felt that by nonrecurring, he feels they mean would the project have a life of at least ten years since it is not an annual type of expense and a recurring expense would be office supplies, etc. Mr. Diana said he is not opposed to the projects but wants to be sure the town is within the guidelines.

Mrs. Bergamini asked to vote on each of the TIP items separately. Mr. Polanski reminded everyone that there will be a public hearing and the public will vote on items being funded by the state but these are the town's recommendations to the LAC. Mr. Holmes felt that these items could be voted upon and accepted as is but they

are still subject to revision by the LAC. Mr. Gouveia said the public hearing must be held by 10/15/86 and final vote 10/30/86 by LAC. 600

Mayor Dickinson said the resolution does not require a public hearing and Mrs. Papale felt perhaps there should be some public input before voting.

Mrs. Bergamini moved to vote each item in the TOWN IMPROVEMENT PROGRAM separately, seconded by Mr. Holmes.

VOTE: Unanimous ayes with the exception of Diana, Gouveia, Papale and Holmes who voted no; motion duly carried.

ITEM 18.

Mr. Rys moved to allocate \$33,500 for repaving of the parking lot at Fire Headquarters, seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exception of Bergamini, Diana, Gouveia, Killen and Papale who voted no; MOTION DID NOT CARRY.

Mr. Rus moved to allocate \$62,500 to fund for new Yalesville Volunteer Fire Station, seconded by Mr. Holmes.

VOTE: Unanimous ayes with the exception of Diana, Gouveia, Killen and Papale who voted no; motion duly carried.

Mr. Rys moved to allocate \$50,000 to fund for additional refurbishment of Ladder I, seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exception of Diana, Gouveia, Killen and Papale who voted no; motion duly carried.

Mr. Holmes moved to allocate \$50,000 for improvements to Little League fields including fencing, parking lot and installation of railroad ties at Sartori Field, seconded by Mr. Polanski.

VOTE: Unanimous ayes with the exception of Bergamini, Diana, Gouveia, Killen and Papale who voted no: MOTION DID NOT CARRY.

CERTIFIED RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF WALLINGFORD FOR A TOWN IMPROVEMENT PROGRAM

Certified a true copy of a resolution duly adopted by the Town of Wallingford at a meeting of its Town Council on _____ and which has not been rescinded or modified in any way whatsoever.

Date

Clerk

WHEREAS, the State of Connecticut has offered to the Town of Wallingford funds under Public Act 86-1 for a Town Improvement Program; and

WHEREAS, it is desirable and in the public interest that the Town of Wallingford implement a Town Improvement Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WALLINGFORD:

1. That it is cognizant of the conditions and prerequisites for State assistance imposed by Public Act 86-1.
2. That the Mayor of the Town of Wallingford is hereby authorized and directed to submit to the Local Allocation Council the approved list of projects and to provide such additional information; to execute such other documents as may be required; to execute any amendments, recisions, and revisions thereto; and to act as the quthorized representative of the Town of Wallingford.

Mr. Polanski seconded adoption of the above resolution.

Mr. Killen said the Council has a certified resolution here and we don't have a listing of the particular projects certifying as approved and this is like accepting minutes without seeing the minutes. Mrs. Bergamini pointed out that these are the projects just voted upon. (001)

| | |
|--|------------------------|
| Mrs. Bergamini read the following; moved by Mrs. Papale, | |
| Funds for new Yalesville Volunteer Fire Station | \$ 62,500 |
| Funds for additional refurbishment to Ladder I | 50,000 |
| Road paving, road shaving, catch basin work | 158,070 |
| Truck for the Dog Warden | 10,000 |
| Trust Fund for Robert Earley School | 98,500 |
| | <u>TOTAL \$379,070</u> |

Mr. Polanski seconded the motion.

VOTE: Unanimous ayes with the exception of Mr. Rys who voted no and Mr. Gessert who was not present; motion duly carried and the above resolution was adopted.

ADDENDUM ITEM:

Mrs. Papale moved to set a public hearing at 8:00 p.m. on October 14, 1986 on AN ORDINANCE ENTITLED AN ORDINANCE APPROPRIATING THE SUM OF \$1,990,000 FOR THE RENOVATION FOR REUSE OF PARKER FARMS SCHOOL, INCLUDING CONSTRUCTION COSTS, ARCHITECT AND CONSTRUCTION MANAGEMENT FEES, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES TO DEFRAY SAID APPROPRIATIONS, AND RESCINDING ORDINANCE #343 and #346. Mr. Killen seconded the motion.

Vote: Unanimous ayes with the exception of Mr. Holmes and Mr. Gessert who were not present; motion duly carried.

Mrs. Bergamini moved acceptance of the Town Council Meeting Minutes dated September 9, 1986, seconded by Mr. Rys.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mr. Gessert who were not present; motion duly carried.

ADDENDUM ITEM:

Mrs. Papale moved a transfer in the amount of \$2,700 from 603-65 to 603-135, Town Clerk, seconded by Mr. Diana.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mr. Gessert who were not present; motion duly carried.

Mr. Killen NOTED FOR THE RECORD Revenue Report dated August 31, 1986, seconded by Mr. Diana.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mr. Gessert who were not present; motion duly carried.

Mr. Killen NOTED FOR THE RECORD the Town of Wallingford Financial Statements dated August 31, 1986, seconded by Mr. Diana.

VOTE: Unanimous ayes with the exception of Mr. Holmes and Mr. Gessert who were not present; motion duly carried.

A motion to adjourn was duly made, seconded and carried and the meeting adjourned at 12:35 a.m.

Meeting recorded by:
Susan M. Baron, Council Secretary
Meeting transcribed by:
Susan M. Baron and Delores B. Patta

Approved David A. Gessert
David A. Gessert, Council Chairman

October 14, 1986

Date

Rosemary A. Rascati
Rosemary A. Rascati, Town Clerk

October 14, 1986

Date